

(4) No hourly employee of the Court shall be a member of any national, state, or local committee of a political party, or shall take part in the management affairs of any political party or in any political campaign, except to exercise his right as a citizen to privately express his opinion and to cast his vote. This should not be taken to mean that an individual cannot attend political functions for the purpose of gaining information.

(5) No employee or official of the Court shall solicit hourly employees to distribute or display political literature, or solicit votes on behalf of any political candidate. However, this does not restrict an individual's privilege of freedom of speech in displaying political literature on private property in support of a candidate.

(6) Any employee of the Court who files as a candidate for any paid political office shall be deemed to have resigned.

(7) If, based upon a majority vote by the entire Court, an employee is found to have violated Section 610 of this Administrative Code, the employee will be suspended for 30 days without pay for the first violation, and terminated for the second violation.

(8) Subsection (4) and (5) shall not apply to Magistrate's secretaries.

(9) KAR 2:130 interprets KRS 18A.140 and to the extent that this section of the administrative code is similar to 18A.140, KAR 2:130 shall be used to interpret this section.

SECTION 700: PIKE COUNTY CODE OF ETHICS

Pike County Fiscal Court has the authority and responsibility pursuant to KRS Chapter 65 to enact an ordinance establishing a code of ethics to guide the conduct of elected and appointed officers and employees of Pike County, including members of the Fiscal Court, Sheriff, County Attorney, County Clerk, Jailer, Coroner, surveyor, and constables. (Reference Pike County Fiscal Court Order No. 11-07-94.005)

DEFINITIONS

A. Business associate includes the following:

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

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

C. Candidate means any individual who seeks nomination or election to a County government office. An individual is a candidate when the individual:

- 1. files a notification and declaration for nomination for office with a County Clerk or the Secretary of State; or
- 2. is nominated for the office by a political party under KRS 118.105, 118.115, 118.325 or 118.760.

- (3) The director shall affix a label or otherwise mark the property as belonging to the Court and assign and affix a number to the property.
- (4) As such additional property is acquired by the Court, it shall be physically marked identified and added to the list.
- (5) Each agency possessing such property shall notify the director in writing when such property is sold, destroyed, stolen, transferred to another agency, or otherwise removed from its possession.
- (6) In August of each year, the Director of Purchasing shall transmit to each agency of County government a list of all such property assigned to that agency. Within 30 days, each agency shall locate and verify that they do indeed possess the property or explain where the property went.
- (7) These rules shall apply to all property for which the Court is responsible, even property in the possession of other elected officials.

**SECTION 605:
IDENTIFICATION OF FISCAL COURT-OWNED VEHICLES**

- (1) All vehicles, heavy construction equipment, and other mobile property owned by the Court shall be identified by the official emblem of the County and shall be assigned a number which shall be unique to the piece of property.
- (2) All road vehicles owned by the Court shall display official Kentucky license plates.
- (3) Vehicles owned by the Court and assigned to the Sheriff's Office may display the seal of the Sheriff's Department, in lieu of the County seal.
- (4) Any vehicle owned by the Court that is being used by a police agency for undercover police investigation may be exempt from these requirements by the written consent of the Judge/Executive.

**SECTION 610:
DISCRIMINATION AND POLITICAL ACTIVITIES PROHIBITED**

- (1) No employee of the Court shall be appointed or promoted or demoted or dismissed from any position with the Court, or in any way favored or discriminated against with respect to employment by the Court because of his political or religious opinions or affiliations, ethnic origin, sex, or handicap. No person shall be discriminated against because of age.
- (2) No employee of the Court shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in an appointment to a position with the Court, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person.
- (3) No hourly employee of the Court shall, directly or indirectly, pay or promise to pay any assessment for political purposes. No employee or official of the Court shall solicit or take any part in soliciting for any political party, or solicit or take any part in soliciting any political assessment, subscription, contribution or service of any employee of the Court.

D. County government agency means any board, commission, authority, non-stock corporation or other entity formed by the county government or a combination of local governments.

E. County government employee means any person, whether compensated or not, full-time or part-time, employed by or serving the County government, or County government agency that is not a County government officer, but shall not mean any employee of a school district or school board.

F. County government officer means any person, whether compensated or not, fulltime 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. Member of immediate family means a spouse, an unemancipated child residing in an individual's household, or a person claimed by the individual or individual's spouse as a dependent for tax purposes.

H. Family member means a spouse, child, mother, father, brother, sister, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law and son-in-law.

STANDARDS OF CONDUCT

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

B. No County government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages. No County government officer or employee shall order or permit the use of any County time, funds, personnel, equipment or other personal or real property for the private benefit of any person, unless authorized by law.

