CODE OF ETHICS FOR THE COUNTY OF SPENCER

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CODE OF ETHICS FOR THE COUNTY OF SPENCER

Spencer County, Kentucky

Ordinance No. ___1_____

Fiscal Year 2017 Series

NOW THEREFORE, BE IT ORDAINED by the Fiscal Court of Spencer County, Commonwealth of Kentucky, that Ordinance No. 16, Fiscal Year 2011 Series is hereby rescinded and replaced as follows:

SECTION 1 - FINDINGS, DECLARATIONS:

The Spencer County Fiscal Court finds and declares that:

A. Public office and employment are a public trust;

B. The vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives whether compensated or not;

C. Whenever the public perceives a conflict between the private interests and the public duties of a government officer or employee, that confidence is imperiled;

D. Local government has the duty both to provide the citizens of Spencer County with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties; and

E. It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for local government officers and employees shall be clear, consistent, uniform in their application, and enforceable with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

SECTION 2 - DEFINITIONS:

A. "Business Associate" includes the following:
   1. A private employer;
   2. A general or limited partnership, or a general or limited partner within the partnership;
   3. A corporation that is family-owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such a corporation;
   4. A corporation, business association, or other business entity in which the county government officer or employee serves as a compensated agent or representative.

B. "Business Organization" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, limited liability corporation, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit;

C. "Candidate" means an individual who seeks nomination or election to a county government office. An individual is a candidate when the individual;
   1. Files a notification and declaration of nomination for office with the County Clerk or Secretary of State or
   2. Is nominated for office by a political party under KRS 118.105, 118.115, 118.325, or 118.760.

D. "County Government Agency" means any board, Commission, authority, non-stock-corporation, department, or other entity formed by the county government or combination of local governments and includes any employee thereof.

E. "County Government Employee" means any person, whether compensated or not, whether full time, part time, or seasonal, employed by or serving the county government, but shall not mean any employee of the local school board or any person using jail work release or performing community service under Judicial Order.

F. "County Government Officer" means any person, whether compensated or not, whether full time or part time, who is elected to any county government office; or any person who serves as a member of the governing body of any

county government agency or special taxing or non-taxing district.

G. "Family Member" means a spouse, parent, child, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law.

H. "Rule of Necessity" means the county government, agency, or district may make or enter into a contract in which an officer, employee, family member, or a business associate has an economic interest if:
1. The nature of the transaction and the nature of the interest is publicly disclosed on record prior to the time it is engaged in, and
2. A specific finding is made by the county government, agency, or district and entered on the official record of the proceedings of the governing body that, notwithstanding the conflict, it is in the best interest of the local government because of limited supply, price, or documented emergency.

SECTION 3 - STANDARDS OF CONDUCT:

Spencer County officers or employees under the jurisdiction of this section shall comply with the following:

A. No county government officer or employee or member of his/her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in conflict with the proper discharge of his/her duties in the public interest;

B. No county government officer or employee shall use or attempt to use his or her position to secure unwarranted privileges or advantages for himself/herself;

C. No county government officer or employee shall act in his/her official capacity in any manner which he/she, a member of his/her family, or a business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might be expected to impair his/her objectivity or independence of judgment;

D. No county government officer or employee shall undertake any employment or service, compensated or not, which might be expected to prejudice his/her independence of judgment in the exercise of his/her official duties;

E. No county government officer or employee, member of his/her family, or business organization in which he/she has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, political contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him/her, directly or in the discharge of his/her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective office as governed by the Kentucky Revised Statutes;

F. No county government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, or hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearance, ceremonies or fact finding trips related to official county government business.

G. No duly authorized county government official shall be prohibited from accepting gratuity for solemnizing a marriage;

H. No county government officer or employee shall use, or allow to be used, his/her public office or employment, or any information, not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his/her office or employment, for the purpose of securing financial gain for himself/herself, any member of his/her family business organization with which he/she is associated except under the "rule of necessity".

I. (Not Used)

J. No county government officer or employee shall be deemed in conflict with these provisions if, by reason of his/her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, which falls under the "rule of necessity".

