

Owen County Fiscal Court
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Casey Ellis
County Judge/Executive

Magistrates
Todd Spurgeon, District 1
Stuart Bowling, District 2
Wayne Harris, District 3
Chad Rose, District 4

CODE OF ETHICS

ORDINANCE #236

AN ORDINANCE RELATED TO THE ESTABLISHMENT OF A CODE OF ETHICS FOR ELECTED OFFICIALS AND EMPLOYEES OR CANDIDATES FOR PUBLIC OFFICE IN OWEN COUNTY AND HEREBY REPEALS ALL PREVIOUS ORDINANCES, NAMELY ORDINANCE #92 AND #106

WHEREAS, the officials of this County are committed to the operation of County government exhibiting the highest ethical standards among its Officials, Board Members, Consultants, Contractors, and employees and desire to comply with all requirements set forth by the Commonwealth;

WHEREAS, the Owen County Ethics Ordinance seeks to comply with requirements prescribed within KRS 65.003 ensuring appropriate enforcement of its Code of Ethics;

WHEREAS, KRS 65.210 authorizing interlocal cooperation agreements

WHEREAS, Owen County Fiscal Court hereby authorizes enforcement of the provisions of this ordinance shall be conducted through the Northern Kentucky Regional Ethics Authority and the Northern Kentucky Ethics Enforcement Committee according to the provisions thereof;

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GENERAL PROVISIONS

1 TITLE.

This Chapter shall be known and may be cited as the Owen County Code of Ethics.

2 PURPOSE AND AUTHORITY.

(A) It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers, employees, board or commission members of the county shall be clearly established, uniform in their application, and enforceable, and to provide the officers, employees, board or commission of the county with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

(B) It is the further purpose of this chapter to meet the requirements of KRS 65.003 as enacted by the 1994 Kentucky General Assembly.

(C) This chapter is enacted under the power vested in the Fiscal Court by KRS Chapter 67

3 DEFINITIONS.

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

APPOINTED OFFICIALS. The Deputy Constable and members of any county or multi-county board, county-wide joint board or political subdivision that have county-wide jurisdiction, or whose authority extends beyond a single city boundary, whether paid or unpaid.

COUNTY and COUNTY GOVERNMENT. All agencies, boards, commissions, special districts, and authorities subject to this chapter.

COUNTY ELECTED OFFICIALS. County Judge/Executive; County Commissioners; County Magistrates; County Attorney; County Clerk; County Coroner; County Jailer; County Surveyor; County Sheriff; Constable; and Executive Level Positions: Deputy Judge/Executive, County Administrator, and all Assistant County Attorneys.

COUNTY GOVERNMENT EMPLOYEE. Any person, whether compensated or not, whether full-time, part-time, or seasonal, employed by or serving the county government or county government agency who is not included in the definitions of COUNTY ELECTED OFFICIALS or APPOINTED OFFICIALS, except employees of a school district or school board.

FAMILY MEMBER. A spouse, parent, child, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, or son-in-law.

4 REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED.

(A) No county elected official, officer, employee, board or commission member of the county or county agency shall be subject to reprisal, directly or indirectly use, or threaten to use, any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Board of Ethics or any other agency or official of the county or the Commonwealth any facts or information relative to an actual or suspected violation of this chapter.

(B) This section shall not be construed as prohibiting disciplinary or punitive action if an officer, employee, board or commission member of the county or any county agency discloses information which he or she knows:

- (1) To be false or which he or she discloses with reckless disregard for its truth or falsity;
- (2) To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884; or
- (3) Is confidential under any provision of law.

STANDARDS OF CONDUCT

10 FIDUCIARY DUTY.

County elected officials, appointed officials and county government employees should respect and comply with the laws of the Commonwealth of Kentucky and its political subdivisions and should conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of county government. In addition to criminal acts prohibited by current law, a fiduciary duty is imposed on all county elected officials, appointed officials and county government employees in the performance of their public duties. This fiduciary duty imposes the obligation to act in the public's best interests through the county government agencies in which the person is employed or serves.

