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COMMONWEALTH OF KENTUCKY
MEADE COUNTY FISCAL COURT
ORDINANCE NO. 2011 - 06

2011 JUL 27 AM 8:08

KATERINA FITZGERALD
MEADE COUNTY CLERK
BY: _____ D.C.

AN ORDINANCE AMENDING ORDINANCE NOS. 2008-06 & 2005-12 RELATING TO THE ESTABLISHMENT OF A CODE OF ETHICS FOR COUNTY OFFICIALS AND EMPLOYEES IN MEADE COUNTY, KENTUCKY SET FORTH IN KRS 65.003(1)

WHEREAS, the Meade County Fiscal Court has determined it to be the best interest of MEADE COUNTY, KENTUCKY to amend Ordinance Nos. 2008-06 & 2005-12, AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A CODE OF ETHICS FOR COUNTY OFFICIALS AND EMPLOYEES IN MEADE COUNTY, KENTUCKY SET FORTH IN KRS 65.003(1);

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF MEADE, COMMONWEALTH OF KENTUCKY as follows:
Ordinance 2008-06 & 2005-12 is amended to read as follows, with additions being indicated by underline " _____ " and deletions being indicated by strike through "- - - - -":

WHEREAS, the Meade County Fiscal Court has the authority pursuant to KRS Chapter 65, to enact an ordinance establishing a code of ethics to guide the conduct of elected and appointed officers and employees of Meade County, including members of the Fiscal Court, the County Attorney, Court Clerk, Jailer, Coroner, Surveyor, Constable and the Sheriff, and other subdivisions of local government within the geographical boundaries of Meade County, Kentucky; and,

WHEREAS, public office and employment are a public trust and government has a duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties; and,

WHEREAS, it is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct for local government officers and employees shall be clear, consistent, and uniform in their application, and to provide local officers and employees with

advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

DEFINITIONS

- A. "Business associate" includes the following:
 - 1. a private employer;
 - 2. a general or limited partnership, or a general or limited partner within the partnership;
 - 3. a corporation that is family-owned or in which all shares of stock are closely-held, and the shareholders, owners, and officers of such a corporation;
 - 4. a corporation, business association, or other business entity in which the county or city government officer or employee serves as a compensated agent or representative.

- B. "Business organization" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit;

- C. "Candidate" means any individual who seeks nomination or election to a position as a county government officer or city government officer. An individual is a candidate when the individual:
 - 1. files a notification and declaration for nomination for office with a county clerk or the Secretary of State; or
 - 2. is nominated for office by a political party under KRS 188.105, 118.115, 118.325, or 118.760.

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- D. "City government agency" means any board, commission, authority, non-stock corporation or other entity formed by the city government or a combination of local governments.
- E. "City government employee" means any person, whether compensated or not, whether full-time or part-time, employed by or serving the city government or city government agency who is not a city government officer, but shall not mean any employees of a school district or school board.
- F. "City government officer" means the Mayor, member of a city council, and employees of the city police whether compensated or not, whether full-time or part-time.
- G. "County government agency" means any board, commission, authority, non-stock corporation, or other entity formed by the county government or a combination of local governments.
- H. "County government employee" means any person, whether compensated or not, whether full-time or part-time, employed by or serving the county government or county government agency who is not a county government officer, but shall not mean any employees of a school district or school board.
- I. "County government officer" means the Meade County Judge/Executive, members of the Meade County Fiscal Court, the Meade Court Clerk, the Meade County Attorney, the Meade County Sheriff, the Meade County Jailer, the Meade County Coroner, the Meade County Surveyor, and all Meade County Constables but does not include members of any school district or school board, whether compensated or not, whether full-time or part-time.

