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ORDINANCE 280.5

AN AMENDMENT TO ORDINANCE 280.0, THE CODE OF ETHICS FOR COUNTY OFFICIALS AND EMPLOYEES IN BOYLE COUNTY, KENTUCKY

WHEREAS, the Boyle County Fiscal Court has the authority pursuant to KRS Chapter 65 to enact an ordinance establishing a Code of Ethics to guide the County, including members of the Fiscal Court, County Judge/Executive, County Attorney, County Clerk, Jailer, Coroner, Constables and Sheriffs; and those serving on boards and commissions; and,

WHEREAS, the proper operation of democratic government requires that a public official be independent and impartial; that government policy and decisions be made through the established process of government that a public official not use public office to obtain private benefit; and that the public have confidence in the integrity of its government and public officials; and,

WHEREAS, the public judges its government by the way public officials and employees conduct themselves in the post to which they are elected or appointed and public confidence and respect for government can best be promoted if every public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly treat all citizens with courtesy, impartiality, fairness and equality under the law and avoid both actual and potential conflicts between their private self-interests and the public interest; and,

WHEREAS, the officials of this county are committed to the operations of a county government that manifests the highest moral and ethical standards among its officers and employees.

NOW, THEREFORE, be it ordained by the Fiscal Court of Boyle County, Kentucky:

INTRODUCTION

SECTION 1: TITLE

This ordinance shall be known and may be cited as the "Boyle County Code of Ethics".

SECTION 2: FINDINGS

The Fiscal Court of Boyle County finds and declares that:

- A. The values of an organization are reflected by the actions its officials display and in the quality of decisions made. Officers and employees of this county have a duty to act in the public's best interest. Since public office and employment with the county are open trusts, the issue of ethics has particular importance.
- B. The vitality and stability of the government of this county depends upon the public's confidence in the integrity of its elected and appointed officers and employees. Whenever the public perceives a conflict between the private interest and public duties of a county officer or employee, that confidence is imperiled.
- C. The government of this county has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of standards which the citizenry rightfully expects them to comply with while conducting their public duties.
- D. Proper use of public funds is a trust that must continually be guarded. Public funds must be managed

in the most efficient manner at all times. All rules and regulations pursuant to their use must be adhered to

- E. This organization recognizes that the chief function of local government is to serve the best interests of the people and is committed to serving the public with respect, concern, courtesy, and responsiveness and recognizing that service to the public is beyond service to oneself.

SECTION 3: PURPOSE AND AUTHORITY

- A. The purpose of this ordinance is to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the county shall be clearly established, uniform in their application, and enforceable, and to provide officers and employees of the county with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.
- B. A further purpose of this ordinance is to meet the requirements of KRS 65.003, as enacted by the 1994 Kentucky General Assembly.
- C. This ordinance is enacted under the power vested in the county by KRS 67.080 and 67.083 and pursuant to requirements of KRS 65.00.

SECTION 4: DEFINITIONS

As used in this ordinance, unless the context clearly requires a different meaning:

- A. **"Anything of Value"** includes, but is not limited to, money, bank bills or notes, contracts, agreements, promises or other obligations for a loan, payments, gifts, pledge of money or forgiveness of indebtedness, stocks, bonds, notes or other investment in an entity, works of art, antiques, collectables, automobiles, real estate, a rebate or discount on the price of anything of value, a promise of employment, anything of value that is pecuniary or compensatory in value to a person.
- B. **"Bankruptcy"** is the status of a debtor who has been declared by judicial process to be unable to pay his debts. Although sometimes used indiscriminately to mean insolvency, the terms have distinct legal significance. Insolvency, as used in most legal systems, indicates the inability to meet debts.
 - 1. Chapter 7 Most people file for Chapter 7 bankruptcy, which allows you to dispose of unsecured debts, such as credit card balances and medical bills. You must liquidate property to repay some or all of your unsecured debts if you have nonexempt assets, such as family heirlooms (collections with high valuations, like coin or stamp collections), second homes, or investments like stocks or bonds.
 - 2. Chapter 11 Businesses often file for Chapter 11 bankruptcy, with the goal of reorganizing and remaining in business. Filing Chapter 11 bankruptcy gives a company the opportunity to create plans for profitability, cut costs, and find new ways to increase revenue. Its preferred stockholders, if any, may still receive payments, though common stockholders will be last in line.
 - 3. Chapter 12 bankruptcy provides relief to family farms and fisheries. They are allowed to maintain their businesses while working out a plan to repay their debts.
 - 4. Chapter 13 Individuals who make too much money to qualify for Chapter 7 bankruptcy may file under Chapter 13, also known as a wage earner's plan. It allows individuals—as well as businesses, with consistent income—to create workable debt repayment plans.

