

**GARRARD COUNTY  
CODE OF ETHICS**

**AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A CODE  
OF ETHICS FOR ELECTED AND APPOINTED COUNTY OFFICIALS  
AND EMPLOYEES OF CANDIDATES FOR PUBLIC OFFICE IN  
GARRARD COUNTY, KENTUCKY.**

WHEREAS, the Garrard 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 Garrard, including the County Judge/Executive, 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.

Be it ordained by the Fiscal Court of the County of Garrard,  
Commonwealth of Kentucky.

**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, committee, 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, school board or any person who serves as a member of the governing body of any county government agency or special taxing or non taxing district.

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.

G. “Member of immediate family” means a spouse, child or anyone 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 a spouse, parent, child, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, stepfather, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

I. “Gift” means anything of value over \$100.00.

## **II. STANDARDS OF CONDUCT**

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

C. No county government officer 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 of service, compensated or not, which might reasonably be expected to prejudice his independence or judgment in the exercise of his 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 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.

(a) No county officer, members of his/her immediate family, or business organization in which such officer 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 such officer, directly or indirectly, in the discharge of his/her official duties.

(b) Nothing herein shall be construed to apply to the solicitation or acceptance of contributions to the campaign of announced candidate for elective public office as governed by applicable provisions of the Kentucky Revised Statutes.

G. Every elected official shall report all gifts of money over \$100.00 received by him or her or any member of his or her immediate family, except for gifts exchanged between members of his or her immediate family. Such reports shall be made within 30 days of receipt of the gift and shall include the name and address of giver, approximate value of gift received, and the name of employer or

any business in which the giver has an interest, if the employer or business does any business with the county or has attempted to do any business with the county.

H. No county government officer or employee shall use, or allow to be used, in his public office or employment, any information not generally available to the member 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 family, or any business organization with which he is associated or anyone else.

I. No county government officer or employee or business organization in which he has an interest shall represent any person or party other than 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 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, and

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.

N. No county government officer that is a licensed professional shall be prohibited from accepting payment for service rendered in the practice of his or her profession or business. There shall be no prohibition against county government officers or employees conducting their private profession or business not in conflict with official duties.

### **III. NEPOTISM**

A. After the effective date of this ordinance and excluding the tenure of current county officers and employees, no family member of an elected or appointed county officer or employee shall be appointed to any office or position of employment if the elected or appointed county officer or employee will have

any responsibility, directly or indirectly, to supervise, manage or control the work of the family member.

B. All family members of county officers or employees must meet like job qualifications for similar positions in county government.

C. No family member of county officers or employees shall be compensated more than others in like job positions.

#### **IV. FINANCIAL DISCLOSURE**

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

1. Elected officers;
2. Candidates for elected office;
3. Officers and employees whose individual procurement authority exceeds five hundred dollars (\$500) without approval from his governing body.

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 the filer's public 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 for profit entity from which the filer or any member of the filer's immediate family received compensation in excess of \$10,000 during the preceding calendar year, and the name, address and telephone number of the business organization or entity;
6. Name, address and telephone number of each source of income of the filer and spouse from within the Commonwealth of Kentucky which exceeded \$10,000 during the preceding calendar year;
7. Name, address and telephone number of each business or organization located within the Commonwealth in which the filer, or any member of the

filer's immediate family had an interest of ten thousand dollars (\$10,000) at fair market value or more during the preceding year;

8. Any officer or employee or any member of his immediate family, of the county 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 county shall disclose such private interest to the fiscal court or the local ethics committee.

9. 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 court shall disclose such private interest on the records of the court and shall disqualify himself from participating in any decision or vote relating thereto.

10. Any officer or employee, or their immediate family members, who shall have any private financial interest, directly or indirectly, in any contract of matter pending before or within an independent agency or special district shall disclose such private interests to the governing body of such agency or district.

C. The financial disclosure statement shall be on a form setting forth the above (a sample attached hereto).

1. The financial disclosure statement shall be filed annually by officers and employees no later than January 31 of each year.

2. Candidates shall be required to file the statement no later than ten (10) days after their filing date or the date of nomination.