- J. "Member of immediate family" means a spouse, ~~an unemancipated child or~~ step-child residing in an individual's household, a parent or step-parent, a sibling, in-laws related to the same degree as those relatives enumerated above, or a person claimed by the individual or individual's spouse as a dependent for tax purposes.
- K. "Rule of necessity" means the county or local government, agency or district may make or enter into a contract in which an officer or employee or members of his immediate family or a business associate has an economic interest if (a) the nature of the transaction and the nature of the interest is publicly disclosed on the record prior to the time it is engaged in, and (b) a specific finding is made by the county government, agency, or district or city government, agency or district and entered on the official record of the proceedings of the government body that, notwithstanding the conflict, it is in the best interests of the local government because of limited supply, price, or documented emergency.

STANDARDS OF CONDUCT

- A. No county or local government officer or employees or members of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.
- B. No county or local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

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- C. No county or local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.
- D. No county or local government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties.
- E. No county or local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office as government by the Kentucky Revised Statutes.
- F. No county or local government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearance, ceremonies or fact-finding trips related to official county government business.

- G. No county or local government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.
- H. No county or local government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated except under the "rule of necessity".
- I. No county or local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves.
- J. No county or local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.
- K. No elected county or local government officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefore; and

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- L. Nothing shall prohibit any county or local government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

I. FINANCIAL DISCLOSURE

- A. The following individuals shall be required to file a financial disclosure statement:
1. Elected officers;
 2. Candidates for county or local government officer;
 3. Officers and employees with procurement authority exceeding TEN THOUSAND (\$10,000.00) DOLLARS per purchase.
- B. The financial disclosure statement should include the following information:
1. Name of filer;
 2. Current business address, business telephone number and home address of filer;
 3. Title of filer's public office or office sought;
 4. Occupation of filer;
 5. Positions held by the filer in any business organization or non-profit entity from which the filer received compensation in excess of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS during the proceeding calendar year, and the name, address, and telephone number of the business organization or non-profit entity;
 6. Name, address, and telephone number of each source of income from within the Commonwealth of Kentucky of the filer which exceeded

TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS during the proceeding calendar year;

7. Name, address and telephone number of each business organization located within the Commonwealth in which the filer had an interest, (including partnership, stock, bond, indebtedness, or other financial interest) of TWENTY- FIVE THOUSAND (\$25,000.00) DOLLARS or more at fair market value during the proceeding calendar year. The filer must disclose such interests based on the value of the business organization, regardless of the income or profitability of the business organization.

8. The location and type (commercial, residential, agricultural) of all real property within the county, other than the filer's primary residence, in which the filer had an interest of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS or more during the proceeding calendar year;

C. The financial disclosure statement shall be on a form provided by the local ethics commission. The financial disclosure statement shall be filed annually by officers and employees no later than February 1. Candidates shall be required to file the statement no later than twenty-one (21) days after the filing date or the date of nomination. Newly-appointed officers and employees should be required to file their initial statement no later than twenty-one (21) days after the date of appointment.

D. The financial disclosure statement shall be filed with the local ethics commission by all filers who are subject to the jurisdiction of the Commission. Failure to do

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so may result in a fine not exceeding FIVE HUNDRED (\$500.00) DOLLARS for failure to file by February 1, and a fine not exceeding ONE HUNDRED (\$100.00) DOLLARS for each subsequent failure to file by the first of each month thereafter.

II. NEPOTISM

No county or local government officer ~~or county or local government employee~~ shall act in his/her official capacity to hire or cause to be hired any member of his/her immediate family ~~at an hourly pay rate or with benefits in excess of any other employee with similar job duties, responsibilities and qualification requirements.~~

III. COUNTY ETHICS COMMISSION

A. The county ethics commission shall consist of seven (7) citizen members. The commission shall select one member as chairperson. The members shall be appointed by the County Judge/Executive with approval of fiscal court.

Membership on the county ethics commission shall follow the following protocol: one member shall come from each magisterial district and one at large member shall be nominated by the Judge Executive. In the event a vacancy occurs, the magistrate from the district where the vacancy exists shall recommend a selection to the Judge-Executive for nomination.

Members shall receive no compensation but may be reimbursed all necessary expenses. The terms of members shall be for four (4) years and shall be staggered with one member appointed initially for four (4) years, one member for three (3) years, and one member for two (2) years and thereafter all appointments shall be for four (4) years.

