

# ORDINANCE NO. 3780

**AN ORDINANCE FOR THE PURPOSE OF REPEALING AND REPLACING CHAPTER 2.56 OF TITLE 2 OF THE CITY CODE OF THE CITY OF FORT SCOTT, KANSAS AS IT REGARDS A CODE OF ETHICS APPLICABLE TO CITY PERSONNEL.**

**ORDINANCE 3563 is amended as follows:**

**WHEREAS**, the Commission recognizes a need to have clear, effective, and enforceable provisions governing the conduct of the elected governing body, city staff, employees, and other representatives of the City; and

**WHEREAS**, after study and discussion the Commission has reached consensus on the provisions necessary to address this need; and

**WHEREAS**, this creates a need to update, supplement, amend, repeal, and/or replace various existing provisions of Chapter 2.56 of Title 2 of the City Code of the City of Fort Scott, Kansas, to align with this consensus.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT SCOTT, BOURBON COUNTY, KANSAS:**

**Section 1.** That Chapter 2.56 of Title 2, of the City Code of Fort Scott, Kansas is hereby repealed and replaced to read as follows:

## **2.56.010 – Purpose**

Excellence in performance by City Commission members, employees, and appointed board and commission members of the City of Fort Scott, Kansas is the best way to achieve our common goal of ensuring a high quality of life in Fort Scott. To be most effective, the efforts of all must be integrated. One special obligation of the City Commissioners is to set an example by promoting cooperation through strong leadership. The public expects the best communication, planning, and decision-making possible from its representatives and employees. City Commissioners must strive for high standards of behavior and performance to the benefit of all Fort Scott residents. Adherence to the following set of principles will ensure effective guidance and operation of the City Commission and will accentuate a positive, open, and productive environment for all.

## **2.56.020 - Code of Ethics**

**I. Commissioner's Conduct With One Another.**

**A. General Role of Commissioners.** All members of the Commission have equal status and a single vote. No one Commissioner has more power than any other and all should be treated with equal respect.

**B. General Responsibilities of Commissioners.** Each Commissioner is accountable to the City Commission as a whole, and ultimately to the citizens, for his/her actions. Each Commissioner will strive to keep an open and receptive mind toward the views and opinions of others. Should concerns about another Commissioner arise, the concern will be shared privately with the other individual on a one-to-one basis before raising a public issue, unless otherwise allowed or directed by law. Ideas on how the City Commission can work more effectively should be presented to the Commission as a whole.

**C. Specific Responsibilities of Commissioners.** At minimum, all Commissioners should:

1. Demonstrate honesty and integrity in every action and statement.
2. Review Commission and City procedure manuals including, but not limited to, this Code of Ethics, the Code of Procedure, and applicable Kansas laws regarding elected officials, should occur at least annually.
3. . Represent the City at ceremonial functions and engagements.
4. Respect the proper roles of elected officials and City staff members to ensure open and effective government.
5. Provide contact information to the City Manager for use in case of an emergency and keep the administration generally aware of any extended absence from the City.

**D. Specific Responsibilities of Commissioners during Meetings.**

1. Use Formal Titles. Commissioners should refer to one another formally during Board meetings as Mayor, Commissioner, or Commissioner [last name].
2. Practice civility and decorum in discussions and debate. Disagreement is expected, but all should work in a cordial manner (disagree without being unnecessarily disagreeable).
3. Be respectful of diverse opinions, as difficult questions, tough challenges to a particular point of view, and criticism of ideas and/or information are legitimate elements of a free democracy in action.
4. Honor the role of the Chair (the Mayor, President of the Commission, or

designee) in maintaining order and decorum.

