

COMMONWEALTH OF KENTUCKY  
CALLOWAY COUNTY

ORDINANCE NO. 23-0719-A

**AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A CODE OF ETHICS  
FOR ELECTED AND APPOINTED OFFICIALS, EMPLOYEES AND CANDIDATES  
FOR PUBLIC OFFICE IN CALLOWAY COUNTY, KENTUCKY**

WHEREAS, the Calloway County Fiscal Court has the authority pursuant to KRS Chapter 65, to enact an ordinance establishing a Code of Ethics to guide the conduct of elected and appointed officers and employees of Calloway County, including members of the Fiscal Court, County Attorney, County Court Clerk, Jailer, Coroner, Surveyor, Constables, and the Sheriff; Be it ordained by the Fiscal Court; and,

WHEREAS public office and employment are a public trust and government has a duty to both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties, and

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

**I. DEFINITIONS:**

A. "Business Associate" includes the following:

- 1) a private employer;
- 2) a general or limited partnership, or a general or limited partner within the partnership;
- 3) a corporation that is family-owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such corporation; or,
- 4) a corporation, business association or other business entity in which the county government officer or employee serves as a compensated agent or representative.

B. "Business Organization" 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 a business is conducted for profit.

C. "Commission" means the County Ethics Commission.

D. "Candidate" means an individual who seeks nomination or election to a county government office. An individual is a candidate when the individual:

- 1) files a Notification and Declaration for nomination for office with a County Clerk or the Secretary of State; or,
- 2) is nominated for office by a political party under KRS 118.105; 118.115; 118.325 or 118.760.

E. "County Government Agency" means any Board, Commission, authority, non-stock corporation or other entity formed by the county government or a combination of local governments.

F. "County Government Employee" means any person, whether compensated or not, whether full-time, part-time, or seasonal, employed by or serving the county government or county government agency who is not a County Government Officer, but shall not mean any employees of a school board or school district.

G. "County Government Officer" means any person, whether compensated or not, whether full-time, part-time, who is elected to any county government office; or any person who serves as a member of the governing body of any county government agency, Board, Commission or special taxing or non-taxing district, appointed by the County Judge Executive or by Calloway Fiscal Court, but shall not mean any officer of a school district or school board.

H. "Member of Immediate Family" means a spouse, domestic partner, an un-emancipated child residing in an officer's or employee's household, or a person claimed by the individual or individual's spouse as a dependent for tax purposes.

## II. STANDARDS OF CONDUCT

A. No county government officer or employee or member of his/her immediate family shall have any ownership interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his/her duties in the public interest.

B. No county government officer or employee shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others.

C. No county government officer or employee shall act in his/her official capacity in any matter where he, a member of his/her immediate family, or a business organization in which he has an ownership interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her objectivity or independence of judgment.

D. No county government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of his/her official duties. If a county government officer or employee is engaged in any employment or service which might reasonably be expected to prejudice his/her independence of judgement, he shall do one of the following:

- 1) sever himself/herself from said employment or service; or,
- 2) disqualify himself/herself from all votes, decisions, meetings, or discussions, which would reasonably be expected to prejudice his/her independence of judgement in the exercise of his/her official duties.

E. No officer, employee, board or commission member of the county or any county agency shall directly or indirectly through any other person or business, solicit or accept any gift having a fair market value of more than \$200, 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 expected to influence the officer, employee, board or commission member in the performance of his/her public duties; Except'

- 1) Unsolicited gratuities, regardless of value, when such gratuities are offered to and remain the property of the County or County Agency;
- 2) Admission to event to which they are invited in their official capacity as a Public Official;

- 3) Campaign contributions or services in connection with their political campaign;
- 4) Loans made in the ordinary course of business;
- 5) Gifts received from family members; or,
- 6) An occasional non-monetary award publicly presented by a nonprofit organization for performance or public service.

F. No county government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business or reasonable hosting, including travel and expenses, entertainment, meals, or refreshments furnished in connection with public events, appearances, ceremonies, or fact-finding trips related to official county government business.

G. No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.

H. No county government officer or employee shall use, or allow to be used, his/her public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his/her office or employment, for the purpose of securing financial gain for himself/herself, any member of his/her immediate family, or any business organization with which he is associated.

I. No county government officer or employee or business organization in which he has an ownership interest shall represent any person or party other than the local county government in connection with any cause, proceeding, application or other matter pending before any agency on any local county government matter, in which he serves.