K. No elected county government officer shall be prohibited from making an inquiry for information of providing assistance on behalf of a constituent, if no fee, reward, or other thing of value is promised to, given to, or accepted in return by the officer or a member of his/her immediate family, whether directly or indirectly;

L. Nothing in this section shall prohibit any county government officer, county employee or members of his/her family, from recusing himself/herself or themselves from the government process and representing himself/herself or themselves in negotiations or proceedings concerning his/her or their own interests.;

M. No county government officer or employee shall use official authority, influence, or coercion toward an official or employee of county government at any time for political activity or to effect a nomination or election result;

N. No county government officer or employee shall attempt, directly or indirectly, to coerce a person in county government to lend, pay, or contribute anything of value to a group or person for any political activity or purpose;

O. (Not Used)

P. (Not Used)

SECTION 4 - CONFLICT OF INTEREST IN CONTRACTS:

A. No officer, employee, board or Commission member of the county or any county 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 county or county agency, unless it meets all of the following requirements:
   1. The contract was awarded after public notice and competitive bidding;
   2. The contracts were entered into before:
      (a) An elected officer filed as a candidate for county office,
      (b) An appointed officer was appointed to a county or county agency office, or
      (c) An employee was hired by the county or county agency.
   3. If the contract is renewable, then the prohibition of Subsection 4.A.1 shall apply to the renewal of the contract.

B. If the officer, employee, board or Commission member was authorized to participate in establishing the contract specifications, awarding the contract, or in managing contract performance after the contract is awarded, then the officer, employee, board or Commission member shall have no interest in the contract, unless the following requirements of the rule of necessity are satisfied:
   1. The officer, employee, board or Commission member, is prohibited from voting on the matter.
   2. The specific nature of the contract transaction and the nature of the officer's employee's, board or Commission member's interest in the contract are publicly disclosed at a meeting of the governing body of the county or county agency.
   3. These disclosures are made a part of the official record of the governing body of the county or county agency before the contract is executed.
   4. A finding is made by the governing body of the county or county agency that the contract with the officer, employee, board, or Commission member is in the best interest of the public and the county or county agency because of price, limited supply, or other specific reasons.
   5. The finding is made a part of the official record of the governing body of the county or county agency before the contract is executed.

SECTION 5 - RECEIPT OF GIFTS:

No officer, employee, board or Commission member of the county or any county 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 reasonable be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer, employee, board or Commission member in the performance of his or her duties. Exceptions:

A. Unsolicited gratuities, regardless of value, when such gratuities are offered to and remain the property of the County or County Agency.

B. Admission to events to which they are invited in their official capacity as a Public Official.

C. Campaign contributions or services in connection with their political campaign.

D. Loans made in the ordinary course of business.

E. Gifts received from family members.

F. A non-monetary award publicly presented by a nonprofit organization for performances of public service.

SECTION 6 - USE OF COUNTY PROPERTY, EQUIPMENT AND PERSONNEL:

No officer, employee, board or Commission member of the county shall use or permit the use of any county time, funds, personnel, equipment, or other personal or real property for the private use of any person unless:

A. The use is available to the general public, and then only to the extent and upon the terms that such use is available to the general public;

B. The use is specifically authorized by a published official written policy (administrative code, standard operating procedure, etc.) which was established in advance by an elected official of Spencer County; or

C. The use is specifically authorized by a recorded vote of the Spencer County Fiscal Court.

SECTION 7 - MISUSE OF CONFIDENTIAL INFORMATION:

No officer, employee, board or Commission member of the county or any county 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 financial interest or that of another person or business. Information shall be deemed confidential, if it is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.

SECTION 8 - HONORARIA:

A. No officer, employee, board or Commission member of the county or any county 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 unrelated to the officer's, employee's, board or Commission member's service with the county.

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

SECTION 9 - POLITICAL ACTIVITIES:

No appointment to, or employment in, any county government agency position shall be dependent on political activity. No Public Official shall require any person to engage in any political activity as a condition of employment.

SECTION 10 - PERFORMANCE OF OFFICIAL FUNCTIONS:

Public Officials shall:

A. Discharge their public duties without favor, compensation or reward, except from the county or agency involved;

B. Not use or attempt to use their official position to secure unwarranted personal or financial gain, or to avoid consequences of illegal acts, for themselves or others; or

C. Not act in their official capacity in any matter when the Public Official or a family member has a direct or indirect financial or personal involvement, or when the Public Official has reason to know that their action may result in a personal financial benefit for the Public Official or family member.