C. No County government officer shall act in his official capacity in any matter where he, a member of his immediate family or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence or judgment.

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

E. No County government officer or employee shall be prohibited from giving or receiving award publicly presented in recognition of public service, commercially reasonable loans made the ordinary course of the lender's business, or reasonable hosting, entertainment, meals refreshments furnished in connection with public events, appearances, ceremonies or fact-finding trips related to official County government business. Travel and related expenses are subject prior approval, unless provided by another governmental agency.

F. No County government officer shall be prohibited from accepting a gratuity for solemnizing marriage.

G. No County government officer or employee shall use, or allow to be used, in his public or of employment, any information, not generally available to the members of the public, which receives or acquires in the course of and by reason of his office or employment, for the purpose securing financial gain for himself, any member of his family, or any business organization with which he is associated. Information shall be deemed confidential if it is not subject to disclosure pursuant to' Kentucky Open Records Act, KRS 61.872 to 61.884, or any other law, at the time of its use disclosure.

H. No County government officer or employee or business organization in which he has interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves.

I. No County government officer shall be deemed in conflict with these provisions if, by reason his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession occupation or group.

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

K. Nothing shall prohibit any County government officer or employee, or members of immediate family, from representing himself or themselves in negotiations or proceedings concerning his or their own interests.

NEPOTISM

A. After the effective date of this ordinance, a family member of a County officer shall not be initially employed or appointed to a position in a governmental agency in the same county in which the officer serves. This provision shall not apply to a public officer's family member who, on the date of the officer's election or appointment, has been employed for at least six months in the same county in which the officer serves. No family member shall be compensated more than others in like job positions and all family members must meet job qualifications.

FINANCIAL DISCLOSURE

- A. The following individuals shall be required to file a financial disclosure statement:
 1. Elected and appointed officers, and nominees to elected or appointed offices;
 2. Candidates for elected office shall be required to file no later than February 15th of the year of the election in which they are a candidate;
 3. Administrative personnel such as chief deputies, department heads, commissioners, deputy commissioners, assistants, executive directors, and those in equivalent positions;
 4. Officers and employees with procurement authority exceeding \$500 per purchase;
 5. Members of boards and commissions that set tax rates, have procurement authority or vote to adopt budgets.

B. The financial disclosure statement shall include the following information:

1. name of filer;
2. current business address, business telephone number and home address of filer;
3. title of filer's public office or office sought;
4. occupations of filer and spouse.
5. positions held by the filer and any member of filer's immediate family in any business organization or nonprofit entity from which the filer or any member of the filer's immediate family received compensation in excess of \$5,000 during the preceding calendar year, and the name, address and telephone number of the business organization or nonprofit entity;
6. name and address of each source of income of the filer and spouse which exceeded \$5,000 during the preceding calendar year;
7. name and address of each business organization in which the filer or any member of the filer's immediate family had an interest of \$10,000 at the fair market value;
8. the location of all property within the County in which the filer or any member of the filer's immediate family had an interest of \$10,000 or more during the past year, excluding the primary personal residence of the filer;
9. any officer or employee, or any member of his immediate family, of the County government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department or agency of the County government shall disclose such private interest to the Fiscal Court.
10. any County Judge/Executive, Magistrate or commissioner, Sheriff, Jailer, Coroner, constable, surveyor, County Attorney, County Clerk, or a member of his immediate family, who has a private interest in any matter pending before the Court shall disclose such private interest on the records of the Court and shall disqualify himself from participating in any decision or vote relating thereto.
11. Any officer or employee, or a member of his immediate family, of an independent agency or special district to which this code of ethics applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such independent agency or special district shall disclose such private interest to the governing body of such agency or district.

C. Each statement shall be signed and dated by the individual filing the statement of financial interest. Knowingly signing a fraudulent statement shall be a Class A misdemeanor.

D. All pay and benefits shall be withheld until a non-complying officer or employee is in compliance with the filing requirements. Candidates and nominees who fail to comply with these filing requirements shall be fined \$50 for each day they are in non-compliance.

E. The financial disclosure statements shall be filed with the Pike County Clerk no later than February 15 of each year

COUNTY ETHICS COMMISSION

A. The County Ethics Commission shall consist of five members and two alternates, and shall be appointed by the Judge/Executive, with approval of a majority of the Fiscal Court. No member may be an elected official, nor may they have served as an elected official during the last two calendar years.