J. No county government officer shall be deemed in conflict with these provisions if, by reason of his/her participation in the enactment of any ordinance, resolution, or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

K. No elected county government officer shall be prohibited from making an inquiry for information or providing assistance 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/her immediate family, whether directly or indirectly, in return.

L. Nothing shall prohibit any county government officer or employee, or members of his/her immediate family, from representing himself/herself or themselves in negotiations or proceedings concerning his/her or their own interests.

M. No local government officer, his/her spouse or un-emancipated child shall have any ownership interest in any real or personal property leased for compensation by Calloway County Government.

N. Any county government officer or employee or any member of their immediate family, 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 or the Commission.

O. Any County Judge Executive, Magistrate, Commissioner, Sheriff, Jailer, Coroner, Constable, Surveyor, County Attorney, County Clerk, or member of their 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.

P. Any county government officer or employee or member of his/her immediate family who is a member 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 of within such independent agency or special district shall disclose such private interest to the governing body of such agency or district.

Q. No elected county government officer, or employee of the county or any agency thereof 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 County or a County Agency, except as follows:

1) The prohibition in Subsection Q of this section shall not apply to contracts entered before an elected officer filed as a candidate for county office, before an appointed officer was appointed to a county agency or office, or before an employee was hired by the County or a county agency. However, any contract set forth herein above which is renewable after he or she becomes a candidate, assumes the elected or appointed office, or is hired as an employee, then the prohibition of Subsection Q of this section shall apply to the renewal of the contract.

2) The prohibition of Subsection Q 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 requirement set forth Sub-part 3 below are satisfied.

3) The prohibition of Subsection Q 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 or employees' interest in the contract are publicly disclosed in the meeting of the governing body of the county and/or agency involved;

(b) The disclosure is made a part of the official record of the governing body of the county or agency involved before the contract is executed;

(c) A finding is made by the governing body of the County or county agency that the contract with the officer or employee is in the best interest of the public and the county agency because of price, limited supply, or other specific relevant reasons; or,

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

R. No officer or employee of the county shall use or permit the use of any county time, funds, personnel, equipment, or other personnel or real property for the private use of any person, unless:

1) The use is specifically authorized by a stated County policy; or

2) The use is available to the public, and then only to the extent and upon the terms that such use is available to the public.

S. No officer, employee, board or commission member of the County or any county agency shall intentionally use or disclose information acquired in the course of his/her official duties, if the primary purpose of the use or disclosure is to further his/her 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.

### III. FINANCIAL DISCLOSURE

A. The following individuals shall be required, as defined in the body of this document, to file a financial disclosure statement:

- 1) Elected officers;
- 2) Candidates for elected office;
- 3) Management personnel such as Chief Deputies, Department Heads; as potential conflicts of interest arise;
- 4) Officers and employees with procurement authority exceeding five hundred dollars (\$500) per purchase; as potential conflicts of interest arise; and,
- 5) Members of Boards and Commissions to which this Code of Ethics applies; as potential conflicts of interest arise.

B. The financial disclosure statement shall be on a form setting forth the above. Elected officials shall annually file the financial disclosure statement no later than February 28th.

C. Candidates shall be required to file the statement no later than twenty-one (21) days after the filing date or the date of nomination.

D. Newly appointed officers, Chief Deputies, Department Heads, officers, employees, and Board and Commission members shall be required to file their statement of financial disclosure no later than twenty-one (21) days after the initial discovery of said potential conflict of interest.

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

- 1) Name of filer;
- 2) Current business address, business telephone number and home address of filer;
- 3) Title of the filer's public office or office sought;
- 4) Occupations of filer and spouse;
- 5) Positions held by the filer and immediate family in any business organization or nonprofit entity from which the filer and immediate family received compensation more than ten thousand dollars (\$10,000) during the preceding calendar year, and the name, address, and telephone number of the business organization or nonprofit entity;
- 6) Name, address, and telephone number of each source of income of the filer and immediate family which exceeded ten thousand dollars (\$10,000) during the preceding calendar year;
- 7) Name, address, and telephone number of each business organization in which the filer and immediate family had an interest of ten thousand dollars (\$10,000) at fair market value or five percent (5%) ownership interest or more during the preceding year;
- 8) The location and type (commercial, residential, agricultural) or all real property, other than the filer's primary residence, in which the filer and immediate family had an interest of ten thousand dollars (\$10,000) or more during the past year;
- 9) Any officer or employee, or any member of his/her immediate family, 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 or the Commission;
- 10) Any County Judge/Executive, Magistrate, Sheriff, Jailer, Coroner, Surveyor, Constable, County Attorney, County Clerk, or member of his/her family, who has a private interest in any matter pending before the Fiscal Court shall disclose such private interest on the records of the Fiscal Court and shall disqualify himself/herself from participating in any decision or vote relating thereto; and,
- 11) Any officer or employee, or his/her immediate family, 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.

F. Each financial disclosure statement shall be signed and dated by the individual filing the statement of financial interest. Signing a fraudulent statement shall be a Class A misdemeanor.

G. All financial disclosure statements shall be open records. Each individual or organization requesting to view financial disclosure statements shall complete a form giving full name, address, telephone number and organization/individual represented if other than individual making request. One copy of this form shall be attached to the statement so requested and shall become a part of the record.

H. The financial disclosure statements shall be filed with the Commission. The County Clerk shall maintain the financial disclosure statements.

#### IV. NEPOTISM

A. After the effective date of this Ordinance, an immediate family member of a County Officer shall not be initially employed or appointed to a position in a governmental agency in the same County in which the officer serves, unless reviewed by the Commission with an opinion presented to the Fiscal Court. This provision shall not apply to a public officer's immediate family who, after the effective date of this Ordinance, on the date of the officer's election or appointment, has been employed for at least six (6) months in the same County in which the officer serves.

B. The prohibitions in this section shall not apply to any relationship or situation created by marriage after the effective date of this section, provided, however, that such relationship shall be reported to the Commission which may recommend lateral transfer, substitute supervision, or other personnel action to eliminate or ameliorate the adverse effects of the relationship.

C. No county government officer or county government employee shall act in his/her official capacity to hire or cause to be hired any member of his/her immediate family at an hourly pay rate or with benefits in excess of any other employee with similar job duties, responsibilities, and qualifications requirements.

#### V. COUNTY ETHICS COMMISSION

A. The Commission shall consist of five (5) members; no Commission member may be a public official. The commission member selected as chairperson shall be a citizen member. The County Judge/Executive shall appoint members with the approval of the Fiscal Court. Members shall receive no compensation but may be reimbursed all necessary expenses. The term of members shall be staggered and no longer than four (4) years.

1) All appointments shall be made no later than sixty (60) days after the adoption of this Ordinance;

2) Vacancies on the 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 Commission shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term; and,

3) Any member of the Commission who fails to attend two (2) scheduled meetings within any calendar year, without just cause as determined by the Commission, shall be considered to have resigned his/her position and a vacancy shall be declared for that position to be filled as set out above.

#### B. Powers and Duties of the Commission

- 1) The Commission shall have authority over the administration of this Ordinance;
- 2) The Commission may receive complaints; initiate investigations on its own motion; and conduct investigations, inquiries, and hearings concerning any matter covered by this Ordinance;
- 3) The Commission may render advisory opinions whether a given set of facts and circumstances constitute a violation of any provision of this Ordinance;
- 4) The Commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this Ordinance;
- 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 Ordinance. 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 pre-approved by the Fiscal Court; and,
- 7) The Commission shall meet after March 1<sup>st</sup> and before March 31<sup>st</sup> of each calendar year to review financial disclosure statements that are filed by county officials, employees, and candidates for an elected position.

#### C. Complaint Procedure; Preliminary Investigations

- 1) The Commission shall determine whether the required financial disclosure statements and reports have been filed, and if filed, whether they conform with the requirement of Section III. The Commission shall give notice within 15 days from the Commission's review to a filer that deficiencies in and/or corrections to a required report need to be filed with the Commission. Such notice shall be in writing and explained to the filer in detail by the Commission. The filer of such a report found to be deficient shall have 15 days to resubmit the required report to the Commission;
- 2) Upon a complaint signed under penalty of perjury by any person, or upon its own motion, the Commission shall investigate any alleged violation of this Ordinance;
- 3) 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 Ordinance;
- 4) 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;
- 5) 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 County Attorney or Commonwealth's Attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings.
- 6) The person filing 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;
- 7) The Commission shall afford a person who is the subject of the 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; and,
- 8) Any person who knowingly files with the Commission a false complaint of misconduct on the part of any elected or appointed official or other person shall be guilty of a Class A misdemeanor.

#### D. Actions by Commission

1) If the Commission concludes in the 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:

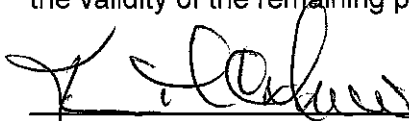
- (a) Issue an order requiring the violator to cease and desist the violation;
- (b) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body (if different than the executive authority) of the County or county agency 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 violation 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 one thousand dollars (\$1,000); and,
- (e) Refer evidence of criminal violations to this Ordinance or State Law to the County Attorney or Commonwealth's Attorney of the jurisdiction for prosecution.

E. Appeals

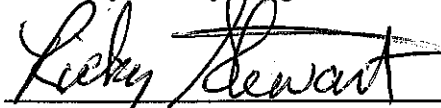
1) Any person found by the Commission to have committed a violation of this Ordinance may appeal the action to the Calloway County Circuit Court. The appeal shall be initiated within thirty (30) days after the date of the final action of the Commission by filing a petition with the Circuit Court against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

F. Severability

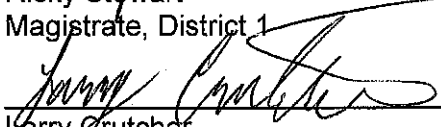
1) If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.



Kenneth Imes  
Calloway County Judge-Executive




Ricky Stewart  
Magistrate, District 1



Larry Crutcher  
Magistrate, District 2



Don Cherry  
Magistrate, District 3



Paul Rister  
Magistrate, District 4

Publication of Passage occurred on the 20<sup>th</sup> day of July, 2023.

Attested to as officially adopted and published by: Antonia Faulkner

Antonia Faulkner  
Clerk of Calloway County, Kentucky



**CALLOWAY COUNTY GOVERNMENT  
STATEMENT OF FINANCIAL DISCLOSURE**

**Calendar Year - \_\_\_\_\_**

TO BE FILED NO LATER THAN FEBRUARY 28th OF EACH YEAR. COMPLETED THROUGH DECEMBER 31 OF THE PROCEEDING YEAR. RETURN TO THE CALLOWAY COUNTY CLERK.

Use additional sheets if necessary. Number of additional sheets attached: \_\_\_\_\_

TYPE OF STATEMENT:      ANNUAL \_\_\_\_\_      CANDIDATE \_\_\_\_\_

NAME: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

BUSINESS TELEPHONE: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_

TITLE OF PUBLIC POSITION OR OFFICE SOUGHT: \_\_\_\_\_

OTHER OCCUPATIONS OF FILER: \_\_\_\_\_

OCCUPATIONS OF SPOUSE: \_\_\_\_\_

Positions held by the filer or his spouse in any business, partnership, corporation for profit, or corporation not for profit from which the filer receives compensation, and the name of that business, partnership, or corporation.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names and addresses of all businesses, investments, or securities in which the filer, filer's spouse, or filer's minor children had at any time during the reporting year an interest of \$10,000 at fair market value or 5% ownership interest or more.

\_\_\_\_\_  
\_\_\_\_\_  
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Sources of gross income of the filer and his spouse, information concerning the source, and the form of the income.

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All positions of a fiduciary nature in a business.

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A designation as commercial, residential, or rural, and the location of all real property, other than the filer's primary residence, in which there is an interest of ten thousand dollars (\$10,000) or more held by the filer, his spouse, or children.

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Sources of gifts of money or property with a retail value of more than two hundred dollars (\$200) to the filer or the filer's immediate family, except those from a member of the filer's family.

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The name of any creditor owed more than ten thousand dollars (\$10,000), except debts arising from the purchase of consumer goods. As used in this paragraph, the term "consumer goods" has the same meaning as in KRS 355.9-102.

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The name of any legislative agent who is:

1. A member of the filer's immediate family;
2. A partner of the filer, or a partner of a member of the filer's immediate family;
3. An officer or director of the filer's employer;
4. An employer of the filer or an employer of a member of the filer's immediate family; or
5. A business associate of the filer or a business associate of a member of the filer's immediate

family.

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The names of any of the filer's clients who are legislative agents or employers.

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"If you have held a professional license during the filing period, has a properly licensed partner of yours engaged in the practice of cases or other matters which you are prohibited from practicing under KRS 6.744?" If the filer responds affirmatively, he shall also list the names of the clients represented and list the agencies before which the partner made an appearance. These lists shall be separate and need not identify which client was represented before a specific agency.

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I certify that the above information is true and correct to the best of my knowledge. I understand that signing a fraudulent statement is a Class A misdemeanor. I also understand that the information contained in this statement is considered an open record.

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(Date)

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(Signature of Applicant)

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(Printed Name of Applicant)