

THE CITY OF PARK HILLS, KENTUCKY  
ORDINANCE NO. 1, 2012

AN ORDINANCE OF THE CITY OF PARK HILLS, KENTUCKY:

- (I) DESIGNATING THE CITY ATTORNEY AND CITY ENGINEER AS INDEPENDENT CONTRACTORS OF THE CITY, AND NOT OFFICERS OR EMPLOYEES;
- (II) SUBJECTING THE CITY ATTORNEY AND CITY ENGINEER TO THE STANDARDS OF CONDUCT, NEPOTISM, AND ENFORCEMENT SECTIONS OF THE CITY OF PARK HILLS CODE OF ETHICS;
- (III) CLARIFYING THE DUTIES OF THE CITY ATTORNEY, CITY ENGINEER, POLICE CHIEF, AND ZONING ADMINISTRATOR-BUILDING INSPECTOR;
- (IV) RENAMING SEVERAL TITLES AND SUBTITLES OF CHAPTER 30 (*CITY OFFICERS AND EMPLOYEES*) OF TITLE III (*ADMINISTRATION*) OF THE PARK HILLS CODE OF ORDINANCES;
- (V) AMENDING SECTIONS 30.01 (*DEFINITIONS*), 30.20 (*APPOINTMENT AND REMOVAL*), 30.21 (*CITY CLERK/ TREASURER*), 30.22 (*CITY ATTORNEY*), 30.23 (*CITY ENGINEER*), 30.24 (*CITY ZONING ADMINISTRATOR - BUILDING INSPECTOR*), 30.34 (*CHIEF OF POLICE*), 30.37 (*FINDINGS*), 30.38 (*PURPOSE AND AUTHORITY*), 30.39 (*DEFINITIONS*), 30.40 (*CONFLICTS OF INTEREST IN GENERAL*), 30.41 (*CONFLICTS OF INTEREST IN CONTRACTS*), 30.42 (*RECEIPT OF GIFTS*), 30.43 (*USE OF CITY PROPERTY, EQUIPMENT, AND PERSONNEL*), 30.44 (*REPRESENTATION OF INTEREST BEFORE CITY GOVERNMENT*), 30.45 (*MISUSE OF CONFIDENTIAL INFORMATION*), 30.46 (*POST-EMPLOYMENT RESTRICTION*), 30.47 (*HONORARIA*), 30.54 (*NEPOTISM PROHIBITED*), 30.65 (*REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED*), AND 30.66 (*PENALTIES*) OF CHAPTER 30 (*CITY OFFICERS AND EMPLOYEES*) OF TITLE III (*ADMINISTRATION*) OF THE PARK HILLS CODE OF ORDINANCES, AND CORRESPONDING SECTION NOS. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 19, 22, AND 23 OF PARK HILLS ORDINANCE NO. 3, 1999;
- (VI) REPEALING SECTION 30.27 (*CONFLICTS OF INTEREST*) OF THE PARK HILLS CODE OF ORDINANCES AND ALL REFERENCES THERETO WITHIN THE CODE; AND
- (VII) AUTHORIZING PUBLICATION OF THIS ORDINANCE IN SUMMARY FORM.

WHEREAS, That the persons serving as the City Attorney and the City Engineer of The City of Park Hills, Kentucky (the “City”) must possess and exercise the highest degrees of skill, fidelity, and loyalty in fulfilling his or her duties and responsibilities to the City; and

WHEREAS, That the present relationships of the City Attorney and the City Engineer to the City might not be unequivocal under existing law, in that they might be subject to characterization as either officers or employees of the City; and

WHEREAS, That City Council intends for the City Attorney and the City Engineer to be independent contractors of the City, and not officers or employees; and

WHEREAS, That City Council finds and determines that the general welfare of the City will be furthered by the City Attorney and the City Engineer being subject to and in compliance with the *Standards of Conduct*, *Nepotism*, and *Enforcement* subsections of the Park Hills Code of Ethics at Park Hills Code of Ordinances Sections 30.36 through 30.47 and 30.54 through 30.66, notwithstanding their status as independent contractors of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, as follows:**

**Section One.** That the following titles and subtitles within Chapter 30 (*City Officers and Employees*) of Title III (*Administration*) of the Park Hills Code of Ordinances be, and they are, amended as follows:

**TITLE III: ADMINISTRATION**

**CHAPTER**

**30. CITY OFFICERS, AND EMPLOYEES, AND PROFESSIONAL CONTRACTORS**

\* \* \* \* \*

**CHAPTER 30: CITY OFFICERS, AND EMPLOYEES, AND PROFESSIONAL CONTRACTORS**

\* \* \* \* \*

**Nonelected Officers and Professional Contractors**

**Section Two.** That Section 30.01 (*Definitions*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III of the Park Hills Code of Ordinances be, and it is, amended as follows:

30.01 DEFINITIONS.

As used in this title, unless the context otherwise requires, the following definitions shall apply:

\* \* \* \* \*

“PROFESSIONAL CONTRACTOR.” The persons serving as the City Attorney and the City Engineer.

