



**RESOLUTION NO. 7346**

**A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS,  
ADOPTING AN ETHICS AND PROFESSIONAL CONDUCT  
POLICY FOR MEMBERS OF THE GOVERNING BODY,  
APPOINTED OFFICIALS, AND EMPLOYEES OF THE CITY OF  
LAWRENCE, AND REPEALING RESOLUTION NO. 7269.**

**WHEREAS**, the Governing Body of the City of Lawrence, Kansas, recognizes that the proper working of a representative and democratic government requires that elected officials, appointed officials, and employees of the City be independent, impartial, and responsible to the citizens of Lawrence, that government decision and policy be made appropriately and in accordance with the law, that public office or employment not be used for personal gain, and that the public have confidence in the integrity of its government; and

**WHEREAS**, in order to accomplish those goals and to promote and to further ethical and professional conduct on the part of elected officials, appointed officials, and employees of the City, the Governing Body hereby adopts the following Ethics and Professional Conduct Policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION 1.** The Governing Body hereby adopts the following as its Ethics and Professional Conduct Policy:

**CITY'S ETHICS AND PROFESSIONAL CONDUCT POLICY**

**A. Policy Statement**

City government exists to provide services to the public. Public acceptance of those services is based on public trust in elected officials, appointed officials, and City employees. Public trust is established through the effective operation of government and appropriate conduct by elected officials, appointed officials, and City employees. To that end, the City strives to foster an organizational culture based on honesty, integrity, professionalism, fairness, and accountability.

The City, through this policy, expects elected officials, appointed officials, and City employees to conduct the City's business fairly, impartially, ethically, and in full compliance with all applicable, laws, ordinances, regulations, and policies. The City further expects that all elected officials, appointed officials, and City employees will comport themselves in such a fashion that their conduct will not create or foster questions regarding the City's honesty, integrity, impartiality, and reputation, or that will otherwise cause embarrassment to the City.

Accordingly, no elected official, appointed official or City employee shall do any of the following:

- (1) Take any action in violation of the United States Constitution, the Kansas Constitution, federal law, federal regulations, state law, state regulations, local ordinance, local regulations, or City policy in a manner reflecting directly upon such person's work on behalf of the City.
- (2) Give special consideration, treatment, or advantage to any person beyond that which is available to every other person.



- (3) Solicit, accept, or collect any fee, gift, or valuable thing from any person, organization, corporation, or other entity, which is involved directly or indirectly in doing business or seeking to do business with the City. Examples include, but are not limited to gifts of money, gift cards, meals, tickets (or payments for tickets) for banquets, sporting events, or entertainment events, other tangible items, sales discounts, or special sales.
  - (a) The foregoing shall not include promotional items of *de minimis* value. Examples include, but are not limited to mugs, hats, t-shirts, pins, books, or other items that might be given to elected officials, appointed officials, or City employees by persons or other entities appearing before or being recognized by the City.
- (4) Use information obtained as an elected official, appointed official, or City employee to advance personal, financial, or other private interests.
- (5) Represent a third party or any entity appearing before any City board, commission, or body upon which the appointed official or City employee currently serves. Elected officials are prohibited from representing a third party or any entity appearing before **any** City board, commission, or body.
- (6) Selling, bartering, or trading with the City, acting as a contractor for the City, making any contract with the City, or acting on any matter for which the elected official, appointed official, or employee would have a conflict of interest in violation of the State's Conflict of Interest laws, codified as amended at K.S.A. 75-4301a, *et seq.*
  - (a) For City employees, the prohibition of acting as a contractor or entering into any contract with the City shall extend for a period of one year, commencing on the date of said employee's separation from the City.
- (7) Appropriating City-owned property for personal use.
- (8) Holding one's self out as acting in behalf of the City, without having such authority or when one is not actually acting within the scope of his or her office or employment.
- (9) Harassing or treating any person differently on the basis of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, or gender identity.
- (10) Retaliating against any person reporting any alleged violation of this policy.

Any City employee determined to be in violation or to have acted in violation of this policy may be subject to discipline, including the possible termination of employment.

Any appointed official found to be in violation or to have acted in violation of this policy may be subject to removal from office.

Any elected official found to be in violation or to have acted in violation of this policy may be subject to censure by the Governing Body and may be subject to those remedies that may be available under State law, including but not limited to recall or ouster.