B. A member of the Ethics Commission must be a resident of Pike County for at least one year prior to his appointment to the Commission, and at all times during his term on the Commission. Any member who moves from Pike County during his term shall be considered to have resigned from the Commission, and the Commission shall timely notify the Judge/Executive to appoint a member to fill the un-expired term.

C. Any Commission member with a potential or actual conflict of interest, or who has filed a complaint with the Commission, shall be disqualified from considering any matter that directly or indirectly affects him, a family member, or any business associate. In the case of such disqualification, one of the alternates shall serve in his place.

D. Members of the Commission shall receive no compensation, but may be reimbursed all necessary expenses. Members of the Commission shall be subject to the provisions of the code of ethics. A member of the Ethics Commission may be removed by a majority vote of the Commission, subject to the approval of the Fiscal Court, for misconduct, inability, or willful neglect of duties. Before any member is removed from office, the member shall be afforded the opportunity for a hearing before the Commission and the Fiscal Court.

E. The initial terms of members shall be staggered and no longer than four years. Terms after the initial terms shall be four years.

1. All appointments shall be made no later than 60 days after the adoption of this ordinance.
2. Vacancies on the County Ethics Commission shall be filled within 60 days by the County Judge/Executive, subject to the approval of the Fiscal Court. All vacancies shall be filled for the remainder of the unexpired term.

Powers and Duties

- A. The Commission shall have jurisdiction over the administration of this code.
- B. The Commission may receive complaints and conduct investigations, inquiries and hearings concerning any matter covered by this code.
- C. The Commission may render advisory opinions whether or not a given set of facts and circumstances constitute a violation of any provision of this code.
- D. The Commission shall prescribe and provide forms for reports, statements, notices and other documents required by this code.
- E. The Commission shall determine whether the required statements and reports have been filed and, if filed, whether they conform to the requirements of this code. The Commission shall promptly give notice to the filer to correct or explain any omission or deficiency.
- F. The Commission may retain private counsel at the expense of the County if the County Attorney has an actual or potential conflict. Any counsel must be pre-approved by the Fiscal Court.

Complaint Procedure and Preliminary Investigations

- A. Upon a complaint signed under penalty of perjury by any person, the Commission shall investigate any alleged violation of this code.
 1. No later than 10 days after the Commission receives the complaint, the Commission shall initiate a preliminary inquiry into any alleged violation of this code.

2. Within 30 days of the commencement of the inquiry, the Commission shall forward a copy of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.

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

1. The Commission may turn over to the Attorney General of Kentucky, the Commonwealth Attorney or County Attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings;

C. The complaint or alleged violator shall not publicly disclose the existence of a preliminary investigation, the Commission shall not publicly confirm the existence of the inquiry nor make public any documents which were issued to either party.

D. The Commission shall afford a person who is the subject of a preliminary investigation an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard and to offer evidence in response to the allegations in the complaint.

E. Any person who knowingly files with the Commission a false complaint of misconduct on the part of any elected or appointed official or other person shall be guilty of a Class A misdemeanor

F. No officer or employee of the County or County 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 files a complaint with the Commission or provides truthful information in any investigation by the Commission or any criminal investigation by the Commonwealth or any federal authority. This section shall not prevent appropriate and reasonable disciplinary action by the County and the Ethics Commission against any employee who knowingly discloses information that he knew or should have known was false, or discloses information that is exempt from required disclosure or deemed confidential under any provision of the law.

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

Action by Commission

A. If the Commission concludes in its report that, in consideration of the evidence produced at the hearing, there is clear and convincing proof of a violation of this ordinance, the Commission 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 County or County agency with which the violator serves.
3. in writing, recommend to the executive authority and the governing body (if different the executive authority) that the violator be sanctioned as recommended by the Commission, which may include a recommendation for discipline or dismissal.
4. issue an order requiring the violator to pay a civil penalty of not more than \$1,000.

5. refer evidence of criminal violations of this ordinance or state laws to the Attorney General of Kentucky, County Attorney, or Commonwealth Attorney of the jurisdiction for prosecution.

Appeals

A. Any person found by the Commission to have committed a violation of this code may appeal the action to the Pike Circuit Court. The appeal shall be initiated within 30 days after the date of the final action of the Commission by filing a petition with the Court against the Commission. The Commission shall transmit to the Fiscal Court Clerk all evidence considered by the Commission at the hearing. The Court shall hear the appeal upon the record as certified by the Commission.

SECTION 999: SEVERABILITY

A. If any provision of this administrative code or if any order hereunder or the application of such provision to any person or circumstances shall be held invalid, the remainder of this code, and the application of such provision of this ordinance or of such order to the persons or circumstances other than those to which it is held invalid, shall not be affected thereby.