## **AGENDA**

#### AGENDA

#### City of Franklin, Kentucky City Commission

#### April 8, 2019 Regular Meeting – 12:00 Noon

#### City Hall Meeting Room 117 West Cedar Street Franklin, Kentucky

I.	Call to Order and Member Roll Call				
II.	Opening Prayer - Tom Otto, Faith Baptist Church				
III.	Approval of Minutes				
	<ul> <li>Approval of Meeting Minutes from March 25, 2019 Regular Session</li> </ul>	Pg. 5			
	• Approval of Meeting Minutes from April 2, 2019 Special Called Session	Pg. 10			
IV.	Recognitions - Highway 31-W South Lighting Project  Presenter: Kenton Powell, City Manager	Pg. 12			
V.	Hear the Public				
	• L.J. Pearson – Flags on Highway 100 East  **Presenter: Kenton Powell, City Manager**	Pg. 21			
	• Kim Cundall – Support for Baseball League  **Presenter: Kenton Powell, City Manager**	Pg. 22			
VI.	Public Safety				
	Discussion and/or possible action regarding Neighborhood Watch Program     Presenter: Chief Roger Solomon	Pg. 30			
VII.	Community Services				
VIII.	General Government				
	<ul> <li>Discussion and/or possible action regarding Request for Street Closing for Earth Day Festival and Cherry Blossom Art and Music Festival</li></ul>	Pg. 32			
	Discussion and/or possible action regarding Relocation of Space Capsule     Presenter: Kenton Powell, City Manager	Pg. 34			
	• Discussion and/or possible action regarding Amendment to Ethics Ordinance  *Presenter: Scott Crabtree, City Attorney*	Pg. 37			

- IX. Public Services
- X. Utilities
- XI. Ordinances
  - Second reading of Ordinance No. 2019-009 entitled: Ordinance Repealing Chapter 53, Chapter 110, Chapter 117 and Section 95.37 of Chapter 95 and Amending Chapter 114 in the City of Franklin Code of Ordinances

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• Possible first reading of Ordinance No. 2019-012 entitled: An Ordinance Amending a Prior Ordinance Establishing a Code of Ethical Conduct Applicable to the Officers And Employees of the City and City Agencies

Presenter: Cathy Dillard, City Clerk

#### XII. Executive Session

LAND ACQUISITION – Deliberations on the future acquisition or sale of real property by a public agency where publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency {KRS 61.810(1)(b)}

LITIGATION - Discussion of proposed or pending litigation {KRS 61.810(1)(c)}

BUSINESS – Discussions between a public agency a representative of a business entity concerning a specific proposal, where open discussions would jeopardize the siting, retention, expansion, or upgrading of the business {KRS 61.810(1)(g)}

- XIII. City Attorney Reports
- XIV. City Manager Reports
- XV. Other Commission Business
- XVI. Adjournment

## MINUTES

# MINUTES OF REGULAR SESSION OF THE CITY OF FRANKLIN CITY COMMISSION

March 25, 2019

City Hall 117 West Cedar Street Franklin, Kentucky

The Franklin, Kentucky City Commission met in Regular Session at 12:00 Noon, Monday, March 25, 2019, in the City Hall meeting room located at 117 West Cedar Street, Franklin, Kentucky.

Members attending were as follows:

Mayor Larry Dixon	Present
Commissioner Jamie Powell	Present
Commissioner Herbert Williams	Present
Commissioner Brownie Bennett	Present
Commissioner Wendell Stewart	Present

Others present included City Manager Kenton Powell; City Attorney Scott Crabtree; City Personnel Director/Deputy Clerk, Rita Vaughn; City Finance Director, Shaunna Cornwell; City Police Chief, Roger Solomon; Public Works Superintendent Chris Klotter; City Clerk, Cathy Dillard; F-S Human Rights Commission Director, Donzella Lee; Franklin Favorite/WFKN media representative, Keith Pyles; City Code Enforcement Officer Kevin Allen; Judge Executive Mason Barnes; Scott Waste Services representatives Pete Reckard and Ty Bowman; Ron Huddleston; Boys & Girls Club representatives Jef Goodnight, Cristin Lanham, Altasia Clay, Lynn Reins, Terry Johnson and Donna Dixon; and, Hunter Graves, Boys & Girls Club Youth of the Year.

Mayor Dixon called the meeting to order at 12:00 Noon and offered an opening prayer.

#### APPROVAL OF MINUTES

Motion was made by Commissioner Powell and seconded by Commissioner Bennett to approve the minutes as presented of the March 11, 2019, regular meeting of the Franklin City Commission; and the March 5, 2019, regular joint City/County meeting.

Voting aye: All. Motion carried unanimously.

#### **RECOGNITION**

Lynn Reins, Director of Education for Boys & Girls Club Franklin-Simpson introduced Hunter Graves, Boys & Girls Club Youth of the Year.

Hunter gave his presentation that won him the title of Boys & Girls Club Youth of the Year and received a standing ovation from everyone present. His presentation was based on his personal experiences and focused on the impact that Boys & Girls Club of Franklin Simpson has provided for his education and social development.

Jef Goodnight, Executive Director of the Boys & Girls Club, spoke about the overall impact the Club has in our community and thanked the Commission for their continued support. Jef said Hunter is just one example of the many successes of the youth served at the Club.

#### **COMMUNITY SERVICES**

City Manager Kenton Powell asked the Commission to consider approval of a lease of approximately 35 public parking spaces located on the corner of South High Street and West Madison Street. The location is available for lease at the rate of \$2,000.00 annually with the City to provide annual sealing and striping of the lot. Mr. Powell indicated the lot would need increased lighting and the alleyway leading to Cedar Street, which provides easy access to merchants, would need some improvements. Commissioner Powell recommended parking hours guidelines and signage also be considered.

Motion was made by Commissioner Bennett and seconded by Commissioner Powell to authorize the City Attorney to prepare a lease agreement between the City and the owner of the parking lot for a one year lease beginning April 1, 2019, and further authorized the Mayor to sign the lease agreement and any other documents required to secure the lease of the lot.

Voting Aye: All. Motion carried unanimously.

#### **GENERAL GOVERNMENT**

City Finance Director Shaunna Cornwell asked the Commission for approval to participate in the reverse Salt Auction which will take place April 24-26, 2019. While there is no obligation to purchase road salt under this bid, it does provide the City options if availability of road salt becomes limited.

Motion was made by Commissioner Stewart and seconded by Commissioner Powell to approve the City's participation in the reverse salt auction and further authorizes the Mayor to sign any and all documents necessary for this purchase.

Voting Aye: All. Motion carried unanimously.

City Attorney Scott Crabtree asked the Commission to consider sponsoring an ordinance to amending the ordinance which approved the most recent supplement to the City's Code of Ordinances. This proposed amendment would repeal three chapters, one section, and amend one chapter of our current Code of Ordinances. Commissioner Powell and Commissioner Stewart asked to sponsor the proposed ordinance with first reading taking place in the ordinance portion of the meeting.

Community Development Director Tammie Carey asked the Commission to approve the purchase of ten (10) Apple iPads and OtterBox Defender Cases for the Public Works Department. Mrs. Carey provided the Commission with a lease option from Zones/Lenovo and two purchase options, one from Amazon and one from Bluegrass Cellular.

Motion was made by Commissioner Stewart and seconded by Commissioner Bennett to authorize the purchase of ten (10) iPads and OtterBox Defender Cases from Bluegrass Cellular for the Public Works Department for a total purchase price of \$5,089.90 and further authorized the Mayor to sign any and all document necessary for this purchase.

Voting Aye: All. Motion carried unanimously.

City Clerk Cathy Dillard asked the Commission to declare the following list of property as surplus and to authorize the sale of the property.

<b>ITEM</b>		
#	<b>DEPARTMENT</b>	DESCRIPTION / I D NUMBER
1	Wastewater	2001 Chevy Tahoe LT Vin# 1GNEK13Z52J162226 (Asset Forfeiture)
2	FPD	2005 Ford Crown Vic Vin# 2FAHT71W15X147291
3	FPD	2011 Ford Crown Vic Vin# 2FABP7BV3BX135151
4	Street Dept	2000 Ford F750 Dump Vin# 3FDPX75Y8YMA22415
5	Street Dept	1995 Ford Ranger XLT Vin# 1FTCR10A0SUC22213
6	Street Dept	2002 Dodge Ram 1500 Vin# 1D7HA16N12J251735 (Asset Forfeiture)
7	Street Dept	Military Kohler Diesel Air Compressor
8	Street Dept	Military Tow Motor
9	Street Dept	3 Meyer Snow Plows
10	Street Dept	Box Style Asphalt Paver
11	Water Dist.	Ford Meter Box (Meter test bench/ Akron Style)
12	Water Dist.	Elster Mag Meters and Acc. (Sold as a lot)

Motion was made by Commissioner Powell and seconded by Commissioner Williams to declare the above-referenced list of property as surplus, to authorize the sale of the property, and to further authorize the Mayor to sign any and all documents necessary for the transfer of the property.

Voting Aye: All. Motion carried unanimously.

City Attorney Scott Crabtree asked the Commission to approve changes to the City of Franklin Personnel and Procedures Manual and to adopt the proposed Email, Social Media and Electronic Communications Policy.

Motion was made by Commissioner Powell and seconded by Commissioner Bennett to approve changes to the City of Franklin Personnel and Procedures Manual and to adopt the proposed Email, Social Media and Electronic Communications Policy as presented.

Voting Aye: All. Motion carried unanimously.

#### **UTILITIES**

City Manager Kenton Powell asked the Commission to consider approval of a rate increase of \$0.25 per month for residential recycling services provided by Scott Waste Services. Mr. Powell noted that this was the first increase in the residential recycling rate since this service began in 2011. Scott Waste Services representatives were available at the meeting to answer any questions.

Motion was made by Commissioner Powell and seconded by Commissioner Stewart to approve a \$0.25 rate increase effective April 1, 2019, for residential recycling services provided by Scott Waste Services and authorize the Mayor to sign any and all documents necessary.

Voting Aye: All. Motion carried unanimously.

#### **ORDINANCES**

City Clerk Cathy Dillard provided first summary reading of Ordinance No. 2019-009 entitled:

Ordinance Repealing Chapter 53, Chapter 110, Chapter 117 and Section 95.37 of Chapter 95 and Amending Chapter 114 in the City of Franklin Code of Ordinances

No action was taken at first reading of the ordinance.

#### **EXECUTIVE SESSION**

At 12:41 PM, motion was made by Commissioner Stewart and seconded by Commissioner Bennett to enter into Executive Session for the purpose of:

- (1) LAND ACQUISITION Deliberations on the future acquisition or sale of real property by a public agency where publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency {KRS 61.810(1)(b);
- (2) LITIGATION Discussion of proposed or pending litigation {KRS 61.810(1)(c)}

(3) PERSONNEL - Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee or member {KRS 61.810(1)(f)} Voting Aye: All. Motion carried unanimously. Entering Executive Session were Mayor Dixon; Commissioners Powell, Bennett, Williams and Stewart; City Manager Kenton Powell; and City Attorney Scott Crabtree. At 1:00 PM, motion was made by Commissioner Powell and seconded by Commissioner Bennett to exit Executive Session and return to open session. Voting Aye: All. Motion carried unanimously. **OTHER COMMISSION BUSINESS** Motion was made by Commissioner Powell and seconded by Commissioner Stewart to hire Carter Munday as the Administrator of the Franklin-Simpson Planning & Zoning Commission effective April 8, 2019, subject to Simpson Fiscal Court's joint approval. Voting Aye: All. Motion carried unanimously. Commissioner Bennett said that she had recently attended a training session about litter abatement and it was very interesting and informative. **ADJOURNMENT** At 1:01 PM, motion was made by Commissioner Powell and seconded by Commissioner Stewart to adjourn the regular meeting of the Franklin City Commission. Voting Aye: All. Motion carried unanimously. Larry Dixon, Mayor Cathy Dillard, City Clerk

City of Franklin, Kentucky

City of Franklin, Kentucky

## MINUTES OF SPECIAL SESSION OF THE CITY OF FRANKLIN CITY COMMISSION

Tuesday, April 2, 2019 at 12:00 Noon

#### City Hall 117 West Cedar Street Franklin, Kentucky

The Franklin City Commission held a Special Called Session at 12:00 Noon, **Tuesday**, **April 2**, **2019**, in the City Hall meeting room located at 117 West Cedar Street, Franklin, Kentucky.

