

RESOLUTION NO. 11-19-03

A RESOLUTION APPROVING THE CITY OF TONGANOXIE, KANSAS CODE OF ETHICS, AS REQUIRED BY THE KANSAS DEPARTMENT OF COMMERCE FOR RECIPIENTS OF COMMUNITY DEVELOPMENT BLOCK GRANTS.

WHEREAS, the Kansas Department of Commerce ("Commerce") has awarded a Community Development Block Grant in the amount of Three Hundred Forty Seven Thousand Five Hundred Dollars (\$347,500) (the "CDBG Grant") to the City of Tonganoxie, Kansas (the "City") for improvements to an aerial sanitary sewer encasement damaged due to flooding in March 2019 (the "Project"); and

WHEREAS, Commerce requires the grantees of CDBG funds to have an active Code of Ethics; and

WHEREAS, the Project, located at 4th Street and vacated River Street, would promote the public good, health, and welfare within the City; and

WHEREAS, the Governing Body has determined that it is advisable to adopt the Code of Ethics attached hereto as Exhibit A.

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

Section 1. That the Governing Body hereby approves and adopts the Code of Ethics in the form attached hereto as Exhibit A.

Section 2. This Resolution shall be effective upon adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS, AND APPROVED BY THE MAYOR ON THIS 4th DAY OF NOVEMBER, 2019.

SEAL




Jason K. Ward, Mayor

ATTEST:


Patricia C. Hagg, City Clerk

EXHIBIT A

CITY OF TONGANOXIE, KANSAS CODE OF ETHICS

A. Declaration of Policy

The proper operation of our government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels and that the public have confidence in the integrity of its government. In recognition of those goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this Code of Ethics is to establish ethical standards by setting forth those acts or actions that are incompatible with the best interests of the City.

B. Responsibilities of Public Office

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long term public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

C. Dedicated Service

All officials and employees of the City should be responsive to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rule of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

D. Fair and Equal Treatment

1. Interest in Appointments. Canvassing of members of the City Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment for the provision of supplies, equipment, construction, and services to the City shall disqualify the candidate for such appointment except with reference to municipal positions filled by appointment by the City Council.

2. Use of Public Property. No official or employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official business.
3. Obligations to Citizens. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

E. Conflict of Interest

1. Persons Covered: The conflict of interest provisions of this policy shall apply to any person who is an employee, elected or appointed official, agent, consultant, officer, or any immediate family member or business partner of the above, of the recipient, or of any designated public agencies, or subrecipients, which are receiving funds from the Kansas Community Development Block Grant ("CDBG") program.
2. Applicability:
 - a. In procurement of supplies, equipment, construction, and services by recipients, subrecipients, or designated public agencies, the conflict of interest provisions in Public Law 103-355 or OMB Circular A-110, as applicable, shall apply.
 - b. In all cases not governed by Public Law 103-355, the provisions of this Code of Ethics shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or subrecipients to individuals, businesses and other private entities in the form of grants, loans, or other assistance through eligible activities of the CDBG program, which authorize assistance.
3. Conflicts Prohibited: Except for approved eligible administrative or personnel costs, no persons described in Section E.1. above who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under the State program or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. For the CDBG program, the above restrictions shall apply to all activities that are a part of the funding approval for all projects, and shall cover any such interest or benefit during, or at any time after, such person's tenure.

- a. An exception may be considered only after the grant applicant has provided the following:
 - i. A disclosure of the nature of the conflict accompanied by an assurance that there has been a public disclosure of the conflict and a description of how the public disclosure was made;
 - ii. A recording of the disclosure in the official minutes of the governing body of the grantee; and
 - iii. An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.
- b. In determining whether to grant an exception, after the above three items have been received, the State shall consider the following factors, where applicable:
 - i. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the CBDG program or project which would otherwise not be available;
 - ii. Whether an opportunity was provided for open competitive bidding or negotiation;
 - iii. Whether the person affected is a member of a group or class of low- or moderate- income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interest or benefits as are being made available or provided to the group or class;
 - iv. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
 - v. Whether the interest or benefit was present before the affected person was in position as described in Section E.3.;
 - vi. Whether undue hardship will result either to the recipient or the person affected when weighted against the public interest served by avoiding the prohibited conflict; and

vii. Any other relevant considerations.

If after all considerations, determination is made to grant an exception, the State shall issue a waiver noting such exception and the conditions and the basis for the issuance of same.

It is policy of the CDBG program that no waiver will be issued concerning benefit to the chief elected official or governing body members of the grantee, except in dire circumstances.

F. Penalty to Code of Ethics Policy

Violations of the Code of Ethics by the City's elected officials, appointed officials, officers, employees or agents of the City shall be prosecuted to the fullest extent permitted according to Local, State, and Federal law or regulations.