3. Newly appointed officers and employees should be required to file their initial statement no later than ten (10) days after the date of appointment.

D. Each statement shall be signed and dated by the individual filing the statement of financial interest. Signing a fraudulent statement shall be a Class A misdemeanor punishable by up to a \$500 fine and or up to one year in jail or both.

E. All pay and benefits shall be withheld until a non-complying employee is in compliance with the filing requirements. County government officers, Candidates and nominees who fail to comply with these filing requirements shall be fined \$100 for each day they are in non-compliance. The maximum fine shall be set at \$500.00.

F. All financial disclosure statements shall be filed at the County Clerk's office,

which shall forward the statements to the County Ethics Committee. Each individual or organization requesting to view financial disclosure statements shall complete a form giving full name and address. One copy of this form shall be attached to the statement so requested and shall become a part of this record.

G. Written financial disclosure reports shall be public record and subject to inspection by any citizen of the Commonwealth who follows the proper request procedure. Within thirty (30) days after reports are due, the County Ethics Committee shall post a list of those persons who have filed reports and shall notify any person required to file who has failed to file such report by certified mail, return receipt requested, of his failure to comply with this ordinance.

## **V. COUNTY ETHICS COMMITTEE**

A. The county ethics committee shall consist of five (5) members (not more than one member may be a public official). The committee member selected as chairperson shall be a citizen member. Members shall receive no compensation but may be reimbursed all necessary expenses. The terms of members shall be staggered and none longer than four (4) years. One member shall be appointed by the Republican Party and one member appointed by the Democratic Party, the remaining three (3) members appointed by the county judge/executive, with the approval of all appointees by 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 Committee shall be filled within 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 Committee shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term. Terms shall run from July to June.

### **B. Powers and Duties**

1. The committee shall have jurisdiction over the administration of this code and enforcement of the civil penalties prescribed by the code.
2. The committee may receive complaints; and conduct investigations, inquiries and hearings concerning any matter covered by this code.
3. The committee may prescribe and provide forms for reports, statements, notices, and other documents required by this code.
4. The committee shall determine whether the required statements and reports have been filed and, if filed, whether they conform to the

requirements of this code. The committee shall promptly give notice to the filer to correct or explain any omission or deficiency.

5. The committee may retain private counsel at the expense of the county if the county attorney has an actual or potential conflict. Any counsel must be pre-approved by the fiscal court.

### C. Complaint Procedure, Preliminary Investigations

1.

(a) Upon a sworn complaint signed under penalty of perjury by any person, the committee shall investigate any alleged violation of this code. Complaints shall be filed with the County Attorney's office, which shall forward the complaint to the County Ethics Committee.

(b) No later than ten (10) days after the committee receives the complaint, the committee shall initiate a preliminary inquiry into any alleged violation of this code.

2. All committee proceedings and records relating to a preliminary investigation shall be confidential until the committee makes a final determination, except:

(a) The committee may turn over to the County Attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings, and

(b) The complainant or alleged violator shall not publicly disclose the existence of a preliminary investigation, the committee shall not publicly confirm the existence of the inquiry nor make public any documents, which were issued to either party.

3. The committee 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.

4. If the committee determines in the preliminary investigation that the complaint does not allege facts sufficient to constitute a violation of this code, the committee shall immediately terminate the inquiry and notify in writing the complainant and the person alleged to have committed a violation. The committee may confidentially inform the alleged violator of potential violations and provide information to ensure future compliance with the law.

5. If the committee, during the course of the preliminary investigation,

finds probable cause to believe that a violation of this code has occurred, the committee shall notify the alleged violator of the finding, and the committee may, upon majority vote:

(a) Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the county, or lack of significant impact on public confidence in government, confidentially reprimand, in writing, the alleged violator for potential violations of the law and provide a copy of the reprimand to the county judge.

(b) Initiate an adjudicatory proceeding to determine whether there has been a violation.

6. Any person who knowingly files 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. Reprisals Against Persons Disclosing Violations Prohibited

1. No county elected official, officer, employee, board or committee 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 violations of this chapter.

