

**CODE OF ETHICS
FOR
JOHNSON COUNTY GOVERNMENT**

I. PURPOSE

The Code of Ethics for Johnson County Government is intended to establish standards of conduct expected of those persons who act for or on behalf of the public in the performance of all governmental duties and responsibilities.

Government service and public sector employment is a public trust, and those who serve the public as part of its government must perform and discharge their duties consistent with the highest moral principles, serving always the best interests of the County and its citizens.

Representative government is based solely upon the consent of the governed, under a system whereby every citizen has a right to expect those who govern or serve in the government to act not for themselves but for the governed as a whole. Since government can act only through its officials and employees, it is ever incumbent upon them, therefore, to honor the public trust and to instill confidence in government by their own integrity and conduct in all official actions.

It is, therefore, the purpose of this Code of Ethics to:

1. Maintain high ethical standards in Johnson County Government;
2. Increase public confidence in the integrity of the officials and employees of Johnson County Government;
3. Assist officials and employees in determining the proper course of action when faced with uncertainty in ethical obligations; and
4. Support the actions of the Government, its officials and employees in situations of unwarranted criticism.

II. APPLICATION

This Code of Ethics for Johnson County Government shall apply to all persons who are elected to the Office of Commissioner of Johnson County, Kansas; to all elected officials of Johnson County, Kansas; to all persons appointed or hired as employees of the County, its agencies, departments or commissions, whether temporary or permanent, whether full-time or part time; to all persons appointed by the Board of County Commissioners to any position, board, or commission, whether compensated or not; to all persons, whether compensated or not, other

than independent contractors, who perform personal services for and on behalf of the County; and to all persons elected or appointed to hold any office in Johnson County, Kansas.

The ethical standards, considerations and rules of conduct shall apply and be observed during the person's term of office or service with the County.

III. POLICY STATEMENT

It is the policy of Johnson County Government that:

- A. All citizens be provided fair and equal access to and treatment by the government, without any appearance or element of discrimination or favor or consideration of any special interest; and
- B. All official actions taken in the performance of government duties or responsibilities be motivated to the service of the public interest and the protection of the public trust without any regard for personal achievement, aggrandizement, or personal benefit; and
- C. All persons who act for or represent the interests of Johnson County Government adhere to the highest standards of ethical conduct in the performance of their official duties to the end that the public trust is never violated nor its power abused; and
- D. The policies and procedures for operation of the County government provide for efficient and cost-effective service, responsive to the public interest, that will preserve and promote confidence in government and the integrity of its members.

IV. ETHICAL STANDARDS

It shall be the duty of all persons to whom this Code of Ethics applies to observe the highest moral principles in all official actions, whether specifically noted or mandated in this Code, and to refrain from any course of conduct which might result in, or create the appearance of a violation of the following ethical standards.

AN OFFICIAL, WHETHER ELECTED OR APPOINTED, AND AN EMPLOYEE IN GOVERNMENT SERVICE SHOULD:

STANDARD 101: ALWAYS PUT LOYALTY TO HIGH MORAL STANDARDS AND TO THE COUNTY ABOVE ANY LOYALTY TO PERSONS, DEPARTMENT OR AGENCY, OR POLITICAL OR OTHER INTERESTS.

STANDARD 201: UPHOLD THE CONSTITUTION, LAWS AND REGULATIONS OF THE UNITED STATES, THE STATE OF KANSAS, AND JOHNSON COUNTY AND NEVER BE A PARTY TO THEIR EVASION.

STANDARD 301: SEEK TO FIND AND EMPLOY MORE EFFICIENT AND ECONOMICAL WAYS TO PROVIDE SERVICE AND TO GIVE TO THE PERFORMANCE OF HIS OR HER DUTIES THEIR BEST ATTENTION, EFFORTS AND THOUGHTS.

