

230.1

PULASKI COUNTY
CODE OF ETHICS

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

WHEREAS, the Pulaski 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 Pulaski County, including 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.

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 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 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 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, 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, but shall not mean any employee 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.

G. "Family member" means a spouse, parent, child, brother or sister.

II. STANDARDS OF CONDUCT

A. 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 conflict with the proper discharge of his duties in public interest;

B. No county government officer or employee shall act in his official capacity in any matter where he, a member of his 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;

C. 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 the exercise of his official duties;

D. No county government officer or employee, member of his 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, political 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.

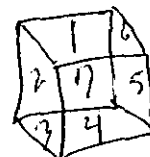
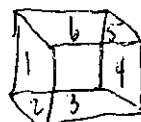
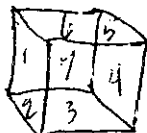
E. No county government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearance, ceremonies.

F. 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 family, or any business organization with which he is associated or anyone else;

G. 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.

H. 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; and,

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



III. SUPERVISORY GUIDELINES ON NEPOTISM

After the effective date of this ordinance no person may have hiring authority and/or direct supervision over any family member. This would imply that the sheriff, county judge/executive, jailer or county court clerk have direct supervision over their employees.

It would further imply that any department head, (i.e., road supervisor, road foreman, animal control officer, occupational tax administrator, maintenance director, director of public safety, administrative officer, personnel officer, et. al.) would have "direct supervision" over any employee in their department.

EXCLUSIONS:

- 1) Any person who is employed at least one (1) year prior to the office holder assuming the duties and responsibilities of his/her office shall not be affected by the nepotism provisions.
- 2) Any person who is employed by any Pulaski County governmental agency and becomes the in-law of any office holder shall not be affected by the nepotism provision. with other offices or agencies.
- 3) Any board or commission is prohibited from employing any person who is a family member of any commission member or who is claimed as a dependent on a federal tax return by any member of the board or commission; however, any family member of any board or commission member is not subject to the nepotism provisions.
- 4) Any and all persons who are employed by any Pulaski County governmental agency prior to the final adoption of this ordinance SHALL NOT be subject to the provisions of the nepotism standards: however, if said employee should become permanently terminated for any period of time the said employee SHALL be subject to these provisions on any subsequent rehiring.

IV. FINANCIAL DISCLOSURE

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

1. Elected officers;
2. Candidates for elected office;
3. Members of Ethics Commission
4. Officers and employees with procurement authority exceeding five hundred dollars (\$500) per purchase;

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 the filer's public office or office sought;
4. Occupations of filer and spouse;
5. Positions held by the filer or spouse in any business organization or nonprofit entity from which the filer or spouse received compensation in excess of \$5,000 during the preceding calendar year, and the name, address, and telephone number of the business organization or nonprofit entity; Excludes Social Security or government/disability compensation or pension.
6. Name and address of each source of income of the filer and spouse from within the Commonwealth of Kentucky which exceeded \$5,000 during the preceding calendar year;
7. Name and address of each business organization located within the Commonwealth in which the filer or spouse had a interest of five thousand dollars (\$5,000) at fair market value or five percent (5%) ownership interest or more the preceding year;
8. Location of all commercial and agricultural property within Pulaski County that the filer and spouse had an interest if \$5000.00 or more the past year.
9. List any gifts or honorariums in excess of fifty dollars (\$50.00) per item. List name of donor, donor's address, telephone number and a market value of the gift. Any gift by a family member is exempt from this provision.

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 office holders and designated employees no later than April 15. 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 designated employees should be required to file their initial statement no later than twenty-one (21) days after the date of appointment. Statement will cover preceding calendar year.

D. Each statement shall be notarized and filed with the Local Ethics Commission and subjected to the penalties of perjury. It shall be signed and dated by the individual filing the statement of financial interest. Statement shall be filed in the County Judge/Executive's Office.

E. All pay and benefits shall be withheld until a non-complying officer or employee is in compliance with the filing requirements. Candidates and nominees who fail to comply with these filing requirements shall be fined twenty-five dollars (\$25.00) for each day they are in non-compliance and shall not be deemed a legitimate candidate until filed.

F. All financial disclosure statements shall be open records. Each individual or organization requesting to view financial disclosure statements shall complete a form giving full name, address, telephone number and organization/individual represented if other than individual making request. One copy of this form shall be attached to the statement so requested and shall become a part of the record and filed in the County Judge/Executives office.

V. COUNTY ETHICS COMMISSION

A. The Pulaski County Ethics Commission shall consist of three (3) members; no member may be a public official or employee of county government. The members shall be appointed by the County Judge/Executive with the approval of the Fiscal Court. Members shall receive no compensation but may be reimbursed all necessary expenses. Commission members are subject to removal from Board with just cause by the County Judge and approval of Fiscal Court. The persons initially appointed shall be to staggered terms of four (4) years, three (3) years and two (2) years. All subsequent appointments shall be for a period of two (2) years each from date of appointment.

B. POWERS and DUTIES

1. The commission shall have jurisdiction over the administration of this code and enforcement of the civil penalties prescribed by this code.

2. The commission may receive and initiate complaints; initiate investigations on its own motion; and conduct investigations, inquiries, and hearings concerning any matter covered by this code.

3. The commission may render advisory opinions whether or not a given set of facts and circumstances constitute a violation of any provision of this code.