Members attending were as follows:

Mayor Larry Dixon	Present
Commissioner Brownie Bennett	Present
Commissioner Herbert Williams	Present
Commissioner Jamie Powell	Present
Commissioner Wendell Stewart	Present

Others present included City Manager Kenton Powell; City Finance Director Shaunna Cornwell; and, City Attorney Scott Crabtree.

Mayor Larry Dixon called the meeting to order at 12:00 Noon and Commissioner Powell offered an opening prayer.

#### **EXECUTIVE SESSION**

At 12:02 PM, motion was made by Commissioner Bennett and seconded by Commissioner Williams to enter into Executive Session for the purpose of: Land Acquisition – Deliberations on the future acquisition or sale of real property by a public agency where publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency {KRS 61.810(1)(b) to discuss the bidding strategy regarding the purchase of the property located on West Madison Street. Voting Aye: All. Motion carried unanimously.

At 12:34 PM, motion was made by Commissioner Stewart and seconded by Commissioner Powell to exit Executive Session. Voting Aye: All. Motion carried unanimously.

#### **ADJOURNMENT**

At 12:35 PM, motion was made by Commissioner Powell and seco	nded by Commissi	oner Stewart to
adjourn the special called session of the Franklin City Commission.	Voting Aye: All.	Motion carried
unanimously.		

Larry Dixon, Mayor	Cathy Dillard, City Clerk
City of Franklin, Kentucky	City of Franklin, Kentucky

## RECOGNITIONS



TO:

Mayor Larry Dixon and Commissioners

FROM:

City Manager Kenton Powell

DATE:

April 3<sup>rd</sup>, 2019

SUBJECT: Recognition (31W Street Lighting Project)

The City of Franklin in partnership with WRECC installed 20 street lights from Hunt Ford to Wal-Mart on 31W south. It was a huge learning lesson for our Public Works Department, which has never installed the concrete bases and run conduit underground to enable WRECC to mount the street light poles

It's a great example of multiple agencies working together, to save money, to complete a project for the betterment of our City.

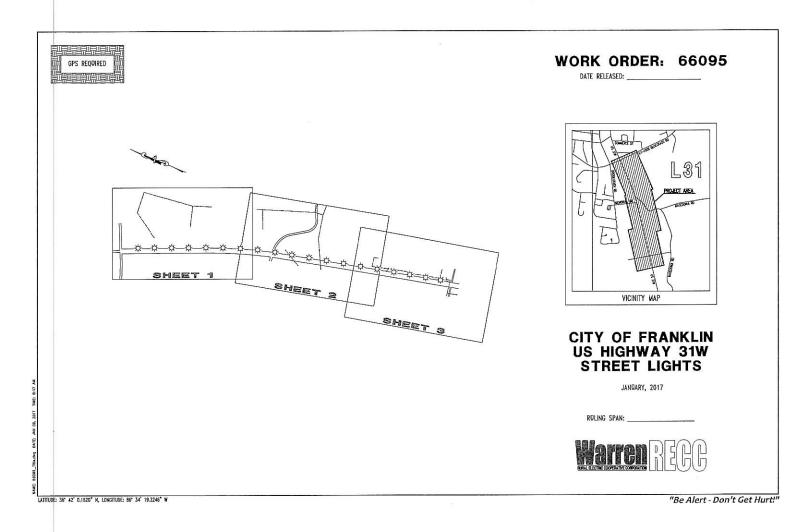
Special thanks in Zac Wren, WRECC Supervisor, for his support and leadership throughout the project.

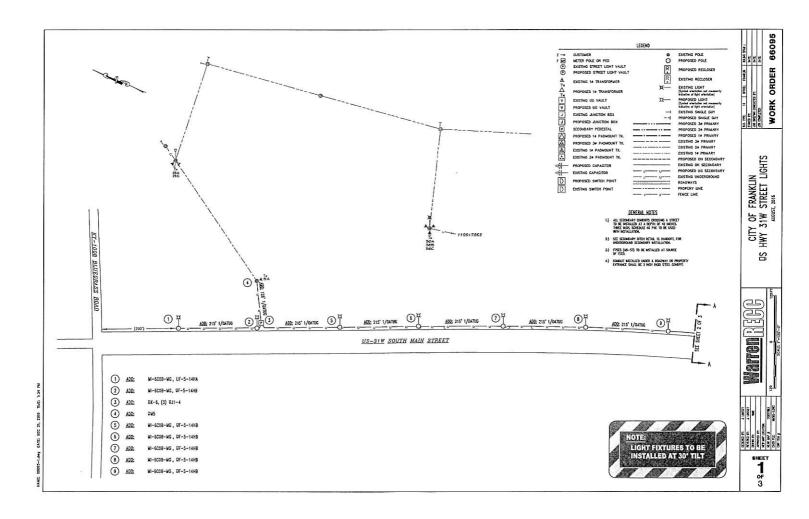
I've ask Zac Wren and Public Works employees who were instrumental in this project to come to Monday's meeting.

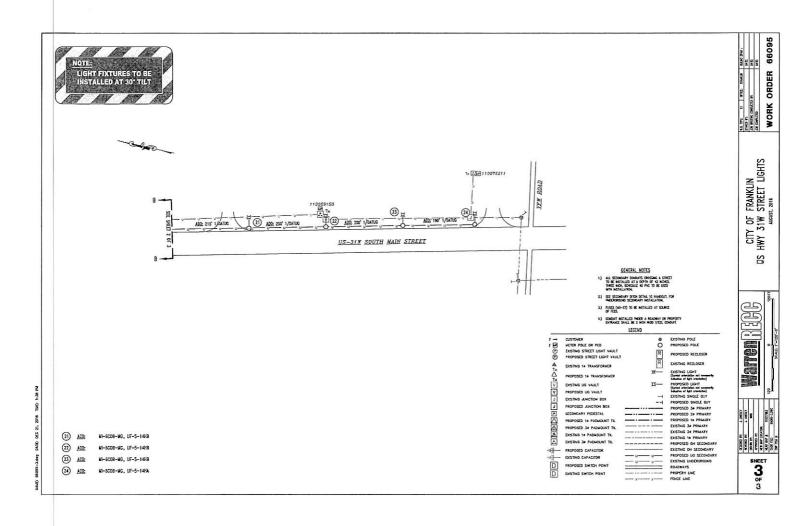
Thanks,

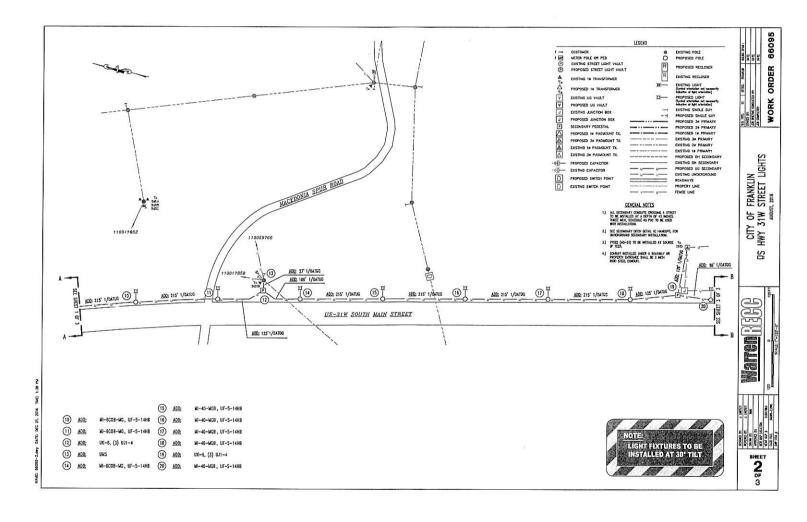
Kenton

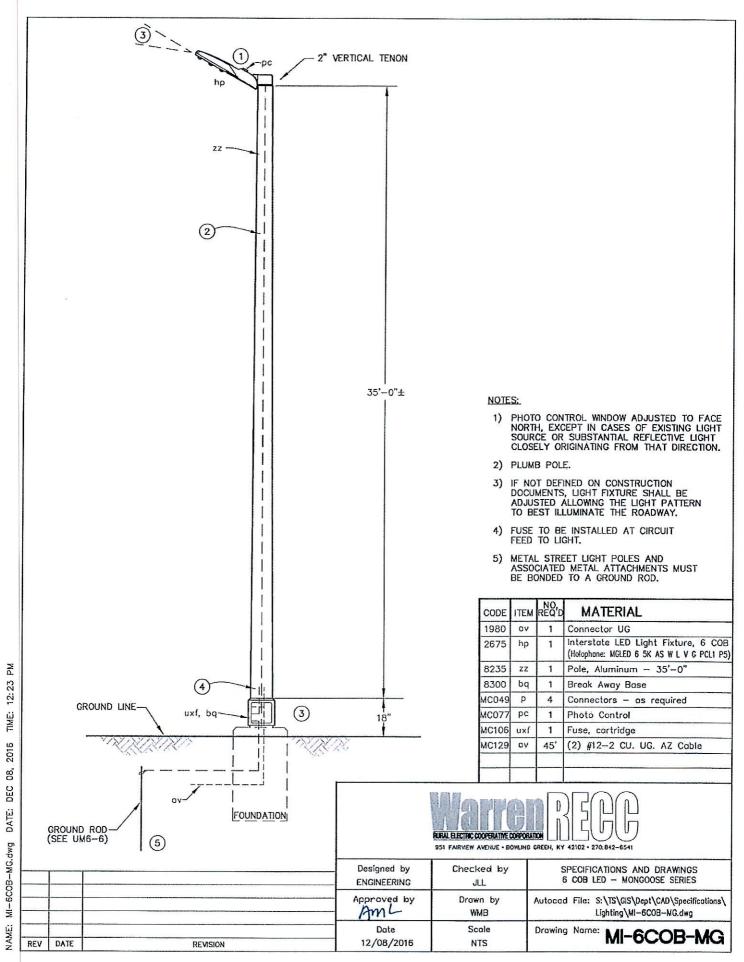
Attachments are on the following pages

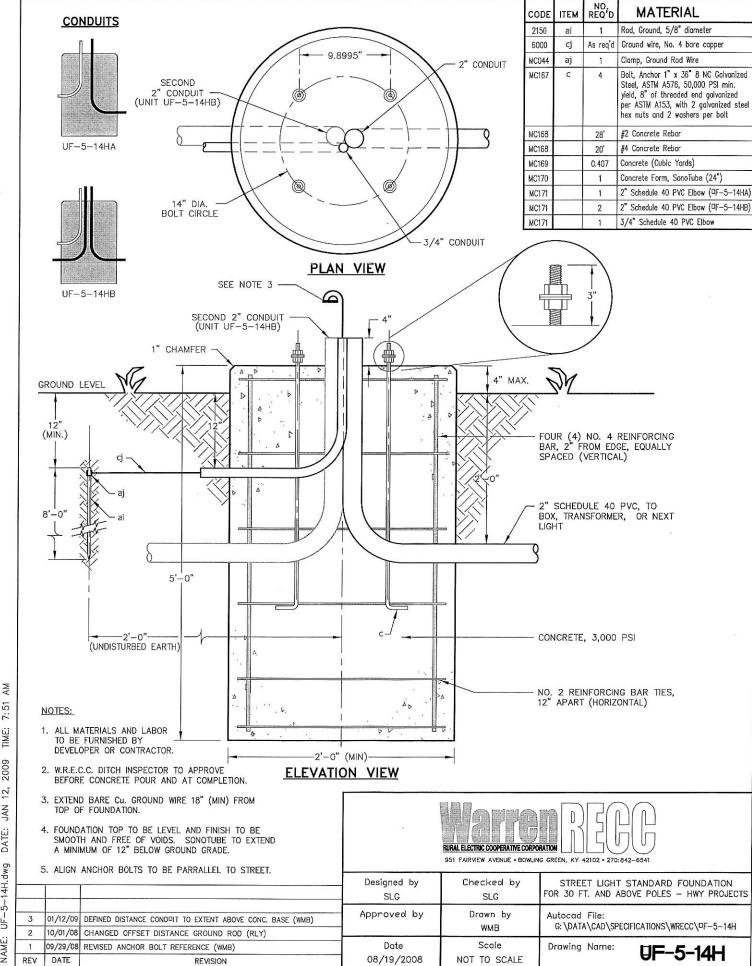






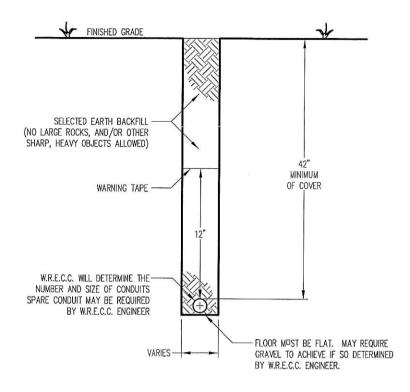






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7:51 TIME: 2009 12, JAN DATE: UF-5-14H.dwg



#### SECONDARY DITCH DETAIL 1C

N.T.S.

