

**HART COUNTY
CODE OF ETHICS ORDINANCE
KOC 210.2**

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

WHEREAS, the Hart 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 officials and employees; 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 officials 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 officials and employees shall be clear, consistent, and uniform in their application, and to provide local officials 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 OF HART COUNTY, COMMONWEALTH OF KENTUCKY, THAT

The attached Code of Ethics be hereby adopted for use by all divisions of County Government.

It is further ordered that the Code be in full force and effect from the date of its adoption and upon publication according to law.

I. DEFINITIONS

- A. "Business" 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.
- B. "Candidate" means any individual who seeks nomination or election to a county government office. A person is a candidate when the individual:
1. files a notification and declaration for nomination for office with the 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.
- C. "County" refers to the county of Hart, Kentucky.
- D. "County government official" shall include the following: Judge/Executive, Magistrates, County Attorney, Sheriff, County Clerk, Jailer, Coroner, Constables, Treasurer, Finance Officer, Fiscal Court Clerk, Occupational License Fee Administrator, Road Supervisor and Solid Waste Coordinator.
- E. "County government employee" means any person employed by any county government official.
- F. "Family member" means a spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.
- G. "Immediate family member" means spouse and children living in the household, and anyone claimed as a dependent for tax purposes by individual or spouse.

II. STANDARDS OF CONDUCT

A. Conflicts of Interest in General.

Every county government official and employee of the county shall comply with the following standards of conduct:

1. No official or employee, or any immediate family member of any official or employee shall have interest in a business, transaction, or activity, which is in substantial conflict with the proper discharge of the official's or employee's public duties.
2. No official or employee shall intentionally use or attempt to use his or her official position with the county to secure unwarranted privileges or advantages for himself or herself or others.
3. No official or employee shall intentionally take or refrain from taking any discretionary action, or induce or attempt to induce any other official or employee to take or refrain from taking any discretionary action, on any matter before the county in order to obtain a financial benefit for the official or employee, an immediate family member, and outside employer, any business in which the official or employee or any immediate family member is negotiating or seeking prospective employment or other business or professional relationship.

B. Conflicts of Interest in Contracts.

1. No official or employee of the county shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the county.

C. Receipt of Gifts.

1. No county government official or employee, member of his or her immediate family, or business in which he or she has an interest shall directly or indirectly through any other person or business, solicit or accept any gift having a fair market value of more than one hundred dollars (\$100), whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the official or employee in the performance of his or her public 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 governed by the Kentucky Revised Statutes.

2. No official 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.
3. No county government official shall be prohibited from accepting a gratuity for solemnizing a marriage.

D. Use of County Property, Equipment and Personnel.

1. No official or employee of the county shall use or permit the use of any county time, funds, personnel, equipment, or other personal or real property for the private use of any person, unless:
 - a. The use is specifically authorized by a stated county policy.
 - b. The use is available to the general public, and then only to the extent and upon the terms that such use is available to the general public.

E. Representation of Interests Before County Government.

1. No official or employee of the county shall represent any person or business, other than the county, in connection with any cause, proceeding, application or other matter pending before the county.
2. No official shall be prohibited by this section from making any inquiry for information on behalf of a constituent, if no compensation, reward or other thing of value is promised to, given to, or accepted by the official whether directly or indirectly, in return for the inquiry.

F. Misuse of Confidential Information.

No official or employee of the county shall intentionally use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use of disclosure is to further his or her personal financial interest or that of another person or business. Information shall be deemed confidential, if it is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.

III. FINANCIAL DISCLOSURE

A. Who Must File.

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

1. Elected officials;
2. Candidates for elected office;
3. Officials and employees with procurement authority exceeding five hundred dollars (\$500) per purchase.

B. When to File Statements, Amended Statements.

1. Pursuant to the Memorandum of Agreement between the county and the Barren River Area Development District, the initial statements of financial interests required by this section shall be filed with the Barren River Regional Board of Ethics, c/o Barren River Area Development District Records Administrator no later than 3:00 p.m. March 1, 1995. All subsequent statements of financial interest shall be filed no later than 3:00 p.m. on March 1 each year, provided that:
 - a. An official or employee newly required to fill an office or position with the county shall file his or her initial statement no later that thirty (30) days after the appointment.
 - b. A candidate for county office shall file his or her initial statement no later that thirty (30) days after the date on which the person becomes a candidate for elected county office.
2. The Barren River Regional Board of Ethics may grant a reasonable extension of time for filing a statement of financial interests for good cause shown.
3. In the event there is a material change as defined in the ordinance, in any information in a financial statement that has been filed with the Board, the official or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with the Board.

C. Form of Statement of Financial Interests.

The statement of financial interests shall be on a form prescribed by the Barren River Regional Board of Ethics. The Board shall deliver to the county a copy of the form for each official and employee required to file the statement, no later than February 15 of each year. The failure to deliver the form shall not relieve the official or employee of the obligation to file the statement.