SECTION 11 - FINANCIAL DISCLOSURE:

A. The following individuals shall be required, as defined in this chapter, to file a financial disclosure statements:
   1. Elected officials – shall file annually;
   2. Candidates for elected office – shall file within 28 days of filing as a candidate
      (a) Note: within 7 days of the filing deadline, the Spencer County Clerk shall provide the Spencer County Ethics Commission with a list of all candidates who have successfully filed for an upcoming election;
   3. Officers and other employees with procurement authority exceeding five hundred ($500.00) per purchase – shall file annually;
   4. Members of boards and Commissions, subject to this chapter of the Spencer County Administrative Code, with procurement authority exceeding five hundred dollars ($500.00) per purchase – shall file annually.

B. The financial disclosure statement shall be on a form setting forth the above (copy of the form is attached to this chapter as an appendix). The financial disclosure statement shall be filed annually by those subject to the reporting provisions of this chapter no later than February 28.

C. (Not Used)

D. Newly-appointed officers, board and Commission members, shall file the required financial disclosure form within 30 days of such appointment, and thereafter annually by February 28.

E. The financial disclosure statement shall contain the following information:
   1. Name of filer.
   2. Current business address, business telephone number and home address of the filer;
   3. Title of the filer's public office (if a candidate, list the office being sought);
   4. Occupations of filer and spouse,
   5. Positions held by the filer, spouse, or minor children in any business organization or Nonprofit entity from which the filer, spouse, or minor children received compensation in excess of $10,000 during the preceding calendar year, and the name, address, and telephone number of the business organization or nonprofit entity;
   6. Name, address, and telephone number of each source of income of the filer, spouse, or minor children which exceeds $10,000 during the preceding year;
   7. Name, address, and telephone number of each business organization in which the filer, spouse, or minor children had an interest of $10,000 at fair market value or five percent (5%) ownership interest or more during the preceding year.
   8. The location and type (commercial, residential, agricultural) of all real property, other than the filer's primary residence, in which the filer, spouse, or minor children had an interest of $10,000 or more during the past year.

F. Each statement shall be signed and dated by the individual filing the statement of financial interest. Signing a financial disclosure statement knowing it is false shall be a Class A misdemeanor.

G. All financial disclosure statements shall be open records and access to them shall be governed by the Kentucky Open Records Law.

H. The Ethics Commission shall be the official custodian of Spencer County Financial Disclosure statements. Financial disclosure statements shall be filed with the Spencer County Ethics Commission, on or before the filing deadline of Section 11A, by submission at the office of the Spencer County Attorney, 7 West Main St, Taylorsville KY 40071. The Spencer County Attorney shall collate the records and provide them to the Spencer County Ethics Commission for review and filing.

SECTION 12 – NEPOTISM:

After the effective date of this administrative code of Ethics, a family member as defined in Section 2 (G) of this chapter on Ethics of a county officer shall not be initially employed to a full time position in any governmental agency or special district in which the county officers serves. This provision is subject to appeal to the Ethics Commission.

This provision shall not apply to a county officer's family member who, after the effective date of this administration code of Ethics, on the date of the county officer's election or appointment, has been employed for at least twelve (12) months in the same county agency in which the county officer serves. This provision shall not apply to part-time, seasonal, or emergency employees who work less than 120 days per year.

SECTION 13 – ESTABLISHMENT OF THE ETHICS COMMISSION:

A. There is hereby established the Spencer County Ethics Commission.

B. The Spencer County Ethics Commission shall consist of three (3) members.

C. The members of the Spencer County Ethics Commission shall be citizens who hold no public office or position.

D. Members of the Spencer County Ethics Commission shall be at least 21 years of age and shall not have been convicted of a misdemeanor within the previous two (2) years, nor convicted of a felony at any time.

E. Members of the Spencer County Ethics Commission shall be residents of Spencer County, Kentucky.

F. Members of the Spencer County Ethics Commission shall be nominated by the Spencer County Judge/Executive and confirmed by the Fiscal Court of Spencer County. Nominees may be suggested to the County Judge/Executive by any resident of Spencer County.

G. Those members of the Spencer County Ethics Commission serving at the time of the adoption of this administrative code of Ethics shall continue to serve until the expiration of their current term of appointment.

H. Vacancies on the Spencer County Ethics Commission shall be filed within sixty (60) days by the County Judge/Executive with the approval of the Fiscal Court, if a vacancy is not filled by the County Judge/Executive and approved by the Fiscal Court, the remaining members of the Spencer County Ethics Commission shall fill the vacancy subject to the approval of fiscal court. All vacancies shall be filled for the remainder of the unexpired term.

I. The terms of members of the Spencer County Ethics Commission shall be for a period of four years. A Commission member may serve no more than two (2) consecutive terms.

