

ORDINANCE NO. 3, 2015 SERIES

AN ORDINANCE AMENDING SECTIONS 39.04, 39.07 AND 39.15 OF THE CITY OF FRANKFORT CODE OF ORDINANCES REGARDING ETHICS

WHEREAS, the Board of Commissioners wishes to make revisions to sections 39.04, 39.07 and 39.15 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 and 39.15 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.

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.

DOES BUSINESS WITH. Contracting, entering into an agreement, leasing, or otherwise providing goods or services for compensation to or with the city or a city agency, including accepting a grant.

EMPLOYEE. For purposes of Chapter 39 of the Code of Ordinances only, any person, whether full-time, part-time, or seasonal who is employed by and paid to provide service to the city. 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 any member of the city officer's or employee's household, including co-habiting couples or significant others [~~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.

REGULATED BY. In the process of review, audit, and/or inspection by the city or a city agency.

§ 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 knowingly accept any gift of any money whatsoever or gift of any service, loan, travel, entertainment, hospitality or any other form having a fair market value of more than \$50 in any calendar year from any person or business that does business with, is regulated by, is involved in litigation with, or is attempting to influence the actions of the city or the city agency for which the officer serves or by which the employee is employed [~~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~~]. This section shall not be construed to prohibit legal legitimate campaign contributions to candidates for public office, ~~or~~ gifts from family members, door/raffle prizes available to the public, or the Board of Ethics from authorizing exceptions to this section when such an exemption would not create the appearance of impropriety.

§ 39.15 NEPOTISM.

- (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; or
- (5) Advancement of a family member of an elected officer to an office or position of employment with the city or a city agency.

(B) The City's Nepotism Policy adopted by City of Frankfort Order No. _____, 2014 Series, is hereby incorporated by reference as if fully set forth herein. [No officer or employee of the city or a city agency shall supervise or manage the work of a family member who works for the city.]

(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.

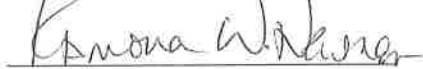
~~[(D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to January 1, 1995.]~~

First Reading on the 29th day of December, 2014.
Final Adoption on the ~~26th~~ day of January, 2015.



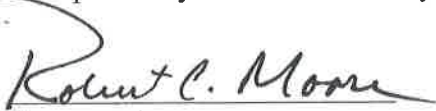
Mayor

Attest:



City Clerk

Summary: This ordinance amends the City of Frankfort's Code of Ethics by providing more specificity in Section 39.07, the ordinance prohibiting the solicitation or acceptance of gifts by City employees or City Officers. The definitions of the phrases "Does Business With" and "Regulated by" were added to Section 39.04 because these phrases are used in Section 39.07, as amended. The definition of "Family Members" was amended to make it consistent with the definition of "Family Members" in the City's Nepotism Policy. Section 39.15 was amended to incorporate by reference the City's Nepotism Policy, as adopted by City Order.



City Solicitor