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

a) To be false or which he or she discloses with reckless disregard for its truth or falsity;

b) To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRTS 61.870 to 61.884; or

c) Is confidential under any provision of law.

E. Penalties

1. 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 this ordinance, the Committee may take any of the following actions:

- a) For any unintentional violation of any provision of Garrard County's Standards of Conduct, which has been voluntarily corrected by the county officer prior to any investigation or hearing by the Ethics Committee, the Ethics Committee may issue a notice of mootness or a notice of probable cause as it deems appropriate.
- b) For any violation of any provision of Garrard County's Standards of Conduct which the Ethics Committee determines after investigation and hearing to have been unintentional or the result of a good faith misinterpretation of this ordinance, the Ethics Committee may issue either a letter of technical violation or a letter of reprimand as it deems appropriate.
- c) Issue an order requiring the violator to cease and desist the violation.
- d) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body (if different than the executive authority) of the county or county agency with which the violator serves.
- e) 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 Committee, which may include a recommendation for discipline or dismissal.
- f) Issue an order requiring the violator to pay a civil penalty of not more than five hundred dollars (\$500.00)
- g) Refer evidence of criminal violations of this ordinance or state laws to the county attorney or commonwealth's attorney of the jurisdiction for prosecution.

#### F. Appeals

1. Any Person found by the committee to have committed a violation of this code may appeal the action to the Garrard County Circuit Court. The appeal shall be initiated within thirty (30) days after the date of the final action of the 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. The court shall hear the appeal upon the record as certified by the committee.

G. Limitation of Actions

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

H. Advisory Opinions

1. The County Ethics Committee may render advisory opinions concerning the matters under its jurisdiction, based upon real and hypothetical facts and circumstances, upon its own initiative, or when requested by any officer or employee of the county or county agency who is covered by this ordinance. In the event an opinion is requested, the County Ethics Committee shall issue a written opinion within 10 days of receipt of the request.

2. An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. The request for an advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requestor.

3. A written advisory opinion issued by the Committee shall be binding on the Committee in any subsequent proceeding concerning the facts and circumstances of the particular case 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.

4. A written advisory opinion issued by the Committee shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this ordinance for actions taken in reliance on that opinion.

**GARRARD COUNTY ETHICS DISCLOSURE**

Name of Filer: \_\_\_\_\_

Current Business Address: \_\_\_\_\_

Business Telephone Number: \_\_\_\_\_

Home Address: \_\_\_\_\_

Title of Office Sought: \_\_\_\_\_

Occupation of Filer: \_\_\_\_\_

Occupation of Spouse: \_\_\_\_\_

Check Type of Disclosure:

- Annual statement ) due no later than January 31, of each year)
- Candidates filing for Office (due no later than 10 days after filing date or date of nomination)
- Newly appointed officers and employees (due no later than 10 days after the date of appointment)

Positions held by the filer and any member of the filer's immediate family in any business organization or for profit entity from which the filer or any member of the filer's immediate family received compensation in excess of \$10,000 during the preceding calendar year, and the name, address and telephone number of the business organization or entity: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Name, address and telephone number of each source of income of the filer and spouse from within the Commonwealth of Kentucky which exceeded \$10,000 during the preceding calendar year \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Disclose whether any officer or employee or any member of his immediate family, of the county 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 county to the fiscal court or the local ethics committee \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**GARRARD COUNTY ETHICS COMMISSION  
STATEMENT OF DISCLOSURE OF GIFTS**

Name \_\_\_\_\_

Title of Public Position \_\_\_\_\_

Fully describe any and all gifts over \$100.00, received by you or your spouse or any member of your immediate family, except for gifts exchanged between members of his or her immediate family. The description should include the name and address of the giver, and approximate value of gift received, and the name of employer or any business in which the giver has an interest, if the employer or business does any business with the county or has attempted to do any business with the county:

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Reports of gifts are to be made within 30 days of receipt of a gift and are to be filed with the County Clerk .All reports are to be forwarded by the County Clerk to the Ethics Committee.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE