

ORDINANCE #94-011AN ORDINANCE RELATING TO
THE ESTABLISHMENT OF A CODE OF ETHICS
FOR CITY OFFICIALS AND EMPLOYEES
OF THE CITY OF SPRINGFIELD

WHEREAS, the City Council of the City of Springfield has the authority, pursuant to KRS Chapter 35, to enact an ordinance establishing a Code of Ethics to guide the conduct of elected and appointed officials and employees of the City of Springfield;

AND WHEREAS, public office and employment are a public trust and the vitality and stability of representative democracy depends upon the public's confidence and the integrity of its elected and appointed representatives and;

WHEREAS, it is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct for elected and appointed officers and employees of the City shall be clear, consistent, and uniform in their application, and to provide local officers and employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duty;

BE IT THEREFORE ORDAINED by the City of Springfield, Kentucky, as follows:

I. STANDARDS OF CONDUCT

A. Conflicts of Interest - An elected or appointed officer or employee of the City shall not intentionally participate in the discussion or vote, or make a decision in his or her official capacity in any matter:

1. In which the officer, employee, or any immediate family member, or business associate will derive a monetary gain or suffer a direct monetary loss as the result of the officer's or employee's vote or decision; and

2. Which relate specifically to a business in which the officer or employee owns or controls an

interest of \$10,000 or more, or an interest of more than five percent.

3. No elected or appointed official of the City shall be deemed in violation of these provisions if, by reason of the officer's or employee's participation, vote, decision or action, no monetary or material gain accrues to the officer or employee, family member, or a business associate, 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.

B. Acceptance of Gifts - No elected or appointed officer or employee of the City or any independent agency to which the Code of Ethics applies shall knowingly accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the City; provided, however, that any such elected or appointed officer or employee of the City who is a candidate for public office may accept campaign contributions and services in connection with any such campaign as governed by the Kentucky Revised Statutes. However, no elected or appointed officer or employee of the City shall be prohibited from giving or receiving: gifts from relatives, gifts accepted on behalf of the City and transferred to the City, awards presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business, or reasonable travel and travel-related expenses, costs of admission, food and beverages, and entertainment furnished in connection with public events, appearances, ceremonies, economic development activities, or fact-finding trips related to official government business.

C. Use of City Equipment and Personnel - No elected or appointed officer or employee of the City shall use or permit the use of City property (including land, vehicles, equipment, personnel, materials and any other property) for personal convenience or profit, except when the use is generally available to citizens of the City or provided as a matter of City policy.

D. Misuse of Information - An elected or appointed officer or employee of the City shall not intentionally disclose or use information acquired in the course of his or her official duties, if the primary purpose of the disclosure is to further his or her own economic interest or that of another person. Information is considered confidential if it is not subject to disclosure pursuant to the Kentucky Open Records Act at the time of its disclosure or use.

- E. Off-duty or Outside Employment - An elected or appointed officer or employee of the City shall not accept any employment or enter into any contracts that result in a conflict of interest with their duties as an official or employee of the City. An employee of the City may be self-employed or may take occasional part-time jobs if, in the opinion of his or her supervisor/department head, there is no conflict with working hours, the employee's efficiency in his or her City work or other interests of the City. Employees wishing to take off-duty employment shall have the written approval of their supervisor/department head. City employment shall remain the first priority and if, at any time, the outside employment interferes with an employee's job requirements or performance for the City, the employee shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or his or her City employment.
- F. Representation of Persons Before City Government - No elected or appointed officer or employee of the City or any business organization in which an elected or appointed officer or employee has an interest shall represent any person or party, other than the City, in connection with any cause, proceeding, application or other matter pending before any agency of the City. Nothing shall prohibit any elected or appointed officer or employee of the City or member of his or her immediate family, from representing himself, herself, or themselves, in negotiations or proceedings concerning his or her or their own interests. No elected or appointed officer or employee of the City shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to, or accepted by the officer or a member of his or her immediate family, whether directly or indirectly in return thereof.