- C. **"Business Associate"** includes the following:
1. A private employer
 2. A general or limited partnership, or a general or limited partner with the partnership
 3. A corporation that is family-owned or in which all shares of stock are closely held by the shareholders, owners, and officers of such a corporation.
 4. A corporation, business association, or other business association, or other business entity in which the county government officer or employee serves as a compensated agent or representative.
- D. **"Business Organization"** means any corporation, non-profit corporation or association, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional services corporation, or any legal entity through which business is conducted for profit.
- E. **"Candidate"** means any individual who seeks nomination or election to a county office by filing a notification and declaration for nomination for office with the County Clerk or Secretary of State or is nominated for office by a political party in accord with Chapter 118 of the Kentucky Revised Statutes, or files a declaration of intent to be a write in candidate with the County Clerk or Secretary of State.
- F. **"County"** refers to Boyle County, Kentucky.
- G. **"County Government Agency"** means any board, commission, authority, non-stock corporation, or other entity created, either individually or jointly, by this county or a combination of local governments.
- H. **"County Government Employee"** means any person, full-time or part-time, paid or unpaid, who is employed by or provides service to the county. They also include employees of boards, agencies, commissions, authorities, or other entities created by the county. The term "county government employee" shall not include any contractor or subcontractor or any of their employees nor any employees of a school district or school board.
- I. **"County Government Officer"** means any person, full-time or part-time, and paid or unpaid, who is one of the following:
1. County Judge/Executive
 2. Members of the Fiscal Court
 3. County Clerk
 4. County Attorney
 5. Sheriff
 6. Jailer
 7. Coroner
 8. Surveyor
 9. Constable
 10. Member of the governing body of any local agency who has been appointed by the county

11. Any person who occupies a non-elected office created under KRS 67.710

The term "County Government Officer" shall not include any member of a special taxing district or non-taxing district.

- J. **"Directorships"** refer to the position of director of a company.
- K. **"Family Member"** means an immediate family member or parent, child, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, sister-in law, brother-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, half-sister, or half-brother.
- L. **"Financial Benefit"** means benefiting from any form of money, property, commercial interests, or anything else for economic gain.
- M. **"Immediate Family Member"** means spouse, a dependent child, by blood, adoption, or marriage or any other person residing in the county government officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes.
- N. **"Nepotism"** is favoring family or friends in employment, including, but not limited to, hiring, retention, promotion, discipline, employee evaluation, transfer, wage and salary increases, desirable work assignments and projects, preferred work shifts and preferential working conditions.
- O. **"Political Activity"** means the activity directed toward the success or failure of a political party candidate for political office or partisan political group,
- P. **"Procurement Authority"** means the right to use public monies to obtain and pay for something of value on behalf of the county government and/or a political subdivision of the county government.
- Q. **"Regulatory Authority"** means any government body formed or mandated under the terms of a legislative act (county ordinance) to ensure compliance with the provisions of the act, and in carrying out its purpose.
- R. **"Reporting Year"** means January 1 through December 31 of the preceding year.
- S. **"S.P.G.E. or Special Purpose Government Entity"** means any agency, authority, or entity created or authorized by statute which:
 - 1. Exercises less than statewide jurisdiction.
 - 2. Exists for the purpose of providing one (1) or a limited number of services or functions.
 - 3. Is governed by a board, council, commission, committee, authority, or corporation with policy-making authority that is separate from the state and the governing body of the city, county, or cities and counties in which it operates; and
 - a. Has the independent authority to generate public funds; or,
 - b. May receive and expend public funds, grants, awards, or appropriations from the state, from any agency, or authority of the state, from a city or county, or from any other special purpose governmental entity.
 - 4. "Special purpose governmental entity" shall include entities meeting the requirements established by (S, 1-4) of this subsection, whether the entity is formed as a nonprofit corporation under KRS Chapter 273, pursuant to an interlocal cooperation agreement under KRS 65.210 to

65.300, or pursuant to any other provision of the Kentucky Revised Statutes.¹

STANDARDS OF CONDUCT

SECTION 5: CONFLICTS OF INTEREST IN GENERAL

Every officer and employee of Boyle County and county agencies shall comply with the following:

- A. No officer, employee, or any immediate family member of any officer or employee, shall have an interest in a business or engage in any business, transaction, or activity which is in substantial conflict with the proper discharge of the officer's or employee's public duties.
- B. No employee or officer shall intentionally use or attempt to use his/her official position with the county to secure unwarranted privileges or advantages for himself/herself or others.
- C. No officer or employee shall intentionally agree to take or refrain from taking any discretionary action, or induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the county to obtain a financial benefit for any of the following:
 - 1. The officer or employee
 - 2. A family member
 - 3. An outside employer
 - 4. Any business in which the officer, employee, or any family member has a financial interest.
 - 5. Any business in which the officer, employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.
- D. No officer or employee shall be deemed in violation of any provision of this section if, by reason of their participation, vote, decision, action or inaction, no financial benefit accrues to them, a family member, an outside employer, or a business as defined in subsection (C) (4) and (C) (5) of this section as a member of any business, occupation, profession or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession or group.
- E. Every officer or employee who has a financial interest which they believe or have reason to believe may be affected by his/her participation, vote, decision, or other action taken within the scope of his/her public duties shall disclose the precise nature and value of the interest to the governing body of the County or agency they serve, and the disclosure shall be entered on the official record of the proceedings of the governing body. They shall refrain from taking any action with respect to the matter that is the subject of the disclosure.
- F. No officer, employee or immediate family member shall have an interest in a business or engage in any business, transaction, or activity, outside the scope of the employee's public duties, unless the specific nature of the business transaction or activity and the nature of the employee's interest are publicly disclosed at a meeting of the governing body of the county agency and disclosure is made a part of the official record of the governing body of the county agency.
- G. No elected city/county officer shall be prohibited by this section 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 member of his/her immediate family,

¹ As defined in Kentucky Revised Statute 65A

whether directly or indirectly, in return therefore.

- H. Nothing shall prohibit any city/county government officer or employee, or members of his immediate family, from representing himself/herself, or themselves, in negotiations or proceedings concerning his/her, or their own interests.

