

**COMMONWEALTH OF KENTUCKY
BRACKEN FISCAL COURT
ORDINANCE NO. 22-006**

AN ORDINANCE REPEALING BRACKEN COUNTY CODE OF ETHICS PASSED ON DECEMBER 15, 1994 AND AMENDED BY ORDINANCE NO. 07-006 ON FEBRUARY 1, 2007 AND ESTABLISHING A CODE OF ETHICS FOR BRACKEN COUNTY FISCAL COURT

WHEREAS, the Bracken 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 Bracken County, including the County Judge/Executive and members of the Fiscal Court, Sheriff, County Attorney, County Clerk, Jailer, Coroner, Surveyor, Constable; 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.

WHEREAS, The Bracken County Fiscal Court finds it advantageous and necessary to repeal The Bracken County Code of Ethics passed on December 15, 1994 and amended by Ordinance No. 07-006 on February 1, 2007 and to create one ordinance establishing a code of ethics for the Bracken County Fiscal Court.

NOW THEREFORE, pursuant to the authority of KRS Chapter 65, **IT IS HEREBY ORDAINED** by the Fiscal Court of Bracken County, as follows:

BRACKEN COUNTY CODE OF ETHICS

CHAPTER 1: TITLE AND DEFINITIONS

SECTION 1.1 Title

A. This ordinance shall be known and may be cited as the "Bracken County Code of Ethics," and shall be incorporated as Chapter 7, Section 7.03 of the Bracken County Administrative Code.

SECTION 1.2 Definitions

A. “Business Associate” includes the following:

1. A private employer; or
2. a general or limited partnership, or a general or limited partner within the partnership; or
3. a corporation that is family-owned or in which all shares of stock are closely-held, and the shareholders, owners, and officers; or
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 any legal entity through which business is conducted for profit;

C. “Candidate” means an individual who seeks nomination or election to a county government office. An individual is a candidate when the individual:

1. Files 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, authority, non-stock corporation, or other entity formed by the county government or a combination of local governments.

E. “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 employee of a school district or a 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 district.

G. “Family Member” means a spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

CHAPTER 2: STANDARDS OF CONDUCT

SECTION 2.1 Standards

A. The following standards of conduct are applicable to, and shall be followed by, all appointed officers and employees of Bracken County, including the County Judge/Executive and members of the Fiscal Court, Sheriff, County Attorney, County Clerk, Jailer, Coroner, Surveyor and Constable.

1. No county government officer or employee or member of his 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 duties in the public interest.
2. No county government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself;
3. No county government officer or employee shall act in his/her official capacity in any matter where he/she, a family member, or a business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might impair his/her objectivity or independence of judgment.
4. No county government officer or employee shall undertake any employment or service, compensated or not, which might prejudice his/her independence of judgment in the exercise of his/her official duties.
5. No county government officer or employee, or family member thereof, 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 a 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 governed by the Kentucky Revised Statutes.
6. No county government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, or commercially reasonable loans made in the ordinary course of the lender's business. Travel and expenses, entertainment, meals or refreshment expenses incurred in connection with public events, appearance, ceremonies or fact-finding trips, provided that such expenses are related to official county government business, shall be reimbursed to the county officer by the Bracken County Fiscal Court.
7. No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage, provided that said government officer is qualified by statute and appropriately authorized by the County Judge/Executive to perform such ceremony.
8. 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 or his office or

employment, for purpose of securing financial gain for himself, and family member, or any business organization with which he is associated.

9. 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.

10. 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.

11. 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 family, whether directly or indirectly, in return therefore.

12. Nothing shall prohibit any county government officer or employee, or family members, from representing themselves, in negotiations or proceedings concerning hir/her, or their, own interests; and

13. No county government officer or employee, or family member thereof, shall use or permit the use of any county labor, funds, equipment or other personal or real property for the private use of such person.

14. No county government officer or employee shall engage in political activity for any candidate for political office while on County Property, nor shall any employee as a condition of employment or continued employment, shall be required to contribute to a campaign or campaign for any candidate for political office. No employee of the county shall engage in political activity during his/her assigned duty hours or while in uniform.

15. Nothing in this ordinance shall preclude the Bracken County Fiscal Court from contracting with funeral homes in the Bracken County area in order to provide funeral services for indigent individuals or transportation expenses for autopsies or medical evaluations provided at the expense of the Bracken County Fiscal Court, subject to the provisions of KRS 61.210 and 61.220.

CHAPTER 3: NEPOTISM

SECTION 3.1 Provisions

A. No family member (as defined above in Section 1.2(G)) of any county government officer or county government employee shall be appointed or employed, unless it is

demonstrated that such family member possesses or exhibits specific and objectively demonstrated qualifications to hold the position, such as educational degree, certification, other training, or prior job experience.

