

TITLE III: ADMINISTRATION

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CHAPTER 30: GENERAL PROVISIONS

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Corporate powers of cities, see KRS 82.081
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Organization of government in cities, see KRS Ch. 83A

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(Prior Code, § 2-1)

Statutory reference:

Creation of departments, see KRS 83A.140(6)

§ 30.02 CONTROL OF ADMINISTRATIVE DEPARTMENTS BY COMMISSION.

The City Commission shall determine the functions of each department and shall prescribe the duties of its Commissioner and of his or her employees. It may assign any employee to 1 or more departments, or require any employee to perform duties in 2 or more departments. It shall make all rules and regulations as to the conduct of the various departments necessary and proper for the efficient and economic conduct of the business of the city.

(Prior Code, § 2-2)

Statutory reference:

Commission plan; duties of Mayor and Commission, see KRS 83A.140

§ 30.01 ADMINISTRATIVE DEPARTMENTS.

The administrative functions of the city shall be classified under the following departments:

- (A) Department of Public Affairs;
- (B) Department of Public Finance;
- (C) Department of Public Safety;
- (D) Department of Public Works/Streets; and

§ 30.03 HEADS OF CITY DEPARTMENTS.

(A) The Mayor shall have a general advisory supervision of the affairs of the city departments, and shall be in charge of the Department of Public Affairs.

(B) The City Commission shall at its first regular meeting designate by majority vote 1 Commissioner to have superintendence of the Department of Public Finance; 1 Commissioner to have superintendence of the Department of Public Safety; 1 Commissioner to have superintendence of the Department of Public Works/Streets; and 1 Commissioner to have

superintendence of the Department of Public Property/Water-Sewer.

(Prior Code, § 2-3)

Statutory reference:

Duties of Mayor and Commission, see KRS 83A.140

§ 30.04 MAYOR TO SUPERINTEND PUBLIC HEALTH AND CHARITY.

(A) In addition to duties heretofore imposed upon the Mayor, he or she shall additionally have charge of all matters of public health and charity.

(B) The city will donate no more than a total sum equal to 4% of its annual projected general fund budget to any organizations which are not a part of the city or controlled and financed entirely by the city.

(Prior Code, § 2-4) (Ord. 1993-13, passed 5-20-1993)

§ 30.05 DUTIES OF COMMISSIONER OF PUBLIC FINANCE.

Unless otherwise directed by action of the City Commission under § 30.02, the Commissioner of Public Finance shall inspect and check the accounts of the different collectors and the Treasurer of the city, prepare the budget, investigate and report on all disputed claims against the city, keep a record of the bonded indebtedness of the city, with dates, numbers, and maturities of all bonds, see to the proper application of the tax moneys, report annually prior to the first meeting of the Commission in June of each year the amount of money required to meet the bonded indebtedness and pay the annual expenses of the city for that year, and generally supervise the fiscal affairs of the city.

(Prior Code, § 2-5)

§ 30.06 DUTIES OF COMMISSIONER OF PUBLIC SAFETY.

Unless otherwise directed by action of the City Commission under § 30.02, the Commissioner of Public Safety shall have supervision of the Fire Department, Police Department, and all matters of law enforcement.

(Prior Code, § 2-6)

§ 30.07 DUTIES OF COMMISSIONER OF PUBLIC WORKS/STREETS.

Unless otherwise directed by action of the City Commission under § 30.02, the Commissioner of Public Works/Streets shall have supervision of the public streets, alleys and pavements, cemeteries, landfill, and city park.

(Prior Code, § 2-7)

§ 30.08 DUTIES OF COMMISSIONER OF PUBLIC PROPERTY/WATER-SEWER.

Unless otherwise directed by action of the City Commission under § 30.02, the Commissioner of Public Property/Water-Sewer shall have supervision of the water plant, sewage disposal plant, Water Department, the City Hall, and any other property of the city.

(Prior Code, § 2-8)

§ 30.09 CITY COMMISSION VESTED WITH ALL POWER.

The Mayor and the Commissioners shall constitute a City Commission. In this Commission shall be vested all the legislative, executive, and administrative power of the city, except as otherwise provided in KRS 83A.140.

(Prior Code, § 2-9)

§ 30.10 USE OF CITY EQUIPMENT.

After regular working hours, all city equipment shall be parked on city property. Municipal equipment is not for rent or to be loaned for private use. Exceptions to this section shall only be by specific action of the City Commission.

(Prior Code, § 2-10)

CHAPTER 31: CITY COMMISSION

Section

- 31.01 Elections
- 31.02 Regular meetings
- 31.03 Special meetings
- 31.04 Quorum; voting; method of passing measures
- 31.05 Order of business
- 31.06 Salaries
- 31.07 Benefits

Statutory reference:

Commission plan, duties of Mayor and Commission, see KRS 83A.140
Legislative body, see KRS 83A.030

§ 31.01 ELECTIONS.

All city officers shall be elected in accordance with the nonpartisan election laws, as provided in KRS 83A.170.

(Prior Code, § 2-26) (Ord. 1981-5, passed 2-24-1981)

Statutory reference:

Authority to prescribe that elections shall be as provided in KRS 83A.170, see KRS 83A.050
Election of mayors and legislative bodies, see KRS 83A.040
Election under the nonpartisan process, see KRS 83A.175

§ 31.02 REGULAR MEETINGS.

The City Commission shall meet at City Hall every second and fourth Monday of each month at 7:00 p.m. for the transaction of business. If the regular meeting date falls on a holiday, then the regularly scheduled meeting will be held at 7:00 p.m. on the Tuesday immediately following the holiday. All meetings shall be public.

(Prior Code, § 2-27) (Am. Ord. 2005-5, passed 4-12-2005; Am. Ord. 2011-02, passed 1-18-2011)

Statutory reference:

Regular meetings of City Commission, see KRS 83A.140(7)

§ 31.03 SPECIAL MEETINGS.

Any special meeting may be called by the Mayor or by a majority of the City Commission.
(Prior Code, § 2-28)

Statutory reference:

Special meetings, see KRS 83A.140(7)

§ 31.04 QUORUM; VOTING; METHOD OF PASSING MEASURES.

A majority of the members of the City Commission shall constitute a quorum, and the affirmative vote of a majority of the quorum shall be necessary to the adoption of any motion, resolution, municipal order, or ordinance, the making or approval of any contract, or the passage of any measure. Upon each vote, the yeas and nays shall be recorded, and each motion, resolution, and ordinance shall be reduced to writing and read before the vote is taken thereon. The Mayor shall preside at meetings of the City Commission. He or she shall have no veto power. Each resolution, order, or ordinance shall be signed by the Mayor or by 2 Commissioners and recorded before it shall take effect.

(Prior Code, § 2-29)

Statutory reference:

Form and procedure for enacting ordinances, see KRS 83A.060

§ 31.05 ORDER OF BUSINESS.

(A) At the hour of meeting, the Mayor shall call the City Commission to order, and cause a record to be made of those in attendance.

(B) The business shall be taken up and disposed of in the following order:

- (1) Reading, correction, and adoption of the minutes;
- (2) Consideration of claims against the city;
- (3) Reports of standing committees;
- (4) Reports from special committees;
- (5) Unfinished business; and
- (6) New business.
- (Prior Code, § 2-30)

§ 31.07 BENEFITS.

(A) Effective January 1-1-2011, no member of the Board of Commissioners shall be entitled to receive any full-time employee benefits except those mandated by the federal and state governments.

(B) This specifically excludes employee health and life insurance, and participation in the CERS retirement system except for those members of the Board of Commissions who may be vested in the CERS retirement system prior to election.

(Ord. 2010-06, passed 4-26-2010)

§ 31.06 SALARIES.

(A) Effective January 1, 2015, a salary in the sum of \$24,000 per annum shall be payable to the Mayor monthly.

(B) Effective January 1, 2015, a salary in the sum of \$16,000 per annum shall be payable to each Commissioner monthly.

(C) Effective January 1, 2015, the salary of the Mayor and Commissioners shall be adjusted annually based on the increase or decrease of the consumer price index of the preceding year as computed and furnished annually by the Department for Local Government. If the Cabinet's report is not available on the first of each year, the salary adjustment shall be retroactive to the first of the year. In no event shall the annual adjustment be more than 5% of the salary for the preceding year.

(D) In the event the Mayor or any Commissioner shall be absent from any regular meeting, the salary for that month shall be forfeited proportionally, unless excused by the City Commission.

(Prior Code, § 2-31) (Ord. 1985-3, passed 5-3-1985; Am. Ord. 1992-18, passed 9-22-1992; Am. Ord. 2010-05, passed 4-26-2010; Am. Ord. 2014-03, passed 4-14-2014)

Statutory reference:

*Compensation of elected officers, see
KRS 83A.070 et seq.*

CHAPTER 32: CITY EMPLOYEES

Section

- 32.01 Officers, employees, and agents
- 32.02 Personnel policies and procedures
- 32.03 Appointment of employees
- 32.04 Service, bond, and removal of employees
- 32.05 Treasurer and Collector
- 32.06 City Clerk
- 32.07 City Attorney
- 32.08 City Engineer
- 32.09 Employee salaries
- 32.10 City Administrative Officer
- 32.11 Citation Officers
- 32.12 Incentive program for training

§ 32.01 OFFICERS, EMPLOYEES, AND AGENTS.

Pursuant to KRS Ch. 83A, the Mayor and Commissioners are the only elected officers of the city. The City Clerk is a non-elected officer. All other employees shall be agents, not officers, of the city. (Prior Code, § 2-46)

§ 32.02 PERSONNEL POLICIES AND PROCEDURES.

(A) The policies and procedures prepared by the Department for Local Government in February 1987 shall be the system of personnel administration for the city. Those policies and procedures can be found in Chapter 37.

(B) The policies and procedures may be waived, altered, or suspended only by ordinance. (Prior Code, § 2-46.1) (Ord. 1987-1, passed 2-10-1987; Am. Ord. 1989-6, passed 7-28-1989; Am. Ord. 2009-05, passed - -; Am. Ord. 2011-06, passed 4-11-2011; Am. Ord. 2011-08, passed 4-11-2011; Am. Ord. 2011-14, passed 9-12-2011; Am. Ord. 2011-15, passed 9-12-2011)

§ 32.03 APPOINTMENT OF EMPLOYEES.

The City Commission shall, at its first meeting, or as soon thereafter as may be practicable, appoint all employees necessary for the proper and efficient conduct of the affairs of the city. Each employee shall be selected with reference solely to his or her fitness, and for the good of the public service, without reference to his or her political faith or party affiliation.

(Prior Code, § 2-47)

Statutory reference:

Appointments, see KRS 83A.080

§ 32.04 SERVICE, BOND, AND REMOVAL OF EMPLOYEES.

Unless otherwise provided by this code, city employees shall perform the services as may be required, without regard to the department to which assigned, shall give bond conditioned for the faithful discharge of their duties in the penal sum of \$2,500, and shall be subject to removal by the City Commission at any time without notice or hearing, except to the extent the tenure of the employee may be protected by statute, ordinance, or contract.

(Prior Code, § 2-48)

§ 32.05 TREASURER AND COLLECTOR.

(A) The City Commission shall at its pleasure appoint some qualified person as City Treasurer, who shall also hold the position of City Collector, with the clerical assistants as may be necessary, and receive a salary pursuant to the city's compensation plan.

(B) The Treasurer and Collector shall execute a bond with approved surety in the penal sum of \$50,000 to faithfully perform all his or her duties and to account for, pay over, and deliver the funds so collected according to law. The assistant shall execute bond with approved surety in the penal sum of \$5,000, so conditioned, and the premiums thereon shall be paid by the city from its general funds.

