

Code of Ethics
Warren County,
Kentucky

Warren County, Kentucky
1990 pop. 76,673

WARREN FISCAL COURT

ORDINANCE NO. 94-45

AN ORDINANCE ADOPTING AND IMPLEMENTING AN ETHICS CODE FOR
WARREN COUNTY, KENTUCKY PURSUANT TO KRS CHAPTER 65

WHEREAS, the General Assembly of the Commonwealth of Kentucky added a new section to KRS Chapter 65, and;

WHEREAS, said ACT relates to the establishment of Codes of Ethics in Cities and Counties, and;

WHEREAS, the governing body of each County is required to adopt, by Ordinance, a Code of Ethics which shall apply to all Elected Officials of the County and to appointed officials and employees of County Government, and;

WHEREAS, KRS Chapter 65 requires that said Code of Ethics shall apply to and include the County Judge Executive, Warren Fiscal Court, County Clerk, County Attorney, Sheriff, Jailer, Coroner, Surveyor, and Constables, and;

WHEREAS, KRS Chapter 65 also mandates provisions which set forth standards of conduct, mandatory financial disclosures, a policy of the employment of members of officials family members and an enforcement entity with the authority to impose penalties,

IT IS THEREFORE HEREBY ORDAINED, that the following Code of Ethics is hereby adopted by Warren Fiscal Court and upon final passage is hereby applicable to all persons set forth herein and subject to the provisions of KRS 424. The County Attorney is hereby directed to deliver a copy of this Ordinance along with proof of adoption and publication to the Department of Local Government.

This Ordinance is adopted pursuant to KRS 67.077 in that it was published in summary form on the 5 day of December, 1994 and was introduced and read on the 2nd day of December, 1994, and given final reading on the 16th day of December, 1994, and said Ordinance shall be in full force and effect upon . signature, recordation, and publication in summary pursuant to KRS Chapter 424 and KRS 67.077, Subsection 3.

APPROVED this 16 day of December, 1994.

MICHAEL O.BUCHANON
SIGNATURE
COUNTY JUDGE EXECUTIVE :

ATTESTED: SIGNATURE
WARREN FISCAL COURT CLERK

SIGNATURE
WARREN COUNTY COURT CLERK

PASSED BY A VOTE 6 TO 0 1 ABSENT

SPONSORED BY: Judge Michael O. Buchanon

PREPARED BY:

SIGNATURE
Michael E. Caudill
Warren County Attorney

WARREN COUNTY, KENTUCKY

CODE OF ETHICS

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

WHEREAS, the Warren 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 officers, including members of the Fiscal Court, Sheriff, County Attorney, County Court Clerk, Jailer, Coroner, Surveyor, and Constables, and

WHEREAS, public office and employment is a public trust and government has a duty to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to appraise their officers 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 shall be clear, consistent and uniform in their application and to provide local government 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 al shares of stock are closely-held, and the shareholders, owners and officers of such corporation;
4. a corporation, business association or other business entity in which the county government officer 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 i 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, not a County Government Officer, employed by county government, but shall not mean any employee of a school board or school district.

F. "County government officer" means any person, whether compensated or not, whether full-time or part-time, who elected to any county government office; and any person who appointed by the County Judge Executive or by Warren Fiscal Court as a county representative to any Board, Commission, Agency or District.

G. "Member of immediate family" means a spouse or a child.

II. STANDARDS OF CONDUCT

A. No county government officer or employee or member of his immediate family shall have any ownership interest in a business organization or engage in any business, transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

B. No county government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself;

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

D. 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 judgment in the exercise of his official duties. If a county government officer or employee is engaged in any employment or service which might reasonably be expected to prejudice his independence of judgment, he shall do one of the following:

1.) sever himself from said employment or service or;

2.) disqualify himself from any and all votes, decisions, meetings or discussions, which would reasonably be expected to prejudice his independence of judgment in the exercise of his official duties.

E. No county government officer or employee, member of his immediate family or business organization in which he has an ownership 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;

F. 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 lenders business or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances, ceremonies or fact-finding trips related to official county government business;

G. No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage;

H. 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 immediate family, or any business organization with which he is associated.

I. No county government officer or employee or business organization in which he has an ownership interest shall represent any person or party other than the local county government in connection with any cause, proceeding, application or other matter pending before any agency on any local county government matter, in which he serves;

J. No county government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any Ordinance Resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;

K. 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 immediate family, whether directly or indirectly, in return therefore;

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

M. No local government officer, his spouse or unemancipated child shall have any ownership interest in any real or personal property leased for compensation by Warren County Government.

N. Any county government officer or employee or any member of their respective immediate family, of the County government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department or agency of the County government shall disclose such private interest to the Fiscal Court or the Local Ethics Commission;

O. Any County Judge Executive, Magistrate, Commissioner, Sheriff, Jailer, Coroner, Constable, surveyor, County Attorney, County Clerk or member of their respective immediate family, who has a private interest in any matter pending before the court shall disclose such private interest on the records of the court and shall disqualify himself from participating in any decision or vote relating thereto.