**Section Three.** That Section 30.20 (*Appointment and Removal*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances be, and it is, amended as follows:

**NONELECTED OFFICERS AND PROFESSIONAL CONTRACTORS**

30.20 APPOINTMENT AND REMOVAL.

(A) All nonelected city officers and the Professional Contractors shall be appointed by the Mayor with the approval of Council.

(B) Such officers and Professional Contractors may be removed by the Mayor at will unless otherwise provided by statute, ordinance, or other law. KRS 83A.080(3).

(C) All officers shall take the Constitutional oath of office within thirty (30) days of receiving the notice of appointment.

**Section Four.** That Section 30.22 (*City Attorney*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances be, and it is, amended as follows:

**NONELECTED OFFICERS AND PROFESSIONAL CONTRACTORS**

\* \* \* \* \*

30.22 CITY ATTORNEY.

(A) A city attorney shall be an individual hired by the City of Park Hills, whose status shall be that of an independent contractor of the City.

(B) The term for such city attorney shall be determined by contract.

(C) The city attorney shall be a practicing attorney and a member of the Bar of the Commonwealth of Kentucky and comply in all respects with the provisions of the Kentucky Revised Statutes and Rules of the Kentucky Supreme Court.

(D) The duties of city attorney shall include attendance and active participation in all Council meetings, advising the Council and Mayor in their meetings as to legal matters, and drafting ordinances at the direction of a majority of Council, and resolutions, and orders as required by the Mayor or Council for adoption. He shall represent the interest of the city in all actions and legal proceedings that may be brought against it, and bring all suits and actions on its behalf as may be required by the Mayor or a majority of Council; he shall perform ~~any and~~ all other legal duties required by the Mayor or a majority of Council.

(E) The compensation of the city attorney shall be determined by contract.

**Section Five.** That Section 30.23 (*City Engineer*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances be, and it is, amended as follows:

**NONELECTED OFFICERS AND PROFESSIONAL CONTRACTORS**

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30.23 CITY ENGINEER.

(A) A city engineer shall be an individual hired by the City of Park Hills, whose status shall be that of an independent contractor of the City.

(B) The term of such city engineer shall be determined by contract.

(C) The city engineer shall be a person who is a licensed professional engineer in the Commonwealth of Kentucky a graduate engineer and appropriately licensed and certified to engage in engineering in the Commonwealth of Kentucky. The city engineer may utilize the services of individuals with whom he or she is employed and who are under his or her supervision. The firm for which the city engineer may be employed must be licensed and permitted to practice the profession of engineering within the Commonwealth of Kentucky.

(D) The city engineer shall perform those engineering duties and functions as that may be required by the Mayor or a majority of Council.

(E) The compensation of the city engineer shall be determined by contract.

**Section Six.** That Section 30.24 (*City Zoning Administrator - Building Inspector*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances be, and it is, amended as follows:

**NONELECTED OFFICERS AND PROFESSIONAL CONTRACTORS**

\* \* \* \* \*

**30.24 CITY ZONING ADMINISTRATOR - BUILDING INSPECTOR.**

(A) There is hereby established the office of city zoning administrator-building inspector, pursuant to KRS §83A.080, who shall take the oath of office prior to assuming his office.

(B) The term of office shall be for a period of two years running concurrently with the terms of ~~councilmen~~ council members from January 1st of the first year until December 31st of the second year or until his successor shall be appointed and qualified.

(C) The city zoning administrator-building inspector shall be a person who is knowledgeable in the field of buildings and building construction.

(D) The duties of the city zoning administrator-building inspector shall include those specified in the Zoning Code and other parts of this section and other ordinances of the city and all other duties as may be required by City Council.

(E) The compensation of the city zoning administrator-building inspector shall be set by ordinance.

