

CITY OF OAK GROVE, KENTUCKY
ORDINANCE NO. 1994-24

AN ORDINANCE OF THE CITY OF OAK GROVE, KENTUCKY, ESTABLISHING
A CODE OF ETHICS FOR CITY OFFICIALS AND EMPLOYEES
OF THE CITY OF OAK GROVE, KENTUCKY

WHEREAS, The City of Oak Grove 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 the City of Oak Grove, including members of the City Council, the Mayor, City Clerk, Police Chief, and the Fire Chief; 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.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Oak Grove, State of Kentucky:

SECTION I
DEFINITIONS

A. "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, limited liability company or any legal entity through which business is conducted for profit;

B. "Candidate" means any individual who seeks nomination or election to a city 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, 118.125, 118.325, or 118.760.

C. "City government agency" means any board, commission, authority, nonstock corporation, or other entity formed by the city government or a combination of local governments.

D. "City government employee" means any person, whether compensated or not, whether full-time or part-time, employed by or

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serving the city government or city government agency who is not a city government officer, but shall not mean any employees of a school district or school board.

E. "City government officer" means any person, whether compensated or not, whether full-time or part-time, who is elected to any city government office; or serves as a member of a governing body of a special taxing district, but shall not mean any officer of a school district or school board.

F. "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.

SECTION II STANDARDS OF CONDUCT

A. No city government officer or employee 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 city government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

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

E. No city government officer or employee shall solicit or accept any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, value or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the officer or employee in performance of his or her official duties or was intended as a reward for any official action. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office.

F. No city 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 city government business.

G. No city government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.

H. No city government officer or employee shall use, or allow to be used, his public office or employment, or any information,

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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";

I. No city 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.

J. No city 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.

K. No elected city 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; and

L. Nothing shall prohibit any city 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.

SECTION III FINANCIAL DISCLOSURE

A. Any officer or employee, or any member of his immediate family, of the city government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department or agency of the city government shall disclose such private interest to the City Council or the local ethics commission. All elected officials shall file an annual financial disclosure statement with the duly appointed city ethics commission in a form approved by said ethics commission on or before July 1st of each calendar year. Any officer, employee or any member of his immediate family shall file additional reports with the city ethics commission as they become aware of the financial disclosures required herein. Said reports shall supplement and be in addition to the annual report previously required herein.

B. Any Mayor, council person, police chief, fire chief, city clerk or a member of his immediate family, who has a private interest in any matter pending before the City Council shall disclose such private interest on the records of the City Council and shall disqualify himself from participating in any decision or vote relating thereto.

C. Any officer or employee, or a member of his immediate

family, 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.

D. All requirements and provisions concerning financial disclosure, previously set out herein, shall also apply to the announced "candidate" for a political office, in the manner previously defined herein.

E. The willful failure to comply with this section of the code of ethics may result in a fine being imposed upon the violating party in an amount not less than one hundred and 00/100 Dollars (\$100.00) nor more than five hundred and 00/100 Dollars (\$500.00), in the discretion of the local ethics commission.

IV. NEPOTISM

A. No city government officer or public official shall employ his/her spouse, child, parent or sibling in the same office in which said city government officer or public official also works or otherwise acts in a managerial capacity. This provision shall not apply to employees currently employed in city government or city government agency upon the initial adoption of this code of ethics.

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 city government work over which the official or employee has or exercises contract management authority.

V. CITY ETHICS COMMISSION

A. A city ethics commission is hereby established to enforce the provisions of this ordinance. The city ethics commission shall consist of three (3) members; not more than one (1) member may be a public official. The commission member selected as chairperson shall be a citizen member. The members shall be appointed by the Mayor with the approval of the City Council. Members shall receive no compensation but may be reimbursed for all necessary expenses. The terms of membership shall be staggered and no longer than four (4) years.

B. The ethics commission shall, on the written request of any official, candidate, nominee or employee covered under this code of ethics, render advisory opinions concerning the provisions of this code of ethics.

C. The city ethics commission shall receive, hear and investigate complaints concerning violations or alleged violations of this code of ethics. In any instance where the ethics commission makes a finding that a violation of the code of ethics exist, the Commission may impose the power to subpoena witnesses, administer oaths, take testimony and require other production of evidence.

D. The city ethics commission shall maintain records of all financial disclosure statements, complaints, inquiries or other documents or records necessary to implement this code of ethics.

E. Any person under the jurisdiction of this code of ethics, who fails or refuses to obey a lawful order issued in the exercise of these powers by the ethics commission, may be fined up to one hundred and 00/100 Dollars (\$100.00) per day for each day said refusal or failure continues.

F. Decisions of the city ethics commission regarding violations shall be subject to appeal to Christian Circuit Court.

Approved on First Reading this 15 day of Nov, 1994.

Approved on Second Reading this 21 day of Nov, 1994.

ATTEST:

APPROVED:

for Shirley M. Krumm
BARBARA A. JOHNSON, CITY CLERK

Bobby G. Mace
BOBBY G. MACE, MAYOR

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