P. Any county government officer or employee or member of his immediate family who is a member of an independent agency or special district to which this Code of Ethics applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before of within such independent agency or special district shall disclose such private interest to the governing body of such agency or district.

Q. No elected county government officer, or employee of the county or any agency thereof shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the County

or a County Agency, except as follows:

1. The prohibition in Subsection Q of this section shall not apply to contracts entered into before an elected officer filed as a candidate for county office, before an appointed officer was appointed to a county agency or office, or before an employee was hired by the County or a county agency. However, any contract set forth herein above which is renewable after he or she becomes a candidate, assumes the elected or appointed office, or is hired as an employee, then the prohibition of Subsection Q of this section shall apply to the renewal of the contract.

2. The prohibition of Subsection Q 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 requirement set forth Sub-part 3 below are satisfied.

3. The prohibition of Subsection Q 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 or employees interest in the contract are publicly disclosed in the meeting of the governing body of the county and/or agency involved.

(b) the disclosure is made a part of the official record of the governing body of the county or agency involved before the contract is executed.

(c) a finding is made by the governing body of the County or County Agency that the contract with the officer or employee is in the best interest of the public and the county agency because of price, limited supply, or other specific relevant reasons.

(d) a finding is made a part of the official record of the governing body of the county before the contract is executed.

B. Any violation of this section shall be deemed to be a violation of this Code of Ethics and shall be punishable as set forth herein.

C. No officer or employee of the county shall use or permit the use of any county time, funds, personnel, equipment, or other personnel or real property for the private use of any person, unless:

(a) the use is specifically authorized by a stated county policy.

(b) the use is available to the general public, and then only to the extent and upon the terms that such use is available to the general public.

III. NEPOTISM

A. Subject to Subsection C herein, after the effective date of this Ordinance, a member of an immediate family of an elected county government officer shall not be initially employed in or by Warren County Government. This provision shall not apply to an elected County Government Officer's spouse or child who, on the date of the Officer's election or appointment, or on the effective date of this Ordinance has been employed for at least six months by the County.

B. Subsection A above shall not prevent an immediate family member of an elected county government officer from being appointed to a county, city/county, state or federal board commission, or entity so long as membership on said board commission or entity is noncompensable, voluntary and not in conflict with any local county government issue, and so long as said member or members will not benefit economically or profit from their appointment to said board, commission or entity.

C. Notwithstanding the provisions set forth in A and B above a member of an immediate family of an elected county government official may be employed by Warren County Government under the following circumstances and procedures.

1. In the event an application for employment is received by Warren County from a immediate family member of an elected county government official, the County Judge Executive shall appoint a personnel committee for the purpose of reviewing the qualifications of all applicants, including the immediate family member for the position sought. Said Personnel Review Committee shall consists of three non county government individuals along with the head of department or agency of county government wherein said employee will be placed. The non county government individuals set forth herein shall be qualified and/or have experience in personnel practices and/or hiring.

2. Said committee shall meet and review the qualifications of all applications for the position sought, including the application of the immediate family member. By a majority vote of the non county government members a recommendation shall be made to the County Judge Executive after said personnel committee considers the qualifications of all applicants.

3. Upon completion of (1) and (2) herein above and upon the recommendation of the personnel committee the member of an immediate family of an elected county government official may, in the discretion of the County Judge Executive, be hired for the position applied for.

4. The elected county government official whose immediate family member is an applicant shall not discuss the applicant, the application process or the position sought or any matter pertaining thereto with the Department Head involved or any other County

Government Officer. Said elected county government officer shall not participate in any discussion nor shall he or she vote or take any official action during the hiring process.

5. Notwithstanding the provisions set forth herein above as to immediate family members, in the event Warren County advertises for applicants for any Warren County employment position and in the further event that after two advertisements only an immediate family member applies for said position then in said event the immediate family member may be hired if they possess all of the qualifications and credentials and/or experience for the position sought.

IV. FINANCIAL DISCLOSURE

A. The following individuals shall be required to file a Financial Disclosure Statement:

1. Elected county government officers;
2. Candidates for elected county government offices;
3. County Government Officers, management personnel, Department Heads and employees with procurement authority exceeding five hundred dollars (\$500) per purchase;

B. Members of Boards and Commissions which set tax rates, have procurement authority, or vote to adopt budgets will be required to sign a sworn statement that they, members of their immediate family, or business organizations in which they have an ownership interest will not benefit or profit from their appointment to the board;

C. The Financial Disclosure Statement should include the following information:

1. Name of filer;
2. Current business address, business telephone number and home address of filer;
3. Title of the filers public office or office sought;
4. Occupations of filer and spouse;
5. Name, address and telephone number of filer and spouse and filer's employer or occupation and if filer has more than one employer or occupation filer shall list same.
6. Every county government employee and elected and non elected county government officer who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision or other action taken within the scope of his or her public duties shall disclose the precise nature and value of interest, in writing, to the County Ethics Commission and to the Governing Body of Warren County and the disclosure shall be entered on the official record of the

proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

D. The Financial Disclosure Statement shall be filed annually on a form setting forth the above. The financial disclosure statement shall be filed annually by elected county government officers and candidates for elective officer no later than July 1 of each year. Candidates shall be required to file the statement no later than twenty-one (21) days after the filing date. Said filing date shall be that date where said candidate files for a nominating election or general election whichever occurs first.

