

ORDINANCE NO. 0402

AN ORDINANCE MODIFYING A PREVIOUS ENACTMENT CONCERNING CODE OF ETHICS CONFLICT PROVISIONS THEREBY PERMITTING THE CITY COMMISSION TO MAKE CONTRACTS WITH INDIVIDUAL MEMBERS OF THE CITY COMMISSION UNDER CERTAIN CIRCUMSTANCES AND ELIMINATING THE AUTHORITY OF CITY COMMISSIONERS FINANCIALLY BENEFITTING FROM SUCH CONTRACTS TO VOTE THEREON.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS that:

Section 1. 1-217 of the City of Galena is hereby amended to read as follows:

1-217 CODE OF ETHICS.

(a) General.

(1) By virtue of their election to and acceptance of a position of public trust, the governing body should not and shall not do anything which reflects unfavorable upon their official status.

(2) This section is enacted to provide certain minimum guidance to the governing body regarding conduct proper to their position.

(b) Fair and Equal Treatment.

(1) No member of the governing body shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which is available to the general public.

(2) No member of the governing body shall request, use or permit the use of any city owned or city supported property, equipment or service, for the private advantage of such member, or any other person, unless the usage is available to the general public of the city.

(c) Conflict of Interest.

(1) No member of the governing body shall vote, or be counted as a vote by abstention, upon the approval of any contract wherein the city is a party, if such member has a direct or indirect financial interest in such contract. This provision shall be permitted to vote to permit the payment by the city of any damages or expenses of litigation incurred by reason of threatened litigation or actual litigation against the city, or against any commissioner, including against a voting commissioner herein, in their individual or official capacities, when such expenses and damages were incurred or created by reason of the city or the commissioner performing functions that are reasonable related to the performance of their duties of office of commissioner.

(2) Any contract in violation of this section shall directly or indirectly purchase city property unless such purchase is made at a public sale or auction, or by sealed bids.

(3) No member of the governing body shall directly or indirectly purchase city property unless such purchase is made at a public sale or auction, or by sealed bids.

(d) Gifts and Favors. No member of the governing body shall accept any gift or favor from any person which, if publicly disclosed, would create an objective reasonable impression that the gift or favor would influence the member's official duties.

(e) Confidential Information. No member of the governing body shall use or permit the use of any confidential information acquired by the member in his or her official position to advance the financial or personal interest of such member, or any other person.

(f) Interference. No member of the governing body shall, except for the purpose of inquiring or fact-finding, deal directly with or issue orders to any city employee unless with the approval and under the direction of the commission as a whole.

(g) Immoral Conduct. No member of the governing body shall continue to hold office if convicted of a crime involving moral turpitude.

(h) Sanctions.

(1) Any member of the governing body found to have violated this section can be subjected to censure, suspension, or removal from office.

(2) Upon a majority vote of the entire governing body, the member shall be presented with a written statement specifically detailing the charges and a date shall be set for a public hearing on the charges. The members shall be entitled to be represented by an attorney to

present evidence, and to cross-examine all witnesses. At the conclusion of the hearing, sanctions can only be imposed by a majority vote of the members of the entire commission.

(i) New Members. A copy of this section shall be provided by the city clerk to all newly elected members of the governing body.

Section 2. This ordinance shall take effect upon one publication in the official city newspaper.

Passed and approved of by the City Commission of the City of Galena, Kansas, this 5<sup>th</sup> day of April, 2004.

Executed by the Mayor of the City of Galena, Kansas, this 5<sup>th</sup> day of April, 2004.

  
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Scott Donaldson  
Mayor of Galena, Kansas

Attest:

  
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Deborah Kitch  
City Clerk