#### NOTES:

- CONDUIT SHALL BE PVC, SCHEDULE 40 ELECTRICAL GRADE PVC, SIZE AND NUMBER AS SPECIFIED ON PLANS. SWEEPS SHALL BE SCHEDULE 40 FOR LESS THAN 150' AND SCHEDULE 80 OVER 150' (18" RADIUS MINIMUM).
- 2) CONDUIT SHALL HAVE A MINIMUM OF 42" COVER TO FINAL GRADE.
- 3) WARNING TAPE SHALL BE INSTALLED THE LENGTH OF THE TRENCH AT LEAST 12" ABOVE CONDUIT.
- 4) TELEPHONE OR CABLE UTILITY MINIMUM SEPARATION FROM W.R.E.C.C. DOCTS SHALL BE 12" PARALLEL AND 12" VERTICAL.
- ALL FOREIGN □TILITY PERPENDICULAR CROSSINGS MUST HAVE 12" MINIMUM SEPARATION FROM W.R.E.C.C. DUCT.
- 6) CONDUITS RUNNING HORIZONTAL TO WATER OR GAS LINES MUST HAVE A MINIMUM 12" HORIZONTAL SEPARATION.
- 7) FURNISH AND INSTALL PULL STRING IN EACH CONDUIT.
- 8) CONDUIT INSTALLED UNDER A ROADWAY OR PROPERTY ENTRANCE SHALL BE 2 INCH RIGID STEEL CONDUIT.

#### <u>IMPORTANT</u>

DITCH AND CONDUIT INSPECTION IS REQUIRED BY W.R.E.C.C. BEFORE BACKFILLING CAN BEGIN. FAILURE TO DO SO WILL REQUIRE THE BACKFILLING TO BE REMOVED.



# HEAR THE PUBLIC



TO: Mayor Larry Dixon and Commissioners

FROM: City Manager Kenton Powell

DATE: April 4<sup>th</sup> 2019

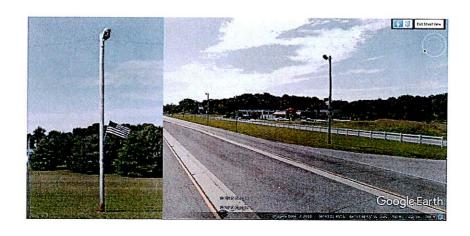
SUBJECT: Hear the Public (East Highway 100 Flag Responsibility)

L. J. Pearson asked to address the City Commission concerning if the City would take over the responsibility of maintaining the American Flags that are placed on East Highway 100, adjacent to the Minit Mart.

#### **Background information:**

The Flags have been in place for approximately 6 years. Before they were installed an unknown individual asked the then Mayor Clark if it was okay. Mayor Clark said it was acceptable as long as they were responsible for maintenance of the flags and the City was not going to be burdened or liable with ongoing maintenance and replacement issues.

On April 2<sup>nd</sup> former Mayor Clark confirmed all of the above background information.





TO:

Mayor Larry Dixon and Commissioners

FROM:

City Manager Kenton Powell

DATE:

April 3<sup>rd</sup> 2019

SUBJECT: Hear the Public (Update Kim Cundall)

Last October Kim Cundall addressed the City Commission requesting financial support for Ohio Valley Wooden Bat Collegiate Baseball League that she's putting together. Since October, there's been a continued effort and activity regarding baseball league in Franklin so Kim has asked to share the latest news with the City Commission.

Thank You,

Kenton Powell

Attachments from the October 22<sup>nd 2018</sup> City Commission Meeting are on the following pages



TO:

Mayor Ronnie Clark and Commissioners

FROM:

City Manager Kenton Powell

DATE:

10-18-2018

SUBJECT: Hear the Public

Kim Cundall, previously Kim Alexander, asked to speak to the Commission on Monday, concerning Ohio Valley Wooden Bat Collegiate Baseball League. Kim provided some basic materials on the following pages for your review.

Thank You,

Kenton Powell

FOR Reference ONZy

#### FRANKLIM DUELERS



402 Westview Drive Franklin, KY, 42134

To whom it may concern:

I write you, as a sports enthusiast, to lef you know of an opportunity that may interest you and your company. We are excited to introduce the Franklin Duelers Summer Collegiate Team which will be playing in its inaugural season at Franklin Simpson High School Baseball field May 31st 2019 - August 1st 2019. Franklin Duelers are a part of the Ohio Valley League a summer collegiate wooden bat league consisting of 9 teams throughout Kentucky and Indiana. Franklin Duelers will have a 42 game schedule consisting of 21 home games and 21 away games, there is potential of more than 42 if we make the playoffs.

Franklin Duelers is a non profit LLC, which thrives solely on volunteers and sponsorships. This team will consist of local players as well as players from across the United States. Our goal is to help bring local sports entertainment and tourism to our community. We would like all businesses to have an opportunity to be a part of this new adventure for Franklin, KY.

I have attached a fact sheet and a description of the various sponsorship opportunities and benefits. In addition to the specific benefits associated with individual sponsorship levels, sponsors will enjoy increased name recognition and goodwill in the community. The total sponsorship package offers exposure that can be more directly targeted, more effective, and less costly than traditional advertising.

After you have had a chance to review the information enclosed, I would be happy to answer any questions.

We look forward to your support in making the Franklin Duelers a success in our community.

Sincerely,

. Kimberly Cundall General Manager 270-647-1792

#### FRANKLIM DUELERS



#### FACT SHEET:

#### OHIO VALLEY WOODEN BAT COLLEGIATE BASEBALL LEAGUE

- Formed in 2005 as KIT League (OVL organized in 2011)
- KIT League four teams originally Fulton, KY, Union City, TN, Sikeston, MO and Farmington, MO
- Ohio Valley Leagues four teams originally Fulton, Dawson Springs, Marion and Owensboro, KY
- 9 teams currently Franklin new in 2019 Fulton (2011), Owensboro (2011), Hopkinsville (2012), Madisonville (2012), Huntingburg, IN (2013), Muhlenberg Co (2016), Paducah (2016), Henderson (2017)
- East and West Divisions 4 teams in the West, 5 teams in the East
- Players must be on a college roster with eligibility remaining
- Players are from all Collegiate classifications and from all over the United States
- 30 man roster 24 active players
- Play by NCAA rules and Ohio Valley League by-laws
- Season begins the weekend after Memorial Day and ends by August 1st (includes the playoffs)
- All teams participate in playoffs 3 rounds best two out of three series
- All Star game in early July
- \$600.00 player fee
- 9 member board of directors one member per franchise
- Officers President, Vice-President, Secretary, Treasurer
- Franchise-fee \$10,000 ( lump sum or 2 \$5,000.00 payments over two years)
- 3<sup>rd</sup> year begins annual \$1,200.00 league fee
- NCAA certified umpires (2 per game)
- Minimum 40 game schedule
- No overnight travel required
- Home team feeds visiting team after game (box Lunch) to expedite travel back home
- Diamond NCAA flat seam balls @ \$51.00/ DZ
- Home and Away uniforms
- Require field with lights (all games played at night)
- Prefer availability of chair seats and bleachers
- Tarpaulin for field in case of rain
- Admission costs minimum of \$5.00 for general admission and \$8.00 for reserved seating
- WEBSITE: ohiovalleyleague.com

For ReFerence only

#### FRANKLIN DUELERS

402 Westview Drive Franklin, KY, 42134

Dear Duelers' Game Day Supporter:

We write to request that you become an official **Franklin Duelers Game Day Sponsor** for the 2019 season by choosing one of the game day sponsorships below, 2019 will be our inaugural season, Franklin Duelers are a member of the Ohio Valley League a Summer Collegiate Wooden Bat League that was introduced in 2012, that has attracted more than 10,000 fans as well as attention from across the country via internet and radio broadcasts for its member teams.

This has resulted in an overall local economic impact for its member teams of \$1.5 million each year or \$9.0 million since 2012!!

#### All Game Day Sponsor packages include the following:

- Option to throw out the first pitch
- Option to sing the National Anthem
- Option to lead the 7th inning stretch
- Option to have a display promoting your business
  - Many businesses bring items to give away during the game by drawings or as prizes for the on field contest between innings
- Option to pick a charity to simultaneously promote during your game day

#### We offer three Game Day Sponsorship Levels:

Free admission for all (Sunday- Thursday \$1,200.00, Friday and Salurday \$1,500.00)

Weekday Sponsor (Sunday- Thursday) \$400 includes 100 lickets (additional lickets are \$3.50 each)

Weekend Spansor (Friday and Saturday) \$450 includes 100 lickets (additional lickets are \$3.50 each)

Your business will also be promoted from the public address system as well as announcements about upcoming daily sponsors. We also post each day's sponsor on social media with links to your business website, if desired. Typically, your sponsorship is mentioned during radio broadcasts as well.

Thank you for considering this sponsorship request and please let us know if you have any questions at all. To confirm your sponsorship investment, please contact us.

Sincerely,

Kimberly Cundall General Manager 270-647-1792

#### FRANKLIN DUIELERS

402 Westview Drive Franklin, KY, 42134

#### Dear Duelers' Supporter:

We write to request that you become an official Franklin Duelers Season Sponsor for the 2019 season by choosing one of the sponsorship levels below. 2019 will be our inaugural season, Franklin Duelers are a member of the Ohio Valley League a Summer Collegiate Wooden Bat League that was introduced in 2012, that has attracted more than 10,000 fans as well as attention from across the country via internet and radio broadcasts for its member teams.

This has resulted in an overall local economic impact for its member learns of \$1.5 million each year or \$9.0 million since 2012!!

#### Team Sponsor = \$5,000.00 to receive:

- Featured banner signage and advertising at all home games and on the feath vans
- Recognition via public announcements multiple times at all home games
- Recognition in all game promotions and advertising
- 12 season passes for all home games (over.\$1,380.00 value)
- Rights to a ceremonial 1st pitch during the season

#### Strike Out Sponsor = \$2,500,00 to receive:

- Prominent banner signage and advertising at all home games and on the team van
- Recognition in all games promotions and advertising
- 8 season passes for all home games (over \$920.00 value)
- Recognition anytime a strike out is registered by a Dueler pitcher
- Rights to a ceremonial 1st pitch during the season

#### Extra Bases Spansor = \$1,000.00 to receive:

- Signage at all home games
- Récognition in home game programs
- 4 season passes for all home games (over \$460.00 value)
- Recognition anytime an extra base hit, excluding a home run, is recorded by the Duelers

#### Honre Run Sponsor = \$500.00 to receive:

- Recognition in home game programs
- 2 season passes for all home games (\$230.00 value)
- Recognition anytime a home run is recorded by a Duelers hitter

Thank you for considering this sponsorship request, and please let us know if you have any questions at all. To confirm your sponsorship investment, please contact us.

