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Boone County, Ky Code of Ordinances

CHAPTER 35: CODE OF ETHICS

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Cross-reference:

Code of conduct regarding procurements, see § 38.07

Statutory reference:

Code of ethics required, see KRS 65.003

GENERAL PROVISIONS**§ 35.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS ASSOCIATE. Includes the following:

- (1) A private employer;
- (2) A general or limited partnership, or a general or limited partner within the partnership;
- (3) A corporation that is family owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such a corporation;
- (4) A corporation, business association, or other business entity in which the county government officer, employee or agency serves as a compensated member or representative.

BUSINESS ORGANIZATION. Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.

CANDIDATE. Any individual who seeks nomination or election to a county government office covered by this code of ethics. An individual is a candidate when the individual:

- (1) Files a notifications and declaration for nomination for office with a county clerk of the Secretary of State; or
- (2) Is nominated for office by a political party under KRS 118.108, 118.115, 118.325, or 118.760.

COUNTY GOVERNMENT AGENCY. Any board, commission, authority, non stock corporation, task force or other entity formed by the county government or a combination of local governments.

COUNTY GOVERNMENT AGENCY. Any person, whether compensated or not, whether full-time or part-time, employed by or serving a county government agency who is not a county government officer or employee, but shall not mean any employee of a school district of school board.

COUNTY GOVERNMENT EMPLOYEE. Any person, whether compensated or not, whether full-time or part-time, employed by or serving the county government who is not a county government officer, but shall not mean any employee of a school district or school board.

COUNTY GOVERNMENT OFFICER. Any person, whether compensated or not, whether full-time or part time, who is elected or appointed to the county government office covered by this code of ethics. (Judge Executive, Fiscal Court Commissioners, County Attorney, County Clerk, Jailer, Coroner, Sheriff, Surveyor and Constable)

MEMBERS OF IMMEDIATE FAMILY. A spouse, an unemancipated child residing in an individual's household, a person claimed by the individual or individual's spouse as a dependent for tax purposes, or a person with whom the individual maintains a close economic or personal association.

RULE OF NECESSITY. The county government, agency or district may make or enter into a contract in which an officer, employee, agent or members of his/her immediate family or a business associates has an economic interest if the nature of the transaction and the nature of the interest is

publicly disclosed on the record prior to the time it is engaged in, and a specific finding is made by the county government, agency, or district and is so entered on the official record of the proceedings of the governing body that, notwithstanding the conflict, it is in the best interest of the local government because of limited supply, price, or documented emergency.

(Ord. 11-97-02, passed 12-16-97)

§ 35.02 STANDARDS OF CONDUCT.

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

(B) No county government officer, employee or agency shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others.

(C) No county government officer or employee shall solicit or accept any gift having a fair market value of more than \$100, per organization, per calendar year, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee in the performance of his/her public duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public officer as governed by the Kentucky Revised Statutes.

(D) No county government officer, employee or agent shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances, ceremonies or fact finding trips related to official county government business.

(E) No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.

(F) No county government officer, employee or agent shall use, or allow to be used, his/her public office or employment, or any information, not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his/her office or employment, for the purpose of securing financial gain for himself, any member of his/her immediate family, or any business organization with which he is associated except under the "rule of necessity".

(G) No county government officer or agent shall be deemed in conflict with these provisions if, by reason of his/her 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/her 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.

(H) No elected county government officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his/her immediate family, whether directly or indirectly, in return therefore.

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

(Ord. 11-97-02, passed 12-16-97) Penalty, see § 35.99

§ 35.03 NEPOTISM.

Hiring members of immediate family is strongly discouraged. However, in those rare instances where it is beneficial to the county and/or office to hire a member of immediate family, under no circumstances shall that person receive compensation, benefits or other job consideration not given to other employees of similar classification or job requirements. Also, for the member of the immediate family to be considered for employment, he/she must possess those qualifications required of other job applicants. If the hiring of a member of immediate family takes place, the county officer shall notify the Boone County Ethics Commission of his/her action.

(Ord. 11-97-02, passed 12-16-97)

§ 35.04 RECORDS RETENTION AND MAINTENANCE.

All documents and records created as a result of this code shall be maintained in compliance with the standards established by the Kentucky Archives and Records Commission.

(Ord. 11-97-02, passed 12-16-97)

FINANCIAL DISCLOSURE

§ 35.15 PERSONS REQUIRED TO FILE.

