CERTIFICATION OF CLERK

I, Gary S. Fees, the duly appointed and qualified City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Resolution was duly adopted at a meeting of the City of Manhattan, Kansas, held on the 21st day of October, 2008, and that said Resolution has been compared by me with the original thereof on file and of record in my office and is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, this 22nd day of October, 2008.



Gary S. Pees, MMC, City Clerk

POLICY MANUAL RESOLUTION NO. 102108-B CITY OF MANHATTAN, KANSAS

SUBJECT EFFECTIVE DATE

Code of Ethics 10-21-2008

A. BACKGROUND:

Numerous national and state municipal associations, as well as state and national associations representing elected and appointed officials such as the League of Kansas Municipalities, the National League of Cities, and the International City/County Management Association have advocated for the adoption of a formal ethics policy. It is becoming increasingly typical for cities to have a comprehensive policy that establishes organizational values and guidelines for conduct in addition to those enumerated by state law.

B. PURPOSE:

The purpose of this policy is to establish a Code of Ethics for the City of Manhattan's elected and appointed officials, as well as to grant specific authority, and direction, to the City Manager to establish and maintain a comparable administrative Code of Ethics and relevant administrative policies for the City's employees.

C. POLICY:

- 1. The City Commission for the City of Manhattan, Kansas, hereby establishes as the basis for its Code of Ethics for Elected and Appointed Officials the following statement of values and guidelines for ethical behavior:
 - **a.** The City of Manhattan is a diverse community whose Commission/Manager form of government serves its residents and visitors by providing that which they cannot provide by themselves alone.

As City Commissioners and members of the City's Boards and Committees (collectively hereinafter "City Officials" or "Officials"), we represent the City through daily actions and interactions with the public we serve. In doing so, we are bound by laws, statutes, and regulations. This Code of Ethics is meant not to replace but to supplement those existing guidelines.

This Code of Ethics reflects the values of our community and establishes a foundation of behavior for all elected and appointed officials. These principles provide guidance for reaching decisions which are governed, ultimately, by the dictates of each individual's conscience and his or her commitment to the public good. Each official is responsible for upholding these standards, and, by doing so, for setting an example for others to follow. The responsibility for knowing whether or not a given set of circumstances creates an ethical conflict and for acting appropriately rests solely with the individual.

These five ethical principles are statements designed to reinforce our organizational mission and beliefs about how we should serve our community. The City's elected and appointed officials should aspire to embody these principles in their daily conduct.

- i. TRANSPARENCY: free from pretense or deceit; characterized by visibility or accessibility of appropriately disclosable information, especially concerning business practices; forthcoming
 - a) Be honest, accurate, and forthright in communication with each other and the public we serve, while still respecting the need to maintain the privacy and confidentiality of information and materials pursuant to the Kansas Open Records Act and other applicable laws.
 - b) Be accessible and dependable in providing clear, concise, and complete information that is appropriate at the time of the request
- ii. **INTEGRITY**: firm adherence to a strict moral or ethical code; doing the right thing when no one is looking
 - a) Hold ourselves and each other accountable in carrying out our responsibility to protect the public interest
 - b) Consistently act in ways that merit trust in our abilities and decisions
 - c) Do not allow our personal or private interests to influence our roles as public servants
- iii. **QUALITY**: producing or providing products or services of high caliber or merit; marked by a concentrated expenditure of involvement, concern, and commitment to excellence
 - a) Be committed to improving ourselves and our organization through personal growth and professional innovation
 - b) Take pride in our ability to consistently deliver services to our community efficiently and effectively
 - c) Be competent and responsive to the changing needs of our community
- iv. **STEWARDSHIP**: the careful and responsible management or supervision of something entrusted to one's care
 - a) Earn and maintain trust by respecting the City's built environment, natural and economic resources
 - b) Focus on a long-term vision in order to protect and promote the greatest public good
 - c) Be compassionate, loyal, and selfless in carrying out our responsibilities as public servants