1. However, in no event shall any county government officer or county government employee hire his/her family member to any position or job of which the county government officer or county government employee shall have hiring authority or supervisory authority over his/her family member.
- B. No family member shall be appointed or employed for a job or position for which he or she is not qualified, and shall be given no advantage over other applicants or employees.
- C. No family member of a county government officer or employee shall be compensated more than others in like job positions.
- D. These provisions shall apply to all County government officers and County government employees, but does not apply to employment or appointments made prior to January 3, 1994.

CHAPTER 4: FINANCIAL DISCLOSURE

SECTION 4.1 Applicability

- A. The Following individuals shall be required to file a financial disclosure statement:
 1. Elected county officers;
 2. candidates for elected county office;
 3. county treasurer and other county government officials or employees with procurement authority or authority to sign checks for the County;
 4. members of the Bracken County Ethics Commission;
 5. members of the Augusta-Brooksville Bracken County Industrial Development Authority;
 6. members of the Augusta Regional Sewer Authority;
- B. The financial disclosure statement shall be filed by January 31 of each year, with said statement covering the preceding calendar year.
- C. 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, the filer's spouse, or filer's unemancipated children in any business organization or nonprofit entity from which the filer or the filer's spouse and unemancipated children 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 nonprofit entity;
6. name, address, and telephone number of each source of income of both the filer, filer's spouse, or filer's unemancipated children which exceeded \$5,000.00 during the preceding year, provided that nothing herein shall require disclosure of income received for services provided to individual clients if such income is aggregately reported under the immediately preceding paragraph hereof;
7. name, address, and telephone number of each business organization in which the filer or the filer's spouse or unemancipated children had an interest of five thousand dollars (\$5,000.00) at fair market value or five percent (5%) ownership interest or more during the preceding calendar year; and
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 a spouse or unemancipated children had an interest of five thousand dollars (\$5,000.00) or more during the preceding 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. Financial Statements shall be filed with the Circuit Clerk of Bracken County and may be reviewed by written request.

CHAPTER 5: COUNTY ETHICS COMMISSION

SECTION 5.1 Members and Terms

A. The County Ethics Commission shall consist of five (5) members. The members shall be nominated and appointed by the County Judge/Executive and/or members of the Bracken County Fiscal Court, with approval by the Fiscal Court. Members shall receive no compensation but may be reimbursed for all necessary expenses.

- B. The terms of the members shall be staggered and no longer than four (4) years.

SECTION 5.2 Power of the Commission

- A. The County Ethics Commission shall have the following powers:

1. To initiate on its own motion, receive, hear, and review complaints and hold hearings regarding possible violations of the County Ethics Code.
2. 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.
3. To refer any information concerning violations of this ordinance to the executive authority of the County, the County legislative body, the governing body of any county agency, the County Attorney, or other appropriate person or body, as necessary.
4. To render an advisory opinion to county officers and employees regarding whether a given set of facts and circumstances constitutes a violation of any provisions of the County Code of Ethics.
5. 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
6. To adopt rules and regulations necessary to implement the ethics code

- C. The County Ethics Commission may seek the advice of the County Attorney, but may retain private counsel upon approval of the Bracken County Fiscal Court at the expense of the Bracken County Fiscal Court should the County Ethics Commission or the County Attorney determine that an actual or perceived conflict of interest may arise.

- D. The County Ethics Commission may impose an administrative fine of not to exceed \$1,000.00 for non-compliance with the provisions hereof. Any person who intentionally violates the provisions hereof shall be subject to criminal prosecution, said offense to be classified as a "Class A" misdemeanor.

- E. Decisions of the County Ethics Committee regarding violations shall be appealable to the Bracken Circuit Court.

CHAPTER 6: SOCIAL MEDIA POLICY

SECTION 6.1 Guidelines

- A. Social media includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else's web log or blog journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associate or affiliated with Bracken County Fiscal Court, as well as any other form of electronic communication.
- B. The following principles and policies apply to employees' activities online:
1. Employees are responsible for what they post online.
 2. Before creating online content, employees should consider the risks and rewards involved.
 3. Employee conduct adversely affecting job performance, the performance of other employees or otherwise adversely affecting the public, or others who work on behalf of or for Bracken County Fiscal Court's legitimate business interests may result in disciplinary action up to and including termination.
- C. Conduct adversely affecting job performance includes harassment, as defined in this code and includes, but is not limited to:
1. Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts relating to race, color, religion, gender, national origin, age or disability.
 2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability.
- D. Employees posting discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct are subject to disciplinary action up to and including termination.
- E. Employees shall treat other employees, the public, suppliers and other fairly and courteously at all times including online postings.
- F. Posting complaints or criticisms of other employees, using statements, photographs, videos, or audios reasonably viewed as malicious obscene, threatening or intimidating, disparaging of other employees, the general public using Bracken County Fiscal Court facilities, or suppliers may constitute harassment and subject the employee to disciplinary action up to and including termination.
- G. Employees shall post only honest and accurate information or news concerning Bracken County Fiscal Court, its employees, policies and business activities.

- H. Employees shall correct any mistaken information concerning Bracken County Fiscal Court employees, policies and business activities in an online posting immediately upon discovery.
- I. Employees shall acknowledge their alteration of any previous posts.
- J. Employees shall not post false information or rumors about Bracken County Fiscal Court employees, members of the public using Bracken County Fiscal Court facilities, Bracken County Fiscal Court policies or business activities.
- K. Employees shall post only appropriate and respectful content.
- L. Employees shall maintain the confidentiality of private or confidential information of other employees.
- M. Employees shall not post internal reports, policies, procedures or other internal business-related confidential communication until and unless permitted by and authorized Bracken County Fiscal Court employee.
- N. Employees shall not create a link from an employee's blog, website or other social networking site to a Bracken County Fiscal Court website.
- O. Employees shall never represent themselves as a spokesperson for Bracken County Fiscal Court.
- P. If Bracken County Fiscal Court is a subject of the content an employee creates, the employee must clearly and openly state that they are an employee and clearly state that the views stated do not represent those of Bracken County Fiscal Court, other employees, suppliers or people working on behalf of Bracken County Fiscal Court. If an employee publishes a blog or posts online content related to the work or subjects associated with Bracken County Fiscal Court, the employee must state clearly that they are not speaking on behalf of Bracken County Fiscal Court. The employee must include a disclaimer such as "the posting on this site are my own and do not necessarily reflect the views of Bracken County Fiscal Court."

SECTION 6.2 Using Social Media at Work

- A. Employees shall refrain from using social media while on worktime or on equipment provided by Bracken County Fiscal Court, unless work-related and authorized by the employee's supervisor, manager or consistent with the policies contained in this code.
- B. Employees shall not use Bracken County Fiscal Court email addresses to register on social networks, blogs or other online tools utilized for personal use.

SECTION 6.3 Retaliation is Prohibited

A. Bracken County Fiscal Court employees shall not take negative action against any other Bracken County Fiscal Court employee for reporting a possible deviation from this policy or for cooperating in an investigation.

B. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

SECTION 6.4 Media Contacts

A. Employees should not speak to the media on Bracken County Fiscal Court's behalf without contacting the County Judge/Executive or designated representative.

CHAPTER 7: EFFECTIVE DATE AND SEVERABILITY

SECTION 7.1 Effective Date

The effective date of the Ordinance shall be January 1, 1995.

CHAPTER 8: SEVERABILITY

If any portion of this Ethics Ordinance is found to be invalid or illegal, it shall not affect the validity of the rest of the Ordinance.

**GIVEN FIRST READING ON THE 23rd DAY OF NOVEMBER, 2022.
SECOND READING AND APPROVAL HELD ON THE 14TH DAY OF DECEMBER, 2022.
EFFECTIVE UPON PUBLICATION IN THE BRACKEN COUNTY NEWS ON THE 22ND DAY OF DECEMBER, 2022.**



TINA K. TEEGARDEN
BRACKEN COUNTY JUDGE/EXECUTIVE

ATTEST:



LOIS GARRISON, CLERK

BRACKEN COUNTY ETHICS COMMISSION

Financial Disclosure Statement (To be filed no later than January 31, of each year, complete through December 31, of the preceding year)

Name: _____

Title of Public Position: _____

Home Address: _____

Business Address: _____

Telephone Number: _____ (home) _____ (business)

Name of Spouse: _____ Occupation: _____

List positions held by the filer, the filer's spouse, or the filer's unemancipated children in any business organization or non-profit entity from which the filer or the filer's spouse or unemancipated children 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:

List the name, address, and telephone number of each source of income from both the filer, the filer's spouse or filer's unemancipated children which exceeded \$5,000.00 during the preceding year, provided that nothing herein shall require disclosure of income received for services provided to individual clients if such income is aggregately reported under the immediately preceding section:

List the names and addresses and telephone numbers of each business organization in which the filer or the filer's spouse or unemancipated children had an interest of \$5,000.00 at fair market value or five percent (5%) ownership interest or more during the preceding calendar year;

List 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 a spouse or unemancipated children had an interest of \$5,000.00 or more during the preceding calendar year:

Signature

Date