11 USING OFFICE FOR PERSONAL GAIN.

County elected officials, appointed officials and county government employees shall not use their county positions directly or indirectly, for personal gain (e.g., engaging in any business or transaction, having a financial, sexual, personal, exploitative, or other interest, which is in conflict with the proper discharge of their duties). County elected officials, appointed officials and county government employees are to avoid real conflicts between public duties and private financial interests.

12 CONFLICTS OF INTEREST IN EMPLOYMENT OR SERVICE.

No county elected official, appointed official or county government employee shall undertake any employment or service on any committees, commissions, boards, elected office or with other organized entities whether public or private, which interferes with the proper administration of his/her official duties. Further, no county elected official, appointed official or county government employee shall act in his/her official capacity in any matter where he/she, a family member, or a business organization in which he/she has an interest, has a direct or indirect financial or personal involvement.

13 RECEIPT OF GIFTS.

(A) No county elected official, appointed official, or county government employee, or a family member, or business organization in which he/she has an interest, shall solicit or accept any cash or legal tender, gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that any of these were offered for the purpose of influencing him/her, directly or indirectly, in the discharge of his/her official duties.

(B) Meals, and other favors of an incidental nature and minor value not in excess of \$100 per event, shall not be included in this policy.

(C) This section shall not apply to soliciting or accepting contributions to a campaign for an announced candidate for elective public office which is governed by the Kentucky Revised Statutes.

(D) No county elected official; appointed official, or county government employee shall be denied reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances, or ceremonies. County elected officials, appointed officials, and county government employees must fulfill the responsibilities intended with any county funded trip, training, public appearance, or other activity.

14 MISUSE OF CONFIDENTIAL INFORMATION.

No county elected official, appointed official, or county government employee shall use, or allow to be used, his/her public office or employment, or any information, not generally available to the public, which he/she receives or acquires by reason of his/her office or employment, for securing financial gain for himself/herself, a family member, or any business organization with which he/she is associated.

15 REPRESENTATION OF INTERESTS BEFORE LOCAL GOVERNMENT.

(A) No county elected official, appointed official, or business organization in which he/she has a financial 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 of the local government in which he/she serves unless the county elected official or appointed official withdraws from consideration of that issue.

(B) Nothing shall prohibit any county elected official, appointed official, or county government employee, or a family member, from representing himself/herself, or themselves, in negotiations or proceedings concerning his/her own interests.

(C) Any county elected official, Magistrate or Commissioner, Sheriff, Jailer, Coroner, Constable, Surveyor, County Attorney, County Clerk, or their family member, who has a private financial interest in any matter pending before the county shall disclose such private interest on the records of the respective body and shall disqualify him/herself from participating in any decision or vote relating thereto.

16 MISUSE OF COUNTY PROPERTY.

County elected officials, appointed officials and county government employees shall not abuse, neglect, waste, or misappropriate county property. All county elected officials, appointed officials and county government employees are responsible for the proper care and safe use of any tools, materials, equipment, or vehicles assigned for the performance of their jobs. No county tools, equipment, materials or vehicles shall be used for any purpose other than authorized work-related activities.

17 COMMERCIAL ENDORSEMENTS.

County elected officials, appointed officials and county government employees shall not publicly endorse any commercial product or service as a representative, agent, official, or employee of the county.

18 SERVICE, LEAVE AND REIMBURSEMENT.

Paid appointed officials and county government employees must provide service to the county while in attendance at work in a paid status. Paid appointed officials and county government employees shall request and take only the amount of leave and reimbursement which they are due and entitled pursuant to the applicable policies and procedures manuals.

19 FAVORITISM PROHIBITED.

(A) County elected officials, appointed officials and county government employees who apply for and/or receive any county services or who are being investigated by any county agency shall not receive special consideration or treatment.

(B) County elected officials, appointed officials and county government employees shall provide to the public equal protection in enforcement of the law, and shall not grant any consideration, treatment, advantage, favor, service or item in the discharge of their duties beyond that which it is the general practice to grant or make available to all citizens.

(C) No county elected official shall be prohibited from making an inquiry for information or providing assistance to a constituent, if no fee, reward or other thing of value is promised, given or accepted by the county elected official or a family member, in return.

20 COUNTY ATTORNEYS; RULES OF PROFESSIONAL CONDUCT.

The County Attorney, Assistant County Attorneys, and any other attorneys employed by the county, and performing their official duties as attorneys, shall strictly follow the Kentucky Rules of Professional Conduct.

