

**ORDINANCE NO 12-001**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE VII, ENTITLED "ETHICAL CONDUCT OF OFFICERS AND EMPLOYEES," SECTIONS 2-314, 2-344, 2-345, 2-346 and 2-361**

WHEREAS, there is a need to amend the Code of Ethical Conduct, enacted by the City Council on December 1, 1994, to clarify the nepotism rules, to extend the financial disclosure reporting deadline and to designate the City Clerk as the official custodian for statements of financial interest;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN:

**SECTION ONE**

Code of Ordinances, Section 2-314, entitled "Definitions," is hereby amended as follows:

As used in this article, unless the context clearly requires a different meaning:

*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, or any legal entity through which business is conducted for profit.

*Board of Ethics* means the City of Georgetown Board of Ethics which is created and vested by this article with the responsibility of enforcing the requirements of the city's code of ethics.

*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.

*City* refers to the city of, Georgetown, Kentucky.

*City agency* means any board, commission, authority, nonstock corporation, or other entity created, either individually or jointly, by this city.

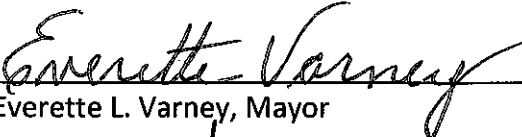
*Employee* means any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the city, any city agency and, to the extent permitted by law, any joint city/county agency. The term "employee" shall not include any contractor or subcontractor or any of their employees.

*Family member* means a spouse, parent, child, step-child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or

PUBLICLY INTRODUCED AND READ FIRST TIME: January 23, 2012

PUBLICLY READ SECOND TIME AND PASSED:

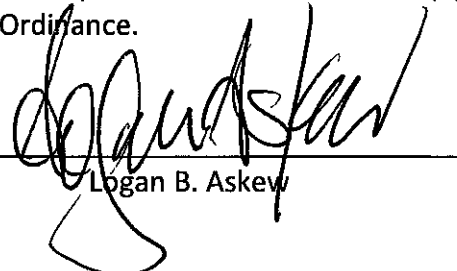
APPROVED:

  
Everette L. Varney, Mayor

ATTEST:

  
Tracie Hoffman, City Clerk

I, Logan B. Askew, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 12-001, of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.

  
Logan B. Askew

**ORDINANCE NO 12-001**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE VII, ENTITLED "ETHICAL CONDUCT OF OFFICERS AND EMPLOYEES," SECTIONS 2-314, 2-344, 2-345, 2-346 and 2-361**

WHEREAS, there is a need to amend the Code of Ethical Conduct, enacted by the City Council on December 1, 1994, to clarify the nepotism rules, to extend the financial disclosure reporting deadline and to designate the City Clerk as the official custodian for statements of financial interest;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN:

**SUMMARY**

**SECTION ONE**

Amends the definition of "Family member" to designate additional relations in Section 2-314.

Amends the due date to April 15 for the annual filing of financial statements in Section 2-344.

Appoints the City Clerk as the administrative official and custodian for maintaining the board of ethics records in Section 2-345 and Section 2-346.

Amends the criteria for family members working in the same department in Section 2-361.

**SECTION TWO**

If any section, subsection, sentence, clause, or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remaining portions of this ordinance.

**SECTION THREE**

This ordinance shall take effect after its passage and publication according to law.

The full text of Ordinance 12-001 is available for examination in the City Clerk's Office, 100 Court Street, Georgetown, Kentucky 40324 or at [www.georgetownky.gov](http://www.georgetownky.gov).

grandchild, aunt, uncle, first cousin, niece, nephew, sister-in-law, brother-in-law, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, half sister, or half brother:

*Immediate family member* means a spouse, an unemancipated child or stepchild residing 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, as a dependent for tax purposes.

*Officer* means any person, whether full-time or part-time, and whether paid or unpaid, who is one (1) of the following:

- (1) The mayor;
- (2) A legislative body member;
- (3) The city clerk;
- (4) Administrative assistant to the mayor;
- (5) The chiefs of fire and police;
- (6) Any person who occupies a non-elected office created under KRS 83A.080;
- (7) A member of any city or joint city/county board or commission who has been appointed to that body by the city.

Code of Ordinances, Section 2-344, entitled "When to file statements; amended statements," is hereby amended as follows:

- (a) The initial statement of financial interests required by this section shall be filed with the board of ethics, or the administrative official designated as the custodian of its records by the board of ethics, no later than 4:00 p.m., January 30, 1995. All subsequent statements of financial interest shall be filed no later than 4:00 p.m. on ~~January 30~~ April 15 each year, provided that:
  - (1) An officer or employee newly appointed to fill an office or position of employment shall file his or her initial statement no later than thirty (30) days after the date of the 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 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 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.

Code of Ordinances, Section 2-345, entitled "Form of the statement of financial interests", is hereby amended as follows:

The statement of financial interests shall be filed on a form prescribed by the board of ethics, or the administrative official designated by the board of ethics. The City Clerk board, ~~or the designated administrative official~~, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than ~~December 31~~ February 1 of each year. The failure of the City Clerk board, ~~or the designated administrative official~~, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement.

Code of Ordinances, Section 2-346, entitled "Control and maintenance of the statements of financial interest," is hereby amended as follows.

- (a) ~~The board of ethics~~ City Clerk shall be the "official custodian" of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interests shall be maintained by the board of ethics, or the administrative official designated by the board of ethics as the "custodian," as public documents, available for public inspection immediately upon filing.
- (b) A statement of financial interests shall be retained by the board, or the designated administrative official, for a period of five (5) years after filing, provided that:
  - (1) After the expiration of three (3) years after a person ceases to be an officer or employee, the board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person;
  - (2) After the expiration of three (3) 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;
  - (3) The retention of this document, as well as any other appropriate record of the ethics board, shall be governed by the retention and destruction schedule adopted by the archives and records commission from such time as those schedules are adopted.

Code of Ordinances, Section 2-361, entitled "Nepotism prohibited," is hereby amended as follows:

- (a) No officer or employee shall advocate, recommend or cause the:
  - (1) employment;
  - (2) appointment;
  - (3) promotion;
  - (4) transfer; or
  - (5) advancementof a family member to an office or position of employment with the city or a city agency, including any joint agency of the City and County.
- (b) No officer or employee shall supervise or manage the work of a family member. Family members are permitted to work in the same department provided that there is at least one level of management or supervision between the family members or the family members work in different divisions or on different shifts. A family member is prohibited from participating in any personnel action involving another family member.
- (c) No officer or employee shall participate in any action relating to the employment or discipline of a 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 family member is included only as a member of a class of persons or a group, and the 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 the effective date of Ordinance 12-001 ~~prior to February 22, 1994, the effective date of KRS 65.003~~ or six (6) months prior to the taking of office by a newly elected or appointed official.

## SECTION TWO

If any section, subsection, sentence, clause, or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remaining portions of this ordinance.

**SECTION THREE**

This ordinance shall take effect after its passage and publication according to law.

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PUBLICLY INTRODUCED AND READ FIRST TIME:     January 23, 2012

PUBLICLY READ SECOND TIME AND PASSED:

APPROVED:

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Everette L. Varney, Mayor

ATTEST:

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Tracie Hoffman, City Clerk