Sincerely,

Kimberly Cundall General Manager 270-647-1792

## FOR REFERENCE ONL

#### Annual Economic Impact Estimates

		Seaso	on		25 Player	rs
Per Pla	ayer	Low	High	Low	Hig	
Meals		\$500	\$1,000		12,500	25,000
Gas		50	150	•	1,250	3,750
Misc.		50	200		1,250	5,000
	Total	\$600	\$1,350	,	15,000	33,750
Per Fai		*			25 Familie	es
	umy	Low	High	Low	High	h
Hotels		50	250		1,250	6,250
Food		40	200		1,000	5,000
Gas		0	50		0	1,250
Misc.		0	100		0	2,500
	Total	90	600		2,250	15,000
Tean	n.				Season Tota	ıls
Gas	,	1200	1500		1,200	1,500
Apparel		1000	1500		1,000	1,500
Food		1250	1750		1,250	1,750
			TOTAL	,	20,700	53,500

# PUBLIC SAFETY



#### **MEMORANDUM**

TO:

Mayor and City Commissioners

FROM:

Chief of Police

DATE:

April 4, 2019

SUBJECT: Informative Presentation

The Franklin Police Department has been working a rash of vehicle break ins within several neighborhoods. Officer Mike Jones would like to give a brief informative presentation to the City Commission involving our recent cases as well as Neighborhood Watch.

I will give a brief introduction of Mike Jones and then he will give a short presentation following.

# GENERAL GOVERNMENT



#### **MEMORANDUM**

To:

Mayor Larry Dixon and Commissioners

From:

Kenton Powell, City Manager

Subject:

Street Closure Request

Date:

April 4, 2019

The SOKY Earth Day Festival and the Cherry Blossom Art and Music Festival are scheduled for Saturday, April 20, 2019. Robin Hollingsworth from Community Education has asked the Commission to consider closing College Street between West Cedar Street and West Kentucky Avenue (in front of the Methodist Church) for vendors and activities. The request is to close the street from 6:00 AM until 3:00 PM to allow for vendor and activity set up.

The area requested will also provide a staging area for the riders of the Square-to-Square Bike Ride hosted by the Simpson County Literacy Center.

The Methodist Church has signed the attached authorization form for the street closing request.

Proposed Action: Motion to approve the closure of a College Street from West Cedar Street to West Kentucky Avenue for the SOKY Earth Day Festival, the Cherry Blossom Art and Music Festival and the Square-to-Square Bike Ride on Saturday, April 20, 2019 from 6:00 AM until 3:00 PM.

	City of Franklin			
Downtown Street Closing Request				
(A) Methodist Church Signature: X41.tttl		(J) Goldsmith Shoppe Signature:		
(B) Franklin Presbyterian Church Signature:		(K) Salon G Signature:		
В	C E G I K D F H J L	M o P		
	W KENTUCKY AV	E KENTUCKY AV		
N COLLEGE ST	Q SIMPSON COUNTY			
	COURTHOUSE	(L) Froggy's Quilts Signature:		
GHURCH ALLE)		(M) Robert E. Taylor Attorney Signature:  (N) Ogles Barber Shop		
		Signature:		
(C) Empty 7/20/11	W CEDAR ST	(O) iGraphics and Design Signature:		
Signature:  (D) Hanor Company Signature:		(P) Bray Eye Care Signature:		
(E) Crocker Law Offices Signature:		(Q) Simpson County Court House Signature:		
(F) Michael's Signature:	11 SOKY	of person or Organization Requesting Closing		
(G) Short Strokes Tatoo Shop Signature:	Date(s) Time Cle	Highlight area that you are requesting to close. for closing: April 20, 2019  osed: 1100 AM Open; 3:00 PM  natures from all bussiness owners to assure that		
(H) Mustard Seed Market Signature:		ve been notified.		
(I) Old Favorite Signature:	P. 33			



TO:

Mayor Larry Dixon and Commissioners

FROM:

City Manager Kenton Powell

DATE:

April 3<sup>rd</sup> 2019

SUBJECT: Space Capsule

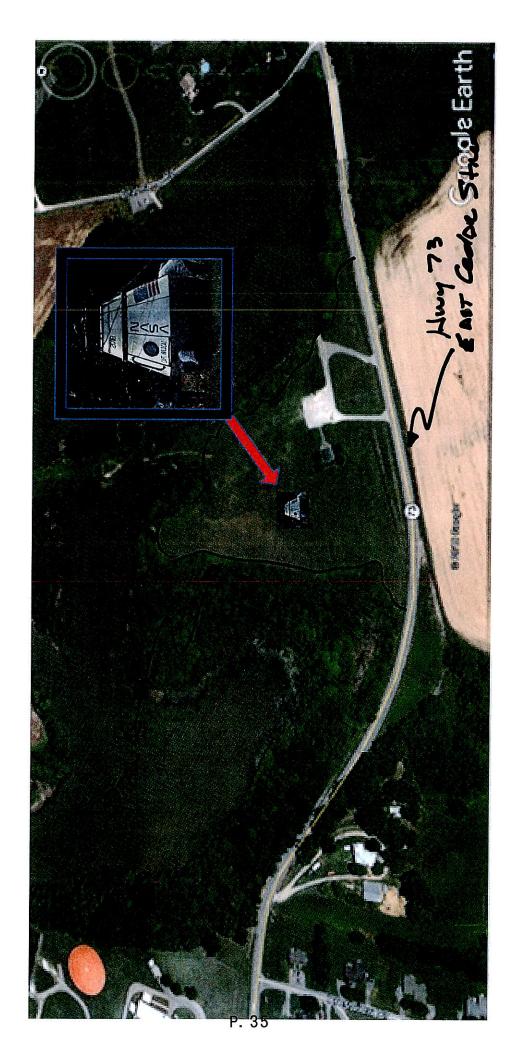
Jeremy Loveall, Franklin Simpson welding teacher, has reached out to the City of Franklin to approve the relocation site of the Space Capsule currently located on the corner of 1008 and 31W. Jeremy requested permission to move the Capsule to the City's Park area off East Cedar Street. If approved he's offered to pour a concrete pad at its final location site.

On the following pages is proposed Space Capsule location in relationship to the park.



Thank You,

Kenton Powell



#### **Kenton Powell**

From:

Tammie Carey

Sent:

Monday, April 1, 2019 12:37 PM

To:

Kenton Powell; Mayor

Subject:

Moving SpaceShip

Jeremy Loveall just stopped by City Hall. The property at the corner of 1008 and 31-W has sold so they need to move the spaceship. He would like to ask if a concrete pad could be poured and move it to the pavilion/park area by the creek off East Cedar Street.

Jeremy asked if one of you could call him to discuss, please. His cell phone number is (270) 776-6008.



### Tammie Carey

Community Development Director

City of Franklin

117 West Cedar Street

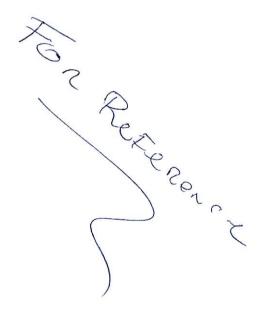
P.O. Box 2805

Franklin, KY 42135

Direct: (270) 482-5528

City Hall: (270) 586-4497

Fax: (270) 586-9419





# **MEMO**

TO:

Franklin City Commission and Simpson Fiscal Court

FROM:

Scott Crabtree

DATE:

April 4, 2019

SUBJECT: Ethics Ordinance

Attached is the proposed revised Ethics Ordinance. The changes are stricken and underlined. As you can see, this ordinance has not been changed since its original adoption in 1994. These changes are needed based upon changes in the law and the ethics training that the City received in February. We will discuss at the meeting.

**Proposed Action:** We will need 2 sponsors in order to have first reading during the ordinance portion of the meeting.

#### **ORDINANCE NO. 2019 -012**

# AN ORDINANCE AMENDING A PRIOR ORDINANCE ESTABLISHING A CODE OF ETHICAL CONDUCT APPLICABLE TO THE OFFICERS AND EMPLOYEES OF THE CITY AND CITY AGENCIES

WHEREAS, the General Assembly of the Commonwealth of Kentucky has enacted legislation requiring this city to enact and enforce a code of ethics governing the conduct of city officers and employees; and

WHEREAS, the officials of this city are committed to the operation of a city government that manifests the highest moral and ethical standards among its officers and employees and desire to comply with all requirements of the Commonwealth's local government ethics law; and

WHEREAS, the City previously adopted, in 1994, an ordinance creating a code of ethical conduct and the Board of City Commissioners deems it appropriate to amend and update this code of ethical conduct.

NOW, THEREFORE, be it ordained by the Board of City Commissioners of the City of Franklin, Kentucky:

**SECTION 1.** Title. This ordinance shall be known and may be cited as the "City of Franklin Code of Ethics."

**SECTION 2.** Findings. The legislative body of the City of Franklin finds and declares that:

- (A) Public office and employment with the city are public trusts.
- (B) The vitality and stability of the government of this city depend 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 the public duties of a city officer or employee, that confidence is imperiled.
- (C) The government of this city has a duty to provide its citizens with standards by which they determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizens rightfully expect them to comply with while conducting their duties.

# **SECTION 3.** Purpose and Authority.

(A) It is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the city shall be clearly established, uniform in their application, and enforceable, and to provide the officers and employees of the city with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

- (B) It is further the purpose of this ordinance to meet the requirements of KRS 65.003 as enacted by the 1994 Kentucky General Assembly.
- (C) This ordinance is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65.003.

**SECTION 4.** <u>Definitions</u>. As used in this ordinance, unless the context clearly requires a different meaning:

- (A) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, limited liability company, or any legal entity through which business is conducted for profit.
- (B) "Board" means the **Barren River Regional Board of Ethics** which is vested by this ordinance with the responsibility of enforcing the requirements of the city's code of ethics.
- (C) "Candidate" means any individual who seeks nomination or election to a city office. 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.
- (D) "City" refers to the City of Franklin, Kentucky.
- (E) "City Agency" means any board, commission, authority, nonstock corporation, or other entity created, either individually or jointly, by this city.
- (F) "City Business" any discussion of specific city issues that go beyond general information.
- (G) "Confidential information" means information obtained in the course of holding public office or employment, or as a contractor to the city, which is not available to members of the public and which the officer or employee is not authorized to disclose, except to designated individuals or bodies, including written and non-written information. When such information is also available through channels open to the public, officers and employees are not prohibited from disclosing the availability of those channels.
- (H) "Consultant" means an independent contractor or professional person, or entity engaged by the city or advising a city officer, and in a position to influence a city decision or action or have access to confidential information.
- (I) "Customer or client" means:

- 1. Any person or entity to which a person or entity has supplied goods or services during the previous 24 months, having a total value greater than one thousand dollars (\$1,000); or
- 2. Any person or entity to which an officer or employee's outside employer or business has supplied goods or services during the previous 24 months, having a total value greater than one thousand dollars (\$1,000), but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.
- (J) "Domestic partner" is an adult, unrelated by blood, with which an unmarried or separated officer or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.
- (K) "Employee" means any person, whether full-time, part-time, seasonal, or temporary, and whether paid or unpaid, who is employed or provides service to the city. The term "employee" shall not include any contractor or subcontractor or any of their employees.
- (L) "Family member" means a spouse, domestic partner, parent, stepparent, child, stepchild, brother, stepbrother, sister, stepsister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.
- (M) "Immediate family member" means a spouse, domestic partner, a child or step-child who is not emancipated and who resides 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 or domestic partner, as a dependent for tax purposes.
- (N) "Financial benefit" includes any money, service, license, permit, contract, authorization, loan, discount, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.
- (O) "Financial interest" is a relationship to something such that a direct or indirect financial benefit has been, will be, or might be received as a result of it.
- (P) "Household" includes anyone whose primary residence is in the officer or employee's home, including nonrelatives who are not rent payers or staff.
- (Q) "Officer" means any person, whether full-time or part-time, and whether paid or unpaid, who is one of the following:
- 1. Mayor;
- 2. City Commission Member;