(C) It shall be the duty of the Treasurer and Collector to collect and receive any and all monies due the city, including taxes, assessments for bond issues, licenses, receipts from the water plant and cemeteries and the taxes as he or she may be required to collect for the Board of Education, and he or she is clothed with all the powers, rights, duties, and obligations provided by law for the officials. It shall be the duty of the Treasurer to perform the duties and render the services as the City Commission may from time to time require of him or her, and it shall be the duty of the Treasurer to disburse the moneys so received on order of the City Commission and as provided by law.

(Prior Code, § 2-49)

§ 32.06 CITY CLERK.

The City Commission shall appoint some qualified person as City Clerk, who shall perform the duties imposed by law on city clerks for fourth class cities and any other duties as the City Commission may from time to time require or direct. The Clerk shall execute bond with approved surety in the penal sum of \$2,500. The City Clerk shall take the oath of office contained in Kentucky Constitution § 228. The City Clerk shall be compensated in accordance with the pay classification plan adopted by the city.

(Prior Code, § 2-50)

Statutory reference:

Office of city clerk required, see KRS 83A.085

§ 32.07 CITY ATTORNEY.

The City Commission shall appoint a licensed attorney regularly practicing in the city as City Attorney, who shall perform the duties imposed by Kentucky Revised Statutes, these ordinances and any other duties as may be directed by the City Commission.

(Prior Code, § 2-51)

§ 32.08 CITY ENGINEER.

(A) The City Commission shall appoint a City Engineer subject to removal at the pleasure of the Commission. The person appointed to fill the office shall be a licensed civil engineer.

(B) The duties of the City Engineer shall include the supervision of the water and sewer system, including the filtration plant and the disposal plant, streets, sidewalks, curbs, and gutters and the cemetery.

(C) In addition to the duties listed in division (B), the City Engineer shall work in conjunction with the Planning Commission and perform any other duties which the City Commission shall prescribe from time to time.

(D) The City Commission shall fix the compensation for the City Engineer at the time of his or her appointment.

(E) The City Commission may employ the assistants to the City Engineer as deemed necessary and fix the compensation for same.

(Prior Code, § 2-52)

§ 32.09 EMPLOYEE SALARIES.

(A) Salaries of all employees of the city shall be in accordance with a personnel and pay classification plan, which shall be adopted by ordinance. However, until the time as the plan is fully established, salaries shall be individual and not for a job title or position. In designating an employee's salary, the Commission shall consider, with other factors, length of service, performance, and qualifications of the individual.

(B) The official record of salaries shall be the minutes of the city, which amounts shall be recorded upon the payroll book by the City Treasurer.

(Prior Code, § 2-53)

§ 32.10 CITY ADMINISTRATIVE OFFICER.

(A) *Generally.* A new nonelected city office is hereby created.

(B) *Specifically.*

(1) The title of the office will be City Administrative Officer (CAO).

(2) The powers and duties of the office shall be as described in the job description contained in Chapter 37.

(3) The appointee shall be required to take the oath of office as prescribed in Kentucky Constitution § 228.

(4) The appointee shall be bonded in an amount determined by the Commission.

(5) The appointee shall be compensated as set forth in the compensation plan in Chapter 37. (Prior Code, § 2-54) (Ord. 1999-9, passed 6-15-1999)

§ 32.11 CITATION OFFICERS.

(A) The City Commission may authorize certain employees as "Citation Officers." The legislative body of the city may authorize the duties of Citation Officer as needed. Citation Officer shall have the qualifications prescribed by ordinance.

(B) No person shall be appointed as a Citation Officer unless he or she is:

- (1) At least 21 years of age;
- (2) A citizen of the United States;
- (3) Has a valid Kentucky driver's license;
- (4) Is a high school graduate or has received a General Equivalency Diploma (G.E.D.); and

(5) No person who has been convicted of a felony is eligible for employment.

(C) Before entering upon his or her duties of office, a Citation Officer shall take the oath as prescribed by Kentucky Constitution § 228.

(D) If required by City Commission, a bond in the amount as may be fixed by the City Commission, shall be filed with the City Clerk.

(E) The City Commission shall make the appointment of Citation Officers. The Citation Officers shall serve at the pleasure of the City Commission.

(F) Citation Officers shall not have the powers of peace officers to make arrests or carry deadly weapons, but may issue citations as authorized by ordinance upon observance of:

- (1) Non-moving motor vehicle offenses;
- (2) Violations of ordinances except for moving motor vehicle offenses and except for offenses which constitute a violation of the Kentucky Penal Code; and/or

(3) Any other duties prescribed by the City Commission and not contrary to state law.

(G) The procedure for citations issued by a Citation Officer shall be as provided in KRS 431.015.

(H) This section shall not be a limitation on the power of a Citation Officer to make an arrest as a private person as provided in KRS 431.005.

(I) This section shall be effective upon publication. (Ord. 2007-15, passed 7-9-2007)

§ 32.12 INCENTIVE PROGRAM FOR TRAINING.

(A) *Definitions.* As used in this section, the terms below shall have the following meanings:

ADMINISTRATOR. The Kentucky League of Cities City Officials Training Center.

EXCESS HOURS. Credit hours earned beyond 15 during a single calendar year.

QUALIFYING COURSE. Any training, seminar, educational or learning event that provides instruction or information that is relevant to the duties

and functions of city government and city officials and that has been approved by the administrator.

TRAINING UNIT. Fifteen clock hours of attendance or participation in qualifying courses during a calendar year.

(B) *Adoption of a city officials training program; application.* In accordance with House Bill 119 of the 2011 General Assembly, as codified in KRS Ch. 64, the city hereby adopts and establishes a city officials training program to make available incentive payments as specified by this section to the elected city officials, including the Mayor and all members of the City Commission, City Clerk, City Administrator, City Manager, City Attorney, or other specified non-elected city officials created under KRS 83A.080, for obtaining education and training as required under the provisions of this chapter.

(C) *Incentive Payment Amount; Required Training Participation.*

(1) Each city official eligible for participation in the city officials training program shall receive training incentive payments of \$500 for completion of each training unit during his or her continuous service as a city official within the city. The city official shall only receive training incentive payments for a maximum of 4 training units. The city official shall not be awarded more than one training unit per calendar year.

(2) The city official may continue to receive training incentive payments for 4 training units in each calendar year following the fourth year, provided that the officer continues to earn a training unit each subsequent calendar year.

(3) The failure of a city official to obtain a training unit during any calendar year shall disqualify the officer from receiving any training incentive payments for the calendar year and the city official shall lose any previously accumulated training units earned during previous calendar years.

(4) Any city official earning excess hours during a calendar year shall be permitted to carry forward a maximum of 10 hours to apply to the earning of a training unit in the following calendar year.

(5) Training incentive payments shall be made to a city official presenting proof of completion of a training unit for a calendar year within 60 days of the conclusion of the calendar year.

(D) *Policy regarding payment or reimbursement for framing courses.* Subject to the constraints and the appropriations established by the city's annual budget, the city shall consider paying the cost of attendance or participation in advance of a city official's attendance or participation in the qualifying course if proper application is made to the Mayor (or other designated official responsible for budget administration). Alternatively, and subject the constraints and appropriations established by the city's annual budget, the city shall consider reimbursing a city official for the cost of attendance or participation in a qualifying course upon presentation of proof to the Mayor (or other designated official responsible for budget administration) that the official has received credit for the course.

(E) *Administration of city officials training program.*

(1) The city officials training program for the city shall be administered by the Kentucky League of Cities city officials training center, which shall be responsible for approving courses as qualifying under the terms of this section, shall maintain records of attendance and participation, and shall notify the city when a city official earns a training unit and the number of training units earned by a city official during his or her continuous service as a city official within the city.

(2) The administrator shall evaluate and approve courses as qualifying for credit based on the relation of the course to the operation of city government. In addition to other courses which may be approved as qualifying courses by the administrator, courses that provide instruction on the statutory duties of cities and city officials, intergovernmental relationships, municipal finance and budgeting, municipal taxation, ethics, open records, open meetings, economic development, or municipal police powers shall be approved as qualifying courses under this section. The administrator shall require the submission of the course or conference agenda, curriculum, name of the provider, and other course materials to determine whether a course should be approved as a qualifying course.

(3) A city official shall submit proof of attendance or participation in a qualifying course to the administrator. A city official shall submit the course name, date, location, name of the instructor or provider, and sufficient proof of attendance or participation in the qualifying course before the administrator shall award credit. The administrator shall not award credit to a city official for attendance or participation in a qualifying course that is not, in the administrator's opinion, substantially different from another course the city official attended or participated in during the same calendar year.

(4) The administrator shall maintain records that reflect each of the courses and hours completed by the city official and shall provide it to each city official upon request. The administrator shall, within 30 days of the close of the calendar year, provide written or electronic certification to each participating city official of completed courses and hours, and shall, if applicable, certify the completion of a training unit and total number of accumulated training units. Upon receipt, a city official shall present a copy of the certification of the completion of the training unit and the total accumulated training units to the city in order to receive his or her training incentive payments.

(F) *Status of incentive payments.*

(1) Training incentive payments do not constitute wages under KRS Ch. 337, creditable compensation under the County Employees Retirement System under KRS Ch. 78, or compensation for the purposes of setting maximum compensation or modification of compensation under KRS Ch. 83A, and may be repealed or modified by the city at any time.

(2) The training incentive payment amount established in the section shall not be adjusted by any index reporting changes to consumer prices or any other method to account for inflation.

(Ord. 2011-10, passed 6-13-2011)

CHAPTER 33: CITY FUNDS

Section

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33.03	Investment objectives	(5) Enterprise Funds;
33.04	Authority	
33.05	Prudent person rule	(6) Utility Depreciation Funds;
33.06	Authorized investments	
33.07	Diversification of investments	(7) Agency Funds; and
33.08	Authorized financial dealers and institutions	(8) Additional funds that are created by the City Commission.
33.09	Safekeeping; custody	
33.10	Collateral	
33.11	Reporting	
33.12	Audit	
33.13	Annual review	
33.14	Prior investments	

§ 33.01 GENERALLY.

It is the policy of the city to invest public funds in a manner which will provide an investment return with the maximum security of principal while meeting the daily cash flow demands of the city and conforming to all state statutes and city regulations governing the investment of public funds.

(Prior Code, § 2-71) (Ord. 1995-4, passed 2-28-1995)

§ 33.02 SCOPE.

(A) This investment policy applies to all financial assets held directly by the city. These financial assets are accounted for in the city's annual financial report and include all monies in the following funds:

- (1) General Fund;
- (2) Special Revenue Funds;
- (3) Debt Service Funds;

(B) Financial assets of the city held and invested by trustees or fiscal agents are excluded from these policies; however, the assets shall be invested in accordance with state laws applicable to the investment of local government funds and in accordance with the city's primary investment objectives.

(Prior Code, § 2-72) (Ord. 1995-4, passed 2-28-1995)

§ 33.03 INVESTMENT OBJECTIVES.

(A) *Generally.* The city's primary investment objectives, in order of priority, are the following:

(B) *Specifically.*

(1) *Safety.* Safety of principal is the foremost objective of the city's investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

(2) *Liquidity.* The city's investment portfolio shall remain sufficiently liquid to enable the city to meet all operating requirements which might be reasonably anticipated.

(3) *Return on investment.* The city's investment portfolio shall be designed with the objective of attaining a market rate of return throughout the budgetary and economic cycles, taking into account the

city's investment risk constraints and the cash flow characteristics of the portfolio.

(4) *Local economy.* Priority for investment deposits shall be given to local financial institutions which benefit the local economy. (Prior Code, § 2-73) (Ord. 1995-4, passed 2-28-1995)

§ 33.04 AUTHORITY.

