

ORDINANCE NO. 985-82

AN ORDINANCE ESTABLISHING A CODE OF ETHICS WHICH APPLIES TO ALL ELECTED OFFICIALS OF THE CITY OF HUNTERS HOLLOW, BY ESTABLISHING STANDARDS OF CONDUCT, FINANCIAL DISCLOSURE, RESTRICTION ON EMPLOYMENT OF FAMILY MEMBERS, ESTABLISHING AN ENFORCEMENT MECHANISM AND PROVIDING PENALTIES FOR VIOLATION OF SAME.

WHEREAS, the General Assembly of the Commonwealth of Kentucky has enacted KRS 65.003 et seq which requires this city to enact and enforce a code of ethics governing the conduct of elected city officials 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 officials and desire to comply with all requirements of KRS 65.003 et seq.

NOW, THEREFORE, Be it ordained by the City Council of the City of Hunters Hollow, Bullitt County, Kentucky:

**SECTION 1. Title.** This Ordinance shall be known and may be cited as the "**CITY OF HUNTERS HOLLOW 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, 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.

(B) "BOARD OF ETHICS" means the City of Hunters Hollow Board of Ethics which is created and vested by this Ordinance with the responsibility of enforcing the requirements of this Ordinance.

(C) "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 court clerk, or files a declaration of intent to be a write-in candidate with the county court clerk.

(D) "CITY" refers to the City of Hunters Hollow, Bullitt County, Kentucky.

(E) "FAMILY MEMBER" means a spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild and any person who is cohabiting with the city officer or candidate for city office.

(F) "IMMEDIATE FAMILY MEMBER" means a spouse, an unemancipated child residing in the officer's household, or a person claimed by the officer, or the officer's spouse, as a dependent for tax purposes.

(G) "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) City Councilperson.

## 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 immediate 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 of this section if, by reason of the officer's or employee's participation, vote, decision, 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, as a member of any business, occupation, profession, or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession, or other group.

(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 participation, vote, decision, or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to the governing body of the city served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

**SECTION 4. Conflicts of Interest in Contracts.**

(A) No officer or employee of the city shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the city, except as follows:



(1) The prohibition in subsection (A) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to a city office, or before an employee was hired by the city. However, if any contract entered into by a city officer or employee before he or she became a candidate, was appointed to office, or was hired as an employee, is renewable after he or she become a candidate, assume the appointed office, or is hired as an employee, then the prohibition in subsection (A) of this section shall apply to the renewal of the contract.

(2) The prohibition in subsection (A) of this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing contract performance after the contract is awarded. If the officer or employee has any of the authorities set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in subpart (3) below are satisfied.

(3) The prohibition in subsection (A) of this section shall not apply in any case where the following requirements are satisfied:

(a) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city.

(b) The disclosure is made a part of the official record of the governing body of the city before the contract is executed.

(c) A finding is made by the governing body of the City that the contract with the officer or employee is in the best interests of the public and the city because of price, limited supply, or other specific reasons.

(d) The finding is made a part of the official record of the governing body of the City before the contract is executed.

(B) Any violation of this section shall constitute a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section. Additionally, a violation of this section shall be grounds for removal from office or employment with the city in accordance with any applicable provisions of state law, ordinances, rules, or regulations of the city.

**SECTION 5. 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), whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form, 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 6. Use of City Property, Equipment, and Personnel.**

(A) 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:

(1) The use is specifically authorized by a stated city policy.

(2) 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.



**SECTION 7. Representation of Interests Before City Government.**

(A) No officer or employee of the city shall represent any person or business, other than the city, in connection with any cause, proceeding, application or other matter pending before the city.

(B) Nothing in this section shall prohibit any employee from representing another employee or employees where the representation is within the context of official labor union or similar representational responsibilities.

(C) Nothing in this section shall prohibit any officer or employee from representing himself or herself in matters concerning his or her own interests.

(D) No elected officer shall be prohibited by this section from making any inquiry for information on behalf of a constituent, if no compensation, reward or other thing of value is promised to, given to, or accepted by the officer, whether directly or indirectly, in return for the inquiry.

**SECTION 8. Misuse of Confidential Information.** No officer or employee of the city shall intentionally use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use or disclosure is to further his or her personal financial interest or that of another person or business. Information shall be deemed confidential, if it is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.