- 3. City Clerk;
- 4. City Manager;
- 5. Police Chief;
- 6. Any person who occupies a non-elected office created under KRS 83A.080; or,
- 7. A member of the governing body of any city agency or joint body of any governmental agency who has been appointed to the governing body of the agency by the city.
- (R) "Official Act" means any legislative, administrative, appointive or discretionary act of any public official or employee of the city or any agency, board, committee or commission thereof.
- (S) "Personal benefit" includes benefits other than those that are directly financially advantageous. These include financial benefits to immediate family members, business associates, as well as non-financial benefits to these people and to oneself, including such things as reputation and the success of one's career.
- (T) "Personal interest" means a relationship to something such that a personal benefit has been, will be, or might be obtained by certain action or inaction with respect to it.
- (U) "Social media" is understood to be content created by individuals, using the internet. Examples of social media include Facebook, blogs, Instagram, RSS, YouTube, Second Life, Twitter, LinkedIn, and Flickr.
- (V) "Subordinate" means another official or employee over whose activities an official or employee has direction, supervision or control.
- (W) "Substantial debtor or creditor" means any person or business owed more than ten thousand dollars (\$10,000), except from 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.
- (X) "Transaction" means any matter, including but not limited to, contracts, work or business with the city, the sale or purchase of real estate by the city, and any request for zoning amendments, variances, or special permits pending before the city, upon which a public officer or employee performs an official act or action.

#### STANDARDS OF CONDUCT

**SECTION 5.** Conflicts of Interest in General. Every officer and employee of the city and every

city agency shall comply with the following standards of conduct:

- (A) No officer or employee, or any immediate family member of any officer or employee, shall have interest in a business or engage in a business, transaction, or activity, which is in substantial conflict with the proper discharge of the officer's or employee's public duties.
- (B) No officer or employee shall intentionally use or attempt to use his or her official position with the city to secure unwarranted (or unsolicited) privileges or advantages for himself or herself or others.
- (C) 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 city in order to obtain a financial benefit for any of the following:
  - 1. The officer or employee;
  - 2. A family member;
  - 3. An outside employer;
  - 4. Any business in which the officer or employee, or any immediate family member has a financial interest, including but not limited to:
    - (a) An outside employer or business of his or hers, or of his or her family member, or someone who works for such outside employer or business;
    - (b) A customer or client; or,
    - (c) A substantial debtor or creditor of his or hers, or of his or her family member;
  - 5. Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.
  - 6. A person or entity from whom the officer or employee has received an election campaign contribution of a total of more than two hundred dollars (\$200) during the past election cycle (this amount includes contributions from a person's immediate family or business as well as contributions from an entity's owners, directors, or officers, as well as contributions to the officer or employee's party committee or noncandidate political committee).
  - 7. A nongovernmental civic group, social, charitable, or religious organization of which he or she, or his or her immediate family member, is an officer or director.

- (D) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action and inaction, no financial benefit accrues to the officer or employee, an immediate family member, an outside employer, or a business as defined by subsection (C)(4) and (C)(5) of this section, as a member of any business, occupation, profession, or other group, to any greater extent than any gain could reasonably expect to accrue to any other member of the business, occupation, profession, or other group.
- (E) 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 interest, in writing, to the governing body of the city or city 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 <u>pursuant to</u> Section 7 of this ordinance.

# **SECTION 6.** Conflicts of Interest in Contracts.

- (A) Pursuant to KRS 61.252, no officer or employee of the city or any 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 city or a city agency, except as follows:
- 1. The prohibition in subsection (A) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for a city office, before an appointed officer filed as a candidate for a city office, before an appointed officer was appointed to a city or agency office, or before an employee was hired by the city or a city agency. However, if any contract entered into by the city or city 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 subsection (A) of this section shall apply to the renewal of the contract.
- 2. The prohibition in subsection (A) of this section 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 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 subpart (3) below are satisfied.
- 3. The prohibition of subsection (A) of this section shall not apply in any case where the following requirements are satisfied:
- (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 of the city or city agency.

- (b) The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed.
- (c) A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city agency because of price, limited supply, or other specific reasons.
- (d) A finding is made a part of the official record of the governing body of the city or city agency 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 as violation of this section. Additionally, a violation of this section shall be grounds for removal from office or employment with the city in accordance with any applicable provisions of state law and ordinances, rules or regulations of the city.

# SECTION 7. Withdrawal from Participation.

- (A) An officer or employee must refrain from acting on or discussing, formally or informally, a matter before the city, if acting on the matter, or failing to act on the matter, may personally or financially benefit any of the persons or entities listed in Section 5(C) above. Such an officer or employee should join the public if the withdrawal occurs at a public meeting or leave the room if it is a legally conducted closed meeting (executive session) under KRS 61.810 and KRS 61.815.
- (B) <u>Withdrawal at a meeting requires the public announcement, on the record, of the reason for withdrawal.</u>
- (C) Ongoing Conflict: An officer or employee whose outside employment or other outside activity or relationship can reasonably be expected to require more than sporadic withdrawal must resign or cease such outside employment or activity.

  An officer or employee should not begin employment or an activity or relationship that can reasonably be expected to require more than sporadic withdrawal. If a prospective officer or employee is in such a situation, he or she should not accept the position with the city.
- (D) Request to Withdraw: If an officer or appointed board member is requested to withdraw from participation in a matter for the reason that he or she has a conflict of interest, by:
  - 1. Another member;
  - 2. A party to the current matter; or

3. Anyone else who may be affected by a decision relating to this matter, the member must decide whether to withdraw on the official record. If the member decides not to withdraw, the challenging member(s) may file a complaint with the ethics board.

# **SECTION 8.** Receipt of Gifts.

- (A) No officer or employee of the city or city agency shall directly, or indirectly through any other person or business, solicit or accept any gift having a fair market value of more than one hundred dollars (\$100.00), 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.
- (B) <u>Certain items are typically excluded from this provision.</u> Examples of these items include:
- 1. Gifts received from relatives.
- 2. Gifts accepted on behalf of the city and transferred to the city.
- 3. Reasonable travel and travel-related expenses, cost of admission, food and beverages, and entertainment furnished in connection with certain specified public events, appearances, ceremonies, economic development activities, training, or fact-finding trips related to official government business.
- 4. Usual and customary loans made in the ordinary course of business.
- 5. Awards, including certificates, plaques, and commemorative tokens presented in recognition of public service.
- 6. <u>Informational, promotional, and educational items.</u>

## **SECTION 9.** Use of City Property, Equipment and Personnel.

- (A) No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment, or other personal or real property for the private use of any person, unless:
  - 1. The use is specifically authorized by a stated city policy.
  - 2. 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.

# SECTION 10. Misuse of Confidential Information.

No officer or employee of the city or any city 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 or financial interest or the personal or financial interest of another person, group or business. Information shall be deemed confidential, if it is not subject to disclosure pursuant to the Kentucky Open Records Act at the time of its use or disclosure.

#### **SECTION 11.** Political Solicitation.

- (A) An officer, employee, or municipal candidate may not request, or authorize anyone else to request, that any subordinate or potential future subordinate participate, or not participate, in any political activity, including the making of a campaign contribution.
- (B) An officer, employee, or municipal candidate may not engage in any political activity for the city, while on duty, or in uniform, using city funds, supplies, vehicles, or facilities, in uniform, or during any period of time during which he or she is normally expected to perform services for the city, for which compensation is paid.

#### **SECTION 12.** Patronage.

No officer or employee may promise an appointment or the use of his or her influence to obtain an appointment to any position as a reward for any political activity or contribution.

# **SECTION 13.** Complicity with or Knowledge of Others' Violations.

No officer or employee may, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this code. If an officer or employee knows or has reasonable suspicion to believe that someone has violated this code, he or she is required to report it to the Ethics Board.

# **SECTION 14.** Meeting Attendance.

All elected city officers and members of city boards and commissions are expected to attend their meetings. It is a violation of this code to miss more than one-third (1/3) of the meetings in a twelve (12) month period.

# SECTION 15. Social Media.

- (A) City officials [including members of boards, commissions, etc.] can maintain a personal presence on social media. However, to be considered personal, there can be no mention of their status as a city official. Any mention of their status as a city official potentially changes the nature of the page, requiring record keeping in accordance with the Kentucky Department of Library and Archives retention schedule and subjecting the entire page to Open Records requests.
- (B) Elected city officials who want to interact with the community on social media in their role as city official are required to maintain a separate account. City officials will notify the city clerk of any official page(s) utilized. The city clerk will maintain an updated list of official pages of city officials.
- (C) <u>City officials shall conduct themselves professionally and as a representative of the city.</u>
- (D) <u>Elected city official pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure. Additionally, guidelines, if any, shall be posted conspicuously on the page.</u>
- (E) No comments shall be deleted unless in violation of posted guidelines. Deleted comments shall be provided to the city clerk and must be saved for a time period of not less than one year.
- (F) City officials shall not conduct city business through their social media sites. If receiving a specific request from a citizen, the city official shall state: "Thank you for your question. Please email me at [official email address] or contact me at [phone number]. I look forward to speaking with you."
- (G) Elected officials shall not discuss issues pending before the commission. Elected officials may illicit public input but shall not respond to comments. Engaging in substantive conversations on social media could require retention of the posts and may violate the Open Meetings Act if other elected officials are also engaging in the discussion.
- (H) <u>City employees are bound by the city's social media policies in the City of Franklin's Personnel Policies and the City of Franklin's Email, Social Media and Electronic Communications Policy.</u>

# SECTION 16. Email.

- (A) <u>City officials shall maintain an official email address and shall provide the email address to the city clerk. This must be separate from their personal email account.</u>
- (B) No city business shall occur through a personal email account.

<u>City officials shall retain emails according to the Kentucky Department of Library and Archives schedule for emails. City officials shall direct any record keeping questions to the city clerk.</u>

# **SECTION 17.** Representation of Interests Before City Government.

- (A) No officer or employee of the city or any city agency shall represent any person or business, other than the city, in connection with any cause, proceeding, application or other matter pending before the city or city 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.
- SECTION 18. <u>Misuse of Confidential Information</u>. No officer or employee of the City or any city 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 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 19. <u>Post-Employment Restriction</u>. No officer or employee of the city or city agency shall appear or practice before the city or any city agency with respect to any matter on which the officer or employee personally worked while in the service of the city or city agency for a period of one (1) year after the termination of the officer's or employee's service with the city or city agency.

#### **SECTION 20.** Nepotism Prohibited.

- (A) No officer or employee of the city or a city agency shall advocate, recommend or cause the:
  - 1. employment;
  - 2. appointment;
  - 3. promotion;
  - 4. transfer;
  - 5. advancement of a family member to an office or position of employment with the city or a city agency; or
  - 6. advancement of an immediate family member to an office or position of employment with the city or a city agency.

- (B) No office or employee of the city or a city agency shall supervise or manage the work of an immediate family member.
- (C) No officer or employee shall participate in any action relating to the employment or discipline of an immediate 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 immediate family member is included only as a member of a class of persons or a group, and the immediate family member benefits to no greater extent than any other similarly situated member of the class or group.
- (D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to <u>January 1</u>, 1995.