D. Control and Maintenance of the Statement.

1. The Barren River Regional Board of Ethics shall be the "official custodian" of the statements of financial interests. The statements of financial interest shall be maintained by the Board, or the Records Administrator designed by the Board as "custodian" of public documents, available for public inspection immediately upon filing.
2. A statement of financial interests shall be retained by the Board or the "custodian", for a period that is consistent with the Kentucky Revised Statutes and in compliance with standards established by the Archives and Records Commission.

E. Contents of the Financial Interests Statement.

1. The statement of financial interests shall include the following information:
 - a. The name, current business address, business telephone number and home address of the filer.
 - b. The title of the filer's office, office sought, or position of employment.
 - c. The occupation of the filer and the filer's spouse.
 - d. Information that identifies each source of income of the filer and the filer's immediate family members exceeding five thousand dollars (\$5,000) during the preceding calendar year, and the nature of the income (e.g., salary, commission, dividends, retirement fund distribution, etc.).
 - e. The name and address of any business located within the state in which the filer or any member of the filer's immediate family had at any time during the preceding year at interest of ten thousand dollars (\$10,000) at fair market value of five percent (5%) ownership interest or more.
 - f. The location of all commercial property and real estate (other than the filer's primary residence) in which the filer or any member of the filer's immediate family had an interest of ten thousand dollars (\$10,000) or more during the past year.
2. Nothing in this section shall be construed to require any official or employee to disclose any specific dollar amounts or the names of individual clients or customers of business as sources of income.

F. Noncompliance With Filing Requirement.

1. The Barren River Board of Ethics, or the Records Administrator, shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than 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.
2. Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under subsection (1) within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed twenty-five dollars (\$25) per day, up to a maximum total civil fine of five hundred dollars (\$500). Any civil fine imposed by the Board under this section may be recovered by the Board in civil action in the nature of a debt if the offender fails or refuses to pay the penalty within a prescribed time.
3. 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**

A. Nepotism Prohibited.

1. No official or employee of the county shall advocate, recommend or cause the employment, appointment, promotion or advancement of a family member to an office or position of employment with the county.
2. The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to January 1, 1995.

V. **ENFORCEMENT**

A. Board of Ethics.

1. Pursuant to the Memorandum of Agreement setting forth the Barren River Regional Board of Ethics, all authority for the establishment of procedures for information and maintenance of the Barren River Board of Ethics appropriate thereto are hereby delegated provided;
 - a. the Board shall comply with all terms and conditions as set forth in the Act establishing a Code of Ethics

- for counties,
- b. that any hearings or related procedures shall comply with the Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence,
 - c. that any regulations adopted by the Board of governing shall be consistent with the Kentucky Open Records Law and,
 - d. that the county shall bear its proportionate share of any costs for investigations, hearings, preparation of findings, and the issuance of any advisory opinions by the Board.
 - e. That no member of the Regional Board of Ethics shall hold a position in any local government or be subject to the terms of this ordinance.

B. Reprisal Against Persons Disclosing Violations Prohibited.

1. No official or employee of the county shall subject to reprisal, or directly or indirectly use, or threaten to use, 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 Barren River Regional Board of Ethics, or any other agency or official of the county or the Commonwealth any facts or information relative to an actual or suspected violation of this ordinance.
2. This section shall not be construed as prohibiting disciplinary or punitive action if an official or employee of the county discloses information which he or she knows:
 - a. To be false or which he or she discloses with reckless disregard for its truth or falsity.
 - b. To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884.
 - c. Is confidential under any other provision of law.

C. Penalties.

1. Except when another penalty is specifically set forth in this ordinance, any official or employee of the county who is found by the Barren River 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 one thousand dollars (\$1,000), which may be recovered by the county in a civil action if the nature of debt of the offender fails to pay the penalty within a prescribed period of time.
2. In addition to all other penalties which may be imposed under the ordinance, any official or employee of the county who is found by the Board of Ethics to have

violated any provision of the ordinance shall forfeit to the county an amount equal to the economic benefit or gain which the official or employee is determined by the Board to have realized as a result of the violation. The amount of the forfeiture may be recovered by the county on 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.

3. In addition to all other penalties which may be imposed under this ordinance, a finding by the Board of Ethics that an official or employee of the county is guilty of a violation of this ordinance shall be sufficient cause of removal, suspension, demotion, or other disciplinary action by the executive authority of the county, or by any other official having the power of removal or discipline any official or employee for a violation of this ordinance and regulations of the county and all applicable laws of the Commonwealth.

VI. SEVERABILITY

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

VII. CONFLICTING ORDINANCES REPEALED

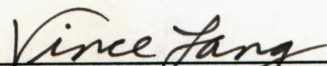
All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

VIII. EFFECTIVE DATE

This ordinance shall take full force and effect immediately upon publication as required by KRS 83A.060.

Given first reading on the 1st day of December, 1994.

Given second reading and duly enacted by the Fiscal Court of Hart County, Kentucky on the 15th day of December, 1994.


HART COUNTY JUDGE EXECUTIVE

ATTEST:


HART COUNTY FISCAL COURT CLERK