**SECTION 9. Post-Employment Restriction.** No officer or employee of the city shall appear or practice before the city with respect to any matter on which the officer or employee personally worked while in the service of the city for a period of one (1) year after the termination of the officer's or employee's service with the city.

**SECTION 10. Honoraria.**

(A) No officer or employee of the city shall accept any compensation, honorarium or gift with a fair market value greater than \$100 in consideration of an appearance, speech or article unless the appearance, speech or article is both related to the officer's or employee's activities outside of municipal service and is unrelated to the officer's or employee's service with the city.

(B) Nothing in this section shall prohibit an officer or employee of the city from receiving and retaining from the city or on behalf of the city actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city and primarily for the benefit of the city and not primarily for the benefit of the officer or employee or any other person.

**FINANCIAL DISCLOSURE**

**SECTION 11. Who Must File.** The following classes of officers 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.

**SECTION 12. When to File Statements; Amended Statements.**

(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., March 1, 1995. All subsequent statements of financial interest shall be filed no later than 4:00 p.m. on February 1 each year, provided that:

(1) An officer newly-appointed to fill an office with the city 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 interests 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 shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with the Board.

**SECTION 13. Form of the Statement of Financial Interests.** 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 Board, or the designated administrative official, shall deliver a copy of the form to each officer required to file the statement, by first class mail or hand delivery, no later than January 15 of each year. The failure of the Board, or the designated administrative official, to deliver a copy of the form to any officer shall not relieve the officer of the obligation to file the statement.

**SECTION 14. 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. 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) Upon the expiration of three (3) years after a person ceases to be an officer of the city, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

(2) Upon the expiration of one (1) year 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.



**SECTION 15. Contents of the Financial Interests Statements.**

(A) The statement of financial interests shall include the following information for the preceding calendar year:

(1) The name, current business address, business telephone number, and home address of the filer.

(2) The title of the filer's office or office sought.

(3) The occupation of the filer.

(4) Information that identifies each source of income of the filer exceeding Ten Thousand dollars (\$10,000) during the preceding calendar year, and the nature of the income (e.g., salary, commission, dividends, retirement fund distribution, etc.).

(5) The name and address of any business located within the state in which the filer had at any time during the preceding calendar year an interest of Twenty Five Thousand dollars (\$25,000.00) at fair market value or Twenty Five percent (25%) ownership interest or more.

(7) The location of all real property within the county, other than the filer's primary residence, in which the filer had during the preceding calendar year an interest of twenty five thousand dollars (\$25,000.00) or more.

(8) Each source by name and address of gifts or honoraria having an aggregate fair market value of One Hundred dollars (\$100) or more from any single source, excluding gifts received from family members, received by the filer during the preceding calendar year.

(9) The name and address of any creditor owed more than Thirty Thousand dollars (\$30,000), 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.

(B) Nothing in this section shall be construed to require any officer to disclose any specific dollar amounts nor the names of individual clients or customers of businesses listed as sources of income.

**SECTION 16. Noncompliance With Filing Requirement.**

(A) 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. 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.

(B) 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 Board 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 Board under this section may be recovered by the city 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.

(C) 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 guilty of a Class A misdemeanor.

## **NEPOTISM**

### **SECTION 17. Nepotism Prohibited.**

(A) No officer of the city shall advocate, recommend or cause the:

- (1) employment;
- (2) appointment;
- (3) promotion;
- (4) transfer; or
- (5) advancement

of a family member to an office or position of employment with the city.

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

(C) No officer shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected 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.

## **ENFORCEMENT**

### **SECTION 18. 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 three (3) members who shall be appointed by the Mayor of the city, subject to the approval of the City Council. The initial members of the Board of Ethics shall be appointed within sixty (60) days of the effective date of this ordinance. No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city of any city



agency. The members shall serve for a term of three (3) years; except with the respect to the members initially appointed, one (1) member shall be appointed for a term of one (1) year, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of three (3) years. Thereafter, all appointments shall be for a term of three (3) years. No more than two (2) of the members shall be of the same political party. Each member of the Board of Ethics shall have been a resident of the city for at least two (2) years prior to the date of the appointment and shall reside in the city throughout their 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 no more than two (2) consecutive terms.

(C) A member of the Board of Ethics may be removed by the Mayor subject to the approval of the City Council for misconduct, inability, incompetence or willful neglect of duties. Before any member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the Mayor and the City Council.

(D) Vacancies on the Board of Ethics shall be filled within sixty (60) days by the Mayor, subject to the approval of the City Council. If a vacancy is not filled as herein before provided the remaining members of the Board of Ethics shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(E) Members of the Board of Ethics shall be compensated at the rate of 0 per year which will not include the attendance at any investigative hearings. If any investigative hearings are held each member of the Board of Ethics shall be compensated at the rate of 0 per day. A day shall be defined as no less than four (4) hours.

(F) The Board of Ethics shall, upon the initial appointment of its members, and annually thereafter, elect a chairperson from among the membership. The chairperson shall be presiding officer and a full voting member of the Board.

(G) Meetings of the Board of Ethics shall be held, as necessary, upon the call of the chairperson or at the written request of a majority of the members.

(H) The presence of two (2) or more members shall constitute a quorum and the affirmative vote of two (2) or more members 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 disqualify himself or herself from all consideration of the matter, and shall not be counted for purposes of establishing a quorum.

(I) Minutes shall be kept for all proceedings of the Board of Ethics and the vote of each member on any issue decided by the Board shall be recorded in the minutes.

**SECTION 19. Alternate Members.** The Mayor of the city, with the approval of the city council may appoint two (2) alternate members of the Board of Ethics who may be called upon to serve when any regular member of the Board is unable to discharge his or her duties. An alternate member shall be appointed for a term of one (1) year. Alternate members shall meet all qualifications and be subject to all of the requirements of this ordinance that apply to regular members.

**SECTION 20. Facilities and Staff.** Within the limits of the funds appropriated



by the City Council 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.

**SECTION 21. Power and Duties of the Board of Ethics.** The Board of Ethics shall have the following powers and duties:

(A) To receive and investigate complaints, hold hearings, 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 and to order testimony to be taken by deposition before any individual designated by the Board who has the power to administer oaths.

(C) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board.

(D) To refer any information concerning violations of this ordinance to the Mayor of the city, the City Council, the county attorney, or other appropriate person or body, as necessary.

(E) To render advisory opinions to city officers and candidates for elective office regarding whether a given set of facts and circumstances would constitute a violation of any provision of this ordinance.

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

(G) 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.

(H) To develop and submit any reports regarding the conduct of its business annually to the Mayor and City Council of the city.

(I) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this ordinance, provided that the rules, regulations, and actions are not in conflict with the provisions of this ordinance or any state or federal law.

**SECTION 22. Filing and Investigation of Complaints.**

(A) All complaints alleging any violation of the provisions of this ordinance shall be submitted to the Chairman of the Board of Ethics, or the administrative official designated by 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 of the city who is the subject of the complaint a copy

of the complaint and a general statement of the applicable provisions of this ordinance.

(B) Within thirty (30) days of the receipt of a complaint meeting the requirements of subsection "A" herein, the Board of Ethics shall conduct a preliminary inquiry concerning 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 a preliminary inquiry being conducted by the Board of Ethics shall be confidential until a final determination is made by the Board, except:

(1) The Board may turn over to the Commonwealth's attorney or county attorney evidence which may be used in criminal proceedings.

(D) The Board of Ethics shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this ordinance. If the Board concludes that the complaint is outside of its jurisdiction, frivolous, or without factual basis, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to the officer(s) against whom the complaint was filed.

(E) If the Board of Ethics concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Board shall notify the officer who is the subject of the complaint and may:

(1) Due to mitigating circumstances issue in writing, a confidential reprimand to the officer concerning the alleged violation and provide a copy of the confidential reprimand to the Mayor and City Council of the city.

(2) Conduct a hearing to determine whether there has been a violation.

(F) Any person who knowingly files with the Board of Ethics a false complaint alleging a violation of any provision of this ordinance by an officer of the city shall be guilty of a Class A misdemeanor.

**SECTION 23. Notice of Hearings.** If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within thirty (30) days of the date the order is issued, unless the alleged violator petitions for and the board consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator within forty-eight (48) hours of the time the order setting a hearing is issued, Saturday, Sundays and legal holiday excepted.

**SECTION 24. Hearing Procedure.**

(A) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the Board of Ethics; however, the hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the Board so as to afford all parties the full range



of due process rights required by law.

(B) Prior to the commencement of the hearing, the alleged violator, or his or her representative, shall have a reasonable opportunity to examine all documents and records including any exculpatory evidence obtained or prepared by the Board in connection with the matter to be heard.

(C) All testimony at the hearing shall be taken under oath, administered by the Chairman. All parties shall have the right to call, examine, and cross examine witness, to introduce exhibits, to submit evidence, and to be represented by counsel. All witnesses shall have the right to be represented by counsel.

(D) All hearings of the Board of Ethics shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.

(E) After the conclusion of the hearing, the Board of Ethics shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this ordinance has been proven. Within thirty (30) days after completion of the hearing, the Board shall issue a written report of its findings and conclusions.

(F) If the Board concludes in its report that no violation of this ordinance has occurred, it shall immediately send written notice of this determination to the officer who was the subject of the complaint and to the party who filed the complaint.

(G) If the Board concludes in its report that there is clear and convincing proof of a violation of this ordinance, the Board may:

(1) Issue an order requiring the violator to cease and desist the violation.

(2) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the Mayor and City Council of the city with which the violator serves.

(3) In writing, recommend to the Mayor and the City Council that the violator be sanctioned as recommended by the Board, which may include a recommendation for removal from office.

(4) Issue an order requiring the violator to pay a civil penalty of not more than \$1,000.

(5) Refer evidence of criminal violations of this ordinance or state laws to the county attorney or commonwealth's attorney of the jurisdiction for prosecution.

**SECTION 25. Appeals.** Any person who is found guilty of a violation of any provision of this ordinance by the Board of Ethics may appeal the finding to the circuit court of the county within thirty (30) days after the date of the final action by the Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the clerk of the court the entire record considered by the Board in making its determination.

**SECTION 26. 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 27. Advisory Opinions.**

(A) The Board of Ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances when requested by any officer or candidate for elective office of the city.

(B) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions.

The Board may adopt regulations, consistent with the Kentucky 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.

(C) 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 public the substance or any portion of an advisory opinion requested by or on behalf of the person.

(D) A written advisory opinion issued by the Board shall be binding on the Board in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise. However, if any fact determined by the Board to be material was omitted or misstated in the request for an opinion, the Board shall not be bound by the opinion.

(E) A written advisory opinion issued by the Board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this ordinance for actions taken in reliance on that opinion.

**SECTION 28. Reprisals Against Persons Disclosing Violations Prohibited.**

(A) No officer of the city shall subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence in any manner whatsoever which tends to discoverage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Board of Ethics any facts or information relative to an actual or suspected violation of this ordinance.

(B) This section shall not be construed as:

(1) Prohibiting punitive action if an officer of the city discloses information which they know:

(a) To be false or which he or she discloses with reckless disregard for its truth or falsity.

(b) To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884.



(c) Is confidential under any other provision of law.

**SECTION 29. Penalties.**

(A) Except when another penalty is specifically set forth in this ordinance, any officer of the city who is found by the Board of Ethics to have violated any provision of this ordinance shall be deemed guilty of a civil offense and may be subject to a civil penalty imposed by the Board of Ethics not to exceed the sum of one thousand dollars (\$1,000), which may be recovered by the city in a civil action in the nature of a debt if the offender fails to pay the penalty within a prescribed period of time.

(B) In addition to all other penalties which may be imposed under this ordinance, any officer 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 is determined by the Board to have realized as result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of a debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

(C) In addition to all other penalties which may be imposed under this ordinance or state law, a finding by the Board of Ethics that an officer of the city is guilty of a violation of this ordinance shall be sufficient cause for removal. Any action to remove any officer for a violation of this ordinance shall be taken in accordance with all applicable laws of the Commonwealth.

**SECTION 30. Effective Date.** This ordinance shall take effect on January 1, 1995.

**SECTION 31:** The Clerk is directed to advertise this ordinance as provided by law.

**SECTION 32:** Any ordinance or parts of ordinances in conflict with this Ordinance or any part of this Ordinance is hereby repealed.

**SECTION 33:** Should any section, clause, line, paragraph or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

Given first reading at a regular meeting of the City Council of the City of Hunters Hollow, Bullitt County, Kentucky, on the 18th day of October, 1994. Given second reading, voted upon, and passed at a regular meeting of the City Council of the City of Hunters Hollow, Bullitt County, Kentucky on the 15th day of November, 1994.

Votes for 3 ; Votes Against 0 ; Not Voting 0 .

  
LINDA PARKER, MAYOR

ATTEST:

  
RECKA DANIELS, CITY CLERK