Management responsibility for the city's investment program is hereby delegated to the Mayor and Finance Commissioner. They shall have the authority, subject to the disapproval of the governing body, to establish additional specific written procedures for the operation of the investment program which are consistent with the investment policy. The procedures shall include specific delegation of authority, if any, to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Mayor and Finance Commissioner. The Mayor and Finance Commissioner shall be ultimately responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and employees. The controls shall be designed to prevent and control losses of public funds arising from fraud, employee error, misrepresentation by third parties, or imprudent actions by officers and employees. The Mayor and Finance Commissioner shall maintain all records related to the city's investment program. (Prior Code, § 2-74) (Ord. 1995-4, passed 2-28-1995)

§ 33.05 PRUDENT PERSON RULE.

(A) The actions of the Mayor and Finance Commissioner in the performance of their duties as manager of the city's funds shall be evaluated using the "prudent person" standard. Investment shall be made with judgment and are under prevailing circumstances which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment considering the probable safety of their capital as well as the probable income to be derived.

(B) The Mayor and Finance Commissioner acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for

an individual security's performance, provided that deviations from expectations are reported in a timely fashion to the governing body and appropriate action is taken to control adverse developments. (Prior Code, § 2-75) (Ord. 1995-4, passed 2-28-1995)

§ 33.06 AUTHORIZED INVESTMENTS.

(A) *Generally.* The funds of the city available for investment shall be invested in accordance with this policy and all applicable state statutes only in the following investment instruments:

(B) *Specifically.*

(1) *Authorized investment instruments.*

(a) Obligations of the United States and of its agencies and instrumentalities, including obligations subject to repurchase agreements, provided that delivery of these obligations subject to repurchase agreements is taken either directly or through an authorized custodian;

(b) Obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States or a United States government agency, including, but not limited to:

1. United States Treasury;
2. Export-Import Bank of the United States;
3. Farmers Home Administration;
4. Government National Mortgage Corporation; and
5. Merchant Marine bonds.

(c) Obligations of any corporation of the United States government, including, but not limited to:

1. Federal Home Loan Mortgage Corporation;
2. Federal Farm Credit Banks;
3. Bank for Cooperatives;

- Banks;
4. Federal Intermediate Credit
 5. Federal Home Loan Banks;
 6. Federal National Mortgage Association; and
 7. Tennessee Valley Authority.

(d) Certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation or similar entity or which are collateralized, to the extent uninsured, by any obligations permitted by KRS 41.240(4);

(e) Uncollateralized certificates of deposit issued by any bank or savings and loan institution rated in 1 of the 3 highest categories by a nationally recognized rating agency;

(f) Bankers' acceptances for banks rated in 1 of the 3 highest categories by a nationally recognized rating agency;

(g) Commercial paper rated in the highest category by a nationally recognized rating agency;

(h) Bonds or certificates of indebtedness of the Commonwealth of Kentucky and of its agencies and instrumentalities; and

(I) Securities issued by a state or local government, or any instrumentality or agency thereof, in the United States, and rated in 1 of the 3 highest categories by a nationally recognized rating agency.

(2) *Limitations on investment transactions.* For those investments authorized in this section, the following limitations shall apply.

(1) The city's funds invested at any 1 time in the categories of investments authorized in divisions (B)(1)(e), (B)(1)(f), and (B)(1)(g) above shall not exceed 30% of the total funds invested on behalf of the city.

(2) No investment shall be purchased for the city on a margin basis or through the use of any similar averaging techniques.
(Prior Code, § 2-76) (Ord. 1995-4, passed 2-28-1995)

§ 33.07 DIVERSIFICATION OF INVESTMENTS.

(A) The city recognizes that some level of risk is inherent in any investment transaction. Losses may be incurred due to issuer default, market price changes, or closing investments prior to maturity due to unanticipated cash flow needs. Diversification of the city's investment portfolio by institution, type of investment instrument, and term to maturity if the primary method to minimize investment risk.

(B) The city's funds shall be diversified by security type and institution. With the exception of fully insured or fully collateralized investments, and except for authorized investment pools, no more than 30% of the city's total investment portfolio shall be invested in a single security type or with a single financial institution.

(C) To the extent possible, the city will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow need, the city's funds should not, in general, be invested in securities maturing more than 1 year from the date of purchase. Reserve funds may be invested in securities exceeding 5 years, if maturity of the investments are made to coincide as nearly as practicable with the expected use of the funds.
(Prior Code, § 2-77) (Ord. 1995-4, passed 2-28-1995)

§ 33.08 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.

(A) The Mayor and Finance Commissioner shall maintain a list of financial institutions authorized to provide investment services to the city. In addition, a list shall be maintained of approved security brokers/dealers selected by creditworthiness, who maintain an office in the Commonwealth of Kentucky.

(B) All financial institutions and broker/dealers who desire to provide investment services to the city shall supply the city with information sufficient to adequately evaluate the institution and answer any and all inquiries posted by the Mayor and Finance

Commissioner or the governing body, including audited financial statements and any additional information considered necessary to allow them to evaluate the creditworthiness of the institution or dealer.

(C) No financial institution shall be selected as a depository of city funds if the city funds on deposit at any time will exceed 50% of the institution's capital stock and surplus.

(D) The Mayor and Finance Commissioner shall evaluate the financial capacity and creditworthiness of financial institutions and broker/dealers prior to the placement of the city's investments. They shall make recommendations to the City Commission regarding investment policy or program changes determined to be necessary.

(E) The city shall obtain bids, either formal or informal quotes, as deemed advisable, under the "Prudent Person Rule" as a basis on which to select the type of investment from the list of authorized financial institutions.
(Prior Code, § 2-78) (Ord. 1995-4, passed 2-28-1995)

§ 33.09 SAFEKEEPING; CUSTODY.

To protect against potential fraud and embezzlement, investment assets shall be secured through third-party custody and safekeeping procedures. Bearer instruments shall be held only through third-party institutions. The Mayor and Finance Commissioner and any other officers or employees of the city authorized to engage in investment transactions shall be bonded in an amount established by the City Commission. Collateralized securities, such as repurchase agreements, shall be purchased using the delivery versus payment procedure. The safekeeping procedures utilized in the city's investment program shall be reviewed annually by the independent auditor.
(Prior Code, § 2-79) (Ord. 1995-4, passed 2-28-1995)

§ 33.10 COLLATERAL.

(A) Except as set forth in division (B) below, it is the policy of the city to require that all cash and investments maintained in any financial institution named as a depository be collateralized.

(1) In order to anticipate market changes and provide a level of security for all funds, the collateralization level shall be 110% of the market value of principal, plus accrued interest. Collateral shall be limited to the types of instruments authorized as collateral for state funds in KRS 41.240.

(2) Collateral shall always be held by an independent third-party custodian. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the city and retained by the city.

(B) Subject to the following conditions, the Mayor and Finance Commissioner may invest funds in uncollateralized certificates of deposit.

(1) They may invest in uncollateralized certificates of deposit only with the specific approval of the City Commission.

(2) The uncollateralized certificates of deposit must be issued by a bank or savings and loan institution rated in 1 of the 3 highest categories by a nationally recognized rating agency.

(3) The amount of funds invested in uncollateralized certificates of deposit shall not exceed 10% of the city's total investment portfolio.

(4) The maximum term to maturity of uncollateralized certificates of deposit shall not exceed 1 year.
(Prior Code, § 2-80) (Ord. 1995-4, passed 2-28-1995)

§ 33.11 REPORTING.

(A) The Mayor and Finance Commissioner shall prepare and submit to the City Commission an annual report summarizing the status of the city's investment program. As to each investment, the report shall include the following information:

(1) Name of financial institution from which the investment was purchased or in which assets are deposited;

(2) Type of investment;

(3) Certificate or other reference number, if applicable;

(4) Percentage yield on an annualized basis;

(5) Purchase date, purchase price, and maturity date; and

(6) Current market value of the investment.

(B) The annual report shall indicate any areas of policy concern and suggested revisions of investment strategies. Copies of the report shall be submitted to the members of the City Commission.

(Prior Code, § 2-81) (Ord. 1995-4, passed 2-28-1995)

§ 33.12 AUDIT.

In connection with the annual audit of city funds conducted by an independent certified public accountant, the auditor shall conduct a review of the city's investment program, including internal controls and procedures, and the results of the review, including recommended changes, shall be included in the city's audit.

(Prior Code, § 2-82) (Ord. 1995-4, passed 2-28-1995)

§ 33.13 ANNUAL REVIEW.

This policy shall be reviewed annual and revised as appropriate. Any amendments to this policy must be made by the City Commission.

(Prior Code, § 2-83) (Ord. 1995-4, passed 2-28-1995)

§ 33.14 PRIOR INVESTMENTS.

Any investment held by the city prior to the effective date of this chapter, which does not meet the guidelines of this policy, shall be exempted from its provisions. At maturity or liquidation, the monies so invested, if reinvested, shall be reinvested only in accordance with this policy. The Mayor and Finance Commissioner may take a reasonable period of time to adjust the existing portfolio to the provisions of this policy in order to avoid the premature liquidation of any current investment.

(Prior Code, § 2-84) (Ord. 1995-4, passed 2-28-1995)

Statutory reference:

*Authorized investments for municipalities, see
KRS 66.480*

CHAPTER 34: CITY ORGANIZATIONS

Section

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GENERAL PROVISIONS**§ 34.001 CITY COMMISSION TO CREATE.**

The City Commission, at its pleasure, may establish the boards, commissions, and committees as are necessary or useful in expediting the public interest or policy. Boards, commissions, and committees not designated in this code shall perform the functions and duties as are directed by the City Commission.
(Prior Code, § 2-91)

HOUSING COMMISSION**§ 34.015 ESTABLISHED.**

(A) A Municipal Housing Commission is hereby created for the city.

(B) The Municipal Housing Commission shall consist of the Mayor, ex officio, and 4 persons appointed by the City Commission, 2 from each major political party.

(C) The Housing Commission shall operate in accordance with KRS 80.020 through 80.257.

(Prior Code, § 2-101)

Statutory reference:

Authority for Housing Commission, see KRS 80.030

AIRPORT BOARD**§ 34.030 CREATION.**

The creation of the Harrodsburg-Mercer County Airport Board as authorized by the provisions of KRS 183.132 is hereby approved insofar as the city is concerned.
(Prior Code, § 2-116)

§ 34.031 APPOINTMENT OF MEMBERS.

The City Commission shall appoint 3 city members to the Airport Board for staggered 3-year terms.
(Prior Code, § 2-117)

§ 34.032 POWERS AND AUTHORITY.

The city members of the Airport Board shall, jointly with the county members thereof, have authority to establish, construct, maintain, expand, manage, operate, and control the Harrodsburg-Mercer County Airport, subject to the rights, options, and privileges which have heretofore become vested in, and which are now vested in the heirs W.E. Cummins and Elizabeth Cummins, his or her wife as Lessor, and the City of Harrodsburg, Kentucky, and Mercer County, Kentucky, as Lessee. The Board shall have all the other authorities and powers as are provided for by the appropriate sections of KRS Ch. 183 which are not inconsistent with the rules and regulations which the City Commission or the county fiscal court shall hereafter adopt by resolution or ordinance.

(Prior Code, § 2-118)

**MERCER EMERGENCY
SERVICE COMMISSION****§ 34.045 ESTABLISHED.**

There is hereby established a commission to be known as the Mercer Emergency Service Commission. Upon the appointment and subsequent approval of members, election of officers, and adoption of its bylaws, its existence shall begin subject to the provisions of KRS 79.110. The Commission may engage in emergency medical transportation for citizens residing within the political boundary of the county, except as the emergency instances may raise beyond the county boundary.