4. The commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this code.

5. The commission shall determine whether the required statements and reports have been filed and, if filed, whether they conform with the requirements of this code. The commission shall promptly give notice to filer to correct or explain any omission or deficiency.

6. The commission may retain private counsel at the expense of the county if the county attorney has an actual or potential conflict.

7. Any investigations by the commission which reveals criminal activity shall be forwarded immediately to the Pulaski County Attorney.

C. COMPLAINT PROCEDURE; PRELIMINARY INVESTIGATIONS.

1. (a) Upon a complaint signed under penalty of perjury by any person, or upon its own motion, the commission shall investigate any alleged violation of this code.

(b) Not later than ten (10) days after commission receives the complaint, the commission shall initiate a preliminary inquiry into any alleged violation of this code.

(c) Within thirty (30) days of the commencement of the inquiry, the commission shall forward a copy of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.

2. All commission proceedings and records relating to a preliminary investigation shall be confidential until a final determination is made by the commission, except:

(a) The commission may turn over to the Commonwealth's attorney or county attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings; and

3. The complainant or alleged violator shall not publicly disclose the existence of a preliminary investigation, the commission shall not publicly confirm the existence of the inquiry nor make public any documents which were issued to either party.

4. The commission shall afford a person who is the subject of a preliminary investigation an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations in the complaint.

5. If the commission determines in the preliminary investigation that the complaint does not allege facts sufficient to constitute a violation of this code, the commission shall immediately terminate the inquiry and notify in writing the complainant and the person alleged to have committed a violation. The commission may confidentially inform the alleged violator of potential violations and provide information to ensure future compliance with the law.

6. If the commission, during the course of the preliminary investigation, finds probable cause to believe that a violation of this code has occurred, the commission shall notify the alleged violator of the finding, and the commission may, upon majority vote:

(a) Due to mitigating circumstances such as lack of significant economic loss to the county, or lack of significant impact on public confidence in government, confidentially reprimand in writing, the alleged violator for potential violations of the law and provide a copy of the reprimand to the county judge/executive.

(b) Initiate an adjudicatory proceeding to determine whether there has been a violation.

7. Any person who knowingly files with the commission a false complaint of misconduct on the part of any elected or appointed official or other person shall be guilty of a Class A misdemeanor. *1 Year Jail 500 fine*

D. ADJUDICATORY PROCEEDINGS; ACTION BY COMMISSION; APPEAL.

1. The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall apply to all commission adjudicatory hearings. All testimony in a commission adjudicatory proceeding shall be under oath. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel and any other due process rights, privileges, and responsibilities of a witness appearing before the courts of the Commonwealth of Kentucky. All witnesses shall be entitled to be represented by counsel.

2. Any person whose name is mentioned during adjudicatory proceedings of the commission and who may be adversely affected thereby may appear personally before the commission on the person's own behalf, with or without attorney, to give a statement in opposition to such adverse mention or file a written statement of that opposition for incorporation into the record of proceeding.

3. All adjudicatory proceedings of the commission carried out pursuant to the provisions of this section shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.

4. Within thirty (30) days after the end of an adjudicatory proceeding pursuant to the provisions of this section, the commission shall meet in executive session for the purpose of reviewing the evidence before it. Within thirty (30) days after completion of deliberations, the commission shall publish a written report of its findings and conclusions.

5. The commission, upon a finding pursuant to an adjudicatory proceeding that there has been clear and convincing proof of a violation of this code, may:

(a) Issue an order requiring the violator to cease and desist the violation;

(b) Issue an order requiring the violator to file any report, statement, or other information as required by this code;

(c) In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to the county judge;

(d) Issue an order requiring the violator to pay a civil penalty of not more than five hundred (\$500).

6. The commission may refer to the county attorney, or Commonwealth's attorney for prosecution evidence of criminal violations of this code.

7. Findings of fact or final determinations by the commission that a violation of this code has been committed, or any testimony related to the commission's findings of fact or final determinations, shall not be admissible in criminal proceedings in the courts of the Commonwealth of Kentucky. Evidence collected by the commission may be used in a criminal proceeding if otherwise relevant.

8. Any person found by the commission to have committed a violation of this code may appeal the action to the Pulaski Circuit Court. The appeal shall be initiated within thirty (30) days after the date of the final action of the commission by filing a petition with the court against the commission. The commission shall transmit to the clerk of the court all evidence considered by the commission at the public hearing. The court shall hear the appeal upon the record as certified by the commission.

Done in open court, this 22nd day of November, 1994 upon motion made by Phillip McClendon, seconded by James Cothron and 4 members of the Court being present and voting "aye".

Louie G. Floyd
Louie G. Floyd, County Judge

<u>Phillip McClendon</u>	<u>Darrell R. Wilson</u>	<u>Howard Hansford</u>
Phillip McClendon	Darrell Wilson	Howard Hansford
1st District	2nd District	3rd District

<u>James Cothron</u>	<u>Earl Hicks</u>	<u>James Slaughter</u>
James Cothron	Earl Hicks	James Slaughter
4th District	5th District	6th District

Ralph Troxtell
Ralph Troxtell
7th District

ATTEST: Willard Hansford
WILLARD HANSFORD, County Clerk
of Pulaski County, Kentucky