(F) Notwithstanding the foregoing, the duties and responsibilities of the city zoning administrator-building inspector may be delegated by appropriate legislation to the regional planning commission having jurisdiction or authority over Kenton County, Kentucky.

**Section Seven.** That Section 30.25 (*Chief of Police*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances be, and it is, amended as follows:

**NONELECTED OFFICERS AND PROFESSIONAL CONTRACTORS**

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30.25 CHIEF OF POLICE.

- (A) There is hereby established the office of Chief of Police, pursuant to KRS §83A.080, who shall take the oath of office prior to assuming his office.
- (B) The Chief of Police shall be a full-time officer employee.
- (C) The minimum requirements for the Chief of Police shall include the following:
  - (1) Training and Experience:
    - (a.) Experience in modern police work, including supervision and responsibility.
    - (b) Graduation from an accredited high school, supplemented by formal training in modern police administration and in scientific methods of crime prevention and detection or the equivalent combination of experience and training that provides the required knowledge, skills, and abilities.
    - (c) Minimum of five (5) years full time police officer and additional five (5) years full time in command/top management position.
    - (d) Certified or certifiable under the KLEFP Fund.
    - (c) Active participant and experience in and involvement with active patrol functions.
  - (2) Special Knowledge, Skills, and Abilities:
    - (a) Thorough knowledge of the laws, ordinances, rules, and regulations affecting the official capacity and operations of the department and the city.
    - (b) Thorough knowledge of modern police practices and techniques of crime detection, criminal identification, and radio communication.
    - (c) Thorough knowledge of the principles and practices of modern police administration.
    - (d) Thorough knowledge of the geographical characteristics and road networks of the city and contiguous areas.

- (e) Considerable knowledge of printed matter and sources of information on police related matters.
  - (f) Ability to carry out special and general assignments requiring organization analysis and development of procedures and methods to maintain and approve the effectiveness and efficiency of the Police Department.
  - (g) Ability to prepare and present clear and concise reports of department activities orally and in writing.
  - (h) Ability to command others and to plan, assign, supervise, and review their work in a manner conducive to obtaining full performance and high morals.
  - (i) Ability to establish and maintain effective working relationships with employees, city officials, and the general public.
  - (J) Skill in the safe and proper use of firearms and equipment used in modern police work.
  - (k) Possess an equanimity and the physical strength and ability to perform the duties of the position.
- (D) The duties of Chief of Police shall include:
- (1) Planning, organizing, directing and coordinating the activities of the Police Department within the scope of accepted police techniques in guiding laws, ordinances, and other regulations effective in the city to prevent crime and protect life and property.
  - (2) Supervising all subordinate officers, as well as the administrative staff.
  - (3) Receiving general supervision from the Mayor and Council who review the department through reports, conferences, appraisals of the general effectiveness of police work in the city, and public reaction to services received.

**Section Eight.** That Section 30.37 (*Findings*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 2 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

\* \* \* \* \*

**Code of Ethics**

\* \* \* \* \*

30.37 FINDINGS.

The legislative body of the City of Park Hills finds and declares that:

- (A) Public office and employment with the city, and service as City Attorney and City Engineer, are public trusts.
- (B) The vitality and stability of the government of this city depends upon the public's confidence in the integrity of its elected and appointed officers, ~~and~~ employees, and Professional Contractors. Whenever the public perceives a conflict between the private interests and public duties of a city officer, ~~or~~ employee, or Professional Contractor, that confidence is imperiled.
- (C) The government of this city has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers, ~~and~~ employees, and Professional Contractors aware of the standards that the citizenry rightfully expects them to comply with while conducting their public duties.

**Section Nine.** That Section 30.38 (*Purpose and Authority*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 3 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

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**Code of Ethics**

\* \* \* \* \*

30.38 PURPOSE AND AUTHORITY.

- (A) It is the purpose of this subchapter to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for



officers, and employees, and the Professional Contractors of the city shall be clearly established, uniform in their application, and enforceable, and to provide the officers, and employees, and the Professional Contractors of the city with advice and information concerning potential conflicts of interest that might arise in the conduct of their public duties.

- (B) It is the further purpose of this ordinance to meet the requirements of KRS Chapter 65.
- (C) This subchapter is enacted under KRS 65.003, the power vested in the city pursuant to KRS 82.082, and pursuant to requirements of KRS Chapter 65.