J. Members of the Spencer County Ethics Commission shall be compensated the same amount as other board members and shall be reimbursed by the county for necessary expenses incurred in the performance of their duties under this chapter.

K. The Spencer County Ethics Commission shall meet on first Tuesday of March of each calendar year to elect a chairperson for the next 12 months. The new chairperson shall assume his/her duties immediately.

L. The Spencer County Ethics Commission shall meet on first Tuesday of March of each calendar year to review the annual financial disclosure statements that are filed by county officials and employees.

M. The Spencer County Ethics Commission shall meet within 45 days of the final filing date for elected officials for the purpose of reviewing the required financial disclosure statements of candidates.

N. Other meetings may be held as necessary to carry out the provisions of this chapter by the Chairperson of the Spencer County Ethics Commission. If the Chairperson is unable to call a meeting or refuses to call a meeting, the two remaining members may call a meeting by notifying the County Judge/Executive and Spencer County Fiscal Court in writing of the time and place a meeting will be held.

O. The Spencer County Fiscal Court shall provide the Spencer County Ethics Commission with necessary facilities for the conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.

P. All necessary expenses incurred by the Spencer County Ethics Commission and its members shall be paid, upon certification of the chairperson, by the Spencer County Fiscal Court within the limits of funds appropriated by the Spencer County Fiscal Court by annual or emergency appropriations for these purposes. Spencer County Fiscal

Court retains the right to withhold payment for good cause shown.

Q. The Spencer County Ethics Commission shall hold periodic public hearings to review this Ethics Ordinance, all Commission rules, regulations, and procedures. The purpose of these periodic reviews is to determine whether these documents set forth clear, enforceable, common-sense standards of conduct and whether they promote integrity, public confidence, and participation in County Government. Based on the review and any concurrent public input, the Spencer County Ethics Commission may recommend amendments to this Ordinance to the Spencer County Fiscal Court. The first public review shall be held in June 2016 and the periodic reviews shall be held every 4th year thereafter.

SECTION 14 - POWERS AND DUTIES OF THE ETHICS COMMISSION:

The Spencer County Ethics Commission shall have the following powers and duties:

A. To receive, hear, and review complaints and hold hearings with regard to possible violations of the county Ethics provisions or financial disclosure requirements by local government officers or employees serving the county;

B. Administer oaths, compel the attendance of witnesses and the production of papers, books, documents, and testimony; and to have the deposition of witnesses taken in the manner prescribed by the Kentucky Rules of Civil Procedure for taking depositions in civil actions;

C. (Not Used)

D. To forward to the Spencer County Attorney, Attorney General of Kentucky, Commonwealth Attorney or other government bodies any information concerning violations of the county provisions of Ethics and financial disclosure by local government officers or employees serving the county which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by such officials;

E. Prescribe forms for reports, statements, notices, and other documents required by this chapter. The Fiscal Court shall pay the costs of producing the forms prescribed by the Spencer County Ethics Commission. Prescribed forms shall be maintained by the office of the County Judge/Executive and available to the public or those covered by the provisions of this chapter upon request.

F. Determine whether the required financial disclosure statements and reports have been filed, and, if filed, whether they conform to the requirements of this chapter.
   1. If a financial disclosure was not filed or did not conform to this Ordinance, the Ethics Commission shall give the filer a detailed written notice of deficiencies and provide the filer fifteen (15) days to correct it.
   2. After written notice, if the filer still fails to correct listed deficiencies, then Commission shall request that Fiscal Court assign a fine of $25 and shall publish the filer's name, specific non-conformance and recommended fine in the local press.

G. Retain private counsel with pre-approval by the fiscal court at the expense of the county.

H. To enforce the provisions of this chapter on with regard to local government officers and employees serving the county and to impose penalties for the violation thereof as are authorized by this chapter.

SECTION 15- ADVISORY OPINIONS FROM ETHICS COMMISSION:

A. A local government officer or employee serving the county may request and obtain an advisory opinion from the Spencer County Ethics Commission as to whether a given set of facts and circumstances associated with a proposed activity would constitute a violation of any provision set forth in this Ethics Ordinance. Such opinions shall be public but shall not disclose the identity of persons associated with the opinion.

