

Southern Water & Sewer District Resolution Adopting Floyd County Code of Ethics

Whereas Southern Water and Sewer District is a Special District established by the Floyd County Fiscal Court pursuant to KRS Chapter 74, with its commissioners being appointed by the Floyd County Judge Executive, as prescribed by law; and

Whereas the Commissioners of Southern Water & Sewer District desire to establish a code of ethics for themselves and their employees to insure that they meet certain standards of ethical conduct in carrying out their duties as commissioners and public employees, and

Whereas Floyd County Fiscal Court has previously adopted a Code of Ethics (Ordinance No. 94-002), which by definition, includes "any board, commission, authority, non-stock corporation, or other entity formed by the County government",

NOW, THEREFORE, the Commissioners of Southern Water & Sewer District hereby adopt the "Code of Ethics" established by the Floyd County Fiscal Court pursuant to Ordinance 94-002 and its amendments, and make the Standards of Conduct and policies and procedures outlined therein applicable to all of the duly appointed commissioners and employees of Southern Water & Sewer District effective the date of this resolution.

DULY PASSED AND ADOPTED BY SOUTHERN WATER AND SEWER
DISTRICT COMMISSIONERS IN ACCORDANCE WITH THE LAWS OF THE
COMMONWEALTH OF KENTUCKY THIS THE ____ DAY OF JANUARY, 2006.

SOUTHERN WATER AND SEWER DISTRICT:

BY:

Hubert Halbert
Hubert Halbert, Chairman

ATTEST:

Paula Johnson
Paula Johnson, Secretary

Motion made by:

Bert Layne

Seconded by:

Palmer Frasure

Yea:

Paula Hall

Nay:

Paula Johnson

Hubert Halbert

Palmer Frasure

Bert Layne

1. Elected officers;
2. Candidates for elected office;
3. Management personnel such as chief deputies, department heads, and others as listed on Attachment A.
4. Officers and employees with procurement authority exceeding five hundred dollars (\$500) per purchase.
5. Members of the Floyd County Ethics Commission.

B. The financial disclosure statement shall include the following information:

1. name of the filer;
2. current business address, telephone number, and home address of filer;
3. title of filer's public office or office sought;
4. occupations of filer;
5. positions held by the filer in any business organization or nonprofit entity from which the filer received compensation in excess of \$7,500.00 during the preceding calendar year, and the name, address, and telephone number of the business organization or nonprofit entity;
6. name and address of each source of income of the filer which exceeds \$7,500.00 during the preceding calendar year, and the nature of the income, e.g., salary, commission, dividends, retirement fund distribution, etc.;
7. name and address of each business organization located within the Commonwealth in which the filer had an interest of seven thousand five hundred (\$7,500.00) at fair market value or five percent (5%) ownership interest or more;
8. the name and address of any business organization located outside of the Commonwealth of Kentucky, if the business has engaged in any business transactions within the county during the past three (3) years, or which is anticipated to engage in any business transactions within the county, in which the filer had, at any time during the preceding calendar year, an interest of \$7,500.00 at fair market value or five percent (5%) ownership interest or more;

9. the location of all (cosmercial) property within the county, in which the filer had an interest of five thousand dollars (\$7,500.00) or more, during the preceding year at fair market value;
10. the name and address of any creditor owed more than five thousand dollars (\$7,500.00) except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for personal, family, or household purposes. Also, excluded are trade debts owed to the normal suppliers to a business owned by the filer or any member of the filer's immediate family
- C. Each statement shall be signed and dated by the individual filing the statement of financial interest.
- D. The financial disclosure statements shall be filed with the Floyd County Clerk.
1. Candidates for all County offices shall file the financial reports required of her or him within ten (10) days of their official filing for elected office.
 2. Each elected County official shall file the required financial reports within ten (10) days of her or his taking office and within ten (10) days each year of the date of their taking office.
 3. The County Clerk shall give written notice of the required financial filings to the applicable persons within three (3) days of their status as a candidate or official.
 4. County employees meeting the criteria set forth in paragraphs 3 and 4 of Section IV (A) shall be required to file the Financial Disclosure Statement within ten (10) days of their employment and between January 1 and January 15 annually thereafter.
 5. At the time of the filing of the disclosure statement by those individuals required to do so, an adult member of the immediate family, as defined in this Code, shall file a statement certifying that neither he/she nor any other member of the immediate family has or had held an interest of \$7,500.00 at fair market value or more or five percent(5%) ownership or more in any business organization which is engaging in or has engaged in any business transactions with the Floyd County government or any of its agencies during the past three years, or which is expected to engage in such transactions in the coming year.

If the family member cannot so certify, then he/she shall respond affirmatively to the question on the disclosure form seeking the information set forth in Section IV.B.8. herein.
 6. The Ethics Commission will annually notify these county employees and elected officials of their duty to file the Financial Disclosure Statement.

