

RESOLUTION NO. 22-10
A RESOLUTION OF THE CITY OF MARION, KANSAS,
ADOPTING A CONFLICT OF INTEREST POLICY FOR PUBLIC
OFFICIALS OF THE CITY OF MARION, KANSAS.

WHEREAS, the Governing Body of the City of Marion, Kansas recognizes that the proper working of a representative and democratic government requires that Public Officials of the City be independent, impartial, and responsible to the citizens of Marion; 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, a Public Official Includes all City of Marion elected and appointed officials, including but not limited to member of the City Council, Boards, Committees, and City employees.

WHEREAS, in order to accomplish those goals and to promote and to further ethical and professional conduct on the part of Public Official, the Governing Body hereby adopts the following Conflict of Interest Policy.

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

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

Accordingly, no Public Official 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.
- (2) Give special consideration, treatment, or advantage to any person or vendor beyond that which is available to every other similarly situated person/vendor.
- (3) Fail to recuse himself or herself on voting on matters which are likely to result in direct and substantial personal financial gain to such Public Official or such Public Official's immediate family members.
- (4) Represent a third party or any entity appearing before any City board, commission, or body upon which the appointed Public Official currently serves or has authority over.
- (5) Violate the State's Conflict of Interest laws, codified as amended at K.S.A. 75-4301a, *et seq.*
- (6) Use City property for personal use, except as expressly authorized by the City.
- (7) Co-mingle City and personal property or funds.
- (8) Exceed the scope of actual or implied authority provided by such Public Official's office.
- (9) Violate applicable anti-discrimination law.
- (10) Retaliate against any person due to an allegation of violating this policy.

(11) Gifts and favors - no Public Official shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm, or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such city official or employee:

- (a) accept any gift, favor or thing of value that may tend to influence him or her in the discharge of his or her duties or
- (b) grant in the discharge of his or her duties any improper favor, service, or thing of value.

The prohibition against gifts or favors shall not apply to:

- (a) an occasional non-pecuniary gift, of only nominal value; or
- (b) an award publicly presented in recognition of public service; or
- (c) any gift which would have been offered or given to him or her if not an official or employee.

(12) Violations: The Governing Body shall determine whether the action of a Public Official constitutes a violation of this Resolution by a simple majority vote of the entire Governing Body. For alleged violations by the Mayor or City Council Members, the "entire governing body" shall not include such person, and such person shall recuse himself or herself from voting on that matter.

(13) Penalties: Any City employee determined by the Governing Body to be in violation or to have acted in violation of this Resolution shall be subject to discipline, including requiring such Official to cease and desist the prohibited activity or the possible termination of employment.

(14) Constitutionally Protected Interests: In the event that such a violation is alleged against a City employee with a protected interest in such employment, all sections of this Resolution shall be strictly interpreted to be in compliance with all requirements of due process.

Any appointed official found to be in violation or to have acted in violation of this policy by the Governing Body may be removed from office.

Any elected official found to be in violation or to have acted in violation of this policy shall 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.

After adopting by the Governing Body, this Resolution shall be in full force and effect commencing March 22, 2022.

ADOPTED by the Governing Body of the City of Marion, Kansas, this 21st day of March, 2022.

APPROVED:


David Mayfield, Mayor

ATTEST:


Tiffany Jeffrey, City Clerk