STANDARD 401: TREAT EVERY CITIZEN FAIRLY AND EQUALLY WITH COURTESY AND RESPECT AND MUST NEVER DISCRIMINATE UNFAIRLY BY DISPENSING OF SPECIAL FAVORS OR PRIVILEGES TO ANYONE, WHETHER FOR REMUNERATION OR NOT; AND SHOULD NEVER ACCEPT FOR HIMSELF OR FAMILY, FAVORS OR BENEFITS UNDER CIRCUMSTANCES WHICH MIGHT GIVE THE APPEARANCE TO REASONABLE PERSONS AS INFLUENCING THE PERFORMANCE OF HIS GOVERNMENTAL DUTIES.

STANDARD 501: REFRAIN FROM MAKING ANY PROMISE, PRIVATE IN NATURE, THE PERFORMANCE OF WHICH WOULD REQUIRE HIM TO ACT BEYOND THE PROPER SCOPE OF THE DUTIES OF HIS OFFICE, OR TO ACT IN A MANNER WHICH WOULD OR COULD COMPROMISE THE INTEGRITY OF HIS PUBLIC OFFICE.

STANDARD 601: NEVER ENGAGE IN ANY BUSINESS WITH THE GOVERNMENT, EITHER DIRECTLY OR INDIRECTLY, WHICH IS INCONSISTENT WITH THE CONSCIENTIOUS PERFORMANCE OF HIS GOVERNMENTAL DUTIES.

STANDARD 701: NEVER USE ANY INFORMATION COMING TO HIM CONFIDENTIALLY IN THE PERFORMANCE OF GOVERNMENTAL DUTIES AS A MEANS FOR MAKING A PRIVATE PROFIT OR GAINING BENEFIT FOR HIMSELF OR OTHERS; AND MAY NEVER REVEAL ANY INFORMATION MADE KNOWN TO HIM THROUGH HIS PUBLIC OFFICE WHICH IS BY LAW CONFIDENTIAL OR BY CUSTOM A PROTECTED RIGHT OF PRIVACY WHERE REVEALING THE INFORMATION COULD AFFECT THE CIVIL OR MORAL RIGHTS OF ANY CITIZEN.

STANDARD 801: ALWAYS SAFEGUARD THE PUBLIC TRUST AND NEVER USE NOR ALLOW THE USE OF GOVERNMENT PROPERTY OR FUNDS FOR PRIVATE PURPOSES, FOR PURPOSES OTHER THAN THOSE AUTHORIZED OR PERMITTED, OR FOR PURPOSES WHICH COULD MISLEAD THE CITIZENS OR DAMAGE THE CONFIDENCE AND REPUTATION OF THE GOVERNMENT.

STANDARD 901: AT ALL TIMES DISPLAY THE HIGHEST LEVEL OF INTEGRITY IN PERFORMING HIS OR HER DUTIES AND NEVER KNOWINGLY NOR NEGLIGENTLY MISLEAD OR ALLOW OTHERS TO MISLEAD THE PUBLIC OR OTHER GOVERNMENT OFFICIALS, NOR FAIL TO DISCLOSE OR REPORT TO APPROPRIATE OFFICIALS ANY CORRUPTION WHEREVER DISCOVERED.

STANDARD 1001: AVOID THE APPEARANCE OF IMPROPER INFLUENCE AND REFRAIN FROM EVER RECEIVING, SOLICITING OR ACCEPTING GIFTS, GRATUITIES, FAVORS OR ANYTHING OF VALUE FOR HIMSELF, HIS FAMILY OR OTHERS, WHICH IS INTENDED OR HAS THE APPEARANCE OR AFFECT OF INFLUENCING THE PERFORMANCE OF HIS DUTIES; AND SHOULD NEVER HIMSELF LOBBY NOR ATTEMPT TO INFLUENCE OTHERS IN THE PERFORMANCE OF THEIR DUTIES BY ANY MEANS WHICH ARE NOT A PART OF HIS AUTHORIZED DUTIES.

STANDARD 1101: NEVER ALLOW HIS JUDGEMENT TO BE COMPROMISED BY ANY PERSONAL, FAMILY OR BUSINESS INTEREST NOT A PART OF HIS GOVERNMENT SERVICE AND NEVER ACT UPON ANY MATTER IN WHICH HE, HIS FAMILY, OR BUSINESS HAS OR MAY HAVE ANY FINANCIAL OR BENEFICIAL INTEREST; AND SHOULD ALWAYS DECLARE AND DISCLOSE THE FULL NATURE AND EXTENT OF ANY PERSONAL, FAMILY, OR BUSINESS INTEREST IN ANY MATTER RELATED TO GOVERNMENTAL ACTIONS OR DUTIES.

STANDARD 1201: STAND AS A REPRESENTATIVE OF THE GOVERNMENT AND THE PUBLIC TRUST AND NEVER INTENTIONALLY ACT OUTSIDE THE SCOPE OF THEIR AUTHORITY IN THAT REPRESENTATION NOR ALLOW THEMSELVES TO BE PERCEIVED AS ACTING ON BEHALF OF THE PUBLIC OR GOVERNMENT WHEN, IN FACT THEY ARE NOT.

V. INTERPRETATION AND GUIDELINES

A. GENERAL INTENT AND INTERPRETATION. The Code of Ethics is intended to establish standards to guide the decisions and actions of the public officials and employees in the performance of their official duties and functions. The standards established by the Code are rules of reason and not rules of law, and they do not themselves seek to impose duties or obligations not otherwise required of public officials and employees. Rather, the standards seek to recognize the expectations inherent in government service through public opinion and perception and to define the special responsibilities that arise through the representation and authority of government. Likewise, the Code does not attempt to exhaust the moral and ethical values that must guide government actions, nor does it displace professional knowledge, skill or judgment. No set of rules or standards can do so, and every person in government service must also be guided by personal conscience and the independent ideals of their profession, as well as the legal duties imposed upon them. These standards, therefore, should be interpreted with reference to the purposes of government service and the unique stature of public professionalism.

B. ADVISORY OPINIONS AND RULINGS. Any person to whom the Code of Ethics applies may request an advisory opinion or ruling on any provision of the Code or concerning any matter relating to their official duties or functions. The request must be made in writing, submitted to any member of the Ethics Advisory Board, and should contain sufficient and adequate factual information upon which to base the opinion, although the issue may be submitted as a hypothetical question.

The Advisory Board shall issue its opinion or ruling upon any request within seven (7) days, and may keep all or any part of the request confidential, but must, upon rendering any opinion or ruling, prepare a general interpretation relating to the issue raised by the request for distribution to all interested persons.

Reliance by any person upon any advisory opinion, ruling or general interpretation issued by the Advisory Board shall be deemed conclusively as compliance with the requirements of the Ethics Code.

C. ETHICAL CONSIDERATIONS. The Advisory Board may, from time to time, develop and issue Ethical Considerations, which shall be used for interpreting and applying the provisions of the Code of Ethics.

D. GUIDELINES FOR APPLICATION. The following guidelines are designed to provide a frame of reference for interpretations of the Ethical Standards. They are not absolutes, but serve as considerations to be applied to specific factual situations.

1. Gifts and Gratuities. A gift or gratuity would include any item of value, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, favor, or tangible objects. As a general rule, a public official or employee should not:

- a. solicit any gift or gratuity for any purpose related to their official duties or other County business or operations;
- b. accept any gift or gratuity, other than appropriate political or charitable contributions or an honor or award presented by an appropriate governmental, professional or fraternal organization, for the performance of duties;
- c. keep any unsolicited gift or gratuity having a value exceeding FIFTY DOLLARS (\$50.00); and
- d. accept any gift or gratuity under circumstances that a reasonable person would question or circumstances where the giver would have reason to expect something in return.

Further, as a general rule, a public official or employee should:

- a. report any offer or attempt to offer a gift or gratuity to them in exchange for the performance of their duties;
- b. file a disclosure statement showing the nature of any unsolicited gift or gratuity received, the person giving the gift or gratuity, its value and the circumstances under which it was received; and
- c. to the extent possible, retain any unsolicited gift or gratuity for the office or department as a whole rather than as a personal gift or gratuity.

2. Financial or Business Interests with County Operations. A financial or business interest would include any interest that would directly or indirectly provide a monetary or other material benefit to the public official or employee. As a general rule, a public official or employee of the County should refrain from participation in any selection process, contract negotiation, or purchase of goods or services where the official or employee, or their family members or business associates, has any beneficial or financial interest in the award, selection, or contract.

Further, a public official or employee of the County should not engage in or have a financial interest in any business providing goods or services to the County except when the goods or services are provided through the formal competitive bid process under the Purchasing

Policies of the County, and then only upon full disclosure to all appropriate officials of the financial interest.

3. Financial Interest Disclosures. A material financial interest would include an interest that provides direct financial remuneration to the public official or employee, or to any member of their immediate family, in an aggregate amount of FIVE HUNDRED DOLLARS (\$500.00) or more in any year or an ownership interest in any business entity which exceeds ten percent (10%) of the total ownership. A public official or employee of the County should always fully and publicly disclose any material financial or other beneficial interest that the official or employee has or may have in any contract, legislative action, formal decision, or governmental ruling or determination whenever the official or employee will or may participate in any manner in the discussion, deliberation, decision, or administration of the matter.

4. Conflict of Interest. A conflict of interest would include any circumstance under which a public official or employee of the County has a direct personal interest, other than the diligent performance of their official duties, in the result or outcome of any governmental action for which the official or employee has, in whole or part, any discretionary authority or responsibility. It is not limited to financial interests, but may include other interests such as personal friendships, family relations, or other associations with groups or persons. A public official or employee of the County should always avoid even the appearance of such conflicts by full, public disclosure of such interests to appropriate officials and, where possible, by abstaining from participation in any form in the performance or exercise of the official, discretionary actions.

VI. ETHICS ADVISORY BOARD

The Ethics Advisory Board shall be a standing committee, established by the Board of County Commissioners, composed of the following designated members:

1. The Director of Personnel for the County, or their designee;
2. The Chief Counsel for the County, or their designee;
3. The District Attorney for the County, or their designee; and
4. The County Clerk, or their designee.

In the event that any matter presented to the Ethics Advisory Board for consideration relates to any issue or complaint which has been considered or acted upon at the department or agency level by any member of the Advisory Board or which involves any member of the Advisory Board or another person directly supervised by a member, then that member shall not

participate in the consideration of that particular matter and shall, for the purposes of that matter only, be replaced on the Advisory Board by:

1. The County Sheriff, if the member is the District Attorney;
2. The Register of Deeds, if the member is the County Clerk;
3. A person designated by the Board of County Commissioners, if the member is the

Director of Personnel or the Chief Counsel of the County.

It shall be the duty and function of the Ethics Advisory Board to issue interpretations and guidelines for the Ethical Standards, to prepare advisory opinions and rulings, and to conduct investigative reviews upon complaints of violations of the Ethical Standards.

VII. COMPLAINTS AND PROCEDURES

A. Departmental Review. Any allegation of a violation of the Code of Ethics for Johnson County Government should first be filed with the official, agency director or department head that has supervisory responsibility for the office or department in which the violation is claimed to have occurred. Whenever possible, the complaint shall be acted upon and resolved through standard policies and procedures of the applicable county department or agency or through the County Personnel Policies.

B. Advisory Board Review. In the event that any allegation of a violation of the Code cannot, for whatever reason, be resolved through standard policies or procedures, then the complaint shall be made or referred to the Ethics Advisory Board for review and consideration.

The Ethics Advisory Board may, as it deems necessary, conduct an investigation of the complaint, which may include interviewing persons who may have knowledge of the facts of the complaint.

Upon completion of its review and/or investigation, the Ethics Advisory Board shall prepare a written report, stating its findings, conclusions, and recommendation on the Complaint. If the Advisory Board finds that there is no merit to the allegation of the complaint and there is no cause to believe that a violation has occurred, then the Advisory Board shall immediately issue its finding, dismissing the complaint.

If the Advisory Board finds that there is cause to believe that a violation may have occurred, then the report of its findings and conclusions shall be:

- a. submitted to the appropriate elected official, department head, or agency director and to the County Personnel Department, if the complaint involves an employee, for their review, consideration and action;

- b. submitted to the County Administrator if the complaint involves a department head or agency director for his review, consideration and action;
- c. submitted to the Board of County Commissioners if the complaint involves the County Administrator, an appointed official or member of any County Board or Commission, or any person acting as a representative on behalf of the County; and
- d. submitted to the Ethics Review Commission if the complaint involves a member of the Board of County Commissioners or an elected official of the County.

VII. ETHICS REVIEW COMMISSION

The Ethics Review Commission shall be composed of the following members:

1. The Administrative Judge of the District Court in the County;
2. Two citizens of the County designated in each case by the Administrative Judge; and
3. Two persons designated by the official who is the subject of the complaint.

The Ethics Review Commission shall review any report of the Ethics Advisory Board which is submitted to it and may, as it deems necessary, conduct further and additional investigation, including interviews or a hearing. Upon completion of its review and/or investigation, the Ethics Review Commission shall prepare a report stating its findings, conclusions and recommendations. If the Ethics Review Commission determines that no violation has occurred, then it shall immediately issue a ruling making that finding and dismissing the complaint. If the Review Commission determines that a violation has occurred, then it shall take such actions for enforcement, as it deems advisable, consistent with the provisions of this Code.

IX. REVIEW AND ACTION UPON REPORT

Any elected official, agency director or department head, and the County Administrator, and the Board of County Commissioners shall immediately review any report submitted to them by the Ethics Advisory Board and shall conduct any additional investigation, including interviews or a hearing, as they deem necessary. Upon completion of their review, if they determine that no violation has occurred, then they shall dismiss the complaint and take such action as may be advisable to conclude the matter. If they determine that a violation has occurred, then they shall direct action to be taken as they deem necessary and advisable, consistent with the provisions of this Code, to correct the violation and to enforce the Code of Ethics.

X. CONFIDENTIALITY

All proceedings of the Ethics Advisory Board, the Ethics Review Commission, the Board of County Commissioners, and any official, department or agency, in investigating and reviewing any ethics complaints shall be deemed as personnel matters and, thus, shall be confidential.

XI. SANCTIONS FOR VIOLATION

For any violation of the Code of Ethics, the following enforcement actions may be taken:

- A. For employees of the County:
 - 1. A written warning or reprimand be issued pursuant to the personnel policies; or
 - 2. A notice of intent to suspend, demote or terminate the employee be issued pursuant to the personnel policies; or
 - 3. A complaint be filed for action with the law enforcement officials; or
 - 4. The matter be dismissed for lack of cause.

- B. For elected officials of the County:
 - 1. A public censure or reprimand be issued; or
 - 2. A complaint be filed for action with the law enforcement officials; or
 - 3. The matter be referred to the State Attorney General for consideration; or
 - 4. The matter be dismissed for lack of cause.

- C. For appointed officials of the County or persons acting as representatives on behalf of the County:
 - 1. A public censure or reprimand be issued; or
 - 2. Removal from the office or position, or termination of any contract, agreement or representative status; or
 - 3. A complaint be filed for action with the law enforcement officials; or
 - 4. The matter be dismissed for lack of cause.

REFERENCE GUIDE