B. Confidential opinions may be issued, at the requested of the Spencer County Officer or employee submitting the question only if the subject is exempt from disclosure pursuant to KRS 61.878

SECTION 16 – SUBMISSION PROCEDURE FOR ETHICS COMPLAINTS:

A. Any person over the age of 18 may file a complaint alleging a violation of this chapter on Ethics and financial disclosure subject to the following requirements:
   1. The alleged violation must have been committed by a Spencer County employee and must have occurred, in whole or in part, within twelve (12) months preceding the filing of the complaint;
   2. The complaint must be submitted on the form prescribed by the Commission, (appendix B to this code of ethics) and delivered to the Spencer County Attorney (7 West Main St Taylorsville KY 40071) for delivery to the Ethics Commission. The complaint shall be sworn to be true and accurate, under oath, and signed by the complaining party before a Notary Public. The Ethics Commission shall not consider any complaints which have not been so sworn. The complaint form shall contain a statement advising of the elements and penalties under Kentucky law for perjury and for false swearing.
   3. The complaint must contain complete contact information (name, address, e-mail address, phone number, and fax number (if applicable)), in addition to the complaining party and notary public signatures.
   4. Attachments to the complaint shall contain all the facts, details, circumstances, documents, recordings, pictures and any other information, known to the complaining party, which form the basis for the alleged ethical violation by the Spencer County Official, including all acts or omissions alleged.
   5. Attachments to the complaint shall also include complete contact information (name, address, e-mail address, and phone number) of all individuals whom the complaining party believes will provide information to support the allegation of a violation along with a summary of what information the complaining party believes each named individual has to support the alleged violation.

B. If the Ethics Commission Chairman (in consultation with the County Attorney) determines that a complaint is non-compliant with subsection 16(A) above, said complaint shall be returned to the complaining party for specified corrections or completions within ten days. Non-complaint complaints shall NOT be filed with the Ethics Commission records.

C. If complaint has been submitted and returned for non-compliance three times, complaining party may request in writing that the Commission act on this final version of the complaint and any attachments and may direct the Ethics Commission to file the non-compliant complaint with Commission records.

D. The Spencer County Ethics Commission may initiate a complaint upon its own motion.

SECTION 17 – ETHICS COMPLAINT INITIAL INQUIRY:

The purpose of an Initial Inquiry is held to enable the Ethics Commission to conclude whether there was a potential violation or whether the complaint was incomplete, outside of its jurisdiction, or frivolous.

A. The Ethics Commission shall hold a special meeting and begin an Initial Inquiry into the alleged violation within fifteen (15) days of receipt of a complaint which meets the requirements of Section 16 above. Additional special meetings shall be scheduled as needed to complete the Initial Inquiry.

B. At the start of the Initial Inquiry, the subject of the Complaint will be notified of the Complaint, provided a copy of the Complaint and all of the evidence submitted to the Ethics Commission, and be given a period of the ten (10) days to respond to the complaint, if desired.

C. During the Initial Inquiry, the Ethics Commission may amend the complaint (and 30 day timeline) by:
   1. Adding a new allegation that is apparent from the complaint or amendments to the complaint;
   2. Permitting inclusion of additional documents, witnesses, or materials that support the allegation;
   3. Allowing for an amendment or supplemental filing by the complaining party,
   4. Granting additional time for response by the subject of the complaint;
   5. Dismissing any complaint with prejudice;
   6. Dismissing individual allegations within the complaint which are not a violation of this ordinance;
   7. Deleting allegations against persons or entities not covered by this ordinance;
   8. Prohibiting the introduction of undisclosed information;
   9. Making any other such order as may be just under the circumstances.

D. Within ten (10) days of an Ethics Commission finding that potential violation has occurred, the Ethics Commission chairman shall
   1. Inform the complainant and the employee who is the subject of the complaint, in writing (return receipt

requested), that the Ethics Commission has made a finding that a potential violation may have occurred and set the schedule for the Preliminary Investigation.
2. Provide the employee who is the subject of the complaint with updated copies of all of the evidence submitted to the Ethics Commission with the complaint.

E. Within ten (10) days of an Ethics Commission finding that the complaint was incomplete, outside of its jurisdiction, or frivolous, the Ethics Commission chairman shall:
1. Inform the complainant and the employee who is the subject of the complaint, in writing (return receipt requested), that the Ethics Commission has made a finding that the complaint has been dismissed as either incomplete, outside of its jurisdiction, or frivolous, thereby terminating action on the complaint.
2. Additionally the Ethics Commission chairman shall provide the employee who is the subject of the complaint with copies of all of the evidence submitted to the Ethics Commission with the complaint.