5. Respect the Chair's efforts to focus discussion on current agenda items and maintain order. Objections to the Chair's actions should be voiced politely and with reason, following the City Code of Procedure.
6. Prepare in advance of Commission meetings so as to be familiar with issues on the Agenda; submit questions on Agenda items a reasonable amount of time ahead of the meeting to enable better responses by City staff members and/or allow withdrawal of matters that need additional work before passage.
7. Stay focused on the Agenda and items at hand, act efficiently during public meetings.
8. Do not politicize procedural issues (e.g., approval of minutes, consent Agenda items, etc.) for strategic purposes.
9. Be courteous and respectful to staff. The meeting, as a public forum, should not be used to embarrass or demean staff or to attack their professionalism or qualifications.

- E. Meeting Agendas.** City Commission meeting Agendas will be open and publicized. Because the Agenda is used to advise the public, staff, and Commission of the items that will be discussed and acted upon at the meeting, the Agenda must go out on time, usually the Wednesday before a regular meeting.

Surprises at meetings from the City Commissioners or staff can be unwelcome and counterproductive. Information upon which decisions are to be made must be communicated to all City Commissioners equally and prior to decision-making meetings to enable free discussion and timely consideration of matters. To facilitate these goals the City Clerk will set, from time to time, a deadline necessary to ensure that the distribution of the complete Agenda is made on time.

Items received after the deadline may not be included on the Agenda until the next regular meeting. Emergency matters may be proposed for inclusion after the deadline at the discretion of the Chair.

- F. Procedures of Commission Meetings.** Commissioners will be familiar with and follow the City's Code of Procedure in the conduct of meetings.

## **II. Commissioners' Conduct with the Public.**

- A. Communication.** Effective communication requires a high level of trust. The City Commission believes in open communication and the public's right to know. In addition, the provisions of the Kansas Open Meetings Act (KOMA) apply. Open channels of communication must be maintained among all members of the

Commission. It is understood that information permitted by Statute to be discussed in closed, executive recess must remain confidential. Sharing of such information with unauthorized persons at any time is unacceptable. If a public statement by the Commission on any City matter is appropriate or necessary, the Commission, as a whole, will agree upon a specific statement to be made by an official designee. While City Commission members, City staff members, and appointed board members may have their personal opinions, those personal opinions remain as such and shall not be expressed as City policy. Opinions and views expressed by City Commissioners to the public outside of public meetings, whether oral or through various forms of physical or electronic media shall be expressed as personal opinion only and not City policy, unless prior consent is given by a majority of the City Commission.

### **III. Commissioners' Conduct with Other Boards and Commissions.**

**A. Attendance in Official Versus Personal Capacity.** The City establishes, from time to time, other boards and commissions as a means of gathering community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City. They are a valuable resource to the City's leadership and should be treated with appreciation and respect. City Commissioners serve as liaisons to Boards and Commissions according to appointments made, and in this role are expected to represent the full City Commission in providing guidance to the Board or Commission. In other instances, Commissioners may attend Board or Commission meetings as individuals.

1. Commissioners attending these meetings as official liaisons should:
  - a. Attend all regularly scheduled meetings of the respective Board or Commission or arrange for an alternate.
  - b. Maintain an active liaison relationship.
  - c. If participating in a voting capacity as an official appointee or board liaison, Commissioners should freely offer opinion on matters relative to the board or the subjects at hand, while also adhering to the principles of decorum and conduct, and respecting the opinion of the other board members.
2. City Commissioners attending such meetings in their individual capacity should adhere to the following protocols:
  - a. Any public comments by a City Commissioner in their personal capacity should be clearly identified as a personal view and not as the City's official position or as a binding action of the City Commission as a whole.
  - b. Limit contact with the board or commission members to only questions for

clarification of the board's, commission's, or City Commission's position.

- c. Avoid conduct, which shall be deemed inappropriate with a board or commission member, including, but not limited to, lobbying on behalf of an individual, business, or developer, or advocating a particular policy perspective.
- d. Be mindful that boards and commissions are advisory to, but not binding upon, the City Commission that they serve; the City Commission is ultimately responsible for setting City policy. Boards and commissions should be free from undue influence of City Commissioners or staff.