- E.
1. The Ethics Commission 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 Commission. 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.
 2. 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 a civil fine imposed by the Commission in an amount not to exceed twenty-five dollars (\$25) per day, up to a maximum total civil fine of five hundred dollars (\$500). Any civil fine imposed by the Commission under this section may be recovered by the County in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.
 3. 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 prosecuted for a Class A misdemeanor.
- F. Any officer or employee of the county government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department or agency of the county government shall disclose such private interest to the fiscal court;
- G. Any county judge/executive, magistrate or commissioner, sheriff, jailer, coroner, constable, surveyor, county attorney, county clerk, or a member of his/her immediate family, who has a private interest in any matter pending before the court shall disclose such private interest on the records of the court and shall disqualify himself/herself from participating in any decision or vote relating thereto;
- H. Any officer or employee of an independent agency or special district to which this code of ethics applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such independent agency or special district shall disclose such private interest to the governing body of such agency or district.
- V. COUNTY ETHICS COMMISSION
- A. The County Ethics Commission shall consist of seven members; not more than one member may be a public official. The commission member selected as chairperson shall be a citizen member. A majority of the Commission's membership shall constitute a quorum. Members shall receive no compensation but they will be reimbursed all necessary expenses. The terms shall be staggered, and each term will be for a period of four years. Members shall be appointed by the County Judge Executive with the approval of the Fiscal Court.

1. All appointments shall be made no later than sixty (60) days after the adoption of this ordinance.
2. Vacancies on the County Ethics Commission shall be filled within sixty (60) days by the County Judge Executive subject to the approval of the Fiscal Court. If a vacancy is not filled by the County Judge Executive within sixty (60) days, the remaining members of the County Ethics Commission shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

B. Powers and Duties

1. The commission shall have jurisdiction over the administration of this code.
2. The commission may receive complaints; initiate investigations on its own motion; and conduct investigations, inquiries, and hearings concerning any matter covered by this code.
3. The commission may render advisory opinions whether or not a given set of facts and circumstances constitute a violation of any provision of this code.
4. The commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this code.
5. The commission shall determine whether the required statements and reports have been filed and, if filed, whether they conform with the requirements of this code. The commission shall promptly give notice to the filer to correct or explain any omission or deficiency.
6. The commission may retain private counsel at the expense of the county, if the county attorney has an actual or potential conflict. Any counsel must be preapproved by the Fiscal Court.

C. Complaint Procedure, Preliminary Investigations

1. (a) Upon a complaint signed by any person, the commission shall investigate any alleged violation of the code.
- (b) No later than ten (10) days after the commission receives the complaint, the commission shall initiate a preliminary inquiry into any alleged violation of this code.

- (c) Within thirty (30) days of the commencement of the inquiry, the commission shall forward a copy of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.
- 2. All commission proceedings and records relating to a preliminary investigation shall be confidential until a final determination is made by the commission, except:
 - (a) The commission may turn over to the commonwealth's attorney or county attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings; and
- 3. The complaint or alleged violator shall not publicly disclose the existence of a preliminary investigation, the commission shall not publicly confirm the existence of the inquiry nor make public any documents which were issued to either party.
- 4. The commission shall afford a person who is the subject of a preliminary investigation 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 and to offer evidence in response to the allegations in the complaint. The hearing procedures shall be in accordance with Attachment "B" to this ordinance which is made a part hereof.

D. Action by Commission

- 1. If the Commission concludes in its report that no violation of this ordinance has occurred, it shall immediately send written notice of this determination to the officer or employee who was the subject of the complaint and to the party who filed the complaint.
- 2. If the Commission concludes in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of this ordinance, the Commission may:
 - (a) Issue an order requiring the violator to cease and desist the violation.
 - (b) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body (if different than the executive authority) of the county or county agency with which the violator serves.
 - (c) In writing, recommend to the executive authority and the governing body (if different than the executive authority) that the violator be sanctioned as recommended by the Commission which may include a recommendation for discipline or dismissal.
 - (d) Issue an order requiring the violator to pay a civil penalty of not more than \$1,000.

- THE STATE COURT REPORTER TSS01003 1-2/11 P.11/11 P-770
- (c) Refer evidence of criminal violations of this ordinance or state laws to the county attorney or commonwealth's attorney of the jurisdiction for prosecution.

E.

Appeals

- 1. Any person found by the commission to have committed a violation of this code may appeal the action to the Circuit Court. The appeal shall be initiated within thirty (30) days after the date of the final action of the commission by filing a petition with the court against the commission. The commission shall transmit to the clerk of the court all evidence by the commission at the public hearing. The court shall hear the appeal upon the record as certified by the Commission.