SECTION 6: CONFLICTS OF INTEREST IN CONTRACTS

- A. No officer or employee of the county or county agency shall directly or indirectly undertake, execute, hold, or enjoy, in whole or part, any contract made, entered into, awarded or granted by the county agency except as follows:
1. The prohibition in subsection (3a) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for county office, or before an employee was hired by the county or agency. However, if any contract entered into by a county officer or employee before he/she became a candidate, was appointed to office, or was hired as an employee, is renewable after he/she becomes a candidate, assumes the appointed office, or is hired as an employee, then the prohibition in subsection (3a) of this section shall apply to the renewal of the contract.
 2. The prohibition in subsection (3a) of this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing contract performance after the contract is awarded. If the officer or employee has any of the authorities set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in subpart (3) below are satisfied.
 3. The prohibition in subsection (a) of this section shall not apply in any case where the following requirements are satisfied:
 - a. The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the county or agency.
 - b. The disclosure is made a part of the official record of the governing body of the county or agency before the contract is executed.
 - c. A finding is made by the governing body of the county or agency that the contract with the officer or employee is in the best interests of the public and the county or agency because of price, limited supply, or other specific reasons.
 - d. The finding is made a part of the official record of the governing body of the county or county agency before the contract is executed.
- B. Any violation of this section shall be subject to disciplinary action, or the contract may be voided. Further action may be warranted.

SECTION 7: PERSONAL HONESTY AND INTEGRITY

Each officer and employee has a responsibility to the organization and his or her colleagues to demonstrate the highest standards of personal integrity, honesty, and accountability in all public activities. In this way, public confidence and trust in the county government can be maintained. Therefore, officers and employees must avoid any action which may result in or create the appearance of:

- A. Using county position for private gain
- B. Offering preferential treatment to any person
- C. Impeding county efficiency or economy
- D. Losing complete independence or impartiality
- E. Making a county decision outside of official channels
- F. Adversely affecting the public confidence in the integrity of the county

All applicable laws, ordinances, orders, regulations, and resolutions must be complied with in carrying out responsibilities to the county and its constituents. Officers and employees must avoid all circumstances which could result in personal gain from the performance of official duties and all interests or activities which conflict with the conduct of official duties.

SECTION 8: PERSONAL BEHAVIOR AND CONDUCT

The Code of Ethics sets out the principles and rules that must be the basis for the way county officers and employees conduct themselves in their work. It is a guide intended to ensure that all employees demonstrate integrity, honesty, and professionalism at all times.

Officers and employees are expected to:

- A. Demonstrate professionalism and support the county's commitment to excellent service at all times.
- B. Exercise courtesy, respect, and tact in all dealings regardless of age, race, color, religion, sex, national origin, marital status, disability, or sexual orientation or any *other* factor unrelated to the conduct of county business.
- C. Comply with a proper order of an authorized supervisor.

Officers, employees, and volunteers are prohibited from harassing fellow officers, employees, volunteers, county vendors, or members of the public. The prohibition includes but is not limited to:

- A. Sexual harassment
- B. Engaging in rude or unprofessional behavior or disorderly conduct even if the behavior is not expressly forbidden by regulation or law
- C. Using racial, sexist, or ethnic slurs or other language that disparages any person based on age, race, color, religion, sex, national origin, marital status, disability, sexual orientation, or any characteristic now or hereafter protected by federal, state, or county laws.
- D. Being convicted of a crime that is committed on the job or a felony of such nature that the public or other officers, employees or volunteers may be endangered if the individual remains in his/her position or of such nature that undermines the public trust in the individual's ability to perform his/her duties.
- E. Engaging in conduct on or off duty that violates federal or state law, county ordinances or policies when the violation is related to the officer or employee's activity as a county employee or to county business or when it undermines public's trust in the county or the officer/employee's ability to perform his/her duties.
- F. Manufacturing, distributing, possessing, using or being under the influence of alcohol or illegal

drugs while at work or on county premises.

- G. Threatening, assaulting, intimidating, or harassing another officer, employee, volunteer, or a member of the public.
- H. Using obscene language.

SECTION 9: RECEIPT OF GIFTS

- A. No County Government Officer or employee of the county or any county agency shall directly or indirectly solicit or accept any gift having a fair market value of more than one hundred dollars (\$100) per occurrence, whether in the form of: money, service, loan, travel, entertainment, hospitality, item or promise, or any other form, in which it could be reasonably interpreted to influence the officer or employee in the performance of his or her public duties.
- B. Certain items are typically excluded from this provision. Examples of these items:
 - 1. Gifts received from relatives.
 - 2. Gifts accepted on behalf of the county and transferred to the county.
 - 3. Reasonable travel and travel-related expenses, cost of admission, food and beverages, appearances, ceremonies, economic development activities, or fact-finding trips related to official government business.
 - 4. Awards, including certificates, plaques, and commemorative tokens presented in recognition of public service having a fair market value of no more than one hundred dollars (\$100) per occurrence.
 - 5. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elected public office as governed by the Kentucky Revised Statutes.

SECTION 10: HONORARIA

- A. No officer or employee of the county or a county agency shall accept any compensation or honorarium with a fair market value of greater than one hundred dollars (\$100) per occurrence in consideration of an appearance, speech, or article unless the appearance, speech, or article is both related to the officer's or employee's activities outside of a municipal service and is unrelated to the officer's or employee's service with the county.
- B. Nothing in this section shall prohibit an officer or employee of county or any county agency from receiving and retaining:
 - 1. From the county or on behalf of the county actual and reasonable out of pocket expenses incurred by the officer or employee in connection with an appearance, speech, or article provided that the officer or employee they can show by clear and convincing evidence that the expenses were incurred or received on behalf of the county or county agency and primarily for the benefit of the county or county agency and not primarily for personal benefit.
 - 2. A gratuity for solemnizing a marriage.