21 HONORARIA; COMMERCIALY REASONABLE LOANS.

No county elected official, appointed official, or county government employee shall be prohibited from giving or receiving an award publicly presented in recognition of public services, commercially reasonable loans made in the ordinary course of the lender's business, or accepting a reasonable gratuity for solemnizing a marriage.

22 CONFLICT OF INTERESTS; EXCEPTIONS.

No county elected official, appointed official, or county government employee shall be deemed to be in conflict with these standards of conduct if by reason of his/her participation in the enacting of an ordinance or resolution, voting upon a matter or taking of an executory action, duly brought before said person, wherein some benefit is accrued to said participant or his/her family member, provided no greater benefit is bestowed than would otherwise be bestowed upon other members of the same business, profession, occupation or entity similarly situated.

FINANCIAL DISCLOSURE

30 PERSONS REQUIRED TO FILE.

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

- (A) County elected officials, as defined in this chapter;
- (B) Candidates for elected offices;
- (C) Appointed officials with procurement authority exceeding \$500 per purchase and department heads and supervisory personnel.
- (D) All nominees for any boards, agencies, commissions and paid officials, county departments heads and supervisory personnel working in county government.

31 CONTENTS OF STATEMENT.

A financial disclosure statement shall be adopted by the Ethics Commission and include the following information:

- (A) Name of filer and spouse;
- (B) Current business address, business telephone number and home address of filer and spouse;
- (C) Title of the filer's public office or office sought;
- (D) Occupations of filer and spouse (full-time and part-time);
- (E) Positions held by the filer and the filer's spouse in any business organization or nonprofit entity from which the filer or the filer's spouse 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;
- (F) Information that identifies each source of income, e.g., law firm, business, of the filer and the filer's spouse exceeding \$5,000 during the preceding calendar year;
- (G) Name, address, and telephone number of each business organization in which the filer or the filer's spouse had a five percent ownership interest or more (at fair market value) during the preceding year;
- (H) Name, address and telephone number of each organization from which the filer or the filer's spouse received gifts or honoraria annually totaling \$100 or more;
- (I) The location and type (commercial, residential, agricultural) of all real property within the county, other than the filer's primary residence, in which the filer or the filer's spouse has an interest of \$5,000 or more during the past year.

(II) 32 FILING DATE.

The financial disclosure statement shall be filed annually by county elected officials and appointed officials no later than April 30. Candidates shall be required to file the statement no later than 30 days after their respective filing date or the date of nomination. Newly appointed officials shall be required to file their initial statement no later than 30 days after the date of appointment.

33 SIGNATURE REQUIRED.

Each financial disclosure statement shall be signed and dated by the individual filing. Signing a fraudulent statement shall be a Class A misdemeanor.

34 STATEMENT OPEN TO PUBLIC INSPECTION.

(A) All financial disclosure statements shall be open records as defined by KRS chapter 61

(B) The financial disclosure statement shall be filed with the Ethics Commission which may designate that said records be filed with the County Clerk, or such other depository as

NEPOTISM

40 NEPOTISM PROHIBITED.

(A) No county elected official, appointed official, or county government employee shall advocate, recommend or cause the employment, appointment, promotion, transfer, or advancement of a family member to an office or position of employment with the county.

(B) No county elected official, appointed official, or county government employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent a county elected official, appointed official, or county government employee from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.

41 PRE-EXISTING SITUATIONS EXCEPTED.

The prohibitions in this subchapter shall not apply to any relationship or employment situation that would otherwise violate the prohibition, but which existed prior to January 1, 1995.

50 ENFORCEMENT

Attached hereto and incorporates herein by the reference is in interlocal Cooperation Agreement authorized by KRS 65.210 et, seq, which the Judge/Executive of Owen County Fiscal Court is hereby authorized and directed to sign on behalf of the County. The provisions of this ordinance shall be enforced by the Northern Kentucky Regional Ethics Authority and the Northern Kentucky Enforcement Committee according to the provisions thereof.

51 SVERABILITY

If any provisions of the ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this ordinance shall continue in full force and effect.

