

CITY OF OAK GROVE, KENTUCKY ORDINANCE 2023-_____

A SUMMARY OF AN ORDINANCE BY THE CITY OF OAK GROVE, KENTUCKY
AMENDING ORDINANCE 2020-14 ESTABLISHING AN ETHICAL CODE OF CONDUCT
FOR CITY OFFICERS AND EMPLOYEES

NOW THEREFORE BE IT ORDAINED BY THE OAK GROVE CITY COUNCIL AS
FOLLOWS:

By summary, this ordinance amends the Oak Grove Ethical Code of Conduct by adding sections regarding social media, executive session, and the delivery of notice of noncompliance with financial statement filing requirements. Specifically, City of Oak Grove Ordinance No. 2020-14 shall be amended to read as follows:

SECTION 22. Social Media.

- (A) City officials [including members of boards, commissions, etc.] can maintain a personal presence on social media. However, to be considered personal, there can be no mention of their status as a city official. Any mention of their status as a city official potentially changes the nature of the page, requiring record keeping in accordance with the Kentucky Department of Library and Archives retention schedule and subjecting the entire page to Open Records requests.
- (B) Elected city officials who want to interact with the community on social media in their role as city official are required to maintain a separate account. City officials will notify the city clerk of any official page(s) utilized. The city clerk will maintain an updated list of official pages of city officials.
- (C) City officials shall conduct themselves professionally and as a representative of the city.
- (D) Elected city official pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure. Additionally, guidelines, shall be posted conspicuously on the page.
- (E) No comments shall be deleted unless in violation of posted guidelines. Deleted comments shall be provided to the city clerk and must be saved for one year.
- (F) City officials shall not conduct city business through their social media sites. If receiving a specific request from a citizen, the city official shall state: "Thank you for your question. Please email me at [official email address] or contact me at [phone number]. I look forward to speaking with you."

Commented [AS1]: I highly recommend that these next two sections be added to the ordinance.

Commented [AS2]: COMMENT SECTION 23(D): An example of appropriate guidelines to be posted on city social media pages in the about section of the social media account:

In regard to comments placed on the social media site, the following guidelines are in force:

- a. As a public entity the city must abide by certain standards to serve all its constituents in a civil and unbiased manner.
- b. The city's social media sites prohibit the posting of content and/or comments containing any of the following:
 1. Comments not topically related to the particular site or blog article being commented upon;
 2. Profane language or content;
 3. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
 4. Sexual content or links to sexual content;
 5. Advertisements, solicitations, phishing;
 6. Conduct or encouragement of illegal activity;
 7. Information that may tend to compromise the safety or security of the public;
 8. Campaign ads or related content advocating for or against a candidate for office;
 9. Comments unrelated to a topic or post as well as multiple off-topic posts or spam by a single person; or
 10. Content that violates a legal ownership interest of any other party.

The city reserves the right to deny access to city's social media sites for any individual who violates the City's Social Media Policy, at any time and without prior notice.

- (G) Elected officials shall not discuss issues pending before the council. Elected officials may illicit public input but shall not respond to comments. Engaging in substantive conversations on social media could require retention of the posts and may violate the Open Meetings Act if other elected officials are also engaging in the discussion.

SECTION 23. Email.

- (A) City officials shall maintain an official email address and shall provide the email address to the city clerk. This must be separate from their personal email account.
- (B) No city business shall occur through a personal email account.
- (C) City officials shall retain emails according to the Kentucky Department of Library and Archives schedule for emails. City officials shall direct any record keeping questions to the city clerk.

SECTION 24. Executive Session

All information obtained by any city official or employee during executive session shall be kept confidential, and no city official or employee shall reveal any information obtained during executive session of any governmental meeting.

SECTION[27] 30. Noncompliance with Filing Requirement.

- (A) The Ethics Board, or the designated administrative official, shall notify by ~~[certified]~~ hand delivery or by mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.

The full text of this Ordinance is on file in the office of the undersigned City Clerk for the City of Oak Grove at 8505 Pembroke Oak Grove Rd, Oak Grove, KY, where it is available for public inspection between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

PUBLICLY READ THIS 18 DAY OF APRIL 2023.

PUBLICLY READ THIS 2 DAY OF MAY 2023

APPROVED:

Jacqueline Oliver, Mayor
City of Oak Grove, Kentucky

ATTEST:

Lorelynn Fisher, City Clerk
City of Oak Grove, Kentucky

I, Mark A. Gilbert, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky, my office is located at 701 South Main Street, Hopkinsville, KY 42240. I further certify the foregoing Summary of Ordinance 2023-____ was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.

Mark A. Gilbert

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