(Prior Code, § 2-131) (Ord. passed 9-11-1973)

Statutory reference:

Contracting for joint governmental services, see KRS 79.110

§ 34.046 POWERS AND DUTIES.

The Mercer Emergency Service Commission shall have all powers necessary to carry out the function of providing emergency medical care to the people of the county. The Commission may be assigned any powers, duties, and functions related to emergency medical service by the fiscal court of the county or the legislative body of a participating city.
(Prior Code, § 2-132) (Ord. passed 9-11-1973)

§ 34.047 MEMBERSHIP.

The Mercer Emergency Service Commission shall consist of 5 members. The County Judge shall appoint 2 members, the Mayor of Harrodsburg shall appoint 2 members, and the Mayor of Burgin shall appoint 1 member. All members of the Commission shall serve without compensation, but reimbursement of expenses may be authorized. All vacancies whether by resignation, dismissal, or expiration of an individual's term of office, for a regular 4-year term, shall be filled within 60 days by the appropriate appointing authority. If the vacancy is not filled within 60 days, the remaining members of the Commission may fill the vacancy.
(Prior Code, § 2-133) (Ord. passed 9-11-1973)

§ 34.048 OFFICERS AND STAFF.

The Mercer Emergency Service Commission shall elect a Chairperson, a Vice-Chairperson, a Treasurer, and a Secretary. The Commission may employ the staff as may be necessary for the performance of emergency service and may contract with other parties for the services as it may require.
(Prior Code, § 2-134) (Ord. passed 9-11-1973)

§ 34.049 MEETINGS.

The Mercer Emergency Service Commission shall conduct each year at least 6 regular meetings for the transaction of its business. All members shall be given notice of any meeting. A simple majority of the total membership shall constitute a quorum.
(Prior Code, § 2-135) (Ord. passed 9-11-1973)

§ 34.050 BYLAWS.

The Mercer Emergency Service Commission may adopt and approve the bylaws as it deems necessary for the proper transaction of its business.
(Prior Code, § 2-136) (Ord. passed 9-11-1973)

§ 34.051 ADMINISTRATION OF FUNDS.

Although it is recognized that fees will be charged to the public for the services rendered by the Mercer Emergency Service Commission, it is anticipated by the parties to this contract that substantial portions of the funding of the emergency service will be paid by the parties to this contract. Therefore, only the Treasurer of the Commission, and not employees thereof, may disburse funds, and an annual report shall be submitted by the parties to this contract of all funds expended by the emergency service.
(Prior Code, § 2-137) (Ord. passed 9-11-1973)

§ 34.052 FINANCING.

The financing of the emergency service shall be paid equally between the City of Harrodsburg and the Mercer County Fiscal Court, and the City of Burgin shall pay 1/16 of the total amount which is appropriated by Harrodsburg and Mercer County, however, alternate financing of any emergency endeavor is allowable.
(Prior Code, § 2-138) (Ord. passed 9-11-1973)

§ 34.053 ALLOCATIONS.

The Mercer Emergency Service Commission may accept any allocations from the general funds of the cities or county as approved by the Mercer County Fiscal Court, the Harrodsburg City Commission or the Burgin City Council.
(Prior Code, § 2-139) (Ord. passed 9-11-1973)

§ 34.054 AMENDMENTS.

This agreement may be amended by a majority vote of the memberships of the Mercer County Fiscal Court, the City Commission of the City of Harrodsburg, and the

City Council of Burgin. The amendment may originate with any of the political bodies or the Mercer Emergency Service Commission.

(Prior Code, § 2-140) (Ord. passed 9-11-1973)

§ 34.055 DISCLAIMER OF LIABILITY.

Each of the parties of this contract recognize that, to perform the emergency services designated, it will be necessary to purchase and operate emergency vehicles. To receive the benefits of fleet policies on liability insurance, it may be necessary to license a registered title to the vehicle in 1 or more of the individual governmental bodies which are parties of this contract. The license registration in the name of that particular government body shall in no way be an indication that that particular governmental body is the operator of the vehicle and the Mercer Emergency Service Commission shall provide for the purchase of adequate liability insurance, or the payment of same, to assure that any governmental body is protected from any liability claim whatsoever. In addition, the Mercer Emergency Service Commission shall at all times maintain medical liability insurance to provide against loss or damage for the services which they render to victims and patients which are the beneficiaries of their service. In the event any judgment should be recovered against the emergency service, which exceeds or is not provided for by any insurance, it is the intent of this contract that the Mercer Emergency Service Commission be a separate public body and recovery or indemnity shall not be secured against any party to this contract. However, should this provision not be upheld, the parties of this contract agree that in the event of any recovery which exceeds, or is not provided for by insurance, that the excess shall be pro rated among the parties to this contract in proportion to their annual funding contribution.

(Prior Code, § 2-141) (Ord. passed 9-11-1973)

TOURIST COMMISSION

§ 34.070 ESTABLISHED.

The county and the city hereby establish a Harrodsburg-Mercer County Tourist Commission.

(Prior Code, § 2-155) (Ord. passed 12-18-1979)

§ 34.071 COMPOSITION; APPOINTMENT OF MEMBERS.

The composition of the Harrodsburg-Mercer County Tourist Commission and the appointment of members thereto shall be as set out in KRS 91A.360.

(Prior Code, § 2-156)

§ 34.072 PURPOSE.

The Tourist Commission will promote tourist attractions generally in the county and surrounding areas, with a special effort on securing conventions and tourists in our area during the winter months.

(Prior Code, § 2-157) (Ord. passed 12-18-1979)

§ 34.073 BOND.

The Treasurer or any other officer of the Tourist Commission writing checks and handling funds shall be bonded by the county fiscal court in an amount commensurate to the largest amount of money on hand in any given month.

(Prior Code, § 2-158) (Ord. passed 12-18-1979)

§ 34.074 FINANCES.

The fiscal court forbids the Tourist Commission to issue revenue bonds or to borrow money beyond the fiscal year, without the express order of the county fiscal court. Funds will not be used for direct recreational cost or purposes. The fiscal year will begin January 1 each year and terminate on December 31 following.

(Prior Code, § 2-159) (Ord. passed 12-18-1979)

§ 34.075 EXPENSE REPORT.

The Tourist Commission Treasurer shall make an itemized quarterly report to the county fiscal court showing expenses and outlays for each month.

(Prior Code, § 2-160) (Ord. passed 12-18-1979)

§ 34.076 DEPOSITORY.

Upon recommendation of the Tourist Commission, the county fiscal court will determine the depository of the Commission funds.

(Prior Code, § 2-161) (Ord. passed 12-18-1979)

Statutory reference:

Authority to establish tourist and convention commission, see KRS 91A.350

TREE BOARD

§ 34.090 ESTABLISHED.

There is hereby created and established a City Tree Board which shall consist of 7 members, citizens, and residents of the city or county, who shall be appointed by the Mayor with the approval of the Commission. The name of the Tree Board shall be “The Frontier Landscape and Ornamental Tree Board.”

(Prior Code, § 2-162) (Ord. 1993-14, passed 6-8-1993)

§ 34.091 TERM.

(A) The term of the 7 persons to be appointed by the Mayor shall be 3 years, except that the term of 3 of the members appointed to the first board shall be for only 1 year. Those members appointed to a 1-year term during this first year may be reappointed for another 3-year term at the discretion of the Mayor and City Commissioners, and the term of 2 members of the first board shall be for 2 years.

(B) Successive members will be appointed in a similar manner for 3-year terms.

(C) In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed by the Mayor with approval of the City Commission for the unexpired portion of the term.

(Prior Code, § 2-163) (Ord. 1993-14, passed 6-8-1993)

§ 34.092 COMPENSATION.

Members of the Board shall serve without compensation.

(Prior Code, § 2-164) (Ord. 1993-14, passed 6-8-1993)

§ 34.093 DUTIES; RESPONSIBILITIES.

(A) It shall be the responsibility of the Board to study, investigate, counsel, develop, and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. The plan will be presented annually, between September 1 and November 1 to the City Commission and, upon their acceptance and approval, shall constitute the official comprehensive tree plan for the city.

(B) The Board, when requested by the City Commission, shall consider, investigate, make finding, report, and recommend upon any special matter of question coming within the scope of its work.

(Prior Code, § 2-165) (Ord. 1993-14, passed 6-8-1993)

§ 34.094 OPERATION.

The Board shall choose its own officers. A set of rules and regulations shall be established by the first board. The rules shall be amended as necessary. The Board shall keep a journal of its findings. A majority of the members shall be a quorum for the transaction of business.

(Prior Code, § 2-166) (Ord. 1993-14, passed 6-8-1993)

JOINT PARK BOARD

§ 34.105 ESTABLISHED.

In accordance with KRS 97.035, a joint system of recreational facilities (hereinafter referred to as “Anderson/Dean Park Board”) is hereby created with the City of Harrodsburg, the City of Burgin, and Mercer County Fiscal Court, to jointly oversee the daily maintenance and supervision of the Anderson/Dean Park, and the daily administration of all business

regarding the park, and to the extent possible to see that the master plan, dated 12-6-1996, is followed with regard to the capital improvements to the park, and to pursue any and all activities which are deemed necessary or lawfully required for the administration of park related business. Also, it will be the duty and obligation of the Park Board to administer its own personnel policy, including, but not limited to, the hiring, firing, and payment of wages and any other related benefits, duty or obligation as created in any policy and procedures manual hereinafter enacted.

(Prior Code, § 2-167) (Ord. 1999-15, passed 12-14-1999)

§ 34.106 TERM.

(A) A joint board of 11 representatives shall each serve 4-year terms on the Board: Mercer County to have 5 positions, the City of Harrodsburg to have 5 positions, and the City of Burgin to have 1 position. The Park Board is to notify the appropriate authority when each member's term is to expire so each authority can appoint a successor or reappoint the member.

(B) The Park Board shall meet at least 1 time quarterly.

(Prior Code, § 2-168) (Ord. 1999-15, passed 12-14-1999; Am. Ord. 2005-6, passed - -)

§ 34.107 POWERS AND AUTHORITIES.

The parties hereto do delegate authority to the Park Board to draft and enforce policies and procedures that will govern the operations of the park, subject to any limitations herein. The policies and procedures shall be subject to approval of the City of Harrodsburg and Mercer County, in the original drafting and any subject modification hereafter.

(Prior Code, § 2-169) (Ord. 1999-15, passed 12-14-1999)

§ 34.108 MANNER OF FINANCING.

(A) The budget for the operations of the Park Board shall be approved by and financed through the annual and supplementary contributions of the City of Harrodsburg and Mercer County. The City of

Harrodsburg and Mercer County Fiscal Court do agree that they will finance equally all budgetary items approved by the City of Harrodsburg and Mercer County Fiscal Court, for the operations budget of the park on an annual basis. As funds are available, the City of Harrodsburg and Mercer County will agree to jointly fund any capital improvements which are approved and authorized by the City of Harrodsburg and Mercer County. The portion of the operations budget would include the normal operations and cost for staffing, maintenance, and upkeep of building and equipment or replacement of the same. Capital improvements would be defined as the addition of any new structure or facility on the park premises.

(B) As of 1-1-2000, all current employees employed by the Park Board as it currently stands or employed by the City of Harrodsburg and Mercer County Fiscal Court whose duties include work at the Anderson/Dean Park shall hereafter be considered as employees of the Park Board, specifically, this would include the park director and secretary and also temporary employees currently employed by the park or whatever agency employing workers for the park.