**Section Ten.** That Section 30.39 (*Definitions*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 4 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

\* \* \* \* \*

**Code of Ethics**

\* \* \* \* \*

30.39 **DEFINITIONS.**

As used in this subchapter, 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 Northern Kentucky Regional Ethics Authority that is created and vested by this subchapter with the responsibility of enforcing the requirements of the City of Park Hills Code of Ethics.
- (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 clerk or secretary of state, is nominated for office by a political party, or files a

declaration of intent to be a write-in candidate with the county clerk or secretary of state.

- (D) "City" refers to the City of Park Hills, Kentucky.
- (E) "City agency" means any board, commission, authority, non-stock corporation, or other entity created, either individually or jointly, by the city.
- (F) "Employee" means any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides services to the city. The term "employee" shall not include any contractor or subcontractor or any of their employees.
- (G) "Family member" means a spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- (H) "Immediate family member" means a spouse, an unemancipated child residing in the officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes.
- (I) "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) A council member ~~councilman~~.
  - (3) The city clerk and any assistant or deputy city clerk, police chief, police officers, police administrative clerk, fire chief, and assistant fire chief.
  - (4) Any person who occupies a nonelected office created by city council pursuant to KRS 83A.080.
  - (5) A member of the governing body of any city agency who has been appointed to the governing body of the agency.
- (J) "Professional Contractor" means the persons serving as the City Attorney and the City Engineer.

**Section Eleven.** That Section 30.40 (*Conflicts of Interest in General*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 5 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

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**Standards of Conduct**

30.40 CONFLICTS OF INTEREST IN GENERAL

Every officer, ~~or~~ employee, Professional Contractor of the city, and every city agency shall comply with the following standards of conduct:

- (A) No officer or employee, or any immediate family member of any officer, ~~or~~ employee, or Professional Contractor shall have an interest in a business or engage in any business, transaction, or activity that is in substantial conflict with the proper discharge of the officer's, ~~or~~ employee's, or Professional Contractor's public duties.
- (B) No officer, ~~or~~ employee, or Professional Contractor 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, or Professional Contractor 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, or Professional Contractor to take or refrain from taking any discretionary action, on any matter before the city to obtain a financial benefit for any of the following:
  - (1) The officer, ~~or~~ employee, or Professional Contractor.
  - (2) A family member.
  - (3) An outside employer.
  - (4) Any business in which the officer, ~~or~~ employee, or Professional Contractor, or any family member has a financial interest.
  - (5) Any business with which the officer, ~~or~~ employee, or Professional Contractor, or any family member is negotiating or seeking

prospective employment or other business or professional relationship.

- (D) No officer, ~~or~~ employee, or Professional Contractor shall be deemed in violation of any provision in this section if, by reason of the officer's, ~~or~~ employee's, or Professional Contractor's participation, vote, decision, action or inaction, no financial benefit accrues to the officer, ~~or~~ employee, or Professional Contractor, 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, or Professional Contractor who has a prohibited financial interest that the officer, ~~or~~ employee, or Professional Contractor 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 of the interest, in writing, to the governing body of the city or city agency served by the officer, ~~or~~ employee, or Professional Contractor, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer, ~~or~~ employee, or Professional Contractor shall refrain from taking action with respect to the matter that is the subject of the disclosure.

**Section Twelve.** That Section 30.41 (*Conflicts of Interest in Contracts*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 6 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

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**Standards of Conduct**

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30.41 **CONFLICTS OF INTEREST IN CONTRACTS.**

- (A) No officer, ~~or~~ employee, or Professional Contractor of the city or any city agency 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 or a city agency with certain exceptions.

- (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 or city agency office, or before an employee was hired by the city or a city agency, or before the Professional Contractor was retained by the city as a Professional Contractor. However, if any contract entered into by a city or city agency, officer, ~~or~~ employee, or Professional Contractor before he or she became a candidate, was appointed to office, or was hired as an employee, or was retained as a Professional Contractor is renewable after he or she becomes a candidate, assumes the appointed office, ~~or~~ is hired as an employee, or is retained as a Professional Contractor, then the prohibition is 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, or Professional Contractor 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, or Professional Contractor has any of the authorities set forth in the preceding sentence, then the officer, ~~or~~ employee, or Professional Contractor 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, or Professional Contractor's interest/ or potential profit in the contract are publicly disclosed at a meeting of the governing body of the city or city agency.
  - (b) The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed.
  - (c) A finding is made by a unanimous vote of the governing body of the city or city agency that the contract with the officer, ~~or~~ employee, or Professional Contractor is in the best interest of the public and the city or city agency 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 or city agency before the contract is executed.

