

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. Definitions. 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 pursuant to 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) Withdrawal at a meeting requires the public announcement, on the record, of the reason for withdrawal.
- (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) Certain items are typically excluded from this provision. 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. Informational, promotional, and educational items.

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) City officials shall conduct themselves professionally and as a representative of the city.
- (D) 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.
- (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) 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.

SECTION 16. Email.

- (A) 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.

- (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. Post-Employment Restriction. 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 19. 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 January 1, 1995.

FINANCIAL DISCLOSURE

SECTION 20. 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 21. 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 22. 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 23. 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 24. 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 substantial debtor or 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 25. 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 26. 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 27. 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 28. 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.

SECTION 29. 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 30. 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 31. 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 32. Effective Date. This ordinance shall take full force and effect immediately upon publication as required by KRS 83A.060.

APRIL 8, 2019

FIRST READING

APRIL 22, 2019

SECOND READING

At a meeting of the Board of City Commissioners of the City of Franklin, Kentucky, held on April 22, 2019, and on motion made by Commissioner Stewart and seconded by Commissioner Powell the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>YES</u>	BROWNIE BENNETT
<u>YES</u>	JAMIE POWELL
<u>YES</u>	HERBERT WILLIAMS
<u>YES</u>	WENDELL STEWART
<u>YES</u>	LARRY DIXON, MAYOR

APPROVED BY:

Larry Dixon Mayor
LARRY DIXON, MAYOR

ATTEST:

Cathy Dillard
CATHY DILLARD, City Clerk
City Of Franklin, Kentucky

**SUMMARY OF ORDINANCE
CITY OF FRANKLIN, KENTUCKY**

A summary of an ordinance of the City of Franklin, Kentucky, adopted by the Board of Commissioners on April 22, 2019, which summary is also the title or caption of said ordinance:

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**

The ordinance sets forth its purpose, goals, and specifically sets out definitions for terms used in the ordinance. It also creates and establishes a City of Franklin Code of Ethics to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the City are clearly established, uniform in their application and enforceable.

It also provides for appeal procedures and penalties, with both of those sections being set forth in full hereinbelow and, in addition, the summary of the remaining sections are set forth as follows:

SECTION 5. Conflicts of Interest in General. Sets forth conflict of interest situations for officers and employees of the City.

SECTION 6. Conflicts of Interest in Contracts. Sets forth conflict of interest situations for officers or employees attempting to contract with the City.

SECTION 7. Withdrawal from Participation. Sets forth when officers or employees should refrain from actions involving the City.

SECTION 8. Receipt of Gifts. Sets forth limitations on receipts of gifts by City officers and employees.

SECTION 9. Use of City Property, Equipment and Personnel. Sets forth limitations on City officers' and employees' use of City property.

SECTION 10. Misuse of Confidential Information. No officer or employee of the city or city agency shall intentionally use or disclose information acquired in the course of his/her official duties if it is used to further his/her personal or financial interest or of another entity.

SECTION 11. Political Solicitation. An officer, employee or municipal candidate may not request or authorize anyone else to request a subordinate to participate in any political activity, nor shall he/she engage in any political activity while on duty or in uniform, using city funds, supplies, etc.

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 induce, encourage or aid anyone to violate any provision of this code, and if he/she believes the code has been violated, he/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 of the meetings in a 12 month period.

SECTION 15-16. Social Media and Email. Sets forth guidelines for City officers and employees to use social media and email.

SECTION 17. Representation of Interests Before City Government. Sets for limitations on City officers and employees representing a third party's interests to the City.

SECTION 18. Post-Employment Restriction. Sets forth post-employment restrictions on working for or against the City.

SECTION 19. Nepotism Prohibited. No officer or employee of the city or city agency shall advocate the employment, etc. of a family member, or supervise the work of a family member.

SECTIONS 20 - 24. Financial Disclosure. These sections provide who must file financial statements, when to file statements and amended statements, form of statement of financial interests, control and maintenance of the statement, contents of the financial interest statements and noncompliance with filing requirements.

SECTION 25. Non-Compliance with Filing Requirements. (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.

SECTIONS 26 – 27 and SECTIONS 29-32. Enforcement and General Provisions. The City and the Barren River Regional Board of Ethics entered into a Memorandum of Agreement dated January 5, 1995 which sets forth the duties of the board. Reprisals against persons disclosing violations are prohibited. Upon a finding of guilty of a violation, the Barren River Board of Ethics may impose civil fines, removal, suspension, demotion or other disciplinary action. These sections also repeal any prior conflicting ordinances and set an effective date for this ordinance and contain a severability clause.

SECTION 28. 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 full text of this ordinance is available at City Hall during normal business hours.

CERTIFICATION

I, the undersigned City Clerk of the City of Franklin, Kentucky, hereby certify that the foregoing Summary of Ordinance No. 2019-012 of the City of Franklin, Kentucky was approved by the Board of Commissioners after second reading on April 22, 2019, and was further approved for publication following adoption according to law.

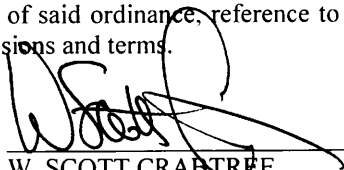
Witness my hand this 22nd day of April, 2019.



Cathy Dillard, Clerk
City of Franklin, Kentucky

PREPARATION CERTIFICATE

The undersigned Attorney at Law licensed to practice in Kentucky hereby certifies that the foregoing Summary of Ordinance No. 2019-012 of the City of Franklin, Kentucky, was prepared by the undersigned and constitutes a general summary of certain essential provisions of said ordinance, reference to the full text of which ordinance is hereby made for a complete statement of its provisions and terms.



W. SCOTT CRABTREE
Attorney at Law
212 South College Street
P. O. Box 615
Franklin, Kentucky 42135-0615