**B. Pursuit of Concerns Regarding Board or Commission Members.** City Commissioners should pursue concerns regarding an individual board or commission member with discretion. If the City Commissioner is comfortable talking with that individual privately, the Commissioner should do so. If the issue cannot be resolved in such a manner, the City Commissioner should consult with the City Manager and/or City Staff liaison and to the board or commission, so the matter can be placed on an Agenda for discussion.

**C. Procedures to be Followed by Board and Commission Members; Penalties for Failure to Comply.** Members of boards and commissions must follow policies and procedures established by or under the authority of the City Commission. However, City Commissioners do not have the power or right to threaten board and/or commission members in any way if they disagree about an issue. A Board or Commission appointment should not be used as a political "reward."

**D. Respect for Diverse Opinions.** A primary role of the City's boards and commissions is to represent many points of view in the community, and to provide the City Commission with advice based on a full spectrum of perspectives. City Commissioners may have a closer working relationship with some individuals serving on boards and commissions than others but must be fair to and respectful of all citizens serving on boards and commissions.

**E. Separation of Political Support from Public Forums.** Board and commission members may offer political support to a board or commission member or City Commissioner, but not while conducting official duties in a public forum. Similarly, City Commissioners may support board and commission members who are running for office, but not in their official capacity as a Commissioner.

**IV. Commissioners' Conduct with the City Manager and Subordinate Staff Members.**

**A. General Principles of Cooperation and Respect.** Elected officials set policy. City staff members analyze problems and issues, make recommendations, and implement

and/or administer the Commission's policies. Governance of a City relies on the cooperative efforts of both elected officials and City staff members. Every effort should be made to cooperate with and show mutual respect for the contributions made by individual City staff members for the good of the community.

- B. General Rule Against Board Interference with City Staff and Employees.** The City operates under the Commission-Manager form of government set out in K.S.A. 12-1039. The City Commission sets the policy of the City and serves as the governing body. The statutes vest the administration and affairs of the City in the City Manager along with the power to appoint and remove all heads of departments and all subordinate officers and employees of the City. (See K.S.A. 12-1040.)

As a result, no member of the City Commission shall directly interfere with the conduct of any department or the duties of employees subordinate to the City Manager except at the express direction of the full City Commission, or with the approval of the City Manager. Commissioners will issue no directive to nor communicate with any City staff person without permission from the City Manager, to whom the City staff reports. This prohibition excludes the City Attorney with whom all Commissioners are able to communicate with given the unique advisory role of the City Attorney.

- C. Communication with City Staff Members Regarding Concerns.** Every City Commissioner can, and has the responsibility to, communicate to the City Manager and/or City staff matters that he or she believes deserves the attention and application of the City's financial and/or human resources. This responsibility does not entitle any City Commissioner to monopolize the City's resources, usurp the judgment of the City Manager, or interfere with a City staff member carrying out his or her duties.

- D. Specific Principles of Cooperation and Respect.**

1. Treat all City staff members professionally.
2. Channel communications through appropriate senior City staff members as follows:
  - a. Questions for City staff members should be directed to the City Manager.
  - b. Commissioners should not set up meetings with staff members directly but should work through the City Manager.
  - c. When in doubt about what staff contact is appropriate, Commissioners should ask the City Manager for direction. However, nothing in these protocols is intended to hinder the access required by Commission-appointed liaisons to fulfill their unique responsibilities.
  - d. The City Attorney's position is unique, however, in that the Commissioners

and staff are encouraged to communicate with the City Attorney on various matters in an advisory capacity. The prohibitions on direct communication with staff do not apply to the City Attorney.

4.e. The Commissioners may independently contact by electronic communication the City's bond counsel; the City Attorney; City Finance Director; City Clerk; and City Engineer so long as the City Manager is carbon copied on all those communications.

