

18728

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March 21, 2018
Heir

Sponsor: Balducci

Proposed No.: 2018-0148

CB → *passed* [sp]

1 **AMENDMENT TO PROPOSED ORDINANCE 2018-0148, VERSION 1**

2 On page 27, on line 612, after "the person's" strike "~~((heirs))~~ beneficiaries" and insert
3 "heirs"

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5 **EFFECT: This amendment would replace the term "beneficiaries" with the term**
6 **"heirs".**

May 7, 2018
Ombuds Investigating Official

Sponsor: Balducci

Proposed No.: 2018-0148

[sp]
CB → Passed

1 **AMENDMENT TO PROPOSED ORDINANCE 2018-0148, VERSION 1**

2 On page 94, after line 2141, insert:

3 "SECTION 95. Ordinance 18618, Section 99, as amended, and K.C.C. 3.42.055
4 are each hereby amended to read as follows:

5 A. The procedures in this section shall apply to any investigating official except
6 the ombuds or the judicial branch. Investigations by the ombuds shall be conducted in
7 accordance with K.C.C. 3.42.057.

8 B. When an appropriate investigating official who is not the ombuds receives a
9 report of improper governmental action, the ((ombuds)) investigating official shall
10 respond to the reporting employee in writing within thirty days of when the report was
11 received with either a final report or a preliminary report, with a copy of the response to
12 the ombuds. If responding with a preliminary report, the official shall include a summary
13 of the status of the investigation and information obtained thus far, and identifying
14 matters for further research or inquiry. If the identity of the reporting employee is not
15 known, the response shall be sent to the ombuds.

16 C. The investigating official shall complete the investigation and issue a final
17 report no later than one year from when the report of improper governmental action was
18 received. If the final report concludes that there was improper governmental action, it

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19 shall include an action plan for addressing the improper governmental action and provide
20 reasonable timelines for completing corrective actions.

21 D. The investigating official shall send a copy of the final report to the reporting
22 employee and the ombuds.

23 E. When conducting an investigation of improper governmental action occurring
24 within the legislative branch, the prosecutor may at any stage, issue subpoenas,
25 administer oaths, examine witnesses, and compel the production of documents or other
26 evidence; refer the matter to the state auditor, law enforcement authorities or other
27 governmental agency; and issue reports; or any combination thereof, each as deemed
28 appropriate.

29 F. If the investigating official determines that that the employee reporting
30 improper governmental action has been retaliated against or is at great risk of retaliation,
31 the investigating official may seek temporary preventive action, including but not limited
32 to the transfer of the reporting employee to another department at the request of the
33 reporting employee or authorizing leave with pay for the reporting employee. If the
34 investigating official deems it necessary, the investigating official's recommendation may
35 be made to the executive. Such a temporary preventative action may continue until the
36 conclusion of any investigation and a permanent resolution of the matter.

37 G. To the extent allowed by law, investigating officials are encouraged to enter
38 into cooperative agreements or arrangements for receiving and processing complaints
39 with other agencies or entities that are investigating related complaints, so that
40 duplication of functions shall be minimized and multiple redundant investigations
41 avoided."

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43 **EFFECT:** This amendment would correct an error made by Ordinance 18618 in
44 **K.C.C. 3.42.057** and indicate the investigating official is the respondent when they
45 **receive a report of improper governmental action.**

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5/7/18

Ombuds Investigating Official

Sponsor: Balducci

[sp]

CB → passed

Proposed No.: 2018-0148

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2018-0148, VERSION 1**

2 On page 5, strike line 99 and insert ", Ordinance 11177, Section 10, and K.C.C. 6.84.080
3 and Ordinance 18618, Section 99, and K.C.C. 3.42.055"

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5 **EFFECT: This amendment would amend the title to conform to the changes made**
6 **by Amendment 2.**