- B. The county ethics commission shall have the following powers:
 - 1. To initiate, receive, hear, and review complaints and hold hearings regarding possible violations of the county ethics code;
 - 2. To forward to appropriate agencies of state and local government information concerning violations which may be used in criminal or other proceedings;
 - 3. To render advisory opinions to county or local officers and employees regarding whether a given set of facts and circumstances constitutes a violation of any provisions of the county code of ethics;
 - 4. To enforce the provisions of the local code of ethics with regard to local government officers and employees and to impose penalties for violations as authorized; and
 - 5. To adopt rules and regulations necessary to implement the local ethics code.

- C. Records of the ethics commission will be maintained in compliance with the standards established by the ~~Archives and Records Commission~~ Kentucky Department for Libraries and Archives.

- D. Decisions of the county ethics commission regarding violations shall be appealable to the circuit court.

- E. Fiscal Court shall honor reasonable and necessary requests by the Commission to Fiscal Court, for legal counsel.

- F. Whenever a complaint is initiated against a person subject to this ordinance, the ethics commission shall ensure that the basic tenants of due process of law are guaranteed to the person that is the subject of a complaint. All persons in which a

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complaint has been filed against shall be entitled to written notice of the allegations against them, the right to an evidentiary hearing before the ethics commission, the right to confront their accusers, the right to present evidence on their behalf, the right to cross-examine the accuser and its witnesses, the right to have all of the evidence weighed, the right to written findings of fact based upon an evaluation of the evidence and conclusions supported by substantial evidence, and the right to be informed of appeals procedures available to them including, but not limited to, the appeals provisions set forth in KRS 23A.010(4). To further these means, the ethics commission shall promulgate written regulations and procedures to ensure that all persons subject to an ethics complaint are guaranteed the basic tenants of due process of law as required by Section 2 of the Kentucky Constitution.

IV. INCLUSION

Other subdivisions of local government may be included under this ordinance, and subject thereto, by resolution of its respective governing body and by approval of the Meade County Fiscal Court.

V. SEVERABILITY

In the event one or more of the provisions of this ordinance should be subsequently ruled invalid by a court of competent jurisdiction of the Commonwealth, all remaining provisions shall remain in full force and effect.

VI. PENALTIES

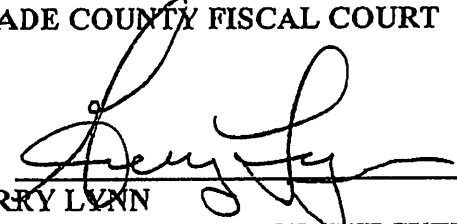
Except when another penalty is specifically set forth in this ordinance, any officer or employee of the county or any county agency who is found by the Board of Ethics to have violated any provision of this ordinance shall be deemed guilty of a civil offense

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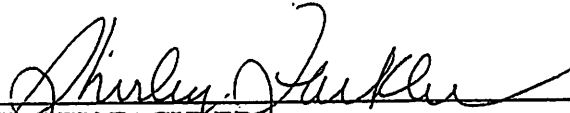
and may be subject to a civil fine imposed by the Board of Ethics not to exceed ONE THOUSAND (\$1,000.00) DOLLARS, which may be recovered by the county in a civil action in the nature of a debt if the offender fails to pay the penalty within a prescribed period of time.

This ordinance having been read for the first time in open session of the Meade County Fiscal Court on, 5-10-11; Published in the Meade County Messenger on Wednesday, _____; will be given final reading on 6-7-11; said ordinance shall be in full force and effect upon signature, recordation and publication.


MEADE COUNTY FISCAL COURT

BY: 
GERRY LYNN
MEADE COUNTY JUDGE-EXECUTIVE

ATTEST TO:


SHIRLEY FACKLER
MEADE COUNTY FISCAL COURT CLERK

APPROVED BY:


JESSICA BROWN ROBERTS
MEADE COUNTY ATTORNEY