3. Never publicly criticize individual City employees or officers. However, it must be noted that criticism differs from questioning the facts or opinions of City staff members.
4. Direct critical comments about City staff member performance to the City Manager by private correspondence or conversation.
5. Avoid involvement in administrative functions. Avoid any staff interactions that may be construed as trying to shape staff recommendations. Commissioners shall further refrain from coercing staff into making recommendations to the Commission as a whole.
6. Be cautious about communicating the City's official position on policy issues. Before sending correspondence related to a legislative or policy position, check with the City Manager to verify that it is accurate, and that a position has not already been determined.
7. Do not attend staff meetings or job sites unless requested by staff or with Commission or City Manager approval. Even if the Commissioner does not say anything, their presence may imply support, show partiality, intimidate City staff members, or hamper the staff member's ability to do his or her job objectively.
8. Do not solicit political support from City staff members.
9. Depend upon City staff members to respond to citizen concerns and complaints. It is the role of City Commissioners to pass on their constituents' concerns and complaints. It is not appropriate to pressure City staff members to solve a problem in a particular way. Refer citizen complaints to the City Manager, who will, in turn, be responsible for assigning City Staff and then informing the City Commission of the complaint's resolution.
10. Respect a "one (1) hour" rule for staff work. Requests for staff support should be made to the City Manager. Any request that would require more than one (1) hour of City staff member time should be carefully considered so that staff resources are allocated in accordance with overall City Commission priorities and within the available budget. Once notified that a request for information or

staff support would require more than one (1) hour, the Commissioner or Manager may request that the matter be placed on an upcoming Commission Meeting Agenda.

**V. City Staff Member Conduct with The Commission.**

**A. Specific Principles of Cooperation and Respect.**

1. Demonstrate professionalism and non-partisanship in all interactions with the community and in public meetings.
2. Demonstrate respect for Commissioners at all times.
3. Treat all Commissioners equally.
4. Respect the role of City Commissioners as policymakers for the City. City staff members are expected to provide the best professional recommendations to the Commission on issues before it. City staff members should use their independent and professional judgment in crafting policy recommendations. The Commissioners must be able to depend upon City staff members to make independent recommendations and, if necessary, to provide information about requested alternatives to staff recommendations. City staff members should also provide information on the advantages and disadvantages of each staff recommendation and alternative.
5. If a City Commissioner directs a City staff member to 'take care of a matter' for them or provide information to them that has not received approval of the City Manager, that staff member is to contact the City Manager immediately. The City Manager will then consult the full Commission for appropriate action.
6. Upon the receipt of a staff support request in accordance with the "one (1) hour" rule City staff members must follow through in the fullest and most efficient manner possible.

**2.56.030 - Violations—Penalties**

- A. The City Manager, as the administrative head of the City in the Commission-Manager form of government is responsible for enforcement of the provisions of this chapter as it regards all non-elected and/or appointed administrative and professional employees or agents of the City of Fort Scott. The City Manager may delegate authority to investigate and enforce the provisions of this chapter while retaining ultimate authority. Such delegation may be to the Director of Human Resources or City Attorney generally, or to department heads or directors as it regards personnel under their supervision. Violation of the provisions of this chapter by persons other than an



elected official may result in disciplinary action under the personnel policies and procedures in place from time to time up to and including termination of employment, and/or forfeiture of position. Contractors or agents violating the procurement provisions in place from time to time may be suspended from future purchasing agreements with the city for a period not to exceed three years.

- B. The Commission, as the elected governing body, governs itself under these rules and may take any disciplinary action allowed by law up to and including censure for any violation of the provision of this chapter it finds credible.

**Section 2.** That all other parts and provisions of the City Code not in conflict herewith shall remain in full force and effect unless previously or subsequently amended or repealed.

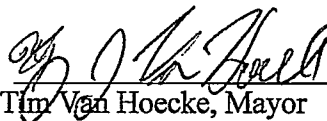
**Section 3.** That correction by the City Clerk of any scrivener errors identified within Title 2 are hereby authorized by this ordinance.

**Section 4.** This ordinance shall be effective after its passage and publication in the official City newspaper.

Passed by the City Commission of the City of Fort Scott, Kansas, this 21<sup>st</sup> day of JANUARY, 2025.

**THE CITY OF FORT SCOTT, KANSAS**

By:

  
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Tim Van Hoecke, Mayor