(Prior Code, § 2-170) (Ord. 1999-15, passed 12-14-1999)

§ 34.109 NATURE OF AGREEMENT.

The parties to this subchapter shall agree hereby to engage in a joint and cooperative undertaking only within the scope herein set out and do not intend to create as between the parties any relationship of surety, indemnification, or responsibility for the debts or claims against any other party. Furthermore, the parties do not intend that the execution of this subchapter or any action taken pursuant to this subchapter shall constitute a waiver of any defense or immunity that the parties would otherwise be entitled to under any applicable law.

(Prior Code, § 2-171) (Ord. 1999-15, passed 12-14-1999)

§ 34.110 LIABILITY OF OFFICERS AND EMPLOYEES OF PARTICIPATING PUBLIC AGENCIES.

No officer, employee, member, or agent of the parties to this subchapter shall be subject to any personal

liability for any debt or contract created pursuant to this subchapter.

(Prior Code, § 2-172) (Ord. 1999-15, passed 12-14-1999)

§ 34.111 INSURANCE AND BENEFITS.

The City of Harrodsburg and Mercer County Fiscal Court herewith agree that they will keep in full force and effect any and all liability insurance to cover personal injuries, property damage, or other claims arising out of the operation of the park. These insurance expenses shall be paid by the City of Harrodsburg and Mercer County Fiscal Court, and shall not be subject to payment by the Park Board or made a part of its budget. The City of Harrodsburg, City of Burgin, and Mercer County Fiscal Court also recognize that the Park Board, its officers and directors, are to be treated as employees of each respective governmental agency for any and all purposes under this subchapter, including, but not limited to, for purposes of any legal action filed in any court of competent jurisdiction.

(Prior Code, § 2-173) (Ord. 1999-15, passed 12-14-1999)

JOINT ENDOWMENT FUNDS COMMITTEE

§ 34.125 TITLE.

This subchapter shall be known and may be cited as the Greater Mercer County Joint Committee for Distribution of Income from Endowment Funds.

(Prior Code, § 2-176) (Ord. 1996-5, passed 6-11-1996)

§ 34.126 FINDINGS.

The City of Harrodsburg City Commission, the Burgin City Council, and the Mercer County Fiscal Court (hereinafter referred to as “legislative bodies”) find and declare that:

(A) This joint committee shall continue in perpetuity until rescinded by any 1 of the original legislative bodies pursuant to not less than 30 days notice

to the other legislative bodies followed by a duly adopted ordinance;

(B) The organization and nature of this agreement shall be administered as set out hereinafter; and

(C) The necessary funding to administer this joint committee shall be shared by the Mercer County Fiscal Court contributing 52%, the City of Harrodsburg contributing 41%, and the City of Burgin contributing 7% through their respective annual budgets.

(Prior Code, § 2-177) (Ord. 1996-5, passed 6-11-1996)

§ 34.127 PURPOSE AND AUTHORITY.

It is the purpose of this subchapter to provide a method of assuring that the public has a method for establishing charitable endowment trust funds with the net income being distributed as directed by a locally appointed joint committee.

(Prior Code, § 2-178) (Ord. 1996-5, passed 6-11-1996)

§ 34.128 JOINT COMMITTEE CREATED.

(A) There is hereby created a committee which shall have the authorities, duties, and responsibilities as set forth in this subchapter to enforce the provisions of this subchapter.

(B) The Committee shall consist of 7 members who shall be appointed by the executive authority of each legislative body, subject to the approval of each legislative body. The initial members of the Committee shall be appointed within 30 days of the effective date of this subchapter. The members shall serve for a term of 4 years; except that with respect to the members initially appointed, 1 member shall be appointed by the City of Burgin for a term of 4 years, 3 members shall be appointed by Mercer County for a 2-year, 3-year, and 4-year term. Three members shall be appointed by the City of Harrodsburg for a 2-year, 3-year, and 4-year term. Thereafter, all appointments shall be for a term of 4 years. Each member of the Committee shall have been a resident of the respective appointing legislative body for at least 1 year prior to the date of the appointment and shall reside in the legislative body’s jurisdiction throughout the term in office. The members of the

Committee shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may be reappointed for any number of consecutive terms.

(C) A member of the Committee may be removed by the executive authority subject to the approval of the respective legislative body (if different from the executive authority) for misconduct, inability, or willful neglect of his or her duties. Before any member of the Committee is removed from office under this section, the member shall be afforded the opportunity for a hearing before the executive authority and the legislative body (if different from the executive authority).

(D) Vacancies on the Committee shall be filled within 60 days by the appropriate executive authority, subject to the approval of the appropriate legislative body (if different from the executive authority). If a vacancy is not filled by the executive authority within 60 days, the remaining members of the Committee shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(E) Members of the Committee shall serve without compensation, unless otherwise approved by the respective legislative body, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.

(F) The Committee shall, upon the initial appointment of its members and annually thereafter, elect a Chairperson from among the membership. The Chairperson shall be the presiding officer and a full voting member of the board.

(G) Meetings of the Committee shall be held, as necessary, upon the call of the Chairperson or at the request of a majority of the members.

(H) The presence of 5 or more members shall constitute a quorum and the affirmative vote of a majority of the quorum shall be necessary for any official action to be taken. Any member of the Committee who has a conflict of interest with respect to any matter to be considered by the Committee shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter, and shall not be counted for purposes of establishing a quorum.

(I) Minutes shall be kept for all proceedings of the Committee and the vote of each member on any issue decided by the board shall be recorded in the minutes. (Prior Code, § 2-179) (Ord. 1996-5, passed 6-11-1996)

JOINT HUMAN RIGHTS COMMISSION

§ 34.135 ESTABLISHMENT.

There is hereby created a Mercer County, the City of Harrodsburg, and the City of Burgin Commission on Human Rights.

(Ord. 2009-11, passed 11-9-2009)

§ 34.136 PURPOSE.

The Commission on Human Rights shall endeavor to promote and secure mutual understanding and respect among all economic, social, religious, ethnic, and racial groups in the cities and county and shall act as a conciliator in controversies involving inter-group and interracial relations. The Commission shall cooperate with federal, state, and other city agencies in an effort to develop harmonious inter-group and interracial relations and shall endeavor to enlist the support of civic, religious, labor, industrial, and commercial groups and civic leaders dedicated to the improvement of inter-group and interracial relations and the elimination of discriminatory practices.

(Ord. 2009-11, passed 11-9-2009)

§ 34.137 OFFICERS.

The Commission on Human Rights shall elect from its membership a Chair, a Secretary, a Treasurer, and such other officers, as it shall deem necessary. The Chair of the Commission shall appoint such committees as the rules of the Commission shall provide and such other special committees from time to time as the Commission may deem it necessary in order to carry out the purposes of this subchapter. The Chair and all officers shall be Commission members.

(Ord. 2009-11, passed 11-9-2009)

§ 34.138 MEMBERS; QUALIFICATIONS; COMPENSATION.

(A) The Commission shall consist of eleven members, who shall be persons who are nearly as possible representative of several social, economic, religious, cultural, ethnic, and racial groups which comprise the population of Mercer County, the City of Harrodsburg, and the City of Burgin.

(B) The Mayor of the City of Harrodsburg shall appoint 4 members who shall be residents of the city. Of the first 4 members appointed by the Mayor, 1 shall serve for a term of 1 year, 1 shall serve for 2 years, 1 shall serve for 3 years and on shall serve for 4 years. After the first appointments, all appointments shall be for a term of 3 years.

(C) The Mayor of the City of Burgin shall appoint 2 members who shall be residents of the city. Of the first members appointed by the Mayor, 1 shall be appointed for 1 year and 1 shall be appointed for 2 years. After the first appointments, all appointments shall be for a term of 3 years.

(D) The Judge-Executive shall appoint 5 members who shall be residents of Mercer County, Kentucky. Of the first appointments, 1 shall serve for a term of 1 year; 2 shall serve for a term of 2 years and 2 shall serve for a term of 3 years. After the first appointments, all appointments shall be for a term of 3 years.

(E) All of the aforesaid appointments shall be done with the approval of the respective legislative bodies.

(F) In the event of a vacancy, the Mayors or County Judge-Executive of the respective legislative bodies shall appoint a member to complete the unexpired term with the approval of the respective legislative bodies.

(G) No elected or appointed official of elected or appointed official of Harrodsburg, Burgin, or Mercer County, Kentucky may be a member of the Commission.

(H) Members shall serve without compensation. (Ord. 2009-11, passed 11-9-2009)

§ 34.139 MEETINGS; RULES OF PROCEDURE.

(A) The Commission on Human Rights shall meet once each month and as often as it deems necessary.

(B) The Commission shall have the power to adopt rules to govern its proceedings. (Ord. 2009-11, passed 11-9-2009)

§ 34.140 QUORUM.

A quorum shall consist of a majority of the members appointed to the Commission. (Ord. 2009-11, passed 11-9-2009)

§ 34.141 POWER AND DUTIES.

(A) The Commission on Human Rights may recommend to the legislative bodies such legislation as may be considered necessary to accomplish the purposes of the subchapter.

(B) The Commission shall submit an annual report regarding its activities and financial status, of each year, to the legislative bodies.

(C) The Commission, on behalf of the cities and county, may accept grants and donations from foundations and others for the purpose of carrying out its functions.

(D) The Commission may receive inquires, make studies, and have such studies made as will enable the Commission to carry out its purposes.

(E) The Commission shall have the following powers in addition to those otherwise enumerated in this section:

(1) Receive inquiries and seek to conciliate and hold meetings on alleged discrimination.

(2) Certify the results to the legislation down and the Kentucky Human Rights Commission for action in accordance with appropriate law. (Ord. 2009-11, passed 11-9-2009)

§ 34.142 EXPENDITURES.

All expenditures shall be authorized by the Commission. The Treasurer shall approve all expenditures, and shall make a semi-annual financial report to the Commission. Copies of such semi-annual financial reports shall be sent to the Mayors, the County Judge-Executive, and the legislative bodies.

(Ord. 2009-11, passed 11-9-2009)

§ 34.143 OFFICE SPACE.

The Mayors and County Judge-Executive are authorized to allocate adequate office space and to provide the necessary facilities for the Commission, if the office space and facilities are available, and approval is obtained by the local governing body that has authority over those facilities.

(Ord. 2009-11, passed 11-9-2009)

CHAPTER 35: POLICE

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- 35.02 Uniform allowance
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Wrecker/Towing Service Policy and Business License, see Ch. 119

Statutory reference:

Auxiliary police, see KRS 95.445 and 95.950 et seq.
Law Enforcement Foundation Program Fund, see KRS 15.410 et seq.
Police officer training requirements, see KRS Ch. 95

GENERAL PROVISIONS

§ 35.01 POLICE DEPARTMENT AND CHIEF.

(A) The Harrodsburg Police Department is established as authorized by KRS Ch. 95. The City Commission shall appoint a Police Chief who shall be in charge of the Police Department, under the direction of the Commissioner of Public Safety.

(B) The Police Chief shall:

(1) Be responsible for the service of legal papers within the city;

(2) See that the law and ordinances of the city are complied with; and

(3) Perform other duties as directed by the City Commission.

(Prior Code, § 13-1) (Am. Ord. 2000-3, passed 2-8-2000)

§ 35.02 UNIFORM ALLOWANCE.

Members of the Police Department shall be paid a yearly uniform allowance of an amount to be designated by the City Commission.

(Prior Code, § 13-2)

§ 35.03 ARREST FEES.

All arrest fees or other fees provided by the state statutes, county ordinances, city code, and city ordinances attributable to arrest or other services rendered in accordance therewith by city police officers are hereby directed to be paid to the City Treasurer.

