

CHAPTER 35: CODE OF ETHICS

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Appendix A: Financial Interests Statement

§ 35.01 DEFINITIONS.

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.
- (4) A corporation, business association, or other business entity in which the county government officer or employee serves as a compensated agent 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. 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.

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

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

COUNTY GOVERNMENT OFFICER. Any person, whether compensated or not, whether full-time or part-time, who is elected to any county government office; or any person who serves as a member of the governing body of any county government agency or special taxing or non taxing district.

MEMBER OF IMMEDIATE FAMILY. A spouse, an unemancipated child residing in an individual's household, or a person claimed by the individual or individual's spouse as a dependent for tax purposes.

FAMILY MEMBER. Any relative who is 2nd cousin or closer in relationship.
(Ord. O-19-94, passed 12-7-94)

§ 35.02 STANDARDS OF CONDUCT.

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

(B) No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage. A county officer may receive certain gifts or monetary benefits in the pursuit of county business at meetings, seminars, and conferences.

(C) 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.

(D) 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.

(E) Nothing shall prohibit any county government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, interests.
(Ord. O-19-94, passed 12-7-94)

§ 35.03 NEPOTISM.

Hiring members of immediate family is discouraged. However, in those 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 Campbell County Ethics Commission of his/her action. Any current family member on the payroll is grandfathered.

(Ord. O-19-94, passed 12-7-94)

§ 35.04 FINANCIAL DISCLOSURE.

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

- (1) Elected officers;
- (2) Candidates for elected office;

(B) The financial disclosure statement shall include the following information:

- (1) Name of filer;
- (2) Current business address, business telephone number and home address of filer;
- (3) Title of filer's public office or office sought;
- (4) Occupation of filer;
- (5) Name and address of the primary source of income of the filer during the preceding calendar year;

(C) Each statement shall be signed and dated by the individual filing the statement of financial interest. Knowingly signing a fraudulent statement shall be a Class A misdemeanor.

(D) The financial disclosure statement shall be filed with the Campbell County Ethics Board no later than February 15 of each year.
(Ord. O-19-94, passed 12-7-94)

§ 35.05 COUNTY ETHICS COMMISSION.

(A) The Campbell County Ethics Commission is hereby created which shall have the powers to enforce all provisions of the code of ethics, adopted by Ordinance O-19-94.

(B) The Commission shall be composed of three members to be appointed by the County Judge Executive, and confirmed by the fiscal court. Appointment shall be for a term of one year. Members will be reimbursed for expenses incurred. Staff assistance will be supplied by the county.

(1) All appointments shall be made no later than 60 days after the adoption of this chapter.

(2) Vacancies on the County Ethics Commission shall be filled within 60 days by the county judge/executive subject to the approval of the fiscal court. If a vacancy is not filled by the county judge/executive within 60 days, the County Commissioners may fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(C) Powers and duties.

(1) The Commission shall have jurisdiction over the administration of this code. have the right to be

(2) The Commission may receive complaints; and conduct investigations, inquiries, and hearings concerning any matter covered by this code.

(3) The Commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this code.

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

(5) The Commission may retain private counsel at the expense of the county if the county attorney has an actual or potential conflict. Any counsel must be pre-approved by the fiscal court.

(D) Complaint procedure; preliminary investigations.

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

(b) After the Commission receives the complaint, the Commission shall initiate a preliminary inquiry into any alleged violation of this code. This shall be done in a timely manner.

(c) 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. This shall be done in a timely manner.

(2) All Commission proceedings and records relating to a preliminary investigation shall be subject to the open meetings or open records act.

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

(4) The Commission shall afford a person who is the subject of a preliminary investigation an opportunity to respond to the allegations in the complaint. The person shall

represented by counsel, to appear and be heard and to offer evidence in response to the allegations in the complaint.

(5) 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.

(E) Action by Commission.

(1) If the 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 chapter, the Commission may:

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

(b) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and

governing body (if different than the executive authority) of the county or county agency with which the violator serves.

(c) Refer evidence of criminal violations of this chapter or state laws to the county attorney or commonwealth's attorney for the jurisdiction for prosecution.

(F) Appeals.

(1) Any person found by the Commission to have committed a violation of this code may appeal the action to the Campbell County Circuit Court. The appeal shall be initiated within 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 records as certified by the Commission.

(Ord. O-19-94, passed 12-7-94)