SECTION 11: USE OF COUNTY PROPERTY, EQUIPMENT AND PERSONNEL

No officer or employee of the county shall use or permit 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 only to the extent and upon the terms that such use is available to the general public.

SECTION 12: REPRESENTATION OF INTERESTS BEFORE COUNTY GOVERNMENT

No officer or employee of the county or any county agency shall represent any person or business, other than the county, in connection with any cause, proceeding, application or other matter pending before the county or any county agency.

SECTION 13: MISUSE OF CONFIDENTIAL INFORMATION

No officer or employee of the county or any county agency shall use or disclose confidential information acquired in the course of his or her official duties. 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.

SECTION 14: POST-EMPLOYMENT RESTRICTION

No officer or employee of the county or any county agency shall appear or practice before the county or any county agency with respect to any matter on which they personally worked for a period of one (1) year after termination of their service with the county or county agency.

SECTION 15: POLITICAL ACTIVITY

- A. No officer or employee of the county, any county agency, or any candidate for a county government office, shall:
 - 1. Request, or authorize anyone else to request, that any subordinate or potential future subordinate, participate, or not participate, in any partisan political activity, including making a campaign contribution.
 - 2. Participate actively in political management or partisan political campaigns, while on duty, in uniform, in/on a County owned or leased facility or property or using Boyle County property or assets.
 - 3. Use official authority or coercion toward an official or employee of the county or county agency at any time for a political activity or to affect a nomination or election result.
 - 4. Attempt, directly or indirectly, to coerce a person in county government or any county agency to fend, pledge, pay, or contribute anything of value to a group or person for any political activity or purpose.
- B. Subject to the restrictions and limitations found within (A)(2) in this section, nothing in this amended ordinance and its Code of Ethics shall restrict voluntary political contributions or partisan political activity by any government officer or employee of the county or any county agency on their own time and off county property.
- C. No officer or employee of the county, or any county agency, or any candidate for a county government office, may promise an appointment, or use their influence to obtain an

appointment to any position, as a reward for any political activity or contribution.

SECTION 16: NEPOTISM

Nepotism is prohibited since it can negatively impact employees' productivity, motivation, job satisfaction, morale, and retention within the organization. Nepotism can also undermine a work environment that is collegial, respectful, and productive. Therefore, no county government officer or employee shall:

- A. Appoint or hire, vote for, recommend, or cause the appointment or hiring of a family member to an office or position of employment with the county or a county government agency.
- B. Shall participate in the employment decision or decision-making process involving a family member who has applied for or holds an office or position of employment with the county or county government agency, including but not limited to, decisions and decision-making processes involving appointment, promotion, work assignments, demotion, advancement, transfer, supervision, discipline, or dismissal.
- C. Shall supervise or manage the work of a family member.
- D. Shall participate in any action relating to the employment of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group and the family member benefits to no greater extent than any other similarly situated member of the class or group.
- E. Shall avoid the prohibitions set forth above by delegating any authority.

The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to the enactment and effective date of this amended ordinance.

Nothing in this section shall prohibit the temporary employment of individuals for the purposes of conducting elections.

FINANCIAL DISCLOSURE

SECTION 17: WHO MUST FILE

- A. The following classes of government officers and employees and agencies of Boyle County, and of the cities of Junction City and Perryville as well as officers, employees and board members of a Special Purpose Government Entity (SPGE) with operations in Boyle County and not exempted from filing pursuant to KRS 65A.070, shall file an annual statement of financial interests (SOFI) with the ethics commission:
 - 1. Elected officers
 - 2. Nominees and candidates for elected county and municipal office
 - 3. Officers and employees who hold policymaking positions, including members of county and municipal boards, including but not limited to the ethics commission, planning and zoning boards, boards of adjustment, code enforcement boards, economic development boards, and parks and recreation boards.

4. Board Members serving on a Special Purpose Government Entity (SPGE) operating within Boyle County are not exempted from filing pursuant to KRS 65A.070.
5. Officers or employees, including those employees of a SPGE whose job descriptions or whose actual duties involve:
 - a. The negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses;
 - b. The purchase, sale, rental, or lease of real property, personal property, or services, or a contract for any of these;
 - c. The obtaining of grants of money or loans.
 - d. Procurement authority exceeding one thousand dollars (\$1,000) per annum,
6. Members of county and municipal boards and agencies, including SPGEs, with procurement authority, or with regulatory authority or with taxing authority AND attorneys hired by said boards and agencies.
- B. Volunteer members of boards, commissions or other similar entities created by law or county government, whose role is to advise or coordinate, or represent, and/or advocate a position or project within county government administration and who do not have any formal or official policy making, procurement, taxing authority, or governing power, as determined by Boyle County Fiscal Court, are not required to file a Statement of Financial Interests under this Section.

SECTION 18: WHEN TO FILE STATEMENTS AND AMENDED STATEMENTS

- A. The Statement of Financial Interests required by this section shall be filed with the Ethics Commission, or the administrative official designated as the custodian of its records no later than January 31 each year.
- B. An officer or employee newly appointed to fill an office or position of employment with the county or a county government agency shall file his or her initial statement no later than thirty (30) days after the date of the appointment.
- C. A candidate for county office shall file his or her initial statement no later than thirty (30) days after the date on which he or she becomes a candidate for elected county office.
- D. The Ethics Commission may grant a reasonable extension of time for filing a Statement of Financial Interests for good cause shown.
- E. In the event there is a material change in any information contained in a Statement of Financial Interests that has been filed with the Commission, the candidate, officer or employee shall file an amended statement, no later than thirty (30) days after becoming aware of the material change.