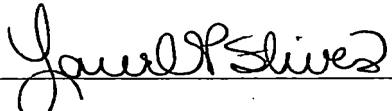
INTRODUCED AND GIVEN FIRST READING on this 13th day of December 2022 at the duly convened meeting of the Owen County Fiscal Court on a motion made by Bowling and second by Harris

GIVEN SECOND READING on this 27th day of December 2022 at the duly convened meeting of the Owen County Fiscal Court, Owenton, Kentucky on a motion made by Todd Spurgeon and second by Wayne Harris and a vote of ✓ yes and no.



Casey Ellis

Owen County Judge/Executive

Attest: 

Laurel Stivers

Owen County Clerk

Program Description

The Northern Kentucky Regional Ethics Authority (NKREA) was established in December 1994. The NKREA was created through an interlocal agreement and is governed by representatives from participating jurisdictions. The NKREA enforces city/county ethics ordinances, acts as an oversight board, appoints an Enforcement Committee to rule on potential violations, and reviews financial disclosure reporting compliance.

As of January 2021, nineteen cities and one county were members of the Regional Ethics Authority. Members pay \$600 in the initial year, and \$300 every year after for all costs, including financial disclosure collection, open records request response, and any advisory questions or ethical complaint hearings that could arise.

The NKREA contracts with the Northern Kentucky Area Development District to provide staffing services and serve as a records depository.

In the year 2000, the NADO Research Foundation presented the Innovation Award to the Northern Kentucky Regional Ethics Authority. In September 2000 the NKREA was recognized by the Kentucky Performance Audit of Local Government Ethics Codes and Boards (Auditor of Public Accounts) as the only regional ethics board in the Commonwealth in compliance with the Interlocal Cooperation Act.

Eligibility

Any city, county or special government entity is eligible to join the NKREA by becoming party to the interlocal agreement.

Who does the program benefit/what are the benefits?

The NKREA benefits the jurisdictions that are party to the interlocal agreement. Jurisdictions participating in the NKREA benefit through the increased efficiencies of various jurisdictions cooperating to carry out required administrative and enforcement tasks.

Services offered within the program

- Receipt of complaints alleging potential violations
- Issuance of opinions in response to inquiries
- Investigation of alleged violations
- NKADD staffing to ensure implementation of these responsibilities
- Maintenance and collection of financial disclosure statements
- Open records request response

Contact information

Kristin Scott at Kristin.Scott@nkadd.org or 859-283-1885.

Northern Kentucky Regional Ethics Authority

By-Laws

Article I

The name of this organization shall be the Northern Kentucky Regional Ethics Authority.

Article II

Object

This object of this organization shall be consistent with the responsibility imposed on cities and counties to establish an enforcement entity that is responsible for implementation of the enforcement process. The signatories to Interlocal Agreement are expressly utilizing the authorities contained in the Interlocal Cooperation Act to jointly establish and operate the Northern Kentucky Regional Ethics Authority. Upon establishment of this Authority, its Board of Directors is expressly authorized to create and appoint the membership of an operational committee, to be known as the Northern Kentucky Ethics Enforcement Committee, to carry out the enforcement activities necessitated by the implementation of ethics ordinances by the cities and/or counties that are party to this agreement.

Article III

Members

The membership of this organization shall be limited to local governments in: Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Owen and Pendleton Counties.

The membership of the Northern Kentucky Regional Ethics Authority is comprised of the chief elected official (mayor or county judge/executive) or the appointed alternate of its participating member jurisdictions.

The members of the Northern Kentucky Regional Ethics Authority shall serve as its Board of Directors. Additional cities or counties may become members of the Northern Kentucky Regional Ethics Authority by properly adopting and signing the Interlocal Agreement for the Northern Kentucky Regional Ethics Authority.

All costs associated with the implementation of the authorities outlined in this agreement are to be borne as follows:

Every participating governmental jurisdiction shall remit a fee due on or before January 1st of each year to cover the indirect costs of the Northern Kentucky Regional Ethics Authority and its enforcement committee. This fee will go toward administrative expenses such as collection and retention of financial disclosure forms, etc. To the extent the additional funds are not utilized during the year of remittal, the balance will be applied to the next year's fee. All direct costs associated with enforcement activities necessitated by an investigation of an allegation shall be borne by the local government whose code is the catalyst for the investigation.