#### FINANCIAL DISCLOSURE

SECTION 21. Who Must File. The following classes of officers and employees of the city and city agencies shall file an annual statement of financial interests with the Barren River Regional Board of Ethics:

- (A) Elected city officials;
- (B) Candidates for elected city office;
- (C) Members of the city planning and zoning commission, board of adjustment, code enforcement board, industrial board, and electric plant board;
- (D) Members of the Board of Ethics created by this ordinance; and
- (E) Non-elected officers and employees of the city and any city agency who are authorized to make purchases of materials or services, or award contracts, leases or agreements involving the expenditure of more than Seven Thousand Five Hundred Dollars.

# **SECTION 22.** When to File Statements, Amended Statements.

- (A) Pursuant to the Memorandum of Agreement between the city and the Barren River Area Development, the initial statements of financial interests required by this section shall be filed with the Barren River Regional Board of Ethics, c/o Barren River Area Development District Records Administrator no later than 3:00 p.m., March 1, 1995. All subsequent statements of financial interest shall be filed no later than 3:00 p.m. on March 1 each year, provided that:
- 1. An officer or employee newly required to fill an office or position with the city or a city agency shall file his or her initial statement no later than thirty (30) days after the date of appointment.
- 2. A candidate for city office shall file his or her initial statement no later than thirty (30) days after the date on which the person becomes a candidate for elected city

office.

- (B) The Barren River Regional Board of Ethics may grant a reasonable extension of time for filing a statement of financial interest for good cause shown.
- (C) In the event there is a material change as defined in the ordinance. Any information in a financial statement that has been filed with the Board, the officer or employee shall file no later than thirty (30) days an amended statement with the Board.
- (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 thirty (30) days after becoming aware of the material change, file an amended statement with the Board.
- SECTION 23. Form of Statement of Financial Interests. The statement of financial interests shall be filed on a form prescribed by the Barren River Regional Board of Ethics. The Board shall deliver to the city a copy of the form for each officer and employee required to file the statement, no later than February 15 of each year. The failure to deliver the form shall not relieve the officer or employee of the obligation to file the statement.

#### **SECTION 24.** Control and Maintenance of the Statement

- (A) The Barren River Regional Board of Ethics shall be the "official custodian" of the statements of financial interests. The statements of financial interest shall be maintained by the Board, or the Records Administrator designated by the Board as "custodian" of public documents, available for public inspection immediately upon filing.
- (B) A statement of financial interests shall be retained by the Board, or the "custodian," for a period of five (5) years after filing, provided that: pursuant to the Kentucky Department of Library and Archives schedule as follows:
- 1. Upon the expiration of three (3) two (2) years after a person ceases to be an officer or employee of the city or a city agency, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.
- 2. Upon the expiration of three (3) two (2) years after any election at which a candidate for elected city 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.

# **SECTION 25.** Contents of the Financial Interest Statements

- (A) The statement of financial interest shall include the following information of 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 officer, office sought, or position of employment.
- 3. The occupation of the filer and the filer's spouse <u>or domestic partner</u>.
- 4. Information that identifies each source of income of the filer and the filer's immediate family members exceeding five thousand dollars (\$5,000.00) during the preceding calendar year, and the nature of the income (e.g. salary, commission, dividends, retirement fund distribution, etc.).
- 5. The name and address of any business located within the state in which the filer or member of the filer's immediate family had at any time during the preceding calendar year an interest of ten thousand dollars (\$10,000.00) at fair market value or five percent (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 city during the past three (3) years, or which is anticipated to engage in any business transactions with the city, in which the filer or any member of the filer's immediate family had any time during the preceding calendar year an interest of ten thousand dollars (\$10,000.00) at fair market value or five percent (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 ten thousand dollars (\$10,000.00) or more.
- 8. Each source by name and address of gifts or honoraria having an aggregate fair market value of one hundred dollars (\$100.00) 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.
- 9. The name and address of any <u>substantial debtor or</u> creditor owed more than ten thousand dollars (\$10,000.00) 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.
- 10. 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 an interest at any time during the preceding calendar year.
- 11. Each source by name and address of campaign contributions having an aggregate fair market value of two hundred dollars (\$200.00) or more from any single source, excluding contributions received from family members, received by the filer or any member of the filer's immediate family during the preceding calendar year.

(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.

# SECTION 26. Noncompliance with Filing Requirement.

- (A) The Barren River Board of Ethics, or the Records Administrator, 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 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 subsection (A) within the time period established in the notice shall be guilty of a civil offense and shall be subject to civil fine imposed by the Board in an amount not to exceed twenty-five dollars (\$25.00) per day, up to a maximum total civil fine of five hundred dollars (\$500.00). Any civil fine imposed by the Board under this section may be recovered by the Board in a civil action in the nature of a debt if the offender fails or refuses to pay the penalty within a prescribed 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.

#### **ENFORCEMENT**

# **SECTION 27.** Board of Ethics.

- (A) Pursuant to the memorandum of Agreement setting forth the Barren River Regional Board of Ethics, all authority for the establishment of procedures for formation and maintenance of the Barren River Board of Ethics appropriate thereto are hereby delegated provided:
- 1. that the Board shall comply with all terms and conditions as set forth in the Act establishing a Code of Ethics for cities,
- 2. that any hearings or related procedures shall comply with the Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence,
- 3. that any regulation adopted by the Board governing its procedures shall be consistent with the Kentucky Open Records law and,
- 4. that the City shall bear its proportionate share of any costs for investigations, hearings, preparation of findings, and the issuance of any advisory opinions by the Board,

5. that no member of the **Regional Board of Ethics** shall hold a position in any local government or be subject to the terms of this ordinance.

# SECTION 28. Reprisals Against Persons Disclosing Violations Prohibited.

- (A) No officer or employee of the city or any city agency shall 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 Barren River Regional Board of Ethics or any other agency or official of the city or the Commonwealth any facts or information relative to an actual or suspected violation of this ordinance.
  - (B) This section shall not be construed as:
- 1. Prohibiting disciplinary or punitive action if an officer or employee of the city or any city agency discloses information which he or she knows:
- (a) To be false or which he or she discloses with reckless disregard for its truth or falsity;
- (b) To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884; or
  - (c) Is confidential under any other provision of law.

#### **SECTION 29.** Penalties.

- (A) Except when another penalty is specifically set forth in this ordinance any officer or employee of the city or any city agency who is found by the **Barren River Board of Ethics** to have violated any provision of this ordinance 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 one thousand dollars (\$1,000.00), which may be recovered by the city in a civil action 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 the ordinance, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this ordinance shall forfeit to the city or city agency an amount equal to the economic benefit or gain which the officer or the 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 city on 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 ordinance, a finding by the Board of Ethics that an officer or employee of the city or any city agency is guilty

of a violation of this ordinance shall be sufficient cause of removal, suspension, demotion, or other disciplinary action by the executive authority of the city or city 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 ordinance shall be taken in accordance with all applicable ordinances and regulations of the city and all applicable laws of the Commonwealth.

The City of Franklin, by and through its Board of Commissioners hereby readopts, and incorporates herein by reference that certain Memorandum of Agreement by and between the City of Franklin and the Barren River Area Development District dated January 5, 1995, which sets forth the duties of the Barren River Regional Ethics Board. **SECTION 32.** Severability. If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provision of this ordinance shall continue in full force and effect. SECTION 33. Conflicting Ordinances Repealed. All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict. **SECTION 34.** Effective Date. This ordinance shall take full force and effect immediately upon publication as required by KRS 83A.060. FIRST READING SECOND READING At a meeting of the Board of City Commissioners of the City of Franklin, Kentucky, held \_\_\_\_\_\_, 2019, and on motion made by \_\_\_\_\_\_ and oy \_\_\_\_\_\_\_, the foregoing ordinance was adopted, after full on March seconded by discussion, by the following vote: BROWNIE BENNETT JAMIE POWELL HERBERT WILLIAMS WENDELL STEWART LARRY DIXON, MAYOR APPROVED BY:

ATTEST:

CATHY DILLARD, CITY CLERK CITY OF FRANKLIN, KENTUCKY LARRY DIXON, MAYOR

# **ORDINANCES**

Sponsors: Commissioner Powell
Commissioner Stewart
Second Reading: Apr 8, 2019
Publication Date: Apr 11, 2019

#### **ORDINANCE NO. 2019 - 009**

# ORDINANCE REPEALING CHAPTER 53, CHAPTER 110, CHAPTER 117 AND SECTION 95.37 OF CHAPTER 95 AND AMENDING CHAPTER 114 IN THE CITY OF FRANKLIN CODE OF ORDINANCES

WHEREAS, on January 11, 2018, through Ordinance No. 2017-022, the Board of Commissioners of the City of Franklin adopted the codification of the general ordinances of the City of Franklin; and

WHEREAS, it has now been determined that certain chapters are redundant or no longer needed and therefore should be repealed and certain new additions are needed; and

WHEREAS, the Board of Commissioners of the City of Franklin has authorized that Chapter 53: Fiber Optic Services; Chapter 110: General Provision; Chapter 117: Places of Entertainment; and Section 95:37 – Regulations Concerning Street Excavations of Chapter 95: Streets and Sidewalks be repealed in their entirety and Chapter 114 shall be amended;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Franklin, Kentucky as follows:

- 1. Chapter 53: Fiber Optic Services in the City of Franklin, Kentucky Code of Ordinances is hereby repealed in its entirety.
- 2. Chapter 110: General Provisions in the City of Franklin, Kentucky Code of Ordinances is hereby repealed in its entirety.
- 3. Chapter 117: Places of Entertainment in the City of Franklin, Kentucky Code of Ordinances is hereby repealed in its entirety.
- 4. Section 95:37 Regulations Concerning Street Excavations of Chapter 95 in the City of Franklin, Kentucky Code of Ordinances is hereby repealed in its entirety.
  - 5. Chapter 114 is amended as follows:
- § 114.001 DEFINITIONS shall be amended by deleting the two definitions as follows:

**CONSIGNED GOODS.** Any goods deposited with another business or person to be sold, disposed of, or called for, whereby title to the goods does not pass until there is an action of the consignee indicating sales.

CONSIGNOR/OWNER OF CONSIGNED GOODS. A business, association, individual or any other entity who owns or has legal title to goods at the time of consignment.

§ 114.003 ANNUAL BUSINESS LICENSE FEE shall be amended by deleting a new paragraph (3) under paragraph (A) Manufacturing as follows:

# (A) Manufacturing:

- (1) Minimum license fee: \$100;
- (2) Each and every manufacturer subject to this license fee shall pay an annual license fee equal to the total number of employees, including salaried employees, multiplied by \$20. This fee shall be due and payable quarterly, and the number of employees shall be defined as the weekly average of total employment for each quarter for which the license fee is payable; and
- (3) Consignor/owner of consigned goods: minimum license fee: \$0. Consignors/owners of consigned goods are exempt from the payment of an annual license fee if and only if the business, association, individual or other entity which acts as the consignee has complied with the provisions of division (B) below, and has reported the sale and/or sales of the consigned goods in his or her or its total gross receipts for the purpose of calculating the annual license fee under division (B) below.
- § 114.003 ANNUAL BUSINESS LICENSE FEE shall be amended by adding a new paragraph (E) as follows:
- (E) Gross Receipts of \$4,000 or less. Any business or business entity with gross receipts of \$4,000 or less per tax year shall not be required to purchase a business license. Provided, however, that any business or business entity that has gross receipts of less than \$4,000 per tax year shall be required to obtain a business license, at no cost, and file the gross receipts return substantiated with the appropriate federal tax return/schedule to affirm/prove the amount of gross receipts collected by the business or business entity.
- § 114.007 EXEMPTED MONEY RECEIPTS shall be amended by deleting paragraph (E) as follows:
- (E) Wages, bonuses, salaries or incentive payments to the extent that said wages, bonus, salaries or incentive payment exceed the amount of such compensation subject to federal FICA (Social Security) withholding.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances is hereby repealed.	n conflict herewith, are, to the extent of such conflict,
· · · · · · · · · · · · · · · · · · ·	FIRST READING
	SECOND READING
8, 2019, on motion made by Commission	ission of the City of Franklin, Kentucky, held on April oner and seconded by, the foregoing ordinance was adopted, after full
	HERBERT WILLIAMS
	JAMIE POWELL
	BROWNIE BENNETT
	WENDELL STEWART
	LARRY DIXON, MAYOR
	APPROVED BY:
	Larry Dixon, Mayor
ATTEST:	
Cathy Dillard, City Clerk	

#### **ORDINANCE NO. 2019 -012**

# AN ORDINANCE AMENDING A PRIOR ORDINANCE ESTABLISHING A CODE OF ETHICAL CONDUCT APPLICABLE TO THE OFFICERS AND EMPLOYEES OF THE CITY AND CITY AGENCIES

WHEREAS, the General Assembly of the Commonwealth of Kentucky has enacted legislation requiring this city to enact and enforce a code of ethics governing the conduct of city officers and employees; and

WHEREAS, the officials of this city are committed to the operation of a city government that manifests the highest moral and ethical standards among its officers and employees and desire to comply with all requirements of the Commonwealth's local government ethics law; and

WHEREAS, the City previously adopted, in 1994, an ordinance creating a code of ethical conduct and the Board of City Commissioners deems it appropriate to amend and update this code of ethical conduct.