SECTION 19: FORM OF THE STATEMENT OF FINANCIAL INTERESTS

The Statement of Financial Interests shall be filed on a form provided by the Ethics Commission. The Commission 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 December 31st of each year. Failure of the Commission to deliver the form shall not relieve the officer or employee of the obligation to file the statement.

SECTION 20: CONTROL & MAINTENANCE OF THE STATEMENTS OF FINANCIAL INTERESTS

- A. The Ethics Commission shall be the "official custodian" and will maintain the Statements of Financial Interests which are filed in the County Clerk's office. As public documents, the statements are available for public inspection.
- B. These Statements of Financial Interests shall be retained by the Commission for a period as specified in accordance with the records retention schedule established by the Kentucky Department for Libraries and Archives.

SECTION 21: CONTENT OF THE FINANCIAL INTERESTS STATEMENT

The Statements of Financial Interests shall be filed on the form provided by the Ethics Commission and include the following information for the preceding calendar year:

- A. The name, current home address, telephone number, email address, and business address of the filer and his/her spouse.
- B. The title of the filer's office, office sought, or position of county employment.
- C. The occupation of the filer and his/her spouse.
- D. Information that identifies each source of income of the filer and his/her spouse exceeding ten thousand dollars (\$10,000) as of December 31 of the reporting year, and the type of the income (e.g. salary or wages, commission, dividends, income from professional practices, retirement distributions, rental income, and any other sources meeting this criteria).
- E. The name and address of any business organization located within the state of Kentucky in which the filer and/or spouse had at any time during the preceding calendar year had an interest of ten thousand dollars (\$10,000) at fair market value or ten percent (10%) ownership interest.
- F. The name and address of any business organization located outside of the state, in which the filer or any member of the filer and/or spouse had at any time during the preceding calendar year an interest of ten thousand dollars (\$10,000) at fair market value or ten percent (10%) ownership interest or more, if the business has engaged in any business transactions with the County during the past three (3) years, or is anticipates to engaging in any business transactions with the County.
- G. A designation as commercial, residential, or rural (farm) and the location of all real property within the county, other than the filer's primary residence, in which the filer and/or spouse had an interest of twenty thousand dollars (\$20,000) or greater during the preceding calendar year.
- H. The name and address of any creditor (not including family members) owed ten thousand dollars (\$10,000) or greater as of December 31 of the reporting year, except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for personal, family or household purposes, or auto loans.
- I. Offices or directorships held by a candidate, officer, board/commission member or employee, as set out in this Section, or a member of the candidate's, officer's, or employee's immediate family, as of December 31 of the reporting year.
- J. All Bankruptcies that have been filed with any U.S. Bankruptcy Court within the past ten (10) years that seek relief under Chapter 7, Chapter 11, Chapter 12, or Chapter 13 of the U.S. Bankruptcy Code for the benefit of the filer and /or their spouse.

Nothing in this section shall be construed to require any candidate, officer, or employee to disclose

any specific dollar amounts nor the names of individual clients or customers of business organizations listed as sources of income.

SECTION 22: NONCOMPLIANCE WITH FILING REQUIREMENTS

- A. The Ethics Commission, or the designated administrative official, shall notify each person who fails to file a Statements of Financial Interests as required by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Commission.
 - a. The notice shall be either by mail using the U.S. Postal Service or Email with a delivery receipt and a read receipt to confirm that the official has received the email;
 - b. Notice shall include the type of failure or delinquency, establish a date by which the failure or delinquency must be remedied, and will advise the person of the penalties for a violation.
- B. Any person who fails to file the statement or refuses to remedy a deficiency in the filing identified in the notice under subsection (A) within the time period established in the notice, absent a showing of good cause, shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Commission in an amount not to exceed twenty-five dollars (\$25) per day, up to a maximum total of five hundred dollars (\$500). Any civil fine imposed by the Commission 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. Continued and willful noncompliance with this filing requirement may subject the violating party to the full range of penalties for violation of this amended ordinance.
- C. Any person who intentionally files a Statements 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.

ENFORCEMENT

SECTION 23: ETHICS COMMISSION CREATED

The Boyle County Ethics Commission was created and charged with oversight and adherence to this ordinance to assure ethical conduct and financial disclosure requirements are met.

- A. The Boyle County Ethics Commission shall consist of five (5) members, none of which may hold an elected or appointed office, whether paid or unpaid, or any position of employment with the County or any County agency.
- B. The Commission shall consist of one (1) appointment made by the Boyle County Fiscal Court, one (1) appointment made by the Council of the City of Perryville, and one (1) appointment made by the Council of the City of Junction City. The two (2) remaining appointments will be made jointly by the County Judge/Executive, the Mayor of Perryville and the Mayor of Junction City, with approval of the governing boards.
- C. Each member of the Commission shall have been a resident of Boyle County for at least twelve continuous months to the date of appointment and shall reside in the county throughout the term of office.

