

CITY OF GLENVIEW

Ordinance No. 4, Series 1994

AN ORDINANCE ESTABLISHING A CODE OF ETHICAL CONDUCT APPLICABLE TO THE OFFICERS AND EMPLOYEES OF THE CITY OF GLENVIEW.

WHEREAS, the General Assembly of the Commonwealth of Kentucky has, pursuant to KRS 65.003, enacted legislation requiring this city to enact and enforce a Code of Ethics governing the conduct of city officers and employees beginning no later than January 1, 1995; 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.

NOW, THEREFORE, Be it ordained by the City of Glenview, Kentucky:

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

SECTION 2. Definitions. As used in this ordinance, unless the context clearly requires a different meaning:

(A) "Business" means any corporation, partnership, sole proprietorship, professional service corporation, or any other organization or legal entity through which business is conducted for profit.

(B) "Candidate" means any individual who seeks nomination or election to a city office.

(C) "Employee" means any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the city. The term "employee" shall not include any contractor or subcontractor or any of their employees.

(D) "Family member" means a spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

(E) "Officer" means any person, whether full-time or part-time, and whether paid or unpaid, who is one of the following:

- (1) The mayor.
- (2) A legislative body member.
- (3) The city clerk.
- (4) Any person who occupies a nonelected office created under KRS 83A.080.

I. STANDARDS OF CONDUCT

SECTION 3. Conflicts of Interest in General. Every officer and employee of the city shall comply with the following standards of conduct:

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

(B) No officer or employee shall intentionally use or attempt to use his or her official position with the city to secure unwarranted 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 family member has a financial interest.
- (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.

(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 action or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or a business as defined in subsection (C)(4) and (C)(5) of this section.

(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 action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, to the governing body of the city. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

SECTION 4. Receipt of Gifts. No officer or employee of the city 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), 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.

SECTION 5. Use of City Property, Equipment, and Personnel. 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 the use is specifically

authorized by a stated city policy or 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.

II. FINANCIAL DISCLOSURE

SECTION 6. Who Must File. The following officers and employees of the city shall file an annual statement of financial interests with the Board of Ethics:

- (A) Elected city officials.
- (B) Candidates for elected city office.
- (C) Members of the Board of Ethics created by this ordinance.
- (D) Nonelected officers and employees of the city who are authorized to make purchases of materials or services, or award contracts, leases or agreements involving the expenditure of more than \$100.00 dollars.

SECTION 7. When to File Statements. The initial statement of financial interests shall be filed with the Board of Ethics no later than 4:00 p.m., January 31, 1995. All subsequent statements of financial interest shall be filed no later than 4:00 p.m., on January 31st of each year, provided that any new officer or employee shall file his or her initial statement no later than thirty (30) days after the date of the appointment, and 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.

SECTION 8. Form of the Statement of Financial Interests. The statement of financial interests shall be filed on a form provided by the Board of Ethics.

SECTION 9. Control and Maintenance of the Statements of Financial Interests.

(A) The Board of Ethics shall be the "official custodian" of the statements of financial interests and shall have control over the maintenance of the statements of financial interests, which shall be public documents available for public inspection immediately upon filing.

(B) A statement of financial interests shall be retained by the Board of Ethics for a period of five (5) years.

SECTION 10. Contents of the Financial Interests Statement. The statement of financial interests shall include the following information for the preceding calendar year:

- (1) The name, home telephone number, and home address of the filer.
- (2) The title of the filer's office, office sought, or position of employment.
- (3) Information that identifies every business with which the city has transacted business or paid money to during the preceding calendar year and whether the filer has any connection with said business.

SECTION 11. Noncompliance With Filing Requirement. The Board of Ethics, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board.

III. NEPOTISM

SECTION 12. Nepotism Prohibited.

(A) No officer or employee of the city or a city agency shall advocate, recommend or cause the employment, appointment, promotion, transfer or advancement of a family member to an office or position of employment with the city or a city agency.

(B) No officer or employee of the city or a city agency shall supervise or manage the work of a family member.

(C) No officer or employee shall participate in any action relating to the employment or discipline of a family member.

IV. ENFORCEMENT

SECTION 13. Board of Ethics Created.

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

(B) The Board of Ethics shall consist of one (1) member who shall be appointed by the legislative body of the city. Unless a different individual is appointed, the City Attorney shall serve on the Board of Ethics as a part of his or her official duties. The member of the Board of Ethics shall possess a known and consistent reputation for integrity and knowledge of local government affairs. The member may be re-appointed for any number of consecutive terms.

(C) A member of the Board of Ethics may be removed by the legislative body for misconduct, inability, or willful neglect of duties.

(D) Vacancies on the Board of Ethics shall be filled within sixty (60) days by the legislative body.

(E) If the member of the Board of Ethics has a conflict of interest with respect to any matter to be considered by the Board, the member shall disclose the nature of the conflict and shall disqualify himself or herself from voting on the matter. The legislative body shall appoint a temporary member of the same qualifications for such matter only.

SECTION 14. Power and Duties of the Board of Ethics. The Board of Ethics shall have the following powers and duties:

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

(B) To issue orders in connection with its investigations and hearings requiring persons to submit in writing and under oath reports and answers to questions that are relevant to the proceedings.

(C) To refer any information concerning violations of this ordinance to the executive authority of the city, the city legislative body, the county attorney, or other appropriate person or body, as necessary.

(D) To render advisory opinions to city officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this ordinance.

(E) To enforce the provisions of this ordinance with regard to all officers and employees of the city who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this ordinance.

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

(G) To develop and submit any reports regarding the conduct of its business that may be required by the legislative body of the city.

SECTION 15. Filing and Investigation of Complaints.

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

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

(C) All proceedings and records relating to an investigation being conducted by the Board of Ethics shall be confidential until a final determination is made by the Board, except the Board may turn over to the Commonwealth's attorney or county attorney evidence which may be used in criminal proceedings.

(D) The Board shall make a determination based on its investigation whether the complaint is within its jurisdiction and valid. If the Board concludes that the complaint is outside of its jurisdiction or invalid, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.

(E) If the Board of Ethics concludes that the complaint is within its jurisdiction and valid, the Board shall notify the officer or employee who is the subject of the complaint and may:

- (1) Refer the matter to the City legislative body.

(2) Refer the matter to the County Attorney for prosecution in accordance with KRS 83A.065.

SECTION 16. Limitation of Actions. Except when the period of limitation is otherwise established by state law, an action for a violation of this ordinance must be brought within one (1) year after the violation is discovered.

SECTION 17. Penalties.

(A) Any person who violates this ordinance may be removed from office by a unanimous vote of the other members of the legislative body.

(B) Any person who violates any provision of this ordinance shall be guilty of a Class A misdemeanor.

(C) In addition to all other penalties which may be imposed under this ordinance, any officer or employee of the city who is found by the Board of Ethics to have violated any provision of this ordinance shall forfeit to the city an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation.

SECTION 18. 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 19. Conflicting Ordinances Repealed. All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

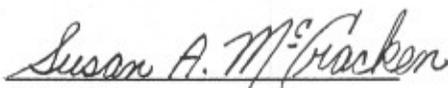
SECTION 20. Effective Date. This ordinance shall take full force and effect immediately upon publication as required by KRS 83A.060.

Given first reading on the 16 day of Nov., 1994.

Given second reading and duly enacted by the legislative body of the City of Glenview on the 21 day of Dec., 1994.


MAYOR

ATTEST:


City Clerk