- (1) For complaints alleging a violation of the City's Ethics and Professional Conduct Policy by a member of the Governing Body:
  - (a) The complaint alleging a violation of the City's Ethics and Professional Conduct Policy shall be in writing and delivered to the City Attorney. The City Attorney shall cause the date upon which said complaint was received to be stamped on the face of the document.
  - (b) The City Attorney shall, without unreasonable delay, deliver a copy of the complaint to the person against whom the complaint is made and provide such person an opportunity to respond within seven (7) calendar days of the receipt of the complaint.
  - (c) Once the seven (7) day time period from subsection (b) above has expired, the City Attorney shall, within thirty (30) calendar days, conduct an initial review of the complaint to determine whether the complaint sufficiently states an alleged violation of this Policy and is credible. As used herein, "credible" means not frivolous; reliable, and reasonably able to be believed.
  - (d) After initial review, the City Attorney shall, without unreasonable delay, forward a copy of the complaint, together with any response received, to the City Manager and to the remaining members of the Governing Body. Along with forwarding such information, the City Attorney shall apprise the Governing Body of the initial review and whether, in the City Attorney's opinion, the complaint sufficiently sets forth an alleged violation of this Policy and is credible.
  - (f) The opinion of the City Attorney shall be presumed valid, but may be overturned by the Governing Body. The Governing Body may, by a majority vote in a public meeting consistent with the Kansas Open Meetings Act, determine that investigation of the complaint is warranted.
  - (g) If the Governing Body determines that investigation of the complaint is warranted, then the City Attorney shall, at the next regularly scheduled meeting of the Governing Body, present a list of three (3) pre-qualified applicants for the position of Investigator. The Investigator must be an attorney in good standing in the State of Kansas and shall reside in Douglas County, Kansas. The Governing Body shall select an Investigator from that list to investigate the complaint. The Governing Body shall also determine proper compensation for the investigation. The investigation shall be completed within sixty (60) calendar days of selection of an Investigator, unless one additional sixty (60) day extension is granted by the Mayor or, in the case that the Mayor is the person against whom the complaint is made, the Vice-Mayor.
  - (h) Upon completion of the investigation, the Investigator shall provide a written report to the Governing Body that summarizes the complaint, the investigation, and the conclusion reached by the Investigator, as to whether, by a preponderance of the evidence, a violation of this Ethics and Professional Conduct Policy has occurred.



- (i) Thereafter, the Governing Body shall determine whether further action is appropriate.
  - (j) If, at any point after a complaint is filed, the member of the Governing Body against whom the complaint is brought resigns or otherwise no longer serves on the Governing Body, the complaint shall be rendered moot and no further action shall be taken.
  - (k) The investigation of complaints as stated herein may be suspended, at the discretion of the City Attorney, pending the completion of any relevant criminal investigation or prosecution arising out of the conduct alleged to be in violation of this Policy.
  - (l) For good cause, all time periods set forth herein may be extended by the City Attorney.
  - (m) As used herein, "City Attorney" shall mean the City Attorney or designee.
- (2) For complaints alleging a violation of the City's Ethics and Professional Conduct Policy by an appointed official:
- (a) The complaint alleging a violation of the City's Ethics and Professional Conduct Policy shall be in writing and delivered to the City Attorney. The City Attorney shall cause the date upon which said complaint was received to be stamped on the face of the document.
  - (b) The City Attorney shall, without unreasonable delay, deliver a copy of the complaint to the person against whom the complaint is made and provide such person an opportunity to respond within seven (7) calendar days of the receipt of the complaint.
  - (c) Once the seven (7) day time period from subsection (b) above has expired, the City Attorney shall, within thirty (30) calendar days, conduct an initial review of the complaint to determine whether the complaint sufficiently states an alleged violation of this Policy and is credible. As used herein, "credible" means not frivolous; reliable, and reasonably able to be believed.
  - (d) In any case in which the City Attorney determines that such complaint neither sufficiently states a violation of this Policy nor is credible, the City Attorney shall take no further action except to advise the complainant and person complained of, in writing, of the City Attorney's completed review and finding.
  - (e) If the City Attorney determines the complaint sufficiently states a violation of this Policy and is credible, then the City Attorney shall, without unreasonable delay, forward a copy of the complaint, together with any response received, to the City Manager and to the members of the Governing Body. Along with forwarding such information, the City Attorney shall apprise the Governing Body of the initial review and whether, in the City Attorney's opinion, the complaint sufficiently sets forth an alleged violation of this Policy and is credible.



