

(B) The Director of Disaster and Emergency Services shall relinquish authorities and responsibilities associated with any other governmental employment with the county and the Director shall assume those authorities and responsibilities until such time as the Director shall cease acting in the capacity of Director.

(C) In no case shall the county seek reimbursement for the Director's salary for any time spent in another capacity.

(Ord. 1-89-56, passed 2-16-89)

Statutory reference:

Authority to establish, see KRS 39.415

▪ **31.02 ELECTIONEERING PROHIBITED.**

(A) No person shall do any electioneering near the polling place within a 500 foot perimeter of the voting machine.

(B) ***ELECTIONEERING*** shall include the displaying of signs, the distribution of campaign literature, cards and handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any candidate or question on the ballot in any manner.

(Ord. 10-85-33, passed 12-5-85) Penalty, see ' 31.99

CODE OF ETHICS

▪ **31.15 DEFINITIONS.**

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

BUSINESS ASSOCIATE.

- (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 or employer 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. Any 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 in the Secretary of State: or
- (2) Is nominated for office by a political party under KRS 118.105, 118.115, 118.325.

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 employees 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, but shall not mean any officer of a school district or school board.

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.

RULE OF NECESSITY. The county government, agency or district may make or enter into a contract in which an officer or employee or members of his immediate family or a business associate 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 entered on the official record of the proceedings of the governing body that, notwithstanding the conflict, it is in the best interests of the local government because of limited supply, price, or documented emergency.

(Ord. 33-94-158, passed 11-18-94; Am. Ord. 37-2000-374, passed 9-18-00)

31.16 STANDARDS OF CONDUCT.

(A) No county government officer or employees or member of his 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 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 him or others.

(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 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.

(E) No county government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, 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 lender's business, or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearance, 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 any county property, including vehicles, equipment, materials, land and any other property or service for his or her personal convenience or the private advantage or for the personal convenience or personal gain of any other person.

(I) No county government officer or employee shall use 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 except under the "rule of necessity."

(J) No county government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves, where such local agency is a party.

(K) 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.

(L) 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.

(M) 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, own interests.

(Ord. 37-2000-374, passed 9-18-00)

▪ **31.17 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 should 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) Occupations of filer and spouse;
- (5) Positions held by the filer and any member of the filer's immediate family in any business organization or nonprofit entity from which the filer or any member of the filer's immediate family received compensation in excess of \$5,000, during the preceding calendar year, and the name, address, and telephone number of the business organization or nonprofit entity;
- (6) Name, address, telephone number of each source of income from within the Commonwealth of Kentucky of both the filer and spouse which exceeded \$5,000, during the preceding calendar year;

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(7) Name, address, and telephone number of each business organization located within the Commonwealth in which the filer or any member of the filer's immediate family had an interest of \$10,000 at fair market value or 5% ownership interest or more during the preceding calendar year;

(8) The location and type (commercial) of all real property within the county, other than the filer's primary residence, in which the filer or any members of the filer's immediate family had an interest of \$10,000 or more during the preceding calendar year.

(C) The financial disclosure statement shall be on a form provided by the Ethics Commission. Elected officers shall file the financial disclosure statement annually no later than February 15. Candidates shall be required to file the statement no later than 21 days after the filing date or the date of nomination. Newly appointed officers shall be required to file their initial statement no later than 21 days after the date of appointment.

(D) The financial disclosure statement shall be filed with the Ethics Commission by all filers who are subject to the jurisdiction of the Commission.

(E) Any County Judge/Executive, magistrate or Commissioner, sheriff, jailer, coroner, constable, surveyor, County Attorney, County Clerk, or a member of his immediate family, who has a private interest in any matter pending before the Fiscal Court shall disclose such private interest on the records of the court and shall disqualify himself/herself from participating in any decision or vote relating thereto.
(Ord. 37-2000-374, passed 9-18-00)

▪ 31.18 NEPOTISM.

(A) No county government officer or county government employee shall act in his official capacity to hire or cause to be hired any member of his immediate family at an hourly pay rate or with benefits in excess of any other employee with similar job duties, responsibilities and qualification requirements.

(B) No officer or employee shall exercise contract management authority where any member of the immediate family of the official or employee is employed by or has contracts with persons doing county government work over which the official or employee has or exercises contract management authority.
(Ord. 37-2000-374, passed 9-18-00)

▪ 31.19 COUNTY ETHICS COMMISSION.

(A) A County Ethics Commission is hereby created which shall have the powers to enforce all provisions of the code of ethics adopted by this subchapter.

(B) The County Ethics Commission shall consist of three members. The members shall be appointed by the County Judge/Executive with the approval of the Fiscal Court. Members shall receive no compensation but may be reimbursed for all necessary expenses. The terms of members shall be staggered and no longer than four years.

(C) The Board of Ethics shall, on the written request of any official, candidate, nominee or employee coming under the code of ethics, render advisory opinions concerning the provisions of this code of ethics. The Board may at its discretion publish its advisory opinion with such deletions as may be necessary to prevent disclosure of the individual or individuals involved or concerned.

(D) The Board shall receive, hear and investigate complaints concerning violations of this code of ethics. In any instance in which the Board of Ethics finds that violation of the code of ethics exists, the Board may impose the appropriate penalty. In hearing and investigating complaints concerning violations of this code of ethics, the Board shall have the power to subpoena witnesses, administer oaths, take testimony and require other production of evidence.

(E) The Board of Ethics shall, 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 Commission, which may include a recommendation for discipline or dismissal.

(F) The Board of Ethics shall adopt rules and regulations necessary to implement the local ethics code.

(G) The Board of Ethics may issue an order requiring the violator to pay a civil penalty of not more than \$1,000.

(H) A member of the County Ethics Commission may be removed by the County Judge/Executive, subject to the approval of Fiscal Court, for misconduct, inability or willful neglect of duties. Before any member of the Ethics Commission is removed from office under this section, the member shall be afforded the opportunity for a hearing before the Fiscal Court.

(I) Minutes shall be kept for all proceedings of the Ethics Commission and the vote of each member on any issue decided by the Commission shall be recorded in the minutes.

(Ord. 37-2000-374, passed 9-18-00)

COUNTY JUDGE/EXECUTIVE

• 31.25 COUNTY JUDGE/EXECUTIVE.

(A) The County Judge/Executive shall be the chief executive of the county and shall have all the powers and perform all the duties of an executive and administrative nature consistent with the Kentucky Constitution and Kentucky Revised Statutes.