Any member of this agreement may terminate its membership by providing written notice to the remaining members sixty (60) days prior to the effective date of its withdrawal. In the event a participating member withdraws from this agreement, the member shall forfeit its right to any equipment or supplies that have been acquired by the Northern Kentucky Regional Ethics Authority for operation of the organization. In the event this agreement is terminated completely and no members remain party to the agreement; the supplies, equipment, and any unexpended funds shall be divided proportionally among the dues paying members of the previous fiscal year.

Article IV Officers

Section 1

The officers of the Northern Kentucky Regional Ethics Authority shall be a Chairperson, a Vice-Chairperson, and NKADD staff member as Recording Secretary. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Authority.

Section 2

At the regular meeting held during the month of October, officers will be elected. Before the election at the annual meeting, nominations from the floor shall be permitted.

Section 3

The officers shall be elected by ballot to serve for one year or until their successors are elected, and their term of office shall begin at the close of the annual meeting at which they are elected.

Section 4

No member shall hold more than one office at a time, and no member shall be eligible to serve more than two consecutive terms in the same office.

Article V Meetings

Section 1

The regular meeting in October shall be known as the annual meeting and shall be for the purpose of electing officers, receiving reports of officers and committees, and for any other business that may arise.

Section 2

Special meetings may be called by the Chairperson or by the Executive Board and shall be called upon the written request of three members of the Authority. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least three days' notice shall be given.

Section 3

A majority of the members of the Northern Kentucky Regional Ethics Authority shall constitute a quorum.

Article VI
The Executive Board

Section 1

The officers of the Northern Kentucky Regional Ethics Authority shall constitute the Executive Board.

Section 2

The Executive Board shall have general supervision of the affairs of the Authority between its business meetings, fix the hour and place of meetings, make recommendations to the Authority, and shall perform such other duties as are specified in these bylaws. The Board shall be subject to the orders of the Authority, and none of its acts shall conflict with action taken by the Authority.

Section 3

Unless otherwise ordered by the Board, a regular meeting of the Executive Board shall be held in October. Special meetings of the Board may be called by the Chairperson and shall be called upon the written request of three members of the Board.

Article VII
Committees

Section 1

The Northern Kentucky Regional Ethics Authority (Authority) is expressly authorized to establish and select the membership that will serve on the Northern Kentucky Ethics Enforcement Committee (Committee). Each member of the Board of Directors of the Authority shall have a voice in selecting the members to serve on the Enforcement Committee. The appointments shall be made by members of the Authority; and shall pass with a majority vote of the Authority membership. No member of the Committee shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with any local government that is party to this agreement. The persons chosen to serve on this Committee shall serve in this position for a period of two years, and may be reappointed for any number of consecutive terms. All members of the Committee shall serve without compensation, but shall be reimbursed for all necessary and reasonable expenses.

The Northern Kentucky Ethics Enforcement Committee is expressly authorized to perform all activities necessary to ensure the comprehensive enforcement of the ethics ordinances enacted by the signatories to the Interlocal Agreement and imposed by the Interlocal Agreement.

Section 2

Each member of the Ethics Enforcement Committee shall file an annual financial disclosure form. The financial disclosure forms filed by elected and appointed city and county officials shall be based upon their jurisdiction's ethics ordinance. The Authority Board shall approve the financial disclosure form completed by Enforcement Committee members. All annual financial disclosure forms are due by April 1 of each year.

Section 3

Such other committees, standing or special, shall be appointed by the Chairperson of the Authority or by the Executive Board, as shall from time to time be deemed necessary to carry on the work of the Authority. The Chairperson shall be ex officio a member of all committees, (except the Ethics Enforcement Committee).

Article VIII
Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order, latest edition, shall govern the Authority in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Authority may adopt.

Article IX
Amendment of Bylaws

These bylaws may be amended at any regular meeting of the Authority by a two-thirds vote, provided that the amendment has been submitted in writing to all members 30 days before voting. Resolved, that the secretary be authorized to correct article and section designations, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the intent of the Authority in connection with these bylaws and the Interlocal Agreement.