II. FINANCIAL DISCLOSURE

- A. The following individuals shall be required to file an annual financial disclosure statement:
1. Elected officers of the City;
 2. Candidates for elected offices of the City (A candidate is defined as one who files a notification and a declaration for nomination for City office with the County Clerk or the Secretary of State of the Commonwealth of Kentucky; or is nominated for office under the provisions of KRS 83A.165, 83A.170, 83A.175 for non-partisan elections, and KRS 118.105, 118.115, 118.325 or 118.760 for non-partisan elections.);
 3. Officers and employees with discretionary procurement authority exceeding \$500 per purchase;

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

1. Name of filer;
2. Current business address, business telephone number and home address of filer;
3. Title of filer's public office or position, or office sought;
4. Occupations of the filer and his or her spouse;
5. Information regarding each source of income of filer and filer's immediate family members (spouse and dependents living at home) from within the State of Kentucky exceeding \$10,000 during the preceding calendar year and the form of income (i.e. salary, interest, etc.)—Specific dollar amounts do not have to be listed.
6. Names and addresses of all business organizations located within Kentucky in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of \$10,000 or more. Specific dollar amounts do not have to be listed.

C. The financial disclosure statement shall be filed annually with the Board of Ethics as a repository thereof and shall be filed within 30 days after taking office or beginning employment.

D. Within 30 days after there is a material change in any information contained in a filed statement, the filer shall submit an amended statement reflecting such change.

III. NEPOTISM

A. No elected or appointed official shall appoint, vote for the appointment of, or recommend the appointment of, a family member to an office or position of employment with the City.

B. For purposes of this section, a family member shall be defined as: a spouse, a child (including step-child), sibling, parent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

C. This section shall apply to full-time permanent employees of the City. This provision shall not apply to part-time or seasonal employees so long as the relationship is fully disclosed before the employment action is taken and the minutes or municipal order reflects the relationship.

- D. This provision shall not apply to any person appointed to a City office or employed by the City prior to the effective date of this ordinance.

IV. BOARD OF ETHICS

- A. There is hereby created a Board of Ethics which shall have the authorities, duties, responsibilities as set forth in this ordinance to enforce the provisions of this ordinance.
- B. The Ethics Commission shall consist of five members. The initial members shall be selected and elected by the Board of Directors of the Springfield-Washington County Chamber of Commerce within 15 days of the effective date of this ordinance. 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, two members shall be appointed for a term of two years, and two members 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 names of the members of the Commission shall be submitted annually to the Springfield City Clerk no later than the 15th of January of each year and said list of names and addresses of the board members along with the date of the expiration of their term shall be maintained at City Hall. 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 or any City agency. The members may be reappointed for any number of consecutive terms.
- C. A member of the Board of Ethics may be removed by a majority vote of the Chamber of Commerce Board of Directors for misconduct, inability, 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 Chamber of Commerce Board of Directors.
- D. Vacancies on the Board of Ethics shall be filled within 60 days by the Chamber of Commerce Board of Directors. If a vacancy is not filled by the Chamber of Commerce within 60 days, 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 serve without compensation, but may be reimbursed by the Chamber of Commerce for all necessary and reasonable expenses incurred in the performance of their duties.
- 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 the 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 the majority of members.
- H. The presence of three or more members shall constitute a quorum and the affirmative vote of three 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 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.
- I. Minutes shall be kept for all proceedings of the Board of Ethics and filed with the City Clerk and the vote of each member on any issue decided by the Board shall be recorded in the minutes and filed with the City Clerk.
- J. The Board of Ethics shall have the following powers and duties:
 - 1. To initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to alleged violations and the provisions of this ordinance.
 - 2. To issue orders in connection with its investigations and hearings requesting persons to submit in writing and under oath reports and answers to questions that are relevant to the proceedings and to direct testimony to be taken by deposition before any individual designated by the board who has the power to administer oath.
 - 3. To administer oaths and to issue requests for the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the board. If the complainant fails to appear as requested by the Board, the complainant shall be dismissed as unfounded, absent other evidence to the contrary.

4. To refer any information concerning violations of this ordinance to the executive authority of the City, the City legislative body, the governing body of any City agency, the county attorney, and other appropriate person or body, as necessary.
5. To render advisory opinions to City officers and agencies and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this ordinance.
6. To enforce the provisions of this ordinance with regard to all officers and employees of the City and City agencies who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this ordinance.
7. To control and maintain statements of financial interests that are required to be filed by this ordinance and to ensure that the statements are available for public inspection in accordance with requirements of this ordinance and the Kentucky Open Records Act.
8. To develop and submit any reports regarding the conduct of its business that may be required by the executive authority or legislative body of the City.
9. 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.
10. As reimbursement for administering the Board of Ethics, the City shall reimburse the Springfield Washington County Chamber, on a monthly basis, an amount equal to the monthly salary of one City Council member (presently \$150). All other expenses associated with the Board of Ethics will be borne by the Chamber of Commerce unless approved by the Springfield City Council.
11. Nothing in this section shall prohibit the establishment by the Springfield Washington County Chamber of Commerce of a joint City/County Ethics Commission with expanded membership as long as the format has prior approval of the Springfield City Council and Washington County Fiscal Court.

V. PENALTY/APPEAL SECTION.

- A. The Board of Ethics, upon finding pursuant to an adjudicatory proceeding that there has been clear and convincing proof of a violation of this code may:

1. Issue an order requiring the violator to cease and desist the violation.
 2. Issue an order requiring the violator to file any report, statement, or other information as required by this code.
 3. In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to any appropriate authority.
 4. Issue an order requiring the violator to pay a civil penalty to the City of Springfield of up to five hundred dollars (\$500).
- B. The Board of Ethics may also refer to the county attorney, or Commonwealth's attorney for prosecution evidence of criminal violations of this code.
- C. Any person found by the Board of Ethics to have committed a violation of this code may appeal the action to the Washington Circuit Court. The appeal shall be initiated within thirty (30) days after the date of the final action of the Board by filing a petition with the court against the Board of Ethics. The Board shall transmit to the clerk of the court all evidence considered by the Board at its public hearing. The court shall hear the appeal upon the record as certified by the Board of Ethics.

VI. **EFFECTIVENESS.** This ordinance shall be in compliance with the statute authorizing it and any provisions inconsistent with the statute shall yield to the statute.

Enacted this 12 day of December, 1994, by the Springfield City Council.

<u>Council Member</u>	<u>Yes</u>	<u>No</u>
Tom Bystrek	<u>✓</u>	___
Mike Haydon	<u>✓</u>	___
Kathy Elliott	<u>✓</u>	___
Pat Raybourne	<u>✓</u>	___
Rosetta Smalley	<u>✓</u>	___
Charlie Mattingly	<u>✓</u>	___

FIRST READING: 11-14-94

SECOND READING: 12-12-94

PUBLISHED: 12-21-94

John W. Ceccoli
JOHN W. CECCONI, MAYOR

ATTEST: Sally Milbr
CITY CLERK

Ordinance No. 2011-003

An Ordinance Amending Ordinance #94-011 Code of Ethics for City Officials and Employees of the City of Springfield.

Whereas, the City of Springfield hereby amends section J11 to read as follows:

As reimbursement for administering the Board of Ethics, the City shall reimburse the Springfield Washington County Chamber, on a ~~monthly basis an amount equal to the monthly salary of one City Council Member (presently \$150)~~ **an annual basis (presently \$250)**. All other expenses associated with the Board of Ethics will be borne by the Chamber of Commerce unless approved by the Springfield City Council.

First Reading: March 8, 2011 Second Reading: April 12, 2011

Roll Call Vote as follows:

	YES	NO		YES	NO
Paul Borders	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Willie Ellery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lisa Haydon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Debbie Wakefield	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carolyn Hardin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brooke Coulter	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Adopted this 12th day of April, 2011 by the City Council of the City of Springfield, Kentucky.

John W. Cecconi
Mayor John W. Cecconi

Attest:
Laura [Signature]
City Clerk 4/12/11
date