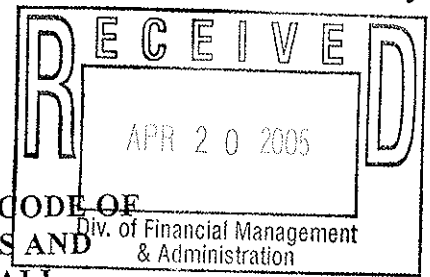


MARSHALL COUNTY CODE OF ETHICS



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

BE IT ORDAINED BY THE FISCAL COURT, COUNTY OF MARSHALL, COMMONWEALTH OF KENTUCKY:

WHEREAS, the Marshall 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 and appointed officers and employees of Marshall County, including members of the Fiscal Court, Sheriff, County Attorney, County Clerk, Jailer, Coroner, surveyor, Constable; and

WHEREAS, public office and employment are a public trust and government has a duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees 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 and employees shall be clear, consistent, and uniform in their application, and to provide local officers and employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

SECTION 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 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 employee 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 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, 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.

F. "County government officer" means any person, whether compensated or not, whether full-time or part-time, who is elected to any county government office as defined by 1994 House Bill 238.

G. "Member of immediate family" means 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.

H. "Family member" means any relative who is 2nd cousin or closer in relationship.

SECTION II. STANDARDS OF CONDUCT

A. No county government officer or 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 or employee shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself.

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

D. No county government officer or employee shall undertake any employment of service, compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of his/her official duties.

E. 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.

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

G. No county government officer or employee shall use, or allow to be used, in 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/herself any member of his/her family, or any business organization with which he/she is associated;

H. No county government officer or employee or business organization in which he/she 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/she serves.

I. No county government officer 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;

J. 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; and

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

SECTION III. NEPOTISM

A. After the effective date of this ordinance, no county government officer shall in his/her official capacity hire or cause to be hired any member of his/her immediate family at an hourly pay rate or with benefits in excess of any other employee with similar job duties, responsibilities and qualification requirements.

SECTION IV. FINANCIAL DISCLOSURE

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

1. Elected Officials as defined by 1994 house bill 238.
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 filers' public office or office sought;
4. Occupation of filer
5. Position held by the filer in any business organization or nonprofit entity from which the filer 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 and address of each source of income of the filer from within the Commonwealth of Kentucky which exceed \$5,000 during the preceding calendar year;
7. Name and address of each business organization located within the Commonwealth in which the filer had an interest of ten thousand (\$10,000) at the fair market value;
8. The location of all (commercial) property within the county, in which the filer had an interest of ten thousand (\$10,000) or more during the past year;
9. Any officer of the county government who shall have private financial interest, directly or indirectly, in any contract or matter pending before or within any department of agency of the county government shall disclose such private interest to the fiscal court.

10. Any county judge/executive, magistrate or commissioner, sheriff, jailer, coroner, constable, surveyor, county attorney, county clerk, who had 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/herself from participating in any decision or vote relating thereto.

11. Any officer 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 or within such independent agency or special district shall disclose such private interest to the governing body of such agency or district.

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. All pay and benefits shall be withheld until a non-complying officer is in compliance with the filing requirements. Candidates and nominees who fail to comply with these filing requirements shall be fined \$50 for each day they are in non-compliance.

E. The financial disclosure statements shall be filed with the Marshall County Court Clerk no later than ten (10) days after the 1st Monday of each new year and/or ten (10) days after filing Candidate papers for public office or having been nominated for public office.

SECTION V. COUNTY ETHICS COMMISSION

A. The county ethics commission shall consist of three (3) members. Members shall receive no compensation but it may be reimbursed all necessary expenses. The terms of members shall be staggered and no longer than four (4) years. The county judge/executive shall appoint the members of the commission with the approval of the fiscal court.

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

2. Vacancies on the County Ethics Commission shall be filled with sixty (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 sixty (60) days, the remaining members of the County Ethics Commission shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

B. Powers and Duties

1. The commission shall have jurisdiction over the administration of this code.

2. The commission may receive complaints; initiate investigations on its own motion; and conduct investigations, inquiries, and hearing concerning any matter covered by this code.
3. The commission may render advisory opinions whether or not a given set of facts and circumstances constitute a violation of any provision of this code.
4. The commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this code.
5. The commission shall determine whether the required statements and records have been filed and if filed, whether they conform with the requirements of this code. The commission shall promptly give notice to filer to correct or explain any omission or deficiency.
6. The commission may retain private counsel at the expense of the county if the county attorney had an actual or potential conflict. Any counsel must be pre-approved by the fiscal court.

C. Complaint procedures; preliminary investigations.

1. Upon a complaint signed under penalty of perjury by any person, or upon its own motion, the commission shall investigate any alleged violation of this code.
2. No later than ten (10) days after the commission receives the complaint, the commission shall initiate a preliminary inquiry into any alleged violation of this code.
3. Within thirty (30) days of the commencement of the inquiry, the commission shall forward a copy of the complaint and general statement of the applicable law to the person alleged to have committed a violation.
4. All commission proceedings and records relating to a preliminary investigation shall be confidential until a final determination is made by the commission, except: The commission may turn over to the Commonwealth Attorney, or County Attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings; and
5. The complaint or alleged violator shall not publicly disclose the existence of a preliminary investigation, the commission shall not publicly confirm the existence of the inquiry nor make public any documents which were issued to either party.
6. 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 and to offer evidence in response to the allegations in the complaint.

7. 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. 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 ordinance, 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 of the county or county agency with which the violator serves; (c) In writing, recommend to the executive authority and the governing body that the violator be sanctioned as recommended by the Commission, which may include a recommendation for discipline or dismissal; (d) Issue an order requiring the violator to pay a civil penalty of not more than \$1,000; (e) Refer evidence of criminal violations of this ordinance or state laws to the county attorney or commonwealth's attorney of the jurisdiction for prosecution.

E. Appeals

1. Any person found by the commission to have committed a violation of this code may appeal the action to the Marshall County 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.

The first reading was held on the 4th day of October 1994. The second reading was held on the 18th day of October 1994. All members of the Court voted aye.

Mike Miller
Mike Miller, County Judge/Ex.

Jerome Hicks
Jerome Hicks, Magistrate

Jerry G. English
Jerry G. English, Magistrate

Gordon Hargrove
Gordon Hargrove, Magistrate