(Prior Code, § 13-3) (Ord. 1980-8, passed 5-27-1980)

§ 35.04 POLICE OFFICERS' CONCEALED WEAPONS.

(A) All members of the City Police Department who carry deadly weapons on or about their persons in their regularly scheduled duties as police officers for the city may carry concealed deadly weapons on or about their persons when necessary for their protection in the discharge of their official duties within the state.

(B) Deadly weapons that may be carried by members of the City Police Department within the state are those weapons that are usually carried by the officers in performing their duties while on regularly scheduled shifts of duty for the city.

(Prior Code, § 13-4) (Ord. passed 7-25-1972)

Statutory reference:

Authority for police officers to carry concealed weapons, see KRS 527.020

INCENTIVE PROGRAM

§ 35.15 DECLARATION OF INTENT.

The city hereby declares its intention to participate in the Law Enforcement Foundation Program established by KRS 15.410 *et seq.*

(Prior Code, § 13-21) (Ord. passed 3-27-1973)

§ 35.16 RATE OF PAY.

Each officer of the Police Department shall be paid from city funds an annual salary of at least \$4,350 based on a standard work year of 2,080 hours.

(Prior Code, § 13-22) (Ord. passed 3-27-1973)

Statutory reference:

Requirements for participation in Law Enforcement Foundation Program Fund, see KRS 15.440

§ 35.17 EDUCATIONAL PREREQUISITE AND AGE.

Each officer employed on or after 7-1-1973 shall have as a minimum educational attainment a high school

degree, or its equivalent as determined by the State Law Enforcement Council and shall be at least 21 years of age.

(Prior Code, § 13-23) (Ord. passed 3-27-1973)

§ 35.18 BASIC FRAMING COURSE.

Each officer employed on or after 7-1-1972 shall within 1 year of his or her date of employment complete a basic training course of at least 400-hours' duration at a school certified or recognized by the State Law Enforcement Council.

(Prior Code, § 13-24) (Ord. passed 3-27-1973)

§ 35.19 IN-SERVICE TRAINING.

Each officer, whether originally employed before or after 7-1-1972, shall successfully complete each year in an in-service training course of 40-hours duration appropriate to his or her rank and responsibility at a school certified or recognized by the State Law Enforcement Council.

(Prior Code, § 13-25) (Ord. passed 3-27-1973)

§ 35.20 PAY DURING IN-SERVICE TRAINING.

Each officer shall receive in each calendar year 5-days' time off with pay for the purpose of taking the in-service training required by § 35.19.

(Prior Code, § 13-26) (Ord. passed 3-27-1973)

§ 35.21 INCENTIVE PAYMENTS NOT TO AFFECT SALARY.

No officer shall have his or her base salary reduced or be denied a normal salary increase to which he or she is otherwise entitled because of the salary incentive payments provided by the State Crime Commission under KRS 15.410 *et seq.*

(Prior Code, § 13-27) (Ord. passed 3-27-1973)

Statutory reference:

Supplemental payments to local government from fund, see KRS 15.460(2)

§ 35.22 POLICE DEPARTMENT TO COMPLY WITH LAW.

The Police Department and each officer thereof shall comply with all provisions of law applicable to local police, including the transmission of data to the Bureau of Criminal Information and Statistics, as required by KRS 17.150.

(Prior Code, § 13-28) (Ord. passed 3-27-1973)

Statutory reference:

Requirements for participation in Law Enforcement Program Fund, see KRS 15.440(6)

§ 35.23 REPORTS.

The Chief of the Police Department shall prepare or cause to be prepared the quarterly and other reports as may be reasonably required by the State Crime Commission to facilitate administration of the fund and further the purpose of KRS 15.410 et seq.

(Prior Code, § 13-29) (Ord. passed 3-27-1973)

§ 35.24 COMPLIANCE WITH RULES OF CRIME COMMISSION.

The Police Department and each officer thereof shall further comply with all reasonable rules and regulations, appropriate to the size and location of the local Police Department, issued by the state crime commission to facilitate the administration of the Fund and further the purposes of KRS 15.410 et seq.

(Prior Code, § 13-30) (Ord. passed 3-27-1973)

Statutory reference:

Requirements for participation in Law Enforcement Program Fund, see KRS 15.440(7)

§ 35.25 HANDLING AND DISTRIBUTION OF FUNDS; RECORDS.

(A) The City Treasurer shall deposit in an appropriate account which can be identified separately from all other sources all monies received under KRS 15.410 et seq.

(B) Forthwith upon receipt of any monies under KRS 15.410 et seq., the Treasurer shall pay to each

police officer the full amount received on behalf of that officer, giving to each officer a check stub or receipt on which the gross amount of monies paid to him or her under KRS 15.410 et seq. is included and identified.

(C) All financial records relating to monies received under KRS 15.410 et seq. shall be retained for a period of 3 years and until the completion of an audit approved by the State Crime Commission and the United States Law Enforcement Assistance Administration.

(Prior Code, § 13-31) (Ord. passed 3-27-1973)

AUXILIARY POLICE FORCE

§ 35.40 ESTABLISHED.

There is hereby established an auxiliary police force of not more than 10 persons, who shall be appointed by resolution and shall serve at the pleasure of the City Commission for a 2-year term.

(Prior Code, § 13-46) (Ord. passed 12-11-1973)

§ 35.41 PURPOSE.

The purpose of the auxiliary police force shall be to support, assist, and back up the city's regular police force.

(Prior Code, § 13-47) (Ord. passed 12-11-1973)

§ 35.42 PAY; EXPENSES.

The pay, equipment allowance, and reimbursement for expenses, if any, shall be determined by resolution of the City Commission.

(Prior Code, § 13-48) (Ord. passed 12-11-1973)

§ 35.43 AUXILIARY CHIEF.

The auxiliary force shall be under the control of an Auxiliary Chief, who shall report directly to the regular Police Chief of the city. The regular Police Chief shall have over-all charge of the auxiliary force.

(Prior Code, § 13-49) (Ord. passed 12-11-1973)

§ 35.44 POWERS.

The auxiliary force shall possess the usual powers, including arrest, while serving in their official capacity. (Prior Code, § 13-50) (Ord. passed 12-11-1973)

§ 35.45 RULES AND REGULATIONS.

Other rules and regulations of the regular police force, not inconsistent with this subchapter, shall apply to the auxiliary force. (Prior Code, § 13-51) (Ord. passed 12-11-1973)

CHAPTER 36: ETHICS CODE

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- 36.01 Title
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GENERAL PROVISIONS

§ 36.01 TITLE.

This chapter, applicable to the officers, employees, and candidates of the City of Harrodsburg, the City of Burgin, Mercer County, and their agencies (hereinafter referred to as legislative bodies), shall be known and may be cited as the Greater Mercer County Code of Ethics. (Prior Code, § 2-190) (Ord. 1994-22, passed 11-7-1994)

§ 36.02 FINDINGS.

The legislative bodies find and declare that:

- (A) Public office and employment are public trusts;

(B) The vitality and stability of government depends upon the public's confidence in the integrity of its elected and appointed officers and employees. Whenever the public perceives a conflict between the private interests and public duties of an officer or employee, that confidence is imperiled;

(C) Government has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties; and

(D) Since there are numerous joint boards and commissions now existing and operating by the legislative bodies and more may be founded in the future, the public would benefit from a joint effort on this matter as provided by the Interlocal Cooperation Act, KRS 65.210 through 65.300, and therefor the parties declare this to be their agreement.

(1) This joint agreement shall continue in perpetuity until rescinded by any 1 of the original legislative bodies pursuant to not less than 30-days notice to the other legislative bodies followed by a duly adopted ordinance.

(2) The organization and nature of this agreement shall be administered as set out hereinafter.

(3) The necessary funding to administer this joint board of ethics shall be shared by the Mercer County Fiscal Court contributing 52%, the City of Harrodsburg contributing 41%, and the City of Burgin contributing 7% through their respective annual budgets. (Prior Code, § 2-191) (Ord. 1994-22, passed 11-7-1994)

§ 36.03 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 and employees of the legislative bodies shall be clearly established, uniform in their application, and enforceable, and to provide the officers and employees of the legislative bodies 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 Ch. 65, as enacted by the 1994 Kentucky General Assembly.

(C) This chapter is enacted under the power vested in the legislative bodies by statute and pursuant to requirements of KRS Ch. 65. (Prior Code, § 2-192) (Ord. 1994-22, passed 11-7-1994)

§ 36.04 DEFINITIONS.

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

BOARD OF ETHICS. The legislative bodies Board of Ethics which is created and vested by this chapter with the responsibility of enforcing the requirements of the joint code of ethics.

BUSINESS. Any corporation, limited or general 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.

CANDIDATE. Any individual who seeks nomination or election to an office of the legislative bodies. An individual is a candidate when the individual files a notification and declaration for nomination for office with the County Clerk or Secretary of State, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the County Clerk or Secretary of State.

EMPLOYEE. Any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the legislative bodies. The term **EMPLOYEE** shall not include any contractor or subcontractor or any of their employees nor any employees of a school district or school board.

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

IMMEDIATE FAMILY MEMBER. A spouse, an unemancipated child residing in the officer’s or employee’s household, or a person claimed by the officer or employee, or the officer’s or employee’s spouse, as a dependent for tax purposes.

OFFICER. Any person, whether full-time or part-time, and whether paid or unpaid, who is 1 of the following:

- (1) A Mayor or county judge-executive;
- (2) A legislative body member;
- (3) A City Clerk or County Clerk;
- (4) A City Manager or City Administrator;
- (5) A Jailer, Coroner, Constable, or Sheriff;
- (6) A City Attorney or County Attorney.
- (7) Any person who occupies a nonelected office created under Kentucky Statutes; or
- (8) A member of the governing body of any agency who has been appointed to the agency by the legislative body.

LEGISLATIVE BODIES. Collectively, the Mercer County Fiscal Court, the City of Harrodsburg City Commission, and the City of Burgin Council.

LEGISLATIVE BODY. Singularly, the Mercer County Fiscal Court, the City of Harrodsburg City Commission, and the City of Burgin Council. This chapter shall apply to a particular individual only as the facts pertain to the individual’s respective legislative body.

LEGISLATIVE BODY AGENCY. Any board, commission, authority, nonstock corporation, or other entity formed or created either individually or jointly, by the City of Harrodsburg, the City of Burgin, or the Mercer County Fiscal Court. (Prior Code, § 2-193) (Ord. 1994-22, passed 11-7-1994)

STANDARDS OF CONDUCT

§ 36.15 CONFLICTS OF INTEREST IN GENERAL.

(A) *Generally.* Every officer and employee of the legislative bodies and every agency of the legislative bodies shall comply with the following standards of conduct:

(B) *Specifically.*

(1) No officer or employee, or any immediate family member of any officer or employee, shall have an interest in a business or engage in any business, transaction, or activity, which is in substantial conflict with the proper discharge of the officer’s or employee’s public duties.

(2) No officer or employee shall intentionally use or attempt to use his or her official position with the legislative bodies to secure unwarranted privileges or advantages for himself or herself or others.

(3) No officer or employee shall intentionally take or refrain from taking any discretionary action, or agree to take or refrain from taking any discretionary action, or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the legislative bodies in order to obtain a financial benefit for any of the following:

- (a) The officer or employee;
- (b) A family member;
- (c) An outside employer;
- (d) Any business in which the officer or employee, or any family member has a financial interest; and/or
- (e) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

(4) No officer or employee shall be deemed in violation of any provision of this section if, by reason of the officer's or employee's participation, vote, decision, action, or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or a business as defined in divisions (B)(3)(d) and (B)(3)(e) above, as a member of any business, occupation, profession, or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession, or other group.

