

AN ORDINANCE ESTABLISHING A
CODE OF ETHICS FOR
COUNTY GOVERNMENT IN
HENRY COUNTY, KENTUCKY

WHEREAS, the Henry County Fiscal Court has the authority and responsibility pursuant to KRS Chapter 65, to enact an ordinance establishing a code of ethics to guide the conduct of members of county government, and

WHEREAS, it is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct 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,

NOW THEREFORE, Be it ordained by the Fiscal Court, County of Henry, Commonwealth of Kentucky as follows:

SECTION I
DEFINITIONS

1. "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.
2. "Candidate" means any individual who seeks nomination or election to a county government office. An individual is a candidate when the individual:
 - a. files a notification and declaration for nomination for office with a county clerk or the Secretary of State; or

b. is nominated for office by a political party under KRS 118.105, 118.115, 118.325, or 118.760.

3. "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.

4. "County government officer" means any person, whether compensated or not, whether full-time or part-time, who is elected to any county government office; or any person who serves as a member of the governing body of any county government agency or special taxing or non-taxing district who receives a salary, and includes the County Treasurer.

5. "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.

6. "Member of immediate family" means a spouse, an unemancipated child residing in an individual's household, or a person claimed by the individual or individual's spouse as a dependent for tax purposes.

SECTION II STANDARDS OF CONDUCT

A. No county government officer or employee or member 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 government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

C. No county 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 judgement.

D. No county government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgement in the exercise of his official duties.

E. No county 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 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, appearances, ceremonies or fact-finding trips related to official county government business.

G. No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.

H. No county 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.

I. No county 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 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 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.

L. Nothing shall prohibit any county 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.

M. Any gift, award, provision of travel and expenses or any benefit conferred upon any county government officer as a result of his government office of a value of \$100.00 or more shall be reported upon the annual disclosure required to be filed herein.

N. Nothing in these provisions shall prohibit an elected officer from voting on matters affecting his or her compensation, expense, benefits and allowances, as provided by law.

O. Any county government officer or member of the officer's immediate family who has a private interest in any matter pending before fiscal court shall disclose such private interest on the records of the court and shall disqualify themselves from participating in any decision or

vote relating thereto.

SECTION III
FINANCIAL DISCLOSURE

A. The following individuals shall be required to file a financial disclosure statement:

1. elected officials;
2. candidates for elected office;
3. appointed members of any county government agency that receive a salary; and
4. the County Treasurer.

B. The financial disclosure statement shall include the following information:

1. name of filer;
2. current business address, business telephone number and home address of filer;
3. title of public office held or sought or of agency served;
4. occupation of filer and members of the immediate family of the filer;
5. positions held by filer and any member of filer's immediate family in any business organization or non-profit entity from which the filer or any member of the filer's immediate family received compensation in excess of \$5,000.00 during the preceding 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 of the filer and members of the filer's immediate family which exceeded \$5,000.00 during the preceding calendar year.
7. Name, address, and telephone number of each business organization in which the filer or any member of the filer's immediate family had an interest of \$10,000.00 at fair market value or 5% ownership interest or more during the preceding calendar year.
8. The location and type (commercial, residential, agricultural) of all real property within the County, other than filer's primary residence, in which the filer or members of filer's immediate family had an interest of \$10,000.00 or more during the preceding calendar year.
9. Any gift, award, provision of travel and expenses or any benefit conferred of a value of \$100.00 or more.

C. The financial disclosure statement shall be in a form provided by the local ethics commission. The financial disclosure statement shall be filed with the Ethics Commission annually by elected officers and appointed members of any County Government Agency that receive a salary no later than March 1, beginning March 1, 1995. Candidates shall be required to file the statement no later than thirty (30) days after having filed for or been nominated for office. Newly appointed officers or members shall be required to file their initial statement no later than thirty (30) days after the date of appointment.

D. Each statement shall be signed and dated by the individual filing the statement of financial interest. Signing a fraudulent statement shall be a Class "A" Misdemeanor.

E. If any statement is failed to be filed after ten (10) days written notice by the local ethics commission that the statement is past due, all pay and benefits shall be withheld until the non-complying elected officer or appointed member of any government agency becomes in compliance. Candidates or nominees who fail to file after the above notice shall be subject to a twenty-five dollar (\$25.00) per pay civil penalty until they come in compliance.