Article X
Voting

Section 1

All members of the Authority shall have one vote, including the officers of the Authority. The Authority will follow the procedures prescribed by these bylaws and by the parliamentary authority adopted by the Authority.

Section 2

The chairperson, or three members, of the Northern Kentucky Regional Ethics Authority can call for the vote by mail whenever determined necessary.

Section 3

If a vote by mail is determined necessary all members should be sent a printed ballot containing information regarding the requested vote, space for a vote, and a space for their signature. A written result of the vote will be mailed to all members after the vote is tallied. A member will be given 15 days after the mailing date, of the results, to appeal the decision of the vote. After the 15 day period, the result of the vote will become an official record of the Authority.

Northern Kentucky Regional Ethics Authority
Ethics Enforcement Committee

Procedures

The Northern Kentucky Regional Ethics Authority (Authority) is expressly authorized to establish and select the membership that will serve on the Northern Kentucky Ethics Enforcement Committee (Committee). The appointments made by the members of the Committee shall be subject to the approval of the cognizant local government's legislative body. No member of the committee shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with any local government that is party to this agreement. The persons chose to serve on this Committee shall serve in this position for a period of two years, and may be reappointed for any number of consecutive terms. All members of the Committee shall serve without compensation, but shall be reimbursed for all necessary and reasonable expenses.

The Northern Kentucky Ethics Enforcement Committee is expressly authorized to perform all activities necessary to ensure the comprehensive enforcement of the ethics ordinances enacted by the signatories to the interlocal agreement and imposed by the interlocal agreement.

Each member of the Enforcement Committee shall file an annual financial disclosure form, approved by the membership. The annual financial disclosure form is due by April 1 of each year.

I. Quorum for Meetings and Hearings

A majority of the committee members is needed to conduct meetings and hearings.

II. Parliamentary Committee

The rules contained in the current edition of Robert's Rules of Order shall govern the Committee in all cases to which they are applicable and in which they are not inconsistent with these procedures and any special rules of order the Committee may adopt.

III. Amendment of Procedures

These procedures may be amended at any regular meeting of the Committee by a two-thirds vote of those present, provided that the amendment has been submitted in writing to all members 30 days before voting. Resolved, that the secretary (NKADD staff) be authorized to correct article and section designations, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the intent of the Committee in connection with these procedures.

IV. Voting

All members of the Committee shall have one vote. The organization will follow the procedures prescribed by these procedures and by the parliamentary authority adopted by the organization.

At least four members of the Committee (4/7) must vote in favor of issuing fines, penalties, reprimand, or recommendations concerning fines or penalties in order for the vote to pass, not including abstentions.

All voting abstentions must have reason for abstaining stated.

V. Filing and Investigation of Complaints

- A. All complaints alleging any violation of the provisions of the applicable member's ordinance shall be submitted to the Enforcement Committee, or the administrative official designated by the Enforcement Committee. All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Enforcement Committee. The Enforcement Committee shall acknowledge receipt of a complaint to the complainant within ten (10) working days from the date of receipt. The Committee shall forward within ten (10) working days to each officer or employee of the city or city agency who is the subject of the complaint a copy of the complaint, a general statement of the applicable provisions of the applicable member's ordinance, and **notification not to lobby any member of the Ethics Enforcement Committee. All correspondence with applicable parties will be handled through the NKADD staff assistant.**
- B. Within thirty (30) days of the receipt of a proper complaint, the Enforcement Committee shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Committee shall afford a person who is subject of the complaint an opportunity to respond in writing to the allegations in the complaint, within ten (10) days of notification.
- C. All proceedings and records relating to a preliminary inquiry being conducted by the Enforcement Committee shall be confidential until a final determination is made by the Committee, except:
 - i. The Committee may turn over to the Commonwealth's attorney or county attorney evidence which may be used in criminal proceedings.
 - ii. If the alleged violator publicly discloses the existence of a preliminary inquiry, the Committee may publicly confirm the existence of the inquiry, and, at its discretion, make public any documents which were issued to either party.
- D. The Committee shall make a determination based on its preliminary inquiry whether it alleges a minimal factual basis to constitute a violation of the applicable member's ordinance. If the Committee concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the Committee shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of this decision to the complainant and to all officers or employees against whom the complaint was filed.
- E. If the Enforcement Committee concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a

minimal factual basis to constitute a violation, the Committee shall notify the officer or employee who is the subject of the complaint and may:

- i. Due to mitigating circumstances such as lack of significant economic advantage or gain by the officer or employee, lack of economic loss to the city/county and its taxpayers, or lack of significant impact on public confidence in city government issue, in writing, a reprimand to the officer or employee concerning the alleged violation and provide a copy of the reprimand to the executive committee and governing body of the city/county or city/county agency.
- ii. Initiate a hearing to determine whether there has been a violation.

F. **Nothing in these procedures can restrict the rights of the Ethics Committee from filing criminal charges with the proper authorities or withholding information from the proper authorities.**

VI. Notice of Hearings

If the Enforcement Committee determines that a hearing regarding allegations contained in the complaint is necessary, the Committee shall issue an order setting the matter for a hearing within thirty (30) days of the date the order is issued, unless the alleged violator petitions for and the Committee consents to a later date, but at least seven (7) days after the alleged violator has been notified. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Committee relating to the hearing shall be sent to the alleged violator within forty eight (48) hours of the time the order setting a hearing is issued.

VII. Hearing Procedure

- A. The Kentucky Rules of Civil Procedure shall apply to hearings conducted by the Enforcement Committee; however, the hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the Committee so as to afford all parties the full range of due process rights required by the nature of the proceedings.
- B. Prior to the commencement of the hearing, the alleged violator, or his or her representative, shall have a reasonable opportunity to examine all documents and records obtained or prepared by the Committee in connection with the matter to be heard. The Committee shall inform the alleged violator, or his or her representative, of any exculpatory evidence in its possession.
- C. All testimony in a Committee hearing shall be taken under oath, administered by the presiding officer. 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. All witnesses shall have the right to be represented by counsel.

- D. Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the Committee, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceeding.
- E. All hearings of the Enforcement Committee shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.
- F. After the conclusion of the hearing, the Enforcement Committee shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of the applicable member's ordinance has been proven. Within thirty (30) days after completion of the hearing, the Committee shall issue a written report of its findings and conclusions.
- G. If the Committee concludes in its report that no violation of the applicable member's ordinance has occurred, it shall immediately send written notice of this determination to the officer or employee who was the subject of the complaint and to the party who filed the complaint.
- H. If the Committee concludes in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of the applicable member's ordinance, the Committee may:
 - i. Issue an order requiring the violator to cease and desist the violation.
 - ii. In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and the governing body (if different than the executive authority) that the violator be sanctioned as recommended by the Committee, which may include a recommendation for discipline or dismissal, or removal from office.
 - iii. Issue an order requiring the violator to pay a civil penalty in accordance with applicable member's ordinance.
 - iv. Refer evidence of criminal violations of the applicable member's ordinance or state laws to the county attorney or Commonwealth's attorney of the jurisdiction for prosecution.

VIII. Appeals

Any person who is found guilty of a violation of any provisions of the applicable member's ordinance by the Enforcement Committee may appeal the finding to the circuit court of the county within thirty (30) days after the date of the final action by the Enforcement Committee by filing a petition with the court against the Committee. The Committee shall transmit to the clerk of the court all evidence considered by the Committee at the public hearing.

IX. Limitation of Actions

Except when the period of limitation is otherwise established by state law, an action for a violation of the applicable member's ordinance must be brought within one (1) year after the violation is discovered.

X. Advisory Opinions

- A. The Enforcement Committee may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative, or when requested by any officer or employee of the city/county or a city/county agency who is covered by the applicable member's ordinance.
- B. An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions.
- C. A written advisory opinion issued by the Committee shall be binding on the Committee in any subsequent proceedings concerning the facts and circumstances of the particular case and if no intervening facts or circumstances arise which would change the opinion of the Committee if they had existed at the time the opinion was rendered. However, if any fact determined by the Committee to be material was omitted or misstated in the request for an opinion, the Committee shall not be bound by the opinion.
- D. A written advisory opinion issued by the Committee shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of the applicable member's ordinance for actions taken in reliance on that opinion.