SECTION 18 - ETHICS COMPLAINT PRELIMINARY INVESTIGATION:

The purpose of the Preliminary Investigation is to provide the person accused of a violation with the opportunity to respond to the allegation. Then, in light of the complaint and the response of the accused, for the Ethics Commission to determine if there are sufficient facts to demonstrate probable cause that an Ethics violation has occurred.

a.A. When the Ethics Commission makes an Initial Inquiry finding that a potential violation may have occurred a Preliminary Investigation is required. During this Preliminary Investigation, the Ethics Commission shall afford any person accused of a violation with a thirty (30) day period to prepare a written response. A fifteen (15) day extension may be offered at the discretion of the Ethics Commission, for good cause shown. When received a copy of this written response will be forwarded to the complainant. The accused person may request an opportunity to appear before the Commission for informal oral arguments. The Commission shall permit such appearance only after giving written notice to the complainant of his/her right to be present.

a.B. If the Ethics Commission makes a Preliminary Investigation determination that the complaint does NOT allege facts sufficient to constitute a violation of this Ordinance, then the Commission shall immediately terminate the inquiry and shall issue a written Preliminary Investigation determination to that effect. Copies of said determination shall be forwarded to both the complainant and the accused violator and shall be filed with the Spencer County Ethics Commission records.

a.C. If the Ethics Commission makes a Preliminary Investigation determination that probable cause exists to believe that a violation of this Ordinance has occurred, but by majority vote, finds that the violation is considered minor due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the county, or lack of significant impact on public confidence in government, the Spencer County Ethics Commission may, initiate any of the following actions relative to the alleged violator:
1. Issue an order requiring the violator to file any report, statement, or other information as required by this chapter on Ethics and financial disclosure.
2. For any unintentional violation which has been voluntarily corrected by the officer prior to any action by the Ethics Commission, the Ethics Commission shall issue a notice of mootness;
3. For any unintentional violation which was the result of a good faith misinterpretation of the Ordinance requirements, the Ethics Commission shall issue a cease and desist order within a letter of technical violation;
4. For any intentional violation which was acknowledged and rectified by the officer prior to any action by the Ethics Commission, the Ethics Commission shall issue a cease and desist order in a private letter of reprimand;
5. For each intentional violation, the Ethics Commission shall issue a formal written recommendation to the appropriate authority of regarding removal, training, or remediation.

a.D. Copies of said determination and the action taken shall be forwarded to both the complainant and the accused violator and shall be filed with the Spencer County Ethics Commission records.

a.E. If the Ethics Commission makes a Preliminary Investigation determination that probable cause exists to believe that a violation of this Ordinance has occurred, but by majority vote, finds that the violation is NOT considered minor, the Ethics Commission may choose to initiate an Adjudicatory Proceeding under section 19 of this chapter.

a.F. If the Ethics Commission makes a Preliminary Investigation determination that probable cause exists to believe that a violation of this Ordinance has occurred, but does not vote to initiate an adjudicatory hearing, any Party to the

Ethics complaint may, within thirty (30) days of the Ethics Commission's ruling, request in writing, to the Ethics Commission, that an adjudicatory hearing be called. The Ethics Commission shall grant this request. Such adjudicatory proceeding shall commence no less than thirty (30) days from receiving the request.

SECTION 19 - ETHICS COMPLAINT ADJUDICATORY PROCEEDINGS:

The purpose of the Adjudicatory Proceeding is for the Ethics Commission to conduct a finding of fact and make a final determination as to whether there has been a violation of the Spencer County Code of Ethics and if a violation has occurred to issue a cease and desist order and appropriate penalties.

A. (Not Used)

B. All testimony in a Spencer County Ethics Commission adjudicatory hearing shall be under oath and shall be recorded by a judicial court reporter.

C. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, to be represented by legal counsel and any other due process rights, privileges, and responsibilities of a witness appearing before the courts of the Commonwealth of Kentucky.

D. Any person whose name is mentioned during a Spencer County Ethics Commission Adjudicatory Hearing and who may be adversely affected thereby may appear personally before the Commission on the person's behalf, with or without an attorney, to give a statement of opposition to such adverse mention or file a written statement of the opposition for incorporation into the record of the proceeding.

E. All Spencer County Ethics Commission Adjudicatory Hearings shall be carried out pursuant to the provisions of this section and shall be open to the public unless the members vote to go into executive session in accordance with the provisions of KRS 61.810.

