

BRACKEN COUNTY CODE OF ETHICS

Ordinance No. 07-006

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A CODE OF ETHICS FOR ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES OR CANDIDATES FOR PUBLIC OFFICE IN BRACKEN COUNTY. AMENDING BRACKEN COUNTY CODE OF ETHICS (Ordinance No. 94-03 and Ordinance No. 07-01)

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.

NOW, THEREFORE BE IT ORDAINED by the Fiscal Court of Bracken County, Kentucky, that:

710.0 TITLE

710.1 This ordinance shall be known and may be cited as the "Bracken County Code of Ethics", and shall be incorporated as under the heading of Nepotism on Page 42 of Chapter 5 700 of the Bracken County Administrative Code.

720.0 Definitions

720.1 "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; 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.

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BRACKEN COUNTY CODE OF ETHICS

Ordinance No. 07-006

720.2 "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;

720.3 "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.

720.4 "County government agency" means any board, commission, authority, Non-stock Corporation, or other entity formed by the county government or a combination of local government.

720.5 "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 employee of a school district or a school board.

720.6 "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.

720.7 "Family Member" means a spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild, step child or step parent.

730.0 Standards of Conduct

The following standard 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.

Add the word
"and" before
the word
"Constable."

730.1 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;

730.2 No county government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or member(s) of their family;

After the word himself, add "or member(s) or their family"

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BRACKEN COUNTY CODE OF ETHICS

Ordinance No. 07-006

730.3 No county government officer or employee shall act in his official capacity in any matter where he, a family member, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might impair his objectivity or independence of judgment;

730.4 No county government officer or employee shall undertake any employment or service, compensated or not, which might prejudice his independence of judgment in the exercise of his official duties;

730.5 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 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 governed by the Kentucky Revised Statutes.

730.6 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.

730.7 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.

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

730.9 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.

730.10 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,

BRACKEN COUNTY CODE OF ETHICS

Ordinance No. 07-006

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.

730.11 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~~ ~~accepted by~~ the officer or a member of his family, whether directly or indirectly, in return ~~therefore~~ thereof.

730.12 Nothing shall prohibit any county government officer or employee, or family members, from representing himself, or themselves, in negotiations or proceedings concerning his, or their own interests; and

730.13 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.

730.14 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.

740.0 NEPOTISM

740.1 No family member (as defined above in 720.7) or 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 or other training, or prior job experience.

However in no event shall any county government officer or county government employee hire his/her family member (as defined above in 720.7), ~~stepchild or stepparent~~ to any position or job of which the county government office or county government employee shall have hiring authority or supervisory authority over his/her family member (as defined above in 720.7). ~~, a stepchild or step parent.~~

740.2 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.

740.3 No family member of a county government officer or employee shall be compensated more than others in like job positions.

740.4 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.

BRACKEN COUNTY CODE OF ETHICS

Ordinance No. 07-006

750.0 Financial Disclosure

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

1. elected county officers;
2. candidates for elected county office;
3. county treasure 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.

750.2 The statement shall be filed by January 31 of each year, said statement covering the preceding calendar year.

750.3 The financial disclosure statement should include the following information:

1. name of filer;
2. current business address, business telephone number, email 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 has an interest of five thousand dollars (\$5,000.00) at fair market value of 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.

Replace the word "of" with the word "or"

Add a comma after the word number and add the word "email" before the word "and"

750.4 The financial disclosure statement shall be on a form provided by the local ethics commission. The financial disclosure statement shall be filed with the ethics commission.

BRACKEN COUNTY CODE OF ETHICS

Ordinance No. 07-006

employees no later than ~~February 1~~ January 31. 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~~ are required to file their initial financial disclosure statement no later than twenty-one (21) days after the date of appointment.

750.5 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.

750.6 Financial Statements shall be filed with the Circuit Clerk of Bracken County and may be reviewed by written request.

760.0 County Ethics Commission

760.1 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. Member shall receive no compensation but may be reimbursed all necessary expenses. The terms of the members shall be staggered and no longer than four (4) years.

760.2 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 requiring person 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 advisory opinions 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.

760.3 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 potential conflict of interest exists.

BRACKEN COUNTY CODE OF ETHICS

Ordinance No. 07-006

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760.4 The County Ethics Commission may impose an administrative fine of not to exceed \$1,000.00 (one thousand dollars) 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.

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

770.0 EFFECTIVE DATE

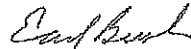
770.1 First Reading Date:
Second Reading Date:

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The effective date of the Ordinance shall be June 21, 20 12 with the publishing of a summary in the Bracken County News.

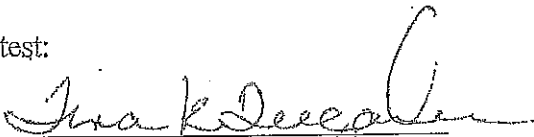
If any portion of this Ethics Ordinance is found to be invalid or illegal, it shall not effect affect the validity of the rest of the ordinance.

Signed on the 12 day of June, 20 12.



Earl Bush
Bracken County Judge Executive

Attest:



Tina Teegarden, Fiscal Court Clerk