- D. Each member shall be at least twenty-one (21) years of age and shall have a high school diploma or equivalent. The members of the commission shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of or expressed interest in local government affairs. The members may be reappointed for any number of consecutive terms.
- E. All candidates for nomination and appointment to the Ethics Commission may be subject to a criminal background check administered or authorized by the Boyle County Attorney's Office. The results of this background check shall be made available to the Fiscal Court prior to its consideration of the candidate.
- F. The terms of members shall be staggered and extend no longer than four (4) years.
- G. Members shall receive no compensation but may be reimbursed all necessary expenses.
- H. A member of the Ethics Commission may be removed by the Boyle County Judge/Executive subject to approval by the Fiscal Court, for misconduct, inability, or willful neglect of duties. Before any member is removed from office under this section, the member shall be afforded the opportunity for a due process hearing before Fiscal Court to show good cause why s/he should not be removed. A majority vote of the Fiscal Court on this matter shall be final and dispositive. The order and decision of the Fiscal Court shall be in writing and stated in the record. The final order should also include the effective date of the order and a statement advising the parties of available appeal rights.
- I. A member of the Ethics Committee who fails to attend three consecutive meetings without approval by the chairperson will be considered a resignation.
- J. Vacancies on the Ethics Commission shall be filled within sixty (60) days by the County Judge/Executive, subject to approval of the Fiscal Court. If a vacancy is not filled by the County Judge/Executive within sixty (60) days, the remaining members of the Ethics Commission shall fill the vacancy, subject to approval of the Fiscal Court. All vacancies shall be filled for the remainder of the unexpired terms.
- K. The Ethics Commission shall elect a chairperson and vice chairperson from among the membership. The chairperson shall be the presiding officer and full voting member of the Commission. The positions of the chairperson and vice chairperson shall each be for a term of one year. The Commission members shall elect a chairperson and a vice chairperson at the January meeting.
- L. In the absence, recusal or unavailability of the chairperson, the vice chairperson shall call the Ethics Commission meeting to order and serve as presiding officer. The vice chairperson shall have and exercise all powers and duties of the chairperson for meetings over which he or she is called to preside, including executing official board records and documents and carrying out necessary administrative responsibilities on behalf of the Ethics Commission.

Additionally, the vice chair may represent the Ethics Commission in attendance at ceremonial and official functions, which the chair cannot attend.
- M. Meetings of the Ethics Commission will be held in January, April, July, and October, and as necessary upon the call of the chairperson or at the written request of a majority of the members.
- N. The presence of three (3) or more members shall constitute a quorum and the affirmative

vote of three (3) or more members shall be necessary for any official action to be taken. Any member of the Commission who has a conflict of interest with respect to any matter to be considered by the Commission shall disclose the nature of the conflict, shall disqualify themselves from voting on the matter, and shall not be counted for purposes of establishing a quorum.

- O. Minutes shall be kept for all proceedings of the Commission and the vote of each member on any issue decided by the Commission shall be recorded in the minutes.

SECTION 24: POWER AND DUTIES OF THE ETHICS COMMISSION

The Ethics Commission shall have the following powers and duties.

- A. To initiate on its own motion, receive, hear, and investigate complaints, hold hearings, and make findings of fact and determinations with regard to possible violations of the provisions of this amended ordinance involving Boyle County Government, its officials, employees, agencies and boards, and the municipal governments of the cities of Perryville and Junction City.
- B. To administer oaths and issue orders requiring the attendance and testimony of witnesses and the production of written, digitalized, visual, audio, and other documented forms of evidence relating to an investigation or hearing being conducted by the Ethics Commission
- C. To employ legal counsel, when necessary and with the approval of the Fiscal Court, to assist in the performance and discharge of its duties under this amended ordinance.
- D. To refer, as warranted, any information concerning violations of this amended ordinance to the Boyle County Judge/Executive, Fiscal Court, County Attorney, the Boyle County Commonwealth Attorney, or other appropriate body or person.
- E. To render advisory opinions to Boyle County government officials and employees regarding whether a given set of facts and circumstances constitutes a violation of any provisions of this amended ordinance and its Code of Ethics.
- F. To enforce provisions of this amended ordinance and its Code of Ethics with regard to local government officers and employees within the cities of Junction City, Perryville, and within Boyle County government, its boards and agencies who are subject to this ordinance by issuing appropriate orders and findings and to impose penalties for violations as authorized in this ordinance. Decisions of the Ethics Commission regarding violations of the local Ethics Code in this ordinance shall be appealable to the Boyle Circuit Court, as provided in Section 35 of this code.
- G. To control and maintain all statements of financial interests and other records required by this amended ordinance in accordance with retention schedules approved by the Kentucky Archives and Records Commission (KRS 171.410 - 171.740) and to ensure that the statements are available for public inspection in the office of the Boyle County Clerk in accordance with the Kentucky Open Records Act.
- H. To develop and submit any reports regarding the conduct of its business that may be required by the County Judge/Executive and/or Fiscal Court.
- I. To adopt rules and regulations necessary to implement the Code of Ethics contained within this amended ordinance, provided the rules, regulations, and actions are not in conflict with provisions

of this amended ordinance or any state or federal law.

- J. At least every four years review the Ethics Code enforcement and rules, regulations, and procedures to ensure they continue to promote integrity, public confidence, and set forth clear and enforceable common-sense standards of conduct.