(5) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision, or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to the governing body of the legislative bodies or agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

(Prior Code, § 2-194) (Ord. 1994-22, passed 11-7-1994) Penalty, see § 36.99

§ 36.16 CONFLICTS OF INTEREST IN CONTRACTS.

(A) No officer or employee of a legislative body or agency shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the legislative body or agency, except as follows.

(1) The prohibition in division (A) above shall not apply to contracts entered into before an elected officer filed as a candidate for a legislative body office, before an appointed office was appointed to a legislative bodies agency office, or before an employee was hired by the legislative bodies or a legislative bodies agency. However, if any contract entered into by a legislative body or legislative bodies agency officer or employee before he or she became a candidate, was appointed to office, or was hired as an employee, is renewable after he or she becomes a candidate, assumes the appointed office, or is hired as an employee, then the prohibition in

division (A) above shall apply to the renewal of the contract.

(2) The prohibition in division (A) above shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing contract performance after the contract is awarded. If the officer or employee has any of the authorities set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in division (A)(3) below are satisfied.

(3) The prohibition in division (A) above shall not apply in any case where the following requirements are satisfied by the legislative bodies or the legislative bodies agency and provided there are no other statutory prohibitions.

(a) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body.

(b) The disclosure is made a part of the official record of the governing body before the contract is executed.

(c) A finding is made by the governing body legislative bodies or legislative bodies agency that the contract with the officer or employee is in the best interests of the public because of price, limited supply, or other specific reasons.

(d) The finding is made a part of the official record of the governing body before the contract is executed.

(B) Any violation of this section shall constitute a Class A misdemeanor and, upon conviction, the court may void any contract entered into in violation of this section. Additionally, a violation of this section shall be grounds for removal from office or employment in accordance with any applicable provisions of state law and ordinances, rules, or regulations of the legislative bodies.

(Prior Code, § 2-195) (Ord. 1994-22, passed 11-7-1994) Penalty, see § 36.99

§ 36.17 RECEIPT OF GIFTS.

No officer or employee of the legislative bodies or any legislative bodies agency shall directly, or indirectly through any other person or business, solicit or accept any gift whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee in the performance of his or her public duties.

(Prior Code, § 2-196) (Ord. 1994-22, passed 11-7-1994) Penalty, see § 36.99

§ 36.18 USE OF LEGISLATIVE BODIES' PROPERTY, EQUIPMENT, AND PERSONNEL.

No officer or employee of the legislative bodies shall use or permit the use of any legislative bodies' time, funds, personnel, equipment, or other personal or real property for the private use of any person, unless:

(a) The use is specifically authorized by a stated legislative bodies policy; and/or

(b) The use is available to the general public, and then only to the extent and upon the terms that the use is available to the general public.

(Prior Code, § 2-197) (Ord. 1994-22, passed 11-7-1994) Penalty, see § 36.99

§ 36.19 REPRESENTATION OF INTEREST BEFORE THE LEGISLATIVE BODY.

(A) No officer or employee of the legislative bodies or legislative bodies agency shall represent any person or business, other than the legislative bodies, in connection with any cause, proceeding, application, or other matter pending before the legislative bodies or any legislative bodies agency.

(B) Nothing in this section shall prohibit an employee from representing another employee or employees where the representation is within the context of official labor union or similar representational responsibilities.

(C) Nothing in this section shall prohibit any officer or employee from representing himself or herself in matters concerning his or her own interests.

(D) No elected officer shall be prohibited by this section from making any inquiry for information on behalf of a constituent, if no compensation, reward, or other thing of value is promised to, given to, or accepted by the officer, whether directly or indirectly, in return for the inquiry.

(Prior Code, § 2-198) (Ord. 1994-22, passed 11-7-1994) Penalty, see § 36.99

§ 36.20 MISUSE OF CONFIDENTIAL INFORMATION.

No officer or employee of the legislative bodies or any legislative bodies agency shall intentionally use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use or disclosure is to further his or her personal financial interest or that of another person or business. Information deemed confidential is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 through 61.884, at the time of its use or disclosure.

(Prior Code, § 2-199) (Ord. 1994-22, passed 11-7-1994)

§ 36.21 POST-EMPLOYMENT RESTRICTION.

No officer or employee of the legislative bodies or any legislative bodies agency shall appear or practice before the legislative bodies or any legislative bodies agency with respect to any matter on which the officer or employee personally worked while in the service of the legislative bodies or legislative bodies agency for a period of 1 year after the termination of the officer's or employee's service with the legislative bodies or legislative bodies agency.

(Prior Code, § 2-200) (Ord. 1994-22, passed 11-7-1994) Penalty, see § 36.99

§ 36.22 HONORARIA.

(A) No officer or employee of the legislative bodies or a legislative bodies agency shall accept any compensation, honorarium, or gift with a fair market

value greater than \$100 in consideration of an appearance, speech, or article unless the appearance, speech, or article is both related to the officer's or employee's activities outside of municipal service and is unrelated to the officer's or employee's service with the legislative bodies.

(B) Nothing in this section shall prohibit an officer or employee of the legislative bodies or any legislative bodies agency from receiving and retaining from the legislative bodies or on behalf of the legislative bodies actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech, or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the legislative bodies or legislative bodies agency and not primarily for the benefit of the officer or employee or any other person.

(Prior Code, § 2-201) (Ord. 1994-22, passed 11-7-1994) Penalty, see § 36.99

§ 36.23 CAMPAIGN CONTRIBUTIONS.

Any candidate for a public office may accept campaign contributions and services in connection with any such campaign in accordance with applicable campaign laws.

(Prior Code, § 2-202) (Ord. 1994-22, passed 11-7-1994)

FINANCIAL DISCLOSURE

§ 36.35 WHO MUST FILE.

The following classes of officers and employees of the legislative bodies and legislative bodies' agency shall file an annual statement of financial interests with the Board of Ethics:

- (A) All elected officers;
- (B) All candidates for elected office;
- (C) Members of the legislative bodies':

(1) The Greater Harrodsburg/Mercer County Planning and Zoning Commission;

- (2) The Board of Adjustments and Appeals;
- (3) Board of Assessments Appeal;
- (4) Mercer County Public Library Tax District;
- (5) Mercer County Fire Protection District;
- (6) Mercer County Conservation District; and
- (7) North Mercer Water District.

(D) Members of the Board of Ethics created by this chapter; and

(E) Nonelected officers and employees of the legislative bodies or any legislative bodies agency who are authorized to make purchases of materials or services, or award contracts, leases, or agreements involving the expenditure of more than \$500.

(Prior Code, § 2-203) (Ord. 1994-22, passed 11-7-1994)

§ 36.36 WHEN TO FILE STATEMENTS; AMENDED STATEMENTS.

(A) The initial statement of financial interests required by this section shall be filed with the Board of Ethics, or the administrative official designated as the custodian of its records by the Board of Ethics, no later than 4:00 p.m. 2-1-1995. All subsequent statements of financial interest shall be file no later than 4:00 p.m. on February 1 each year, provided that:

(1) An officer or employee newly-appointed to fill an office or position of employment with the legislative body or a legislative bodies' agency shall file his or her initial statement no later than 21 days after the date of the appointment; and

(2) A candidate for a legislative body office shall file his or her initial statement no later than 21 days after the date on which the person becomes a candidate for the elected office.

(B) The Board of Ethics may grant a reasonable extension of time (not to exceed 15 days) for filing a statement of financial interests for good cause shown.

(C) In the event there is a material change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than 30 days after becoming aware of the material change, file an amended statement with the Board.
(Prior Code, § 2-204) (Ord. 1994-22, passed 11-7-1994)

§ 36.37 FORM OF THE STATEMENT OF FINANCIAL INTERESTS.

The statement of financial interest shall be filed on a form prescribed by the Board of Ethics, or the administrative official designated by the Board of Ethics. The Board, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first-class mail or hand delivery, no later than December 29 of each year and act 10 days after new appointments. The failure of the Board, or the designated administrative official, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement.
(Prior Code, § 2-205) (Ord. 1994-22, passed 11-7-1994)

§ 36.38 CONTROL AND MAINTENANCE OF THE STATEMENTS OF FINANCIAL INTEREST.

(A) The Board of Ethics shall be the “official custodian” of the statements of financial interests and shall have control over the maintenance of the statements of financial interest. The statements of financial interest shall be maintained by the Board of Ethics, or the administrative official designated by the Board of Ethics as the “custodian,” as public documents, available for public inspection immediately upon filing.

(B) A statement of financial interests shall be retained by the Board, or the designated administrative official, for a period of 5 years after filing, provided that:

(1) Upon the expiration of 3 years after a person ceases to be an officer or employee of the legislative body or a legislative bodies’ agency, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person; and

(2) Upon the expiration of 3 years after any election at which a candidate for an elected legislative body office was not elected or nominated, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.
(Prior Code, § 2-206) (Ord. 1994-22, passed 11-7-1994)

§ 36.39 CONTENTS OF THE FINANCIAL INTERESTS STATEMENT.

(A) The statement of financial interests shall include the following information for the preceding calendar year:

(1) The name, current business address, business telephone number, and home address of the filer;

(2) The title of the filer’s office, office sought, or position of employment;

(3) The occupation of the filer and the filer’s spouse;

(4) Information that identifies each source of income of the filer and the filer’s immediate family members exceeding \$5,000 during the preceding calendar year, and the nature of the income (e.g., salary, commission, dividends, retirement fund distribution, and the like);

(5) The name and address of any business located within the state in which the filer or any member of the filer’s immediate family had at any time during the preceding calendar year an interest of \$10,000 at fair market value or 5% ownership interest or more;

(6) The name and address of any business located outside of the state, if the business has engaged in any business transactions with the legislative bodies during the past 3 years, or which is anticipated to engage in any business transactions with the legislative bodies, in which the filer or any member of the filer’s immediate family had at any time during the preceding calendar year an interest of \$10,000 at fair market value or 5% ownership interest or more;

(7) A designation as commercial, residential, or rural, and the location of all real property within the

county, other than the filer's primary residence, in which the filer or any member of the filer's immediate family had during the preceding calendar year an interest of \$10,000 or more;

(8) Each source by name and address of gifts or honoraria having an aggregate fair market value of \$100 or more from any single source, excluding gifts received from family members, received by the filer or any member of the filer's immediate family during the preceding calendar year; and

(9) The name and address of any creditor owed more than \$10,000, except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for person, family, or household purposes.

(B) Nothing in this section shall be construed to require any officer or employee to disclose any specific dollar amounts nor the names of individual clients or customers of businesses listed as sources of income or debt.

(Prior Code, § 2-207) (Ord. 1994-22, passed 11-7-1994)

§ 36.40 NONCOMPLIANCE WITH FILING REQUIREMENT.

(A) The Board of Ethics, or the designated administrative official, shall notify, by certified 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.

(B) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under division (A) above within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the board in an amount not to exceed \$25 per day, up to a maximum total civil fine of \$500. Any civil fine imposed by the Board under this section may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

(C) Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor. (Prior Code, § 2-208) (Ord. 1994-22, passed 11-7-1994)

NEPOTISM

§ 36.55 NEPOTISM PROHIBITED.

(A) No officer or employee of the legislative bodies or a legislative bodies agency 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 legislative bodies or legislative bodies agency.

(B) No family member of an elected official or person appointed to an elective office shall be employed by the respective legislative body or an agency of the body.

(C) No officer or employee of the legislative bodies or a legislative bodies agency shall supervise or manage the work of a family member who is in the family member's chain of supervision. A City Commissioner shall not be considered in the chain of supervision if the employee works in another department supervised by another City Commissioner.