- (f) The opinion of the City Attorney shall be presumed valid, but may be overturned by the Governing Body. The Governing Body may, by a majority vote in a public meeting consistent with the Kansas Open Meetings Act, determine that investigation of the complaint is warranted.
  - (g) If the Governing Body determines that investigation of the complaint is warranted, then the City Attorney shall, at the next regularly scheduled meeting of the Governing Body, present a list of three (3) pre-qualified applicants for the position of Investigator. The Investigator must be an attorney in good standing in the State of Kansas and shall reside in Douglas County, Kansas. The Governing Body shall select an Investigator from that list to investigate the complaint. The Governing Body shall also determine proper compensation for the investigation. The investigation shall be completed within sixty (60) calendar days of selection of an Investigator, unless one additional sixty (60) day extension is granted by the Mayor.
  - (h) Upon completion of the investigation, the Investigator shall provide a written report to the Governing Body that summarizes the complaint, the investigation, and the conclusion reached by the Investigator, as to whether, by a preponderance of the evidence, a violation of this Ethics and Professional Conduct Policy has occurred.
  - (i) Thereafter, the Governing Body shall determine whether further action is appropriate and whether discipline, up to and including removal from the appointed position, is warranted.
  - (j) If at any point after a complaint is filed the appointed official against whom the complaint is brought resigns or otherwise no longer serves on the board or commission to which such official was appointed, the complaint shall be rendered moot and no further action shall be taken.
  - (k) The investigation of complaints as stated herein may be suspended, at the discretion of the City Attorney, pending the completion of any relevant criminal investigation or prosecution arising out of the conduct alleged to be in violation of this Policy.
  - (l) For good cause, all time periods set forth herein may be extended by the City Attorney.
  - (m) As used herein, "City Attorney" shall mean the City Attorney or designee.
- (3) For complaints alleging a violation of the City's Ethics and Professional Conduct Policy by the City Manager:
- (a) The complaint alleging a violation shall be in writing and forwarded to the Mayor, who thereupon shall, within five (5) calendar days of receiving the complaint, cause a copy of the complaint to be forwarded to the remaining members of the Governing Body.



- (b) At any time after a complaint is received, the Governing Body may consult with outside counsel concerning the complaint. The City Attorney or designee shall, upon request of the Mayor, assist in the coordination of such outside counsel.
- (4) For complaints alleging a violation of the City's Ethics and Professional Conduct Policy by a City employee:
- (a) The complaint alleging a violation shall be in writing and delivered to the department director or Human Resources Manager.
- (b) If appropriate, an investigation shall commence in accordance with City personnel rules and any other department rules and/or regulations, and shall be expeditiously completed.

**C. Retaliation Prohibited**

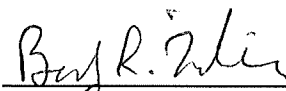
- (1) No person shall retaliate against another person who:
- (a) Files a complaint of an alleged violation of this Ethics and Professional Conduct Policy;
- (b) Cooperates in the investigation of a complaint alleging a violation of this Ethics and Professional Conduct Policy; or
- (c) Is the subject of a complaint alleging a violation of this Ethics and Professional Conduct Policy.
- (2) Retaliate, as used herein, means engaging in any conduct that is adverse to another person because of such other person's filing of a complaint alleging a violation of this Policy, cooperation in the investigation of such complaint, or because such other person is the subject of a complaint under this Policy.
- (3) Retaliation is prohibited in any form, including but not limited to making unwanted personal contact with such other person, either directly or indirectly through a third person or via electronic format, when such contact is intended to harass or disturb such other person.

**SECTION 2.** Effective May 1, 2021, existing Resolution No. 7269 is hereby repealed in its entirety.

**SECTION 3.** After adoption by the Governing Body, this Resolution shall be in full force and effect, commencing May 1, 2021.

**ADOPTED** by the Governing Body of the City of Lawrence, Kansas, this 16<sup>th</sup> day of March, 2021.

**APPROVED:**

  
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Bradley R. Finkeldei, Mayor





City of Lawrence

**ATTEST:**

Sherri Riedemann, City Clerk



EMPLOYEE HANDBOOK

Attachment E

Administrative Policy

**APPROVED AS TO FORM:**

Toni R. Wheeler, City Attorney