SECTION 25: ACCOUNTABILITY

- A. The County Judge/Executive shall file with the Ethics Commission an organizational chart which shows all the departments and divisions of County government that are subject to this ordinance including notification of changes in personnel and new positions. This chart will include all boards, commissions, committees, advisory committees, special districts, and any other entity to which the county government makes appointments, exercises supervision, or sets policy. This chart shall include joint city-county and multi county entities.
- B. The County Judge/Executive shall provide to each officer and employee of the county and all county agencies a copy of the Boyle County Code of Ethics. Each of these persons shall be expected to familiarize themselves with the code. An opportunity to review the code shall be provided by the County Judge/Executive or delegated to an appropriate administrator or supervisor. Provision shall be made to read and discuss the code with any non-reader.
- C. The County Judge/Executive shall, in cooperation with the Ethics Commission, arrange at least one annual training session for officers and employees of the county to familiarize them with the provisions of the Boyle County Code of Ethics, to introduce the members of the Commission, and to otherwise encourage full understanding of the code. The session will include information on how and where complaints may be filed and where public records are retained.

SECTION 26. ALTERNATE MEMBERS

The County Judge Executive, with the approval of the Fiscal Court, may appoint one (1) alternate member of the Ethics Commission who may be called upon to serve when any regular member of the Commission is unable to discharge his or her duties. An alternate member shall be appointed for a term of one (1) year subject to reappointment by the Fiscal Court. Alternate members shall meet all qualifications and be subject to all requirements of this ordinance that apply to regular members.

SECTION 27. DIVERSITY

The County Ethics Commission should include members with diverse backgrounds (including, but not limited to, race, color, ethnicity, religion, age, political affiliation, and gender) with various professional or personal experiences.

SECTION 28. FACILITIES AND STAFF

The Fiscal Court shall appropriate funds in the county's annual budget to provide the Ethics Commission, either directly or by agreement, with the facilities, materials, supplies, and staff, including legal counsel needed for the conduct of business.

FILING AND INVESTIGATION OF COMPLAINTS

SECTION 29: STATUTE OF LIMITATIONS

Except when the period of limitation is otherwise established by state law, an action for a violation of

this ordinance must be brought within one year after the violation is discovered.

SECTION 30: PROCEDURES FOR FILING COMPLAINTS

Any person may file a written, verified complaint with the Boyle County Ethics Commission. The complaint must be notarized to be accepted. All complaints alleging any violation of the provisions of this amended ordinance shall be submitted to the Ethics Commission, its chairperson, or the administrative official designated by the Ethics Commission to receive such complaints.

- A. The Ethics Commission makes a verified Complaint Form available to the public, along with instructions for filing a complaint.
- B. The Complaint Form, completed by the complaining party, is used to initiate an Ethics Complaint against a Boyle County government officer or employee who is subject to the Commission's jurisdiction.
- C. The complaint shall be in writing and may also include separate and supporting documentation and affidavits. At the conclusion of the complaint, the complainant shall sign a statement made under oath, that:
 - 1. The complainant has reviewed the complaint.
 - 2. The complainant knows or believes that all allegations to be true.
 - 3. The complainant does not have personal knowledge but believes the allegations to be true based on specified information, documents, or both.
- D. Within fifteen (15) working days of receipt of the complaint, the Ethics Commission shall acknowledge its receipt to the complainant and to any officer or employee of the County who is the subject of the complaint. Such party or parties shall be designated as "Respondent(s)." A copy of the complaint and a general statement of the applicable provisions of the amended ordinance shall be provided to the Respondent(s) who shall be given twenty (20) days following receipt of the complaint in which to file a written response to the alleged violation(s). Respondent(s) shall have the right to be represented by counsel and to offer supporting documentation in response to the allegations.

The response, if any, must be sent to the person filing the original complaint (complainant) by the ethics commission within ten (10) business days after its filing. Within fifteen (15) days after receipt, the complainant may also file with the ethics commission a counter response to the Respondent's response, which the ethics commission must send to the respondent within ten (10) days after its filing.

- E. The Ethics Commission shall conduct a preliminary inquiry in a timely and reasonable manner concerning the allegations contained in the complaint. The Commission shall independently seek additional evidence relevant to the complaint and any filed response.

The ethics commission may, on its own initiative, determine through an inquiry into informal allegations, or information provided directly to the ethics commission, by referral, by coverage in the public news media, or otherwise that a violation of this code may exist and prepare a complaint of its own. The ethics commission may also amend a complaint that has been filed with it by adding further allegations, by adding respondents involved in the same conduct, directly or indirectly and by action or inaction, or by deleting allegations that would not constitute a violation of this code, by deleting allegations that have been made against persons or entities not covered by this code, or by deleting

allegations that do not appear to be supported by the facts. The ethics commission may also consolidate complaints where the allegations are materially related. Amended complaints must be sent to the Complainant and Respondent by the Ethics Commission.

- F. All proceedings and records relating to a preliminary inquiry shall be conducted by the Ethics Commission in accordance with the requirements of the Kentucky Open Records Law. The Commission may turn over evidence which may be used in criminal proceedings to the Commonwealth's Attorney or County Attorney.
- G. The Commission shall decide if the complaint is within its jurisdiction, based on its preliminary inquiry, and if so, whether it alleges a minimal factual basis to constitute a violation of this ordinance. If the Commission concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the Commission shall immediately terminate the inquiry, issue its findings and conclusion in writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.
- H. If the Ethics Commission concludes the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Commission shall notify the officer or employee who is the subject of the complaint and may:
 - 1. Issue a written reprimand, to the offending officer or employee concerning the alleged violation and provide a copy of the reprimand to the Boyle County Judge/Executive, the Fiscal Court, and County Attorney; or,
 - 2. Initiate a hearing to determine whether there has been a violation.
 - 3. Any person who files with the Ethics Commission, a complaint alleging a violation of any provision of this ordinance by a county /municipal government official, officer or employee or by any county/municipal agency or board/commission member including employees, officers and board/commission members of a SPGE, that contains a material, false statement which he does not believe, with the intent to mislead a public servant in the performance of his official functions, shall be guilty of a Class A misdemeanor punishable by a fine of up to \$500, imprisonment for up to 12 months, or both. A material statement is a statement that is relevant and important enough to be considered evidence and to influence the outcome of a case.

