

PENDLETON COUNTY
CODE OF ETHICS

250.1

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A CODE OF ETHICS FOR ELECTED COUNTY OFFICIALS, COUNTY EMPLOYEES AND CANDIDATES FOR PUBLIC OFFICE IN PENDLETON COUNTY.

WHEREAS, the Pendleton County Fiscal Court has the authority pursuant to KRS 65, to enact an ordinance establishing a code of ethics to guide the conduct of elected and appointed officers and employees of Pendleton County, including candidates for elected office, 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.

I. 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 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 an legal entity through which business is conducted for profit;

C. "Candidate" means any individual who seeks nomination or election to a county government office. 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 118.105, 118.115, 118.325, or 118.760.
- D. "County Government agency" means any board, commission or authority, nonstock corporation, or other entity formed by the county government or a combination of local governments.
- E. "County Government employee" means any person compensated 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.
- F. "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 nontaxing district, but shall not mean any officer of a school district or school board.
- G. "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.

II. STANDARDS OF CONDUCT

- A. No county 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 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 or judgement.
- D. No county government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his independence of judgement in exercise of his official duties.
- E. No county government officer or employees, member of his immediate family, or business organization in which he or she has an interest, shall solicit or accept any gift having a fair market value of more than one hundred dollars (\$100), whether in form of money, 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, appearance, ceremonies or factfinding 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, and members of his immediate family, or any business organization with which he is associated except under the "rule of necessity";
- 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; and
- 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.

III. FINANCIAL DISCLOSURE

- A. The following individuals shall be required to file a financial disclosure statement:
1. Elected officers;
 2. Candidates for elected office;
 3. Management personnel such as chief deputies, department heads;

4. Officers and employees with procurement authority exceeding five hundred dollars (\$500) per purchase;
 5. Members of boards and commissions which set tax rates, have procurement authority, or vote to adopt budget.
- 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. occupations of filer and spouse;
 5. positions held by the filer and any member of the 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 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 from within the Commonwealth of Kentucky of both the filer and spouse which exceeded \$5,000 during the preceding calendar year;
 7. name, address, and telephone number of each business organization located within the Commonwealth in which the filer or any member of the filer's immediate family had an interest of ten thousand dollars (\$10,000) at fair market value or five percent (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 the filer's primary residence, in which the filer or any members of the filer's immediate family had an interest of ten thousand dollars (\$10,000) or more during the preceding calendar year;
- C. The financial disclosure statement shall be on form provided by the Board of Ethics, or the administrative official designated by the Board of Ethics. The Board, or the designated administrative official shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than March 1 of each year. The failure of the Board, or the designated administrative official, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement. The financial disclosure statement shall be filed annually by officers and employees no later than 5:00 p.m. on April 30 each year. Candidates shall be required to file the statement no later than thirty (30) days after the deadline for filing as a candidate, or being nominated as a candidate, for elected office. Newly appointed officers and employees should be required to file their initial statement no later than thirty (30) days after the date of appointment.

- D. The Board of Ethics may grant a reasonable extension of time for filing a statement of financial interest for good cause shown.
- E. In the event there is a material change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with Board.
- F. The Board of Ethics, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interest who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.
- G. The financial disclosure statement should be filed with the Board of Ethics by all filers who are subject to the jurisdiction of the Board. Failure to file, or refusal to remedy a deficiency in the filing indentified in the notice under subsection (F) within the time period established in the notice, will result in the filer being guilty of a civil offense and being fined an amount not to exceed twenty five dollars (\$25) per day up to a maximum total fine of five hundred dollars (\$500). Any civil fine imposed by the Board under this section may be recovered by the county in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.
- H. Any person who intentionally files a statement of financial interests which he or she knows to contain false information, or intentionally omits required information shall be guilty of a Class A misdemeanor.

IV. NEPOTISM

After the effective date of this ordinance, a member of the immediate family of a county officer shall not be initially employed or appointed to a position in a governmental agency in the same county in which the officer serves. This provision shall not apply to a public officer's immediate family 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.

V. ENFORCEMENT

Attached hereto and incorporated herein by reference is in Interlocal Cooperation Agreement authorized by K.R.S. 65.210 et, seq, which the Judge Executive of Pendleton County Fiscal Court is hereby authorized and directed to sign on behalf of the County. The provisions of this ordinance shall be enforced by the Northern Kentucky Regional Ethics Authority and the Northern Kentucky Ethics Enforcement Committee according to the provisions thereof.

VI. REPRISAL AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED

- A. No officer or employee of the County or any County shall subject to reprisal, or directly or indirectly use, or threaten to sue, any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Northern Kentucky Ethics Enforcement Committee or any other agency or official of the County of the Commonwealth any facts or information relative to an actual or suspected violation of this ordinance.
- B. This section shall not be construed as prohibiting disciplinary or punitive action of an officer or employee of the County or any County agency discloses information which he or she knows to be false or which he or she discloses with reckless disregard for its truth or falsity.

VII. SEVERABILITY

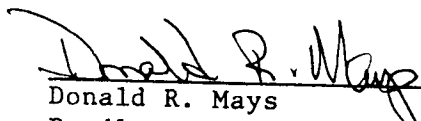
if any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provision of this ordinance shall continue in full force and effect.

VIII. CONFLICTING ORDINANCES REPEALED

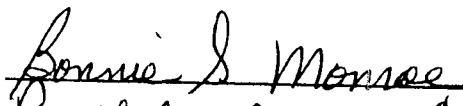
All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict.

INTRODUCED AND GIVEN FIRST READING at a duly convened meeting of the Fiscal Court, Pendleton County, Kentucky, held on November 12th, 1998.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court, Pendleton County, Kentucky, held on December 15th, 1998, and of record in Fiscal Court Order Book #12, page _____.


Donald R. Mays
Pendleton County Judge/Executive

ATTEST:


Pendleton County Clerk