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ORDINANCE NO. 1, ²⁰¹³ 2012 Series

AN ORDINANCE AMENDING SECTIONS 39.04, 39.07, 39.12, 39.16, 39.17, 39.20, AND 39.21 OF THE CITY OF FRANKFORT CODE OF ORDINANCES

WHEREAS, the Board of Commissioners wishes to make revisions to sections 39.04, 39.07, 39.12, 39.16, 39.17, 39.20 and 39.21 of the City of Frankfort Code of Ordinances to update the City's Code of Ethics.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY that Sections 39.04, 39.07, 39.12, 39.16, 39.17, 39.20 and 39.21 of the City of Frankfort Code of Ordinances are amended as follows:

39.04: DEFINITIONS.

For purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. 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. The city's Board of Ethics which is created and vested by this chapter with the responsibility of enforcing the requirements of the city's code of ethics.

CANDIDATE. 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. The City of Frankfort.

CITY AGENCY. Any board, commission, authority, non-stock corporation or other entity created, either individually or jointly, by the city, pursuant to ordinance or statute, excepting only the Electric and Water Plant Board of the city. ~~So long as the Board adopts and maintains in effect an Ethics Policy meeting the requirements of KRS 65.003, and so long as KRS 96.171(3) and KRS 96.83 remain in effect, with a copy of this chapter.~~

DEPARTMENT HEAD. Individuals employed by the city as the head of the Sewer Department, Public Works Department, Finance Department, Fire Department, Police Department, Planning and Building Codes Department, Parks and Recreation Department, and other individuals that may be designated as a Department Head by the Board of Commissioners in the future.

EMPLOYEE. For purposes of Chapter 39 of the Code of Ordinances only, Any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides

service to the city or who has been appointed by the Mayor or Board of Commissioners to serve on a city board or city agency created by ordinance or statute. The term **EMPLOYEE** shall not include any contractor or subcontractor or any of their employees.

FAMILY MEMBER. A spouse, parent, stepparent, child, stepchild, brother, stepbrother, sister, stepsister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild, and shall include relatives by the half blood or adoption.

IMMEDIATE FAMILY MEMBER. A spouse, an unemancipated child 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. 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) The City Manager;
- (5) Any person who occupies a nonelected office created under KRS 83A.080;and,
- (6) A member of the governing body of any city agency who has been appointed to the governing body of the agency by the city.

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39.07: RECEIPT OF GIFTS.

No officer or employee of the city or any city agency shall directly, or indirectly through any person or business, solicit or accept any gift of any money whatsoever. ~~No~~ or gift of any service, loan, travel, entertainment, hospitality or any other form having a fair market value of more than \$50 ~~shall be accepted from any donor~~ in any calendar year 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/her public duties. This section shall not be construed to prohibit legitimate campaign contributions to candidates for public office, or gifts from family members.

39.12: FILING REQUIREMENTS.

(A) The following classes of officers and employees of the city and city agencies shall file an annual statement of financial interests with the Board of Ethics:

- (1) Elected city officials;
- (2) Candidates for elected city office; and
- (3) Nonelected officers and Department Heads. ~~and employees of the City, or 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 \$1,000 without chief administrative authority or board approval.~~

- (B)(1) Statements of Financial Interest shall be filed no later than 4:30 p.m. on ~~January 31,~~ February 28 each year, provided that:
- (a) An officer or employee newly-appointed to fill an office or position of employment with the city or a city agency shall file his or her initial statement no later than 30 days after the date of appointment.
 - ~~(b) A candidate for city office shall file his or her initial statement no later than 30 days after the date on which the person becomes a candidate for elected city office.~~
- (2) The Board of Ethics may upon application therefor, grant a reasonable extension of time for filing a statement of financial interests for good cause shown.
- (3) In the event there is a material or significant change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than 30 days after becoming aware of the material change, file an amended statement with the Board.

39.16 BOARD OF ETHICS CREATED.

(A)(1) There is hereby created the Board of Ethics which shall have the authorities, duties and responsibilities as set forth in this chapter to enforce the provisions of this chapter.

(A)(2): The Board of Ethics shall consist of ~~three~~ five members who shall be appointed by the Mayor, subject to the approval of the Board of Commissioners. All terms of office shall begin January 1 and end December 31. No member of the Board of Ethics shall hold any elected or appointed office or be a candidate for such office, whether paid or unpaid, or any position of employment with the city or any city agency. The members shall serve for a term of three years; except that with respect to the members initially appointed, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, and one member shall be appointed for a term of three years. Thereafter, all appointments shall be for a term of three years. Each member of the Board of Ethics shall have been a resident of the city for at least one year prior to the date of the appointment and shall reside in the city throughout the term in office. The members of the Board of Ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may be re-appointed for not to exceed two consecutive terms.