SECTION 31: NOTICE OF HEARINGS

If the Ethics Commission determines that a hearing regarding allegations contained in the complaint is necessary, the Commission shall issue an order setting the matter for a hearing within thirty (30) days of the date that the order is issued, unless a Respondent petitions for and the Commission consents to a later date.

The order setting the matter for hearing, along with a copy of any pertinent regulations of the Ethics Commission relating to the hearing shall be sent to the Respondent(s) within seventy-two (72) hours of the time the order is issued.

Nothing in this Section shall prohibit the Ethics Commission from entering additional pre-hearing orders that the Commission believes will further the ends of justice, produce a fair and orderly hearing and promote judicial economy without compromising fundamental fairness and due process of law to all parties.

SECTION 32: HEARING PROCEDURES

- A. The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the ethics commission; however, the hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the ethics commission so as to afford all parties the full range of due process rights required by the nature of the proceedings.
- B. Prior to the commencement of the hearing, the respondent, or their Representative, shall have a reasonable opportunity to examine all documents and records obtained or prepared by the ethics commission in connection with the matter to be heard. The ethics commission shall inform the alleged violator, or their representative, of any exculpatory evidence in its possession.
- C. All testimony in an ethics commission hearing shall be taken under oath, administered by the presiding officer. 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. All witnesses shall have the right to be represented by counsel.
- D. Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the ethics commission, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceeding
- E. All hearings of the ethics commission shall be public unless the members vote to go into executive session in accordance with KRS 61.810.
- F. After the conclusion of the hearing, the ethics commission shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this ordinance has been proven. Within 30 days after completion of the hearing, the ethics commission shall issue a written report of its findings and conclusions. If the ethics commission concludes in its report that no violation of this ordinance has occurred, it shall immediately send written notice of this determination to the respondent and to the complainant.
- G. If the ethics commission concludes in its report that, in consideration of the evidence produced at the hearing, there is clear and convincing proof of a violation of this ordinance, the ethics commission may impose any penalties under Section 34 of this code.

SECTION 33: PROTECTION AGAINST REPRISAL

No public official, employee of the county or board member of any county agency shall be subject to reprisal, or directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever 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 Ethics Commission or any other agency or official of the county or the Commonwealth any facts or information relative to an actual or suspected violation.

This section shall not be construed as prohibiting disciplinary or punitive action if an official or employee of the county or board member of any county agency as defined discloses information which he or she knows:

- a. To be false or which he/she disclosed with reckless disregard for its truth or falsity.
- b. To be exempt from required disclosure under the provisions of the Kentucky Open Records Act

- c. Is confidential under any provision of law.

SECTION 34: PENALTIES FOR VIOLATIONS

Except when another penalty is specifically set forth in this ordinance, any official, person or employee subject to the provisions of this ordinance, who is found by the Ethics Commission to have violated any provisions of this ordinance by clear and convincing proof, shall be subject to any and all of the following actions by the Ethics Commission. Specifically, the Commission may:

Issue an order requiring the violator to cease and desist the violation.

- A. Issue an order requiring the violator to file any report, statement or other information as required by this code.
- B. In writing or privately reprimand the violator for the violation and provide a copy of the reprimand to the executive authority and governing body (if different than the executive) of the County/Municipal or County/Municipal agency with which the violator serves.
- C. In writing, recommend to the executive authority and the governing body (if different than the executive authority) that the violator be sanctioned as recommended by the Ethics Commission, which may include a recommendation for discipline, dismissal, removal from office, or other action deemed appropriate.
- D. Issue an order requiring the violator to pay a civil penalty of not more than \$1,000. Such penalty may be recovered by the County in a civil action in the nature of debt if the offender fails to pay the penalty within a duly prescribed period of time, as set by the Commission.
- E. Refer evidence of criminal violations of this ordinance or state laws to the Boyle County Attorney or Boyle County's Commonwealth's Attorney for prosecution.

SECTION 35: APPEALS

Any person who is found guilty of a violation of any provision of this ordinance by the County Ethics Commission may appeal the finding to the Boyle Circuit Court within thirty (30) days after the date of final action by the County Ethics Commission by filing a petition with said court against the Commission.

The Commission shall transmit to the clerk of the court all evidence, transcripts, and materials considered by the Commission in its determination.

SECTION 36: 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.

SECTION 37: CONFLICTING ORDINANCES REPEALED

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

SECTION 38: EFFECTIVE DATE

All current and future officers, employees, and volunteers shall be subject to the provisions of this ordinance which shall take full force and effect immediately upon publication as required by KRS 424.120 and KRS 67.077.

THIS DOCUMENT WAS FIRST INTRODUCED AND GIVEN FIRST READING IN SUMMARY at the duly convened meeting of the Fiscal Court of Boyle County, Kentucky held on the 28th day of January 2025.

GIVEN SECOND READING AND ADOPTED at the duly convened meeting of the Fiscal Court of Boyle County, Kentucky held on the 11 day of February 2025 and of record in the Fiscal Court Ordinance Book.

Trille L. Bottom

Boyle County Judge Executive

Attested by:

Katina Wesley

Boyle County Fiscal Court Clerk