NOW, THEREFORE, be it ordained by the Board of City Commissioners of the City of Franklin, Kentucky:

**SECTION 1.** Title. This ordinance shall be known and may be cited as the "City of Franklin Code of Ethics."

**SECTION 2.** Findings. The legislative body of the City of Franklin finds and declares that:

- (A) Public office and employment with the city are public trusts.
- (B) The vitality and stability of the government of this city depend 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 the public duties of a city officer or employee, that confidence is imperiled.
- (C) The government of this city has a duty to provide its citizens with standards by which they determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizens rightfully expect them to comply with while conducting their duties.

# **SECTION 3.** Purpose and Authority.

(A) It is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the city shall be clearly established, uniform in their application, and enforceable, and to provide the officers and employees of the city with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

- (B) It is further the purpose of this ordinance to meet the requirements of KRS 65.003 as enacted by the 1994 Kentucky General Assembly.
- (C) This ordinance is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65.003.

**SECTION 4.** <u>Definitions</u>. As used in this ordinance, unless the context clearly requires a different meaning:

- (A) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, limited liability company, or any legal entity through which business is conducted for profit.
- (B) "Board" means the Barren River Regional Board of Ethics which is vested by this ordinance with the responsibility of enforcing the requirements of the city's code of ethics.
- (C) "Candidate" means any individual who seeks nomination or election to a city office. 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.
- (D) "City" refers to the City of Franklin, Kentucky.
- (E) "City Agency" means any board, commission, authority, nonstock corporation, or other entity created, either individually or jointly, by this city.
- (F) "City Business" any discussion of specific city issues that go beyond general information.
- (G) "Confidential information" means information obtained in the course of holding public office or employment, or as a contractor to the city, which is not available to members of the public and which the officer or employee is not authorized to disclose, except to designated individuals or bodies, including written and non-written information. When such information is also available through channels open to the public, officers and employees are not prohibited from disclosing the availability of those channels.
- (H) "Consultant" means an independent contractor or professional person, or entity engaged by the city or advising a city officer, and in a position to influence a city decision or action or have access to confidential information.
- (I) "Customer or client" means:

- 1. Any person or entity to which a person or entity has supplied goods or services during the previous 24 months, having a total value greater than one thousand dollars (\$1,000); or
- 2. Any person or entity to which an officer or employee's outside employer or business has supplied goods or services during the previous 24 months, having a total value greater than one thousand dollars (\$1,000), but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.
- (J) "Domestic partner" is an adult, unrelated by blood, with which an unmarried or separated officer or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.
- (K) "Employee" means any person, whether full-time, part-time, seasonal, or temporary, and whether paid or unpaid, who is employed or provides service to the city. The term "employee" shall not include any contractor or subcontractor or any of their employees.
- (L) "Family member" means a spouse, domestic partner, parent, stepparent, child, stepchild, brother, stepbrother, sister, stepsister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.
- (M) "Immediate family member" means a spouse, domestic partner, a child or step-child who is not emancipated and who resides 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 or domestic partner, as a dependent for tax purposes.
- (N) "Financial benefit" includes any money, service, license, permit, contract, authorization, loan, discount, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.
- (O) "Financial interest" is a relationship to something such that a direct or indirect financial benefit has been, will be, or might be received as a result of it.
- (P) "Household" includes anyone whose primary residence is in the officer or employee's home, including nonrelatives who are not rent payers or staff.
- (Q) "Officer" means any person, whether full-time or part-time, and whether paid or unpaid, who is one of the following:
- 1. Mayor;
- 2. City Commission Member;

- 3. City Clerk;
- 4. City Manager;
- 5. Police Chief;
- 6. Any person who occupies a non-elected office created under KRS 83A.080; or,
- 7. A member of the governing body of any city agency or joint body of any governmental agency who has been appointed to the governing body of the agency by the city.
- (R) "Official Act" means any legislative, administrative, appointive or discretionary act of any public official or employee of the city or any agency, board, committee or commission thereof.
- (S) "Personal benefit" includes benefits other than those that are directly financially advantageous. These include financial benefits to immediate family members, business associates, as well as non-financial benefits to these people and to oneself, including such things as reputation and the success of one's career.
- (T) "Personal interest" means a relationship to something such that a personal benefit has been, will be, or might be obtained by certain action or inaction with respect to it.
- (U) "Social media" is understood to be content created by individuals, using the internet. Examples of social media include Facebook, blogs, Instagram, RSS, YouTube, Second Life, Twitter, LinkedIn, and Flickr.
- (V) "Subordinate" means another official or employee over whose activities an official or employee has direction, supervision or control.
- (W) "Substantial debtor or creditor" means any person or business owed more than ten thousand dollars (\$10,000), except from 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.
- (X) "Transaction" means any matter, including but not limited to, contracts, work or business with the city, the sale or purchase of real estate by the city, and any request for zoning amendments, variances, or special permits pending before the city, upon which a public officer or employee performs an official act or action.

#### STANDARDS OF CONDUCT

**SECTION 5.** Conflicts of Interest in General. Every officer and employee of the city and every

city agency shall comply with the following standards of conduct:

- (A) No officer or employee, or any immediate family member of any officer or employee, shall have interest in a business or engage in a business, transaction, or activity, which is in substantial conflict with the proper discharge of the officer's or employee's public duties.
- (B) No officer or employee shall intentionally use or attempt to use his or her official position with the city to secure unwarranted (or unsolicited) privileges or advantages for himself or herself or others.
- (C) 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 city in order to obtain a financial benefit for any of the following:
  - 1. The officer or employee;
  - 2. A family member;
  - 3. An outside employer;
  - 4. Any business in which the officer or employee, or any immediate family member has a financial interest, including but not limited to:
    - (a) An outside employer or business of his or hers, or of his or her family member, or someone who works for such outside employer or business;
    - (b) A customer or client; or,
    - (c) A substantial debtor or creditor of his or hers, or of his or her family member;
  - 5. Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.
  - 6. A person or entity from whom the officer or employee has received an election campaign contribution of a total of more than two hundred dollars (\$200) during the past election cycle (this amount includes contributions from a person's immediate family or business as well as contributions from an entity's owners, directors, or officers, as well as contributions to the officer or employee's party committee or noncandidate political committee).
  - 7. A nongovernmental civic group, social, charitable, or religious organization of which he or she, or his or her immediate family member, is an officer or director.

- (D) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action and inaction, no financial benefit accrues to the officer or employee, an immediate family member, an outside employer, or a business as defined by subsection (C)(4) and (C)(5) of this section, as a member of any business, occupation, profession, or other group, to any greater extent than any gain could reasonably expect to accrue to any other member of the business, occupation, profession, or other group.
- (E) 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 interest, in writing, to the governing body of the city or city 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 <u>pursuant to Section 7 of this ordinance</u>.

# **SECTION 6.** Conflicts of Interest in Contracts.

- (A) Pursuant to KRS 61.252, no officer or employee of the city or any 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 city or a city agency, except as follows:
- 1. The prohibition in subsection (A) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for a city office, before an appointed officer filed as a candidate for a city office, before an appointed officer was appointed to a city or agency office, or before an employee was hired by the city or a city agency. However, if any contract entered into by the city or city 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 subsection (A) of this section shall apply to the renewal of the contract.
- 2. The prohibition in subsection (A) of this section 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 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 subpart (3) below are satisfied.
- 3. The prohibition of subsection (A) of this section shall not apply in any case where the following requirements are satisfied:
- (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 of the city or city agency.

- (b) The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed.
- (c) A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city agency because of price, limited supply, or other specific reasons.
- (d) A finding is made a part of the official record of the governing body of the city or city agency 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 as violation of this section. Additionally, a violation of this section shall be grounds for removal from office or employment with the city in accordance with any applicable provisions of state law and ordinances, rules or regulations of the city.

# **SECTION 7.** Withdrawal from Participation.

- (A) An officer or employee must refrain from acting on or discussing, formally or informally, a matter before the city, if acting on the matter, or failing to act on the matter, may personally or financially benefit any of the persons or entities listed in Section 5(C) above. Such an officer or employee should join the public if the withdrawal occurs at a public meeting or leave the room if it is a legally conducted closed meeting (executive session) under KRS 61.810 and KRS 61.815.
- (B) <u>Withdrawal at a meeting requires the public announcement, on the record, of the reason for withdrawal.</u>
- (C) Ongoing Conflict: An officer or employee whose outside employment or other outside activity or relationship can reasonably be expected to require more than sporadic withdrawal must resign or cease such outside employment or activity.

  An officer or employee should not begin employment or an activity or relationship that can reasonably be expected to require more than sporadic withdrawal. If a prospective officer or employee is in such a situation, he or she should not accept the position with the city.
- (D) Request to Withdraw: If an officer or appointed board member is requested to withdraw from participation in a matter for the reason that he or she has a conflict of interest, by:
  - 1. Another member;
  - 2. A party to the current matter; or

3. Anyone else who may be affected by a decision relating to this matter, the member must decide whether to withdraw on the official record. If the member decides not to withdraw, the challenging member(s) may file a complaint with the ethics board.

# **SECTION 8.** Receipt of Gifts.

- (A) No officer or employee of the city or city agency shall directly, or indirectly through any other person or business, solicit or accept any gift having a fair market value of more than one hundred dollars (\$100.00), 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.
- (B) <u>Certain items are typically excluded from this provision. Examples of these</u> items include:
- 1. Gifts received from relatives.
- 2. Gifts accepted on behalf of the city and transferred to the city.
- 3. Reasonable travel and travel-related expenses, cost of admission, food and beverages, and entertainment furnished in connection with certain specified public events, appearances, ceremonies, economic development activities, training, or fact-finding trips related to official government business.
- 4. Usual and customary loans made in the ordinary course of business.
- 5. Awards, including certificates, plaques, and commemorative tokens presented in recognition of public service.
- 6. <u>Informational, promotional, and educational items.</u>

#### **SECTION 9.** Use of City Property, Equipment and Personnel.

- (A) No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment, or other personal or real property for the private use of any person, unless:
  - 1. The use is specifically authorized by a stated city policy.
  - 2. 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.

#### **SECTION 10.** Misuse of Confidential Information.

No officer or employee of the city or any city 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 or financial interest or the personal or financial interest of another person, group or business. Information shall be deemed confidential, if it is not subject to disclosure pursuant to the Kentucky Open Records Act at the time of its use or disclosure.

### **SECTION 11.** Political Solicitation.

- (A) An officer, employee, or municipal candidate may not request, or authorize anyone else to request, that any subordinate or potential future subordinate participate, or not participate, in any political activity, including the making of a campaign contribution.
- (B) An officer, employee, or municipal candidate may not engage in any political activity for the city, while on duty, or in uniform, using city funds, supplies, vehicles, or facilities, in uniform, or during any period of time during which he or she is normally expected to perform services for the city, for which compensation is paid.