A statement of financial interest, shall be filed by all county officers, candidates for county office, and employees with procurement authority in excess of \$500. The statement shall be filed, submitted to the Boone County Ethics Commission, by January 31st for preceding calendar year. Candidates shall be required to file the statement no later than 21 days after the filing date of nomination. The form to be used shall be adopted and made available by the Boone County Ethics Commission. (The first report will be due January 31, 1996, for calendar year 1995.)

(Ord. 11-97-02, passed 12-16-97) Penalty, see § 35.99

§ 35.16 CONTENTS OF STATEMENT.

The statement of financial interest shall include:

(A) Offices or directorships held by the officer, candidate, employee with procurement authority in excess of \$500 or members of his/her immediate family as of December 31st of the reporting year.

(B) Employers (other than the county agency for which the individual is employed) who paid salary and wages exceeding \$5000 to the officer, candidate, employee with procurement authority in excess of \$500 or members of his/her immediate family as of December 31st of the reporting year. Only the name of the employer is to be listed, NOT the amount.

(C) Any loans, debts, interest paid or received or other financial considerations given to the officer, candidate, employee with procurement authority in excess of \$500 or members of his/her immediate family as of December 31st of the reporting year that are at a special rate not available to the general public.

(Ord. 11-97-02, passed 12-16-97) Penalty, see § 35.99

§ 35.17 SIGNATURE REQUIRED.

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.

(Ord. 11-97-02, passed 12-16-97) Penalty, see § 35.99

§ 35.18 DISCLOSURE OF PRIVATE INTERESTS.

Any officer, employee, agent, or member of his/her immediate family who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within their agency or district shall disclose such private interest to the governing body of such agency or district. That disclosure shall be part of the permanent meeting records maintained by the agency or district.

(Ord. 11-97-02, passed 12-16-97) Penalty, see § 35.99

ETHICS COMMISSION

§ 35.25 COMPOSITION.

The Boone County Ethics Commission shall consist of three private citizen members. One commissioner shall be selected as chairperson. The members shall be appointed by the Judge/Executive with the approval of the fiscal court. Members shall receive no compensation but may be reimbursed all necessary expenses. Funding will be provided by the Fiscal Court. Any fines levied may be used to offset costs incurred. Staff assistance will be made available by the County Administrator. The terms of members may be staggered and shall be no longer than four years. Members may be reappointed. The first commission members shall be appointed within 60 days of January 1, 1995. Vacancies shall be filled within 60 days from the date a vacancy occurs. The Judge/Executive may appoint one, or more, alternate Commissioners to serve temporarily if any Commissioner, or Commissioners, is unable to discharge his or her duties.

(Ord. 11-97-02, passed 12-16-97)

§ 35.26 POWERS AND DUTIES.

(A) The Boone County Ethics Commission shall have the following powers:

(1) To receive, hear and review complaints and hold hearings regarding possible violations of the county code of ethics.

(2) To request the production of documents and the attendance of witnesses.

(3) To forward to appropriate agencies or state and local government information concerning violations which may be used in criminal or other proceedings.

(4) To render advisory opinions to county officers, employees and agents reading whether a given set of facts and circumstances constitutes a violation of any provision of the county code of ethics.

(5) To enforce the provisions of the local code of ethics with regard to local government officers, employees and agents and to impose penalties for violations as authorized.

(6) To adopt rules and regulations necessary to implement the local code of ethics.

(B) The Boone County Ethics Commission shall be the collection point and custodian of:

(1) Financial disclosure forms; and

(2) Notice of hiring any member of immediate family.

(Ord. 11-97-02, passed 12-16-97)

§ 35.27 CONFIDENTIALITY REQUIREMENTS.

The following confidentiality requirements are designed to protect the constitutional and civil rights of the alleged violator and prevent potential county liability for released information. All charges, documents and findings shall be confidential during an open, pending investigation. After the investigation is complete and a final decision is rendered by the Boone County Ethics Commission, the provisions of the Open Records Act shall govern the availability of the materials.

(Ord. 11-97-02, passed 12-16-97)

Statutory reference:

Open Records Act, see KRS Ch. 61

§ 35.28 APPEAL.

Decisions of the Boone County Ethics Commission regarding violations may be appealed to the Boone County Circuit Court.

(Ord. 11-97-02, passed 12-16-97)

§ 35.99 PENALTY.

(A) Where an act or omission is prohibited or declared unlawful in this chapter, and no other penalty is otherwise provided, the offense shall be deemed a misdemeanor and the offender shall be fined not more than \$500 for each offense.

(B) Candidates and nominees who fail to comply with these filing requirements shall be fined \$25 for each day they are in noncompliance.

(Ord. 11-97-02, passed 12-16-97)