F. Within five (5) days after the end of an adjudicatory proceeding held pursuant to the provisions of this section, the Spencer County Ethics Commission shall meet in executive session for the purpose of reviewing the evidence before it. Within ten (10) days after the completion of deliberations, the Spencer County Ethics Commission shall publish a written report of its findings of facts and conclusions of law. This report shall be filed with the County Attorney, or Attorney General of Kentucky if filed in regard to the County Attorney.

G. Upon finding pursuant to an adjudicatory hearing that there has been clear and convincing proof of a violation of this chapter of the Spencer County Administrative Code, the Spencer County Ethics Commission shall issue an order requiring the violator to cease and desist the violation and impose one or more of the following penalties:
   1. Issue an order requiring the violator to file any report, statement, or other information as required by this chapter on Ethics and financial disclosure.
   2. For any unintentional violation which has been voluntarily corrected by the officer prior to any action by the Ethics Commission, the Ethics Commission shall issue a notice of mootness;
   3. For any unintentional violation which was the result of a good faith misinterpretation of the Ordinance requirements, the Ethics Commission shall issue a letter of technical violation;
   4. For any intentional violation which was acknowledged and rectified by the officer prior to any action by the Ethics Commission, the Ethics Commission shall issue a private letter of reprimand;
   5. For any intentional violation which was NOT rectified by the officer prior to Ethics Commission action, the Ethics Commission shall issue a formal letter of censure. At the end of any appeal processes, the facts relative to this letter of censure or the letter itself shall be published in local press.
   6. For each intentional violation, the Ethics Commission shall:
      (a) Issue a formal written recommendation to appropriate authority for removal, training, or remediation.
      (b) Take a recorded vote as to whether to recommend that Fiscal Court impose a specified fine of not less than $25 and not more than $500 per intentional violation. Such penalty shall be paid to the Spencer County Treasurer.
      (c) Refer the matter to the Spencer County Attorney, Commonwealth Attorney, Attorney General of Kentucky, or other investigative agencies of appropriate jurisdiction for further proceedings and possible criminal penalties.
      (d) In addition to any of the penalties above, a violation by:
         (1.1) A member of Fiscal Court shall be grounds for other actions by the Court under its rules;

(1.2) An elected official, shall be grounds for removal under KRS 67C.143;
(1.3) A non-elected official, shall be grounds for other sanctions or actions by his or her supervisor.

7. At the end of any appeal processes, any findings against and/or penalties imposed must be recorded with the Spencer County Clerk's office.

H. Findings of fact or final determination by the Spencer County Ethics Commission that a violation of this chapter of the Spencer County Administrative Code has been committed, or any testimony related to the Commission's findings of fact or final determinations, shall not be admissible in criminal proceedings in the courts of the Commonwealth of Kentucky. Evidence collected by the Spencer County Ethics Commission may be used in a criminal proceeding if otherwise relevant.

I. The Spencer County employee shall have the right to legal counsel at their own expense.

J. The notice of this Adjudicatory Proceeding shall be finalized no less than ten (10) days prior to proceedings. This notice shall include a description of the matters to be heard at such proceedings together with copies of any motions or other documents to be considered in connection with the noticed proceedings whether in written or electronic form. Only the party filing the complaint and those individuals listed on the complaint, or a supplemental list approved by the Ethics Commission shall be shall be permitted to testify in support of the violation or innocence of the officer. All individuals who offer facts pertaining to the complaint shall testify under oath.

K. Any information whether in documentary or electronic format which is not furnished to the Ethics Commission or to the accused party per the subsection above shall not be used for any purpose in any proceeding before the Ethics Commission.

SECTION 20 - ETHICS COMPLAINT APPEALS:

Any person found by the Spencer County Ethics Commission to have committed a violation of this chapter of the Spencer County Administrative Code may appeal the action to the Spencer Circuit Court. The appeal shall be initiated within thirty (30) days after the final action of the Spencer County Ethics Commission by filing a petition with the Spencer Circuit Court against the Spencer County Ethics Commission. The Spencer County Ethics Commission shall transmit to the clerk of the Spencer Circuit Court all evidence considered by the Spencer County Ethics Commission at the public hearing. The Spencer Circuit Court shall hear the appeal upon the record as certified by the Spencer County Ethics Commission.

SECTION 21 - GENERAL PROVISIONS:

A. All Spencer County Ethics proceedings and records with the exception of the adjudicatory hearing shall be confidential until a final determination is made by the Commission. Notwithstanding the foregoing, the Spencer County Ethics Commission may turn over to the Spencer County Attorney, the Commonwealth Attorney, or other appropriate investigative agency, evidence which may be used in criminal proceedings.