F. No specific dollar amounts are required to be filed with the disclosures required but only sources when the required thresholds are met.

G. It shall not be required that any self-employed

business person disclose individual clients or customers nor that any attorney disclose any individual client.

SECTION IV NEPOTISM

After the effective date of this ordinance, a spouse, child, stepchild, parent, sibling, grandparent, grandchild, or in-law (father-in-law, mother-in-law, daughter-in-law, or son-in-law) of a county officer shall not be initially employed or appointed to any paid position in any county governmental office or agency in the same county in which the officer serves. This provision shall not apply to a public officer's family members set forth above who, on the

date of the officer's election or appointment, has been employed for at least six (6) months in the same county in which the officer serves.

This provision does not apply to any person employed or appointed to any paid position in any county governmental office or agency prior to the effective date of this ordinance.

SECTION V
COUNTY ETHICS COMMISSION

1. A Henry County Ethics Commission is hereby created which shall have the power to enforce all provisions of the Code of Ethics adopted herein.
2. The commission shall be composed of three (3) members appointed by the County Judge Executive with the approval of the Fiscal Court. All members shall be citizen members and shall receive no compensation. Terms of the members shall be initially staggered and no longer than four (4) years. Members may be removed by the Henry County Judge Executive subject to Fiscal Court approval for misconduct, inability or willful neglect of duties.
3. The Board shall elect a chairperson and adopt bylaws dealing with meetings and operation of the Board.
4. The Board of Ethics shall have the following powers and duties:
 - a) To initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to alleged violations

of the provisions of this ordinance.

b) To issue orders in connection with its investigations and hearings requiring persons to submit in writing and under oath reports and answers to questions that are relevant to the proceedings and to order testimony to be taken by deposition before any individual designated by the Board who has the power to administer oaths.

c) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board.

d) To refer any information concerning violations of this ordinance to the executive authority of the county, the fiscal court, the governing body of any county government agency, the county attorney, or other appropriate person or body, as necessary.

e) To render advisory opinions to county and county government agency officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this ordinance.

f) To enforce the provisions of this ordinance with regard to all officers and employees of the county who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this ordinance.

g) To control and maintain all statements of financial interests that are required to be filed by this ordinance and to insure that the statements are available for public inspection in accordance with the requirements of this ordinance and the Kentucky Open Records Act.

h) To develop and submit any reports regarding the conduct of its business that may be required by the executive authority or legislative body of the county.

i) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this ordinance, provided that the rules, regulations, and actions are not in conflict with the provisions of this ordinance or any state or federal law.

5. Decisions of the County Ethics Commission regarding violations shall be appealable to the Circuit Court.

SECTION VI

PENALTIES

A. 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 and may be subject to a civil fine imposed by the Board of Ethics not to exceed five hundred dollars (\$500.00), which may be recovered by the county in a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.

B. In addition to all other penalties which may be imposed under 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 forfeit to the county or the county agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the county in a civil action in the nature of debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

C. In addition to all other penalties which may be imposed under this ordinance, a finding by the Board of Ethics that an officer or employee of the county or any

county agency is guilty of a violation of this ordinance shall be sufficient cause for removal, suspension, demotion, or other disciplinary action by the executive authority of the county or county agency, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this ordinance shall be taken in accordance with all applicable ordinances and regulations of the county and all applicable laws of the Commonwealth.

SECTION VII
SEVERABILITY

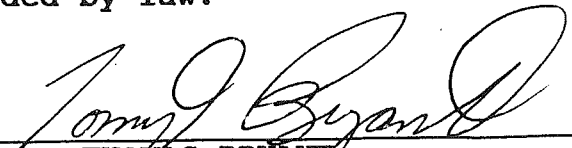
If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provision of this ordinance shall continue in full force and effect.

SECTION VIII
CONFLICTING ORDINANCES REPEALED

All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.


Upon Motion of Magistrate Allgeier,
seconded by Magistrate Brown, passed
and approved at second reading by a vote of 6 Yes,
and 0 No by the Fiscal Court of Henry County,

Kentucky, this 6th day of December, 1994 and
ordered published as provided by law.



HON. THOMAS BRYANT
HENRY COUNTY JUDGE EXECUTIVE

ATTEST:



RHONDA CARPENTER, CLERK