#### **SECTION 12**. Patronage.

No officer or employee may promise an appointment or the use of his or her influence to obtain an appointment to any position as a reward for any political activity or contribution.

#### **SECTION 13.** Complicity with or Knowledge of Others' Violations.

No officer or employee may, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this code. If an officer or employee knows or has reasonable suspicion to believe that someone has violated this code, he or she is required to report it to the Ethics Board.

#### **SECTION 14.** Meeting Attendance.

All elected city officers and members of city boards and commissions are expected to attend their meetings. It is a violation of this code to miss more than one-third (1/3) of the meetings in a twelve (12) month period.

# SECTION 15. Social Media.

- (A) City officials [including members of boards, commissions, etc.] can maintain a personal presence on social media. However, to be considered personal, there can be no mention of their status as a city official. Any mention of their status as a city official potentially changes the nature of the page, requiring record keeping in accordance with the Kentucky Department of Library and Archives retention schedule and subjecting the entire page to Open Records requests.
- (B) Elected city officials who want to interact with the community on social media in their role as city official are required to maintain a separate account. City officials will notify the city clerk of any official page(s) utilized. The city clerk will maintain an updated list of official pages of city officials.
- (C) <u>City officials shall conduct themselves professionally and as a representative of the city.</u>
- (D) <u>Elected city official pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure. Additionally, guidelines, if any, shall be posted conspicuously on the page.</u>
- (E) No comments shall be deleted unless in violation of posted guidelines. Deleted comments shall be provided to the city clerk and must be saved for a time period of not less than one year.
- (F) City officials shall not conduct city business through their social media sites. If receiving a specific request from a citizen, the city official shall state: "Thank you for your question. Please email me at [official email address] or contact me at [phone number]. I look forward to speaking with you."
- (G) Elected officials shall not discuss issues pending before the commission. Elected officials may illicit public input but shall not respond to comments. Engaging in substantive conversations on social media could require retention of the posts and may violate the Open Meetings Act if other elected officials are also engaging in the discussion.
- (H) <u>City employees are bound by the city's social media policies in the City of Franklin's Personnel Policies and the City of Franklin's Email, Social Media and Electronic Communications Policy.</u>

#### **SECTION 16**. Email.

- (A) <u>City officials shall maintain an official email address and shall provide the email</u> address to the city clerk. This must be separate from their personal email account.
- (B) No city business shall occur through a personal email account.

City officials shall retain emails according to the Kentucky Department of Library and Archives schedule for emails. City officials shall direct any record keeping questions to the city clerk.

# SECTION 17. Representation of Interests Before City Government.

- (A) No officer or employee of the city or any city agency shall represent any person or business, other than the city, in connection with any cause, proceeding, application or other matter pending before the city or city 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.
- SECTION 18. Misuse of Confidential Information. No officer or employee of the City or any city 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 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 19. <u>Post-Employment Restriction</u>. No officer or employee of the city or city agency shall appear or practice before the city or any city agency with respect to any matter on which the officer or employee personally worked while in the service of the city or city agency for a period of one (1) year after the termination of the officer's or employee's service with the city or city agency.

# **SECTION 20.** Nepotism Prohibited.

- (A) No officer or employee of the city or a city agency shall advocate, recommend or cause the:
  - 1. employment;
  - 2. appointment;
  - 3. promotion;
  - 4. transfer;
  - 5. advancement of a family member to an office or position of employment with the city or a city agency; or
  - 6. advancement of an immediate family member to an office or position of employment with the city or a city agency.

- (B) No office or employee of the city or a city agency shall supervise or manage the work of an immediate family member.
- (C) No officer or employee shall participate in any action relating to the employment or discipline of an immediate 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 immediate family member is included only as a member of a class of persons or a group, and the immediate family member benefits to no greater extent than any other similarly situated member of the class or group.
- (D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to <u>January 1</u>, 1995.

#### FINANCIAL DISCLOSURE

SECTION 21. Who Must File. The following classes of officers and employees of the city and city agencies shall file an annual statement of financial interests with the Barren River Regional Board of Ethics:

- (A) Elected city officials;
- (B) Candidates for elected city office;
- (C) Members of the city planning and zoning commission, board of adjustment, code enforcement board, industrial board, and electric plant board;
- (D) Members of the Board of Ethics created by this ordinance; and
- (E) Non-elected officers and employees of the city and any city agency who are authorized to make purchases of materials or services, or award contracts, leases or agreements involving the expenditure of more than Seven Thousand Five Hundred Dollars.

# **SECTION 22.** When to File Statements, Amended Statements.

- (A) Pursuant to the Memorandum of Agreement between the city and the Barren River Area Development, the initial statements of financial interests required by this section shall be filed with the Barren River Regional Board of Ethics, c/o Barren River Area Development District Records Administrator no later than 3:00 p.m., March 1, 1995. All subsequent statements of financial interest shall be filed no later than 3:00 p.m. on March 1 each year, provided that:
- 1. An officer or employee newly required to fill an office or position with the city or a city agency shall file his or her initial statement no later than thirty (30) days after the date of appointment.
- 2. A candidate for city office shall file his or her initial statement no later than thirty (30) days after the date on which the person becomes a candidate for elected city

office.

- (B) The Barren River Regional Board of Ethics may grant a reasonable extension of time for filing a statement of financial interest for good cause shown.
- (C) In the event there is a material change as defined in the ordinance. Any information in a financial statement that has been filed with the Board, the officer or employee shall file no later than thirty (30) days an amended statement with the Board.
- (C) <u>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 thirty (30) days after becoming aware of the material change, file an amended statement with the Board.</u>
- SECTION 23. Form of Statement of Financial Interests. The statement of financial interests shall be filed on a form prescribed by the Barren River Regional Board of Ethics. The Board shall deliver to the city a copy of the form for each officer and employee required to file the statement, no later than February 15 of each year. The failure to deliver the form shall not relieve the officer or employee of the obligation to file the statement.

# SECTION 24. Control and Maintenance of the Statement

- (A) The Barren River Regional Board of Ethics shall be the "official custodian" of the statements of financial interests. The statements of financial interest shall be maintained by the Board, or the Records Administrator designated by the Board as "custodian" of public documents, available for public inspection immediately upon filing.
- (B) A statement of financial interests shall be retained by the Board, or the "custodian," for a period of five (5) years after filing, provided that: pursuant to the Kentucky Department of Library and Archives schedule as follows:
- 1. Upon the expiration of three (3) two (2) years after a person ceases to be an officer or employee of the city or a city agency, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.
- 2. Upon the expiration of three (3) two (2) years after any election at which a candidate for elected city 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.

# SECTION 25. Contents of the Financial Interest Statements

- (A) The statement of financial interest shall include the following information of 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 officer, office sought, or position of employment.
- 3. The occupation of the filer and the filer's spouse or domestic partner.
- 4. Information that identifies each source of income of the filer and the filer's immediate family members exceeding five thousand dollars (\$5,000.00) during the preceding calendar year, and the nature of the income (e.g. salary, commission, dividends, retirement fund distribution, etc.).
- 5. The name and address of any business located within the state in which the filer or member of the filer's immediate family had at any time during the preceding calendar year an interest of ten thousand dollars (\$10,000.00) at fair market value or five percent (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 city during the past three (3) years, or which is anticipated to engage in any business transactions with the city, in which the filer or any member of the filer's immediate family had any time during the preceding calendar year an interest of ten thousand dollars (\$10,000.00) at fair market value or five percent (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 ten thousand dollars (\$10,000.00) or more.
- 8. Each source by name and address of gifts or honoraria having an aggregate fair market value of one hundred dollars (\$100.00) 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.
- 9. The name and address of any <u>substantial debtor or</u> creditor owed more than ten thousand dollars (\$10,000.00) 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.
- 10. 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 an interest at any time during the preceding calendar year.
- 11. Each source by name and address of campaign contributions having an aggregate fair market value of two hundred dollars (\$200.00) or more from any single source, excluding contributions received from family members, received by the filer or any member of the filer's immediate family during the preceding calendar year.

(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.

# SECTION 26. Noncompliance with Filing Requirement.

- (A) The Barren River Board of Ethics, or the Records Administrator, 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 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 subsection (A) within the time period established in the notice shall be guilty of a civil offense and shall be subject to civil fine imposed by the Board in an amount not to exceed twenty-five dollars (\$25.00) per day, up to a maximum total civil fine of five hundred dollars (\$500.00). Any civil fine imposed by the Board under this section may be recovered by the Board in a civil action in the nature of a debt if the offender fails or refuses to pay the penalty within a prescribed 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.

# **ENFORCEMENT**

#### **SECTION 27.** Board of Ethics.

- (A) Pursuant to the memorandum of Agreement setting forth the Barren River Regional Board of Ethics, all authority for the establishment of procedures for formation and maintenance of the Barren River Board of Ethics appropriate thereto are hereby delegated provided:
- 1. that the Board shall comply with all terms and conditions as set forth in the Act establishing a Code of Ethics for cities,
- 2. that any hearings or related procedures shall comply with the Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence,
- 3. that any regulation adopted by the Board governing its procedures shall be consistent with the Kentucky Open Records law and,
- 4. that the City shall bear its proportionate share of any costs for investigations, hearings, preparation of findings, and the issuance of any advisory opinions by the Board,

5. that no member of the **Regional Board of Ethics** shall hold a position in any local government or be subject to the terms of this ordinance.

# SECTION 28. Reprisals Against Persons Disclosing Violations Prohibited.

(A) No officer or employee of the city or any city agency shall 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 Barren River Regional Board of Ethics or any other agency or official of the city or the Commonwealth any facts or information relative to an actual or suspected violation of this ordinance.

# (B) This section shall not be construed as:

- 1. Prohibiting disciplinary or punitive action if an officer or employee of the city or any city agency discloses information which he or she knows:
- (a) To be false or which he or she discloses with reckless disregard for its truth or falsity;
- (b) To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884; or
  - (c) Is confidential under any other provision of law.

# **SECTION 29.** Penalties.

- (A) Except when another penalty is specifically set forth in this ordinance any officer or employee of the city or any city agency who is found by the **Barren River Board of Ethics** to have violated any provision of this ordinance 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 one thousand dollars (\$1,000.00), which may be recovered by the city in a civil action 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 the ordinance, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this ordinance shall forfeit to the city or city agency an amount equal to the economic benefit or gain which the officer or the 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 city on 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 ordinance, a finding by the Board of Ethics that an officer or employee of the city or any city agency is guilty

of a violation of this ordinance shall be sufficient cause of removal, suspension, demotion, or other disciplinary action by the executive authority of the city or city 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 ordinance shall be taken in accordance with all applicable ordinances and regulations of the city and all applicable laws of the Commonwealth. The City of Franklin, by and through its Board of Commissioners hereby readopts, and incorporates herein by reference that certain Memorandum of Agreement by and between the City of Franklin and the Barren River Area Development District dated January 5, 1995, which sets forth the duties of the Barren River Regional Ethics Board. **SECTION 32.** Severability. If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provision of this ordinance shall continue in full force and effect. **SECTION 33.** Conflicting Ordinances Repealed. All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict. **SECTION 34.** Effective Date. This ordinance shall take full force and effect immediately upon publication as required by KRS 83A.060. FIRST READING SECOND READING At a meeting of the Board of City Commissioners of the City of Franklin, Kentucky, held on March \_\_\_\_\_, 2019, and on motion made by \_\_\_\_\_\_ and seconded by \_\_\_\_\_\_, the foregoing ordinance was adopted, after full discussion, by the following vote: BROWNIE BENNETT \_\_\_\_ JAMIE POWELL \_\_\_\_ HERBERT WILLIAMS WENDELL STEWART LARRY DIXON, MAYOR APPROVED BY: LARRY DIXON, MAYOR ATTEST:

CATHY DILLARD, CITY CLERK CITY OF FRANKLIN, KENTUCKY