E. In the event an individual who is required to file a financial disclosure statement has a change of circumstances during any year which said officer substantially believes is a material change in information previously provided, said officer or candidate shall immediately amend his financial disclosure statement.

F. 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;

G All pay and benefits shall be withheld until a non-complying person is in compliance with the filing requirements. Candidates and nominees who fail to comply with these filing requirements shall be fined \$25 for each day they are in noncompliance;

H. 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 or individual represented if other than individual making request. One (1) copy of this form shall be attached to the statement so requested and shall become a part of the record. This section of the Ethics Code shall be construed so as not to conflict with the Kentucky Open Records Act. In the event of a conflict, the Kentucky Open Records Act applies;

I. The Financial Disclosure Statements shall be filed with the County Ethics Commission. The County Judge Executive shall have and shall exercise the option of creating a County Ethics Commission as set forth herein or may exercise the option of including Warren County in a District or Regional or City/County Ethics Commission.

V. COUNTY ETHICS COMMISSION

A. The County Judge Executive shall have and shall exercise the authority to create a County Ethics Commission . The County Judge Executive at his option, may comply with this authority and requirement in one of two ways.

At the time of adopting an Ordinance adopting and implementing the Ethics Code for Warren County, Kentucky or any time thereafter, the County Judge Executive may elect that Warren County participate in a joint Ethics Commission for the purpose of enforcement of Warren County's Ethics Code. Said joint Ethics Commission may combine Warren County with a single County or City or a group of Counties or Cities

contained in a district or region and formed for the purpose of carrying out all duties and functions of the County's Code of Ethics, or the County Judge Executive may create a County ' Ethics Commission as hereinafter set forth:

The County Ethics Commission shall consist of three members. No members shall be elected County Government Officials. The members shall be appointed by the County Judge Executive with the approval of the Fiscal Court. The members shall receive no compensation but may be reimbursed all necessary expenses. The terms of the commission membership shall be staggered and no longer than three years.

B. Powers and Duties:

1. The Commission shall have jurisdiction over the administration of this Code and enforcement of then 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 administer oaths; compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony; and have the deposition of witnesses taken in the manner prescribed by the Kentucky Rules of Civil Procedure for taking depositions in civil actions;
4. The Commission may render advisory opinions whether or not given a set of facts and circumstances constitute a violation of any provision of this Code;
5. The Commission shall prescribe and provide forms foe reports, statements, notices and other documents required by this Code;
6. 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 t notice to the filer to correct or explain any omission or deficiency; ;
7. The County Ethics Commission may retain the County Attorney or an Assistant County Attorney if designated by the County Attorney to act as counsel for the Ethics Commission. Said duties are not a part of the County Attorney's statutory or constitutional duties. In the event and actual or potential conflict occurs the commission may retain private counsel. Counsel shall be at the expense of the County.

C. Complaint procedure; preliminary investigations:

- 1.

(a) Upon a complaint signed under penalty of perjury by any person, or upon its own motion, but not based on anonymous complaints, the Commission shall investigate any alleged violation of this Code;

(b) Within a reasonable time after commission receives complaint and upon finding of probable cause that this code has been violated, the commission shall initiate a preliminary inquiry into any alleged violation of this code, subject to Section (C1 a) herein;

(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. Within a reasonable amount of time after commencement of the inquiry and at any time during these proceedings, if the commission determines that the complaint does not constitute a violation of this code the commission shall dismiss said complaint.

2. 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.

3. 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;

4. If the Commission determines after reviewing the complaint or 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 t 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;

5. 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 the mitigating circumstances such as lack of significant economic advantage or gain by the violator, 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;

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

6. 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.

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 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 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 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 dollars (\$500).

6. The Commission may refer to the County Attorney or Commonwealth 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 Warren 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.

9. At least annually, the Commission shall review this Ethics Ordinance and the Standard Statement of Financial Disclosure and may recommend to Warren Fiscal Court any changes it deems necessary. Further, the County Judge Executive may at any time after enactment of this Ordinance elect to change the method of providing for a County Ethics Commission according to the two options set forth herein. Said election shall be accomplished by the County Judge Executive providing written notice to all magistrates.