

**COMMONWEALTH OF KENTUCKY
KENTON COUNTY FISCAL COURT
ORDINANCE NO.121.51**

**AN ORDINANCE REPEALING ORDINANCE NUMBERS 120.0 AS AMENDED BY
ORDINANCES 120.1, 120.6 AND 121.29A RELATING TO THE ESTABLISHMENT OF
A CODE OF ETHICS FOR KENTON COUNTY AND VARIOUS COUNTY-WIDE
BOARDS, COMMISSIONS AND AGENCIES, AND EMPLOYEES IN KENTON
COUNTY, KENTUCKY AND ENACTING ORDINANCE 121.51 RE-ESTABLISHING A
CODE OF ETHICS**

WHEREAS, on December 27, 1994, the Kenton County Fiscal Court passed Ordinance No. 120.0 establishing a Code of Ethics for Kenton County; and

WHEREAS, on January 10, 1995, the Kenton County Fiscal Court passed Ordinance 121.0 amending the Code of Ethics to include Constable and deputy constables; and

WHEREAS, on November 2, 1999, the Kenton County Fiscal Court passed Ordinance 120.6 amending Section 5 relating to standards of conduct; and

WHEREAS, on December 21, 2010, the Kenton County Fiscal Court passed Ordinance 121.29A amending Section 6 relating to financial disclosures under the Code of Ethics for Kenton County; and

WHEREAS, over thirty years having passed since adopting the first Code of Ethics, the Kenton County Fiscal Court wishes to update its Ordinance; and

WHEREAS, Kenton County along with Boone and Campbell County appoint board members to tri-county and multi-county regional boards; and

WHEREAS, Kenton County has reviewed neighboring counties Codes of Ethics and desire to be consistent, to the extent possible, with counties located within Northern Kentucky;

NOW THEREFORE BE IT ORDAINED BY THE FSICAL COURT, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:

Section I

Ordinance 120.00 enacted on December 27, 1994 relating to the establishment of a code of ethics for Kenton County as Amended by Ordinance 120.1 enacted on January 10, 1995, Ordinance 120.6 enacted on November 2, 1999, and Ordinance 121.29 enacted on December 21, 2010 are repealed in their entirety and replaced by the language in Section II of this Ordinance.

Section II

GENERAL PROVISIONS

35.01 TITLE.

This Chapter shall be known and may be cited as the Kenton County Code of Ethics.

35.02 PURPOSE AND AUTHORITY.

(A) It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers, employees, board or commission members of the county shall be clearly established, uniform in their application, and enforceable, and to provide the officers, employees, board or commission of the county with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

(B) It is the further purpose of this chapter to continue to meet the requirements of KRS 65.003 as enacted by the 1994 Kentucky General Assembly.

(C) This chapter is enacted under the power vested in the Fiscal Court by KRS Chapter 67.

35.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS ASSOCIATE. Includes the following:

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

BUSINESS ORGANIZATION. 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.

CANDIDATE. Any individual who seeks nomination or election to a county government office covered by this code of ethics. An individual is a candidate when the individual files any nomination paper, statement-of-candidacy form, notification of candidacy/nomination or declaration of candidacy/nomination with the Kenton County Clerk or the Kentucky Secretary of State, to appear on a ballot as a candidate of a political party, political organization, political group or as an independent, for a county government officer.

COUNTY GOVERNMENT AGENCY. Any board, commission, authority, non-stock corporation, task force or other entity formed by the Kenton County Fiscal Court or a combination of local governments that includes the Kenton County Fiscal Court.

COUNTY GOVERNMENT AGENT. Any person, whether compensated or not, whether full-time or part-time, employed by or serving a county government agency who is not a county government officer or employee, but shall not mean any employee of a school district of school board.

COUNTY GOVERNMENT EMPLOYEE. Any person, whether compensated or not, whether full-time or part-time, employed by or serving the Kenton County Fiscal Court, but shall not mean any employee of a school district or school board.

