

1 AN ACT relating to codes of ethics for local governments.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 65.003 is amended to read as follows:

4 (1) (a) The governing body of each city, county, urban-county, consolidated local
5 government, and charter county, shall adopt, by ordinance, a code of ethics
6 which shall apply to all elected officials of the city, county, urban-county,
7 consolidated local government, or charter county, and to appointed officials
8 and employees of the city, county, urban-county, consolidated local
9 government, or charter county government, or agencies created jointly, as
10 specified in the code of ethics. The elected officials of a city, county, or
11 consolidated local government to which a code of ethics shall apply include
12 the mayor, county judge/executive, members of the governing body, county
13 clerk, county attorney, sheriff, jailer, coroner, surveyor, and constable but do
14 not include members of any school board. Agencies created jointly may
15 include planning or administrative commissions or boards. Candidates for the
16 local government elective offices specified in this subsection shall comply
17 with the annual financial disclosure statement filing requirements contained in
18 the code of ethics.

19 (b) The boards, officers, and employees of special purpose governmental entities
20 shall be subject to a code of ethics as provided in KRS 65A.070. As used in
21 this section, special purpose governmental entity has the same meaning as in
22 KRS 65A.010.

23 (2) Any city, county, or consolidated local government may enter into a memorandum
24 of agreement or an interlocal agreement with one (1) or more other cities, counties,
25 or consolidated local governments for joint adoption of a code of ethics which shall
26 apply to all elected officials of the cities, counties, or consolidated local
27 governments, and to appointed officials and employees as specified by each of the

1 cities, counties, or consolidated local governments which enters into the agreement.
2 Interlocal agreements shall be executed pursuant to the Interlocal Cooperation Act
3 in KRS 65.210 to 65.300. The interlocal agreement or memorandum of agreement
4 may provide for but shall not be limited to:

- 5 (a) The provision of administrative services relating to the implementation of a
6 code of ethics;
- 7 (b) The creation of a regional ethics board which serves independently to provide
8 advice to member governments and their officials and provides for the
9 enforcement of locally adopted codes of ethics; and
- 10 (c) Contracting by a memorandum of agreement with an area development
11 district for the provision of administrative services relating to the
12 implementation of a code of ethics.

13 Candidates for the city, county, or consolidated local government elective offices
14 specified in this subsection shall comply with the annual financial disclosure
15 statement filing requirements contained in the code of ethics.

16 (3) Each code of ethics adopted as provided by subsection (1) or (2) of this section, or
17 amended as provided by subsection (4) of this section, shall include but not be
18 limited to provisions which set forth:

- 19 (a) Standards of conduct for elected and appointed officials and employees;
- 20 (b) Requirements for creation of financial disclosure statements, which shall be
21 filed annually by all candidates for the city, county, or consolidated local
22 government elective offices specified in subsection (1) of this section, elected
23 officials of each city, county, or consolidated local government, and other
24 officials or employees of the city, county, or consolidated local government,
25 as specified in the code of ethics, and which shall be filed with the person or
26 group responsible for enforcement of the code of ethics;
- 27 (c) A policy on the employment of members of the families of officials or

1 employees of the city, county, or consolidated local government, as specified
2 in the code of ethics; and

3 (d) The designation of a person or group who shall be responsible for
4 enforcement of the code of ethics, including maintenance of financial
5 disclosure statements, all of which shall be available for public inspection,
6 receipt of complaints alleging possible violations of the code of ethics,
7 issuance of opinions in response to inquiries relating to the code of ethics,
8 investigation of possible violations of the code of ethics, and imposition of
9 penalties provided in the code of ethics.

10 (4) The code of ethics ordinance adopted by a city, county, or consolidated local
11 government may be amended but shall not be repealed.

12 (5) (a) Within twenty-one (21) days of the adoption of the code of ethics required by
13 this section, each city, county, or consolidated local government shall deliver
14 a copy of the ordinance by which the code was adopted and proof of
15 publication in accordance with KRS Chapter 424 to the Department for Local
16 Government. The Department for Local Government shall maintain the
17 ordinances as public records and shall maintain a list of city, county, or
18 consolidated local governments which have adopted a code of ethics and a list
19 of those which have not adopted a code of ethics.

20 (b) Within twenty-one (21) days of the amendment of a code of ethics required by
21 this section, each city, county, or consolidated local government shall:

22 1. Deliver a copy of the ordinance by which the code was amended and
23 proof of publication in accordance with KRS Chapter 424 to the
24 Department for Local Government, which shall maintain the amendment
25 with the ordinance by which the code was adopted; and

26 2. Deliver a copy of the ordinance by which the code was amended to the
27 governing body of each special purpose governmental entity that

1 follows that establishing entity's code of ethics pursuant to KRS
2 65A.070.

3 (c) For ordinances adopting or amending a code of ethics under this section, cities
4 of the first class and consolidated local governments shall comply with the
5 publication requirements of KRS 83A.060(9), notwithstanding the exception
6 contained in that statute.

7 (6) If a city, county, or consolidated local government fails to comply with the
8 requirements of this section, the Department for Local Government shall notify all
9 state agencies, including area development districts, which deliver services or
10 payments of money from the Commonwealth to the city, county, or consolidated
11 local government. Those agencies shall suspend delivery of all services or payments
12 to the city, county, or consolidated local government which fails to comply with the
13 requirements of this section. The Department for Local Government shall
14 immediately notify those same agencies when the city, county, or consolidated local
15 government is in compliance with the requirements of this section, and those
16 agencies shall reinstate the delivery of services or payments to the city, county, or
17 consolidated local government.

18 (7) Notwithstanding KRS 67C.103(14)(e), a simple majority of the legislative council
19 of a consolidated local government may delegate its authority to issue
20 administrative subpoenas for the attendance and testimony of witnesses and the
21 production of documents relevant to possible violations of the code of ethics to the
22 person or a majority of the group responsible for enforcement of a code of ethics.
23 Subpoenas shall be served in the same manner as subpoenas for witnesses in civil
24 cases. Compliance with the subpoenas shall be enforceable by the Circuit Court.
25 Any failure to obey an order of the court may be punished by the court as contempt
26 thereof.

27 **(8) Any person subject to a final order issued by a person or group responsible for**

1 *enforcement of a code of ethics may appeal the order to the Circuit Court of the*
2 *county in which the person or group that issued the order is located. The Rules of*
3 *Civil Procedure shall, so far as applicable, govern the procedure on appeal. An*
4 *appeal from the judgment of the Circuit Court may be taken to the Court of*
5 *Appeals.*

6 ➔Section 2. KRS 65.8831 is amended to read as follows:

- 7 (1) An appeal from any final order issued pursuant to KRS 65.8829(7)(c)2., or pursuant
8 to KRS 65.8828(4) or (6) may be made to the District Court of the county in which
9 the local government is located within thirty (30) days of the date the order is
10 issued, *except that an appeal from a final order of a person or group responsible*
11 *for the enforcement of a local code of ethics shall be to the Circuit Court as*
12 *provided in subsection (8) of Section 1 of this Act.* The appeal shall be initiated by
13 the filing of a complaint and a copy of the final order in the same manner as any
14 civil action under the Rules of Civil Procedure. The District Court shall review the
15 final order de novo.
- 16 (2) A judgment of the District Court may be appealed to the Circuit Court in
17 accordance with the Rules of Civil Procedure.
- 18 (3) If no appeal from a final order is filed within the time period set forth in subsection
19 (1) of this section, the order shall be deemed final for all purposes.