(D) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official 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.

(E) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to the effective date of this chapter. Persons grandfathered shall not have their job descriptions changed nor be promoted, but shall

be entitled to cost of living increases granted similar employees.

(Prior Code, § 2-209) (Ord. 1994-22, passed 11-7-1994)
Penalty, see § 36.99

ENFORCEMENT

§ 36.70 BOARD OF ETHICS CREATED.

(A) There is hereby created a Board of Ethics which shall have the authorities, duties, and responsibilities as set forth in this chapter to enforce the provisions of this chapter.

(B) The Board of Ethics shall consist of 7 members who shall be appointed by the executive authority of the legislative bodies, subject to the approval of each legislative body (if different from the executive authority).

(1) The initial members of the Board of Ethics shall be appointed within 30 days of the effective date of this chapter. No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the legislative body or any legislative bodies agency.

(2) The members shall serve for a term of 4 years; except that with respect to the members initially appointed, 1 member shall be appointed by the City of Burgin for a term of 4 years, 3 members shall be appointed by Mercer County for a 2-year, 3-year, and 4-year term. Three members shall be appointed by the City of Harrodsburg for a 2-year, 3-year, and 4-year term. Thereafter, all appointments shall be for a term of 4 years.

(3) Each member of the Board of Ethics shall have been a resident of the respective appointing legislative body for at least 1 year prior to the date of the appointment and shall reside in the legislative bodies' jurisdiction throughout the term in office.

(4) The members of the Board of Ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may be reappointed for any number of consecutive terms.

(C) A member of the Board of Ethics may be removed by the executive authority, subject to the approval of the respective legislative body (if different from the executive authority) for misconduct, inability, or willful neglect of duties. Before any member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the executive authority and the legislative body (if different from the executive authority).

(D) Vacancies on the Board of Ethics shall be filled within 60 days by the appropriate executive authority, subject to the approval of the appropriate legislative body (if different from the executive authority). If a vacancy is not filled by the executive authority within 60 days, the remaining members of the Board of Ethics shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(E) Members of the Board of Ethics shall serve without compensation, unless otherwise approved by the respective legislative body, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.

(F) The Board of Ethics shall, upon the initial appointment of its members and annually thereafter, elect a Chairperson from among the membership. The Chairperson shall be the presiding officer and a full voting member of the Board.

(G) Meetings of the Board of Ethics shall be held, as necessary, upon the call of the Chairperson or at the request of a majority of the members.

(H) The presence of 5 or more members shall constitute a quorum and the affirmative vote of a majority of the quorum shall be necessary for any official action to be taken. Any member of the Board of Ethics who has a conflict of interest with respect to any matter to be considered by the Board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter, and shall not be counted for purpose of establishing a quorum.

(I) Minutes shall be kept for all proceedings of the Board of Ethics and the vote of each member on any issue decided by the Board shall be recorded in the minutes.

(Prior Code, § 2-210) (Ord. 1994-22, passed 11-7-1994)

§ 36.71 ALTERNATE MEMBERS.

The executive authority of each legislative body, with the approval of the legislative body (if different than the executive authority) may appoint 1 alternate member of the Board of Ethics who may be called upon to serve when any regular member of the Board is temporarily unable to discharge his or her duties. An alternate member shall be appointed for a term of 1 year. Alternate members shall meet all qualifications and be subject to all of the requirements of this chapter that apply to regular members.

(Prior Code, § 2-211) (Ord. 1994-22, passed 11-7-1994)

§ 36.72 FACILITIES AND STAFF.

Within the limits of the funds appropriated by the various legislative bodies in their annual budget, the legislative body shall provide the Board of Ethics, either directly or by contract or agreement, with the facility, materials, supplies, and staff needed for the conduct of its business.

(Prior Code, § 2-212) (Ord. 1994-22, passed 11-7-1994)

§ 36.73 POWER AND DUTIES OF THE BOARD OF ETHICS.

The Board of Ethics shall have the following powers and duties:

(A) To initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to alleged violations of the provisions of this chapter;

(B) To issue orders in connection with its investigations and hearings requiring persons to submit answers to questions that are relevant to the proceedings and to order testimony to be taken by deposition before any individual designated by the Board who has the power to administer oaths;

(C) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board;

(D) To refer any information concerning violations of this chapter to the executive authority of the

appropriate legislative body, the governing body of any legislative bodies' agency, the County Attorney, or other appropriate person or body, as necessary;

(E) To render advisory opinions to the legislative body and legislative bodies' agency officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this chapter;

(F) To enforce the provisions of this chapter with regard to all officers and employees of the legislative body and legislative bodies' agencies who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this chapter;

(G) To control and maintain all statements of financial interests that are required to be filed by this chapter and to ensure that the statements are available for public inspection in accordance with the requirements of this chapter and the Kentucky Open Records Act;

(H) To develop and submit any reports regarding the conduct of its business that may be required by the various executive authorities or legislative body; and

(I) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this chapter, provided that the rules, regulations, and actions are not in conflict with the provisions of this chapter or any state or federal law.

(Prior Code, § 2-213) (Ord. 1994-22, passed 11-7-1994)

§ 36.74 FILING AND INVESTIGATION OF COMPLAINTS.

(A) All complaints alleging any violation of the provisions of this chapter shall be submitted to the Board of Ethics, or the administrative official designated by the Board of Ethics. All complaints shall be in writing, signed by the complainant and shall meet any other requirements established by the Board of Ethics. The Board of Ethics shall acknowledge receipt of a complaint to the complainant within 10 working days from the date of receipt. The Board shall forward within 10 working days to each officer or employee who is the subject of the complaint a copy of the complaint and a general statement of the applicable provisions of this chapter.

(B) Within 30 days of the receipt of a proper complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and to be heard under oath, and to offer evidence in response to the allegations.

(C) All proceedings and records relating to a preliminary inquiry being conducted by the Board of Ethics shall be confidential until a final determination is made by the Board, except:

(1) The Board may turn over to the Commonwealth's Attorney or County Attorney evidence which may be used in criminal proceedings; and

(2) If the complainant or alleged violator publicly discloses the existence of the inquiry, and at its discretion, makes public any documents which were issued to either party.

(D) The Board shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this chapter. If the Board concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.

(E) If the Board of Ethics 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 Board shall notify the officer or employee who is the subject of the complaint and may:

(1) Due to mitigating circumstances such as, lack of significant economic advantages or gain by the officer or employee, lack of economical loss to the legislative body and its taxpayers, or lack of significant reprimand to the officer or employee concerning the alleged violation and provide a copy of the confidential reprimand to the executive authority, provide a copy of the confidential reprimand to the executive authority and

governing body of the legislative bodies or legislative bodies' agency; and

(2) Initiate a hearing to determine whether there has been a violation.

(F) Any person who knowingly files with the board a false complaint alleging a violation of any provision of this chapter by an officer or employee of the legislative bodies or any legislative bodies' agency shall be guilty of a Class A misdemeanor.

(Prior Code, § 2-214) (Ord. 1994-22, passed 11-7-1994)

§ 36.75 NOTICE OF HEARINGS.

If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within 30 days of the date the order is issued, unless the alleged violator petitions for and the Board consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator within 24 hours of the time the order setting a hearing is issued.

(Prior Code, § 2-215) (Ord. 1994-22, passed 11-7-1994)

§ 36.76 HEARING PROCEDURE.

(A) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted in accordance with this section; however, the hearings shall be conducted in accordance with any additional rules and regulations adopted by the Board 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 Board in connection with the matter to be heard. The Board shall inform the alleged violator, or his or her representative, of any exculpatory evidence in its possession.

(C) All testimony in a Board 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 persons whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the Board, 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 Board of Ethics 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 Board of Ethics 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 this chapter has been proven. Within 30 days after completion of the hearing, the Board shall issue a written report of its findings and conclusions.

(G) If the Board concludes in its report that no violation of this chapter 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 Board 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 chapter, the Board may:

(1) Issue an order requiring the violator to cease and desist the violation;

(2) 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 legislative body or legislative bodies' agency with which the violator serves;

(3) In writing, recommend to the executive authority and governing body (if different than the executive authority) that the violator be sanctioned as recommended by the Board, which may include a

recommendation for discipline or dismissal, or removal from office;

(4) Issue an order requiring the violator to pay a civil penalty of not more than \$1,000; and/or

(5) Refer evidence of criminal violations of this chapter or state laws to the County Attorney or Commonwealth's Attorney of the jurisdiction for prosecution.

(Prior Code, § 2-216) (Ord. 1994-22, passed 11-7-1994)

§ 36.77 APPEALS.

Any person who is found guilty of a violation of any provision of this chapter by the Board of Ethics may appeal the finding to the circuit court of the county within 30 days after the date of the final action by the Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the Clerk of the Court all evidence considered by the Board at the public hearing.

(Prior Code, § 2-217) (Ord. 1994-22, passed 11-7-1994)

§ 36.78 LIMITATION OF ACTIONS.

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

(Prior Code, § 2-218) (Ord. 1994-22, passed 11-7-1994)

§ 36.79 ADVISORY OPINIONS.

(A) The Board of Ethics 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 legislative body or legislative bodies' agency which is covered by this chapter.

(B) 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.

(C) The Board may adopt regulations, consistent with the Kentucky Open Records Law being, KRS 61.870 through 61.884, to establish criteria under which it will issue confidential advisory opinions. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.

(D) The confidentiality of an advisory opinion may be waived either:

(1) In writing by the person who requested the opinion; or

(2) By majority vote of the members of the Board, if a person makes or purports to make public the substance or any portion of any advisory opinion requested by or on behalf of the person. The Board may vote to make public the advisory opinion request and related materials.

(E) A written advisory opinion issued by the Board shall be binding on the board 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 Board if they had existed at the time the opinion was rendered. However, if any fact determined by the Board to be material was omitted or misstated in the request for an opinion, the Board shall not be bound by the opinion.

(F) A written advisory opinion issued by the Board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this chapter for actions taken in reliance on that opinion. (Prior Code, § 2-219) (Ord. 1994-22, passed 11-7-1994)

§ 36.80 REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED.

(A) No officer or employee of the legislative body or legislative bodies agency shall be subject to reprisal, or 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 legislative body 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 or employee of the legislative body or legislative bodies' 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 through 61.884; and/or

(3) Is confidential under any other provision of law.

(Prior Code, § 2-220) (Ord. 1994-22, passed 11-7-1994)

§ 36.99 PENALTY.

(A) Except when another penalty is specifically set forth in this chapter, any officer or employee of who is found by the Board of Ethics to have violated any provision of this chapter shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed \$1,000, which may be recovered by the legislative body in a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.

(B) In addition to all other penalties which may be imposed under this chapter, any officer or employee who is found by the Board of Ethics to have violated any provision of this chapter shall forfeit to the legislative body or legislative body's agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the legislative body in a civil action in the nature of debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

(C) In addition to all other penalties which may be imposed under this chapter, a finding by the Board of Ethics that an officer or employee of the legislative body or legislative body's agency is guilty of a violation of this chapter shall be sufficient cause for removal, suspension, demotion, or other disciplinary action by the

executive authority of the legislative body or legislative bodies' agency, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this chapter shall be taken in accordance with all applicable ordinances and regulations of the legislative body and all applicable laws of the Commonwealth. (Prior Code, § 2-221) (Ord. 1994-22, passed 11-7-1994)

CHAPTER 37: PERSONNEL

Section

37.01 Adoption by reference

§ 37.01 ADOPTION BY REFERENCE.

The city's personnel provisions are hereby adopted by reference and incorporated herein as if set out in full.
(Am. Ord. 2010-10, passed 6-28-2010)