- v. **FAIRNESS/EQUITY**: marked by impartiality and honesty; free from self-interest, prejudice or favoritism; justice according to natural law or right
 - a) Respect those who may not share our background or beliefs and value the benefits that result from considering everyone's opinion
 - b) Treat each other fairly, considering how we would want to be treated
- **b.** These guidelines for ethical behavior are intended to reinforce the preceding ethical principles, to wit:

i. **CONFLICT OF INTEREST:**

- a) <u>Legal Standards pertaining to Conflicts of Interests</u>: Individual City Commissioners and members of City Boards or Committees (collectively hereinafter "City Officials" or "Officials") should not discuss, advocate, or vote on any matter:
 - 1) In violation of either K.S.A. 75-4304 or K.S.A. 75-4305, which are the Kansas Statutes dealing with Conflicts of Interest. All City Officials shall make themselves aware of the provisions of said statutes.
 - 2) Which is of a quasi-judicial nature, such as, but not necessarily limited to, site specific zoning matters, matters before the Board of Zoning Appeals, and matters before the Code Appeals Board, if the City Official determines that factors exist, related to the Official, which would prevent any party to the quasi-judicial matter from receiving a fair and impartial decision.
 - 3) When the City Official determines factors exist, related to the Official, which would prevent the Official from acting in the best interests of the community, as a whole, and, instead would tend to cause the Official to act in their own self interest or the special interests of others to the detriment of the community as a whole.
- b) Promoting Fairness and Transparency/Higher Standards of Conduct Above Legal Conflicts: Even if a City Official's action is in compliance with the provisions of Section a), the Official shall disclose to the public any factors related to the Official, which the Official deems relevant to the concept of fairness in dealing with public business, before discussing, advocating, or voting on any matter.
- c) It shall be the City Official's responsibility and authority, alone, to determine the relevant factors necessary to make the decisions set forth in Sections a) and b). The City Official may request assistance from the City's legal staff, City Manager or his/her designee, other members of the Official's body, or any other person the Official deems appropriate, in reaching his/her decision. In determining such relevant factors, the City Official shall consider all factors they believe a reasonable person in the community would consider.

ii. ACCEPTANCE OF GIFTS, GRATUITIES OR BENEFITS:

- a) City Officials should not accept any gift, gratuity or benefit ("gifts"), which a reasonable person would believe is provided to the City Official primarily because of his/her official position, if:
 - 1) The value of the gift exceeds \$25, or the accumulation of the value of gifts from a single donor to the City Official exceeds \$50 in a 12-month period; or
 - 2) a reasonable person would believe it is intended, or is likely, to cause the City Official to act in a preferential manner towards the donor; or
 - 3) a reasonable person would believe the City Official is under an obligation to, or influence of, the donor; or
 - 4) the item consists of cash, or anything easily convertible to cash, such as, but not limited to, entertainment tickets, regardless of the amount or value.
- b) For the purposes of this section, the terms "gift", "benefit" and "gratuity" shall mean the transfer of cash, goods, or services without reasonable and valuable consideration. The terms shall not include campaign contributions made in compliance with all applicable laws.
- c) It shall be the City Official's responsibility and authority, alone, to evaluate what a reasonable person in the community would believe in connection with this section.
- **2.** All City Officials shall be responsible for familiarizing themselves with the Code of Ethics during their initial orientation sessions and ensuring they are familiar with any updates to the Code of Ethics, as applicable.
 - **a.** Commissioners who have questions about the applicability of the Code of Ethics should seek the advice of their fellow Commissioners. Alternately, Commissioners may seek counsel or advice from the City's legal staff, City Manager, or his/her designee. If, after any such discussion, a Commissioner determines that his or her actions may violate the Code of Ethics, he or she should act accordingly by recusing him or herself from consideration of the matter at hand.

- b. Board or Committee members who have questions about the applicability of the Code of Ethics should seek the advice of their fellow Board or Committee members. Alternately, members may seek counsel or advice from the City's legal staff, City Manager, or his/her designee, through the Board or Committee liaison. If, after any such discussion, a Board or Committee member determines that his or her actions may violate the Code of Ethics, he or she should act accordingly by recusing him or herself from consideration of the matter at hand
- 3. The City Commission for the City of Manhattan, Kansas, hereby authorizes, and directs, the City Manager to create and maintain a comparable administrative policy governing the ethical conduct of the City's employees (the "Employee Code of Ethics") based on the applicable community values, ethical principles, and guidelines for ethical behavior stated in this policy.

PASSED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS, ON THIS 21ST DAY OF OCTOBER, 2008.



ATTEST:

GARY STREES, MMC, CITY CLERK

MARK J. HATESOHL, MAYOR