B. The complaining party and / or alleged violator shall not publicly disclose the existence of a complaint under preliminary investigation. Violation of this subsection may result in a recommendation to the Fiscal Court for disciplinary action up to and including suspension without pay, a fine, or both. This action would not preclude either party from obtaining counsel.

C. The Spencer County Ethics Commission members shall not publicly disclose the existence of a complaint or a preliminary investigation nor make public any documents which were issued to any party in an action until a final determination is made.

D. No person shall file a complaint against a Spencer County Officer or employee with the Ethics Commission which complaint is false, or made in bad faith, or with actual malice, or without probable cause. Any person who knowingly files with the Spencer County Ethics Commission a false complaint of misconduct on the part of any county officer or employee shall be charged with a violation of this ordinance and be subject to:
   1. A recommendation, from the Ethics Commission, for the Fiscal Court to impose fines, up to $500 and;
   2. The false complaint may be forwarded to the Commonwealth's Attorney, together with all electronic and documentary materials related to the complaint, for action as the wrongly accused official may deem appropriate.

E. An accused person shall have the right to be represented by an attorney at their own expense at every stage.

SECTION 22 - SEVERABILITY:

The provisions of each section of this Ordinance are severable, and if any provision, section, paragraph, sentence or part thereof, or the application thereof to any person, license, class or group, be held unconstitutional or invalid for any reason, such holding shall not affect or impair the remainder of this Ordinance, it being the legislative intent of the Fiscal Court to ordain and enact each provision, section, paragraph, sentence and part thereof, separately and independently of every other.

SECTION 23 – ETHICS COMMISSION RECORDS:

The Ethics Commission chairman shall be the official records custodian for the Commission. Ethics Commission records shall be housed in segregated, fire proof, locked storage in the County Attorney's office. Only Ethics Commission members shall have access to these records. The County Attorney shall provide administrative support as requested by the Ethics Commission and may request that these services be reimbursed by the Fiscal Court.

Since the Ethics Commission has no permanent office, Open Records requests shall be addressed to:

Spencer County Ethics Commission
c/o Spencer County Attorney
7 West Main Street,
Taylorsville, KY 40071.

SECTION 24 - EFFECTIVE DATE:

This Ordinance shall become effective on August 15, 2016, after its passage and publication as required by law. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed:

Given first reading and approval on July 18, 2016.

Given second reading and approval on August 15, 2016.

John Riley, Spencer County Judge Executive

Attest: Lynn Hesselbrock

CODE OF ETHICS FOR THE COUNTY OF SPENCER

Appendix A to the Code of Ethics for Spencer County

Financial Disclosure Statement
(Revised June 2016)

In accordance with Section 11 of the Amended Ordinance 16 Fiscal Year 2016 Series, all Elected officials, Candidates for elected office, Officers and other employees with procurement authority exceeding five hundred ($500.00) per purchase and/or members of boards and Commissions, subject to this chapter of the Spencer County Administrative Code, with procurement authority exceeding five hundred dollars ($500.00) per purchase shall file this Financial Disclosure with the Ethics Commission.

Filer Name			Public Office(s) Currently Held (or being sought)		
Filer's Occupation			Filer's Spouse's Occupation		
Filer business address		Filer Business Phone #		Filer home address	

1. Complete table below for each source of **compensation**, where the filer, spouse, or minor children received in excess of $10,000 during the preceding calendar year.

Source of Compensation		Source Address		Phone #	
Source of Compensation		Source Address		Phone #	

2. Complete table below for each source of **income**, where the filer, spouse, or minor children received in excess of $10,000 during the preceding calendar year.

Source of Income		Source Address		Phone #	
Source of Income		Source Address		Phone #	

3. Complete table below for each business organization in which the filer, spouse, or minor children had a fair market **ownership interest** greater than or equal to $10,000 or five percent (5%) during the preceding year.

Business Name		Business Address		Phone #	
Business Name		Business Address		Phone #	

4. List all **real property** in Spencer County, other than the filer's primary residence, in which the filer, spouse, or minor children had an interest greater than or equal to $10,000 during the preceding year.

Property Address		Circle the Property Type	commercial, residential, agricultural
Property Address		Circle the Property Type	commercial, residential, agricultural

_____ Signature of Filer

_____ Date

Note:

1. Signing a Financial Disclosure statement which is known to be false shall be a Class A Misdemeanor.
2. All financial disclosure statements are open records.

3. Access to these records shall be governed by the Kentucky Open Records Law.