(4) Nothing within subsection (A) of this section shall prevent the Professional Contractors from entering into personal service contracts with the city or a city agency pursuant to Section 30.22 (City Attorney) and Section 30.23 (City Engineer).

(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, or engagement with the city in accordance with any applicable provision of state law and ordinances, rules, or regulations of the city. Upon any violation of this section, the city may seek appropriate remedies and relief against the offending officer, employee, or contractor in any court of competent jurisdiction including, without limitation, obtaining declaratory relief to void any contract in violation of this section or disgorgement of all revenues, economic benefits or gains, or other consideration obtained by any officer, employee, Professional Contractor, or other person or entity from any contract in violation of this section.

**Section Thirteen.** That Section 30.42 (*Receipt of Gifts*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 7 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

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**Standards of Conduct**

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30.42 RECEIPTS OF GIFTS.

No officer, ~~or~~ employee, or Professional Contractor of the city or any city agency shall direct, or indirectly through any other person or business, solicit or accept any gift having a fair market value of more than One Hundred Dollars (\$100.00), whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form, where the gift was intended to influence, or could reasonably be expected to

influence the officer, ~~or~~ employee, or Professional Contractor in the performance of his or her public duties, except campaign contributions.

**Section Fourteen.** That Section 30.43 (*Use of City Property, Equipment, and Personnel*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 8 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

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**Standards of Conduct**

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10.43 **USE OF CITY PROPERTY, EQUIPMENT, AND PERSONNEL.**

- (A) No officer, ~~or~~ employee, or Professional Contractor 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 Fifteen.** That Section 30.44 (*Representation of Interest Before City Government*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 9 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

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**Standards of Conduct**

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30.44 REPRESENTATION OF INTEREST BEFORE CITY GOVERNMENT.

- (A) No officer, ~~or~~ employee, or Professional Contractor of the city or any city agency shall represent any person or business, other than the city, in connection with any cause, proceeding, application or other matter pending before the city or any city agency; provided, however, that the Professional Contractors: (i) may represent other public or quasi-public entities (for example, utility companies) in conjunction with the performance of their duties, and (ii) may represent other private entities after full disclosure to Council and receiving its unanimous consent.
- (B) Nothing in this section shall prohibit an 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, or Professional Contractor from representing himself or herself in matters concerning his or her own interest.
- (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 Sixteen.** That Section 30.45 (*Misuse of Confidential Information*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 10 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

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**Standards of Conduct**

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30.45 MISUSE OF CONFIDENTIAL INFORMATION.

No officer, ~~or~~ employee, or Professional Contractor of the city or any city agency 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 Seventeen.** That Section 30.46 (*Post-Employment Restriction*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 11 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

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**Standards of Conduct**

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30.46 POST-EMPLOYMENT RESTRICTION.

No officer, ~~or~~ employee, or Professional Contractor of the city or any city agency shall appear or practice before the city or any city agency with respect to any matter on which the officer, ~~or~~ employee, or Professional Contractor personally worked while in the service of the city or city agency for a period of one (1) year after the termination of the officer's or employee's service with the city or city agency.

**Section Eighteen.** That Section 30.47 (*Receipt of Gifts*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 12 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

\* \* \* \* \*

**Standards of Conduct**

\* \* \* \* \*

30.47 HONORARIA.

- (A) No officer, ~~or~~ employee, or Professional Contractor of the city or a city agency shall accept any compensation, honorarium, or gift with a fair market value greater than One Hundred (\$100.00) Dollars' in consideration of an appearance, speech, or article unless the appearance, speech, or article is both related to the officer's, ~~or~~ employee's, or Professional Contractor's activities outside of municipal service and is

unrelated to the officer's, ~~or~~ employee's, or Professional Contractor's service with the city.

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

**Section Nineteen.** That Section 30.54 (*Nepotism Prohibited*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 19 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

\* \* \* \* \*

**Nepotism**

30.54 **NEPOTISM PROHIBITED.**

- (A) No officer, ~~or~~ employee, or Professional Contractor of the city or a city agency 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 or a city agency.

- (B) No officer or employee of the city or a city agency shall supervise or manage the work of a family member.
- (C) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget that includes compensation for a family member, provided that the family member is included only as a member of a class of persons or 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 December 15, 1994.