* * *

(A)(8): The presence of ~~two~~ three or more members shall constitute a quorum and the affirmative vote of two or more members in person shall be necessary for any official action to be taken. Any member of the Board of Ethics who has a conflict of interest with respect to any matter to

be considered by the Board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter and shall not be counted for purposes of establishing a quorum.

(B) Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the Board of Ethics, either directly or by contract or agreement, with the facilities, materials, supplies and staff, needed for the conduct of its business, and the Board of Ethics may contract with an attorney to represent it on an as-needed basis. The Board of Ethics' budget shall be in the City Manager's budget.

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39.17 FILING AND INVESTIGATION OF COMPLAINTS.

(A) All complaints alleging any violation of the provisions of this chapter shall be submitted to the City Clerk's office or the Chair of the Board of Ethics, or the an administrative official designated by the Board of Ethics and the receipt of the complaint shall immediately be logged in with City Clerk's office and communicated 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 working days from the date of receipt. The Board shall forward, within ten working days and to each officer or employee of the city or city agency who is the subject of the complaint, a copy of the complaint and a general statement of the applicable provisions of this chapter.

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39.20 LIMITATION OF ACTIONS.

Except when the period of limitation is otherwise established by state law, an action for a violation of this chapter must be brought within one year after the Complainant became aware of the violation.

39.21 ADVISORY OPINIONS.

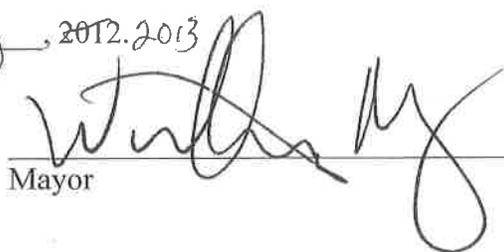
(A) The Board of Ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative, or when required by any officer or employee of the city or a city agency who is covered by this chapter.

(B) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. ~~The Requests for an advisory opinions, and shall remain confidential unless confidentiality is waived, in writing, by the requestor. A advisory opinions shall be public documents, unless otherwise provided by the State Open Records Act set forth in KRS 61.810, et seq. If requested in writing by the person seeking the advisory opinion, the person's name shall not be released.~~

- (C) ~~The Board may adopt regulations, consistent with the State Open Records Law, to establish criteria under which it will issue confidential advisory opinions. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.~~
- (D) ~~The confidentiality of an advisory opinion may be waived either:~~
- ~~(1) In writing, by the person who requested the opinion;~~
 - ~~(2) By majority vote of the members of the Board, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person (the Board may vote to make public the advisory opinion request and related materials);~~

First Reading on the 17th day of December, 2012.

Final Adoption on the 28th day of January, 2012-2013



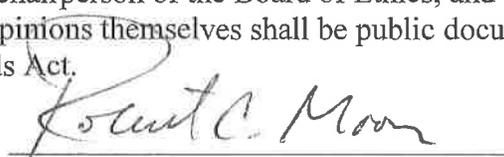
Mayor

Attest:



City Clerk

Summary: This ordinance amends the City of Frankfort's Code of Ethics by making technical clarifications, adding a definition of Department Head, requiring Department Heads to file Statements of Financial Interest, changing the date for the filing of Statements of Financial Interest to February 28 of each year, increasing the number of members of the Board of Ethics to 5, allowing an ethics complaint to be filed with the chairperson of the Board of Ethics, and stating that requests for advisory opinions and the opinions themselves shall be public documents unless otherwise provided by the state Open Records Act.



City Solicitor

Published by summary February 3, 2013.

4.1 SECOND READING: An Ordinance Amending Sections 39.04, 39.07, 39.12, 39.16, 39.17, 39.20, and 39.21 of the City of Frankfort Code of Ordinances.

Purpose: To amend Sections 39.04, 39.07, 39.12, 39.16, 39.17, 39.20, and 39.21 of the City of Frankfort Code of Ordinances to update the City's Code of Ethics.

Background: The Board of Ethics has requested the Board of Commissioners to make certain updates and revisions to the City of Frankfort Code of Ethics by making technical clarifications, adding a definition of Department Head, requiring Department Heads to file Statements of Financial Interest, changing the date for the filing of Statements of Financial Interest to February 28 of each year, increasing the number of members of the Board of Ethics to 5, allowing an ethics complaint to be filed with the chairperson of the Board of Ethics, and stating that requests for advisory opinions and the opinions themselves shall be public documents unless otherwise provided by the state Open Records Act.

This ordinance had its first reading on December 17, 2012.

Financial Analysis: The approval of the ordinance should have minimal fiscal impact on the City.

Recommendation: For approval.

Attachment:

- Ordinance.

Contact Person:

Name: Robert Moore
Title: City Attorney
Department:
Phone: 502/227-2271
Email: Rmoore@Hazelcox.com

Approved by Commission

1528-13
Rosanna W. Newman
City Clerk

SRO
1/25/13

cc - all Depts