

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO.100950

Amending Chapter 2, Code of Ordinances, Division 2, Code of Ethics, by enacting a new Section 2-1025, entitled “City Communications – Prohibitions Related to City Elections”.

WHEREAS, Section 115.646, RSMo, prohibits the expenditure of public funds by any officer, employee or agent of the City to advocate, support, or oppose any candidate for public office; and

WHEREAS, Section 2-1011, Code of Ordinances, states that included among the purposes of the City’s Code of Ethics are the following: “. . . that public office not be used for personal gain; and that the public have confidence in the integrity of its government;” and

WHEREAS, Section 2-1012, Code of Ordinances, states that “[P]ublic officials . . . are agents of public purpose and hold office for the benefit of the public” and that public officials are to “. . . discharge . . . faithfully the duties of their office, regardless of personal considerations, recognizing that the public interest must be of primary concern” and that their conduct must be “above reproach”; and

WHEREAS, Section 2-1014(b), Code of Ordinances, states that: “[N]o official . . . shall request the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official . . . in the conduct of official business”; and

WHEREAS, the Council recognizes that recent citizen satisfaction surveys conducted by the City Auditor have reflected citizen concerns regarding the ethical conduct of elected officials; and

WHEREAS, the Council recognizes that such citizen concerns can impair the City’s ability to attract and retain businesses and residents and to deliver needed public services; and

WHEREAS, the Council recognizes that the City has extensive communications means and funding that typically are available; and

WHEREAS, the Council recognizes that even appearances of impropriety by elected officials, particularly during the period of time preceding an election, erode the public’s trust in their elected officials and the integrity of city government; and

WHEREAS, the Council desires to take actions that will improve and alleviate citizen concerns regarding the ethical conduct of elected officials; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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Section 1. That Chapter 2, Code of Ordinances, Division 2, entitled “Code of Ethics”, is hereby amended by enacting a new Section 2-1025, entitled “City Communications – Prohibitions Related to City Elections”, to read as follows:

Section 2-1025. City Communications – Prohibitions Related to City Elections.

During the period of time beginning with, and including, the ninetieth day immediately prior to the date of the general election for candidates for mayor or councilmember and ending with, the date of the general election, no elected official shall, or cause another person to, use or utilize City employees within the scope and course of their employment, or City funds, equipment, materials or other resources, including, but not limited to, the City’s website, electronic mail and internet systems, duplicating services, ground mail services, postage, telephone systems, equipment, television and recording services and any hardware or software associated with the transmission or storage of electronic media, to do any of the following:

- (1) Prepare, publish or distribute a newsletter bearing the picture or other likeness of the elected official,
- (2) Prepare, publish or distribute a newsletter or other communication on the City’s website bearing the picture or other likeness of the elected official; other than a single photograph accompanied by the name of the elected official and the elected office held on the webpage of the City’s website designated for the Mayor’s Office or the City Council Office,
- (3) Prepare, publish or distribute any advertisement associated with any convention, meeting or event that bears the picture or other likeness of the elected official,
- (4) Prepare, publish or distribute any written, electronic or televised communication for inclusion on a City Manager or City departmental webpage on the City’s website, on a pamphlet, brochure, poster, letter or other writing intended for distribution to the public by, or on behalf of, the City that bears the picture or other likeness of the elected official, or
- (5) Prepare, publish, produce, record, distribute or broadcast any televised communication on the City’s Channel 2 that bears the picture or other likeness of the elected official; other than the live and repeat broadcasts on Channel 2 and the City’s website of City Council legislative, committee and business sessions and any meetings of the City’s boards and commissions.

Approved as to form and legality:

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Galen P. Beaufort
City Attorney