**Section Twenty.** That Section 30.65 (*Reprisals Against Persons Disclosing Violations Prohibited*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 22 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

\* \* \* \* \*

**Enforcement**

\* \* \* \* \*

**30.65 REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED.**

- (A) No officer, ~~or~~ employee, Professional Contractor of the city or any city agency shall be subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence, in any manner whatsoever that tends to discourage, 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 or any other agency or official of the city or the Commonwealth any facts or information relative to an actual or suspected violation of this section.
- (B) This section shall not be construed as:

- (1) Prohibiting disciplinary or punitive action if an officer, ~~or~~ employee, Professional Contractor of the city or any city agency discloses information that he or she knows:
  - (a) To be false or that he or she discloses with reckless regard 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 provision of law.

**Section Twenty-One.** That Section 30.66 (*Penalties*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and Section 23 of Park Hills Ordinance No. 3, 1999, be, and they are, amended as follows:

**POLICIES, ETHICS, CONDUCT, DISCLOSURE OF NEPOTISM**

\* \* \* \* \*

**Enforcement**

\* \* \* \* \*

30.66 **PENALTIES.**

- (A) Except when another penalty is specifically set forth in this section, any officer, ~~or~~ employee, Professional Contractor of the city or any city agency who is found by the Board of Ethics to have violated any provision of this section 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 One Thousand Dollars (\$1,000.00), that may be recovered by the city in a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.
- (B) In addition to all other penalties that may be imposed under this section, any officer, ~~or~~ employee, or Professional Contractor of the city or any city agency who is found by the Board of Ethics to have violated any provision of this section shall forfeit to the city or the city agency an amount equal to the revenue, other consideration, economic benefit or gain that the officer, ~~or~~ employee, or Professional Contractor is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of debt if the offender fails to pay the amount of the forfeiture within the period of time prescribed by the Board.

- (C) In addition to all other penalties that may be imposed under this section, a finding by the Board of Ethics that an officer, ~~or~~ employee, or Professional Contractor of the city or any city agency is guilty of a violation of this section shall be sufficient cause for removal, termination of contract, suspension, demotion, or other disciplinary action by the Mayor of the city or city agency, or by any other officer or agency having the power of removal or discipline. Any action to remove, terminate, or discipline any officer, ~~or~~ employee, or Professional Contractor for a violation of this section shall be taken in accordance with all applicable ordinances and regulations of the city and all applicable laws of the Commonwealth.

**Section Twenty-Two.** That Section 30.27 (*Conflicts of Interest*) of Chapter 30 (*City Officers, Employees, and Professional Contractors*) of Title III (*Administration*) of the Park Hills Code of Ordinances, and all references to Section 30.27 within the Code of Ordinances, be, and they are, repealed in their entirety as follows, since this subject is addressed comprehensively at Sections Thirteen and Twenty-Two of this Ordinance:

**TITLE III: ADMINISTRATION**

**CHAPTER**

**30. CITY OFFICERS, EMPLOYEES, AND PROFESSIONAL CONTRACTORS**

\* \* \* \* \*

**CHAPTER 30: CITY OFFICERS, EMPLOYEES, AND PROFESSIONAL CONTRACTORS**

\* \* \* \* \*

**Nonelected Officers and Professional Contractors**

Section

\* \* \* \* \*

~~30.27 Conflicts of Interest~~

\* \* \* \* \*

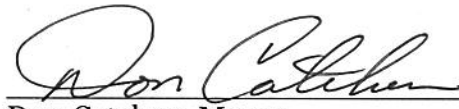
~~30.27~~ CONFLICTS OF INTEREST.

~~—No officer shall be interested in any contract with, doing any work for, or furnishing any supplies to the city. Willful violation of this prohibition shall be grounds for removal of the officer. KRS 61.250 through 61.280.~~

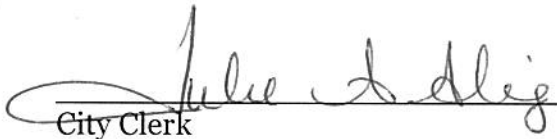
**Section Twenty-Five.** That if any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this ordinance shall continue in full force and effect.

**Section Twenty-Six.** That all other ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

**Section Twenty-Seven.** That this Ordinance shall take full force and effect upon publication as required by KRS Chapter 424 and other applicable law. This Ordinance shall be published in summary form pursuant to KRS §83A.060(9) and other applicable law.

  
\_\_\_\_\_  
Don Catchen, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

First Reading: 2/13/12  
Second Reading: 3/12/12  
Passed: 3/12/12