COUNTY GOVERNMENT OFFICER. Any person, whether compensated or not, whether full-time or part time, who is elected or appointed to the county government office covered by this code of ethics including the Kenton County Judge/Executive, Kenton County Fiscal Court Commissioners, Kenton County Attorney, Kenton County Clerk, Kenton County Jailer, Kenton County Coroner, Kenton County Sheriff, Kenton County Surveyor, Kenton County Justices of the Peace/Magistrates, and Kenton County Constables.

INCOME/COMPENSATION/MONETARY GAIN. Any sums of money or remuneration required to be included as income on the recipient's federal tax return.

MEMBERS OF IMMEDIATE FAMILY. Any person who is a spouse, a resident of an individual's household, or claimed by an individual or his/her spouse as a dependent on a federal tax return.

RULE OF NECESSITY. The Kenton County Fiscal Court or county government agency may make or enter into a contract in which an county government officer, county government employee, county government agent or members of his/her immediate family or a business associates has an economic interest if the nature of the transaction and the nature of the interest is publicly disclosed on the record prior to the time it is engaged in, and a specific finding is made by the Kenton County Fiscal Court or county government agency, and is so entered on the official record of the proceedings of the governing body that, notwithstanding the conflict, it is in the best interest of the local government because of limited supply, price, or documented emergency.

35.04 STANDARDS OF CONDUCT.

(A) No county government officer, county government employee, county government agent, or member of his/her immediate family or business associate, shall have an interest in a business organization or engage in any business, transaction, or professional activity, which results in substantial conflict with the proper discharge of the county government duties of said officer, employee or agent.

(B) No county government officer, county government employee or county government agent 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, county government employee, or county government agent shall solicit or accept any gift having a fair market value of more than \$150 from any individual or business organization, per calendar year, 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 or agent in the performance of his/her county government duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public officer as governed by the Kentucky Revised Statutes.

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

(E) No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage in accordance with all applicable statutory requirements.

(F) No county government officer, county government employee or county government agent shall use, or allow to be used, his/her county government office, county government employment, county government agency, or any information, not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his/her county government office or county government employment, for the purpose of securing financial gain for himself, any member of his/her immediate family, any business associate or any business organization with which he/she is associated, except under the "rule of necessity".

(G) No county government officer, county government employee or county government agent 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, no material or monetary gain accrues to him/her 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.

(H) No county government officer shall be prohibited from making an inquiry for information of 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 therefore.

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

35.05 NEPOTISM.

No county government officer shall hire, nor shall members of the Kenton County Fiscal Court vote to hire, a member of his/her immediate family to a position that receives compensation, income, retirement contributions, or health insurance benefits from the County of Kenton/Kenton County Fiscal Court. The prohibitions in this section shall not apply to any relationship or employment situation that would otherwise violate this prohibition, but which existed prior to the adoption of this Ordinance.

35.06 RECORDS RETENTION AND MAINTENANCE.

All documents and records created as a result of this code shall be maintained by the Ethics Commission in compliance with the standards established by the Kentucky Department for Libraries and Archives.

35.07 FINANCIAL DISCLOSURES

(A) STATEMENT OF FINANCIAL INTEREST.

(1) A statement of financial interest shall be filed by all county government officers, candidates for county government office, and county government employees with procurement authority in excess of \$500. The statement shall be dated and signed under oath and filed annually with the Kenton County Ethics Commission no later than April 30.

(2) Candidates shall be required to file the statement no later than 21 days after the filing date of any nomination paper, statement-of-candidacy form, notification of

candidacy/nomination or declaration of candidacy/nomination with the Kenton County Clerk or Kentucky Secretary of State. Newly Appointed Officials shall be required to file their initial statement no later than thirty (30) days of appointment.

(B) CONTENTS OF STATEMENT.

The statement of financial interest shall include:

- (1) Name of filer, current address and phone number;
- (2) Title of filer's county government office, title of elected office sought by candidate or title of position held by county government employee required to file a statement;
- (3) Name of employers (other than the Kenton County Fiscal Court/Commonwealth of Kentucky/county agency for which the individual is employed) who paid compensation exceeding \$7,500 to the county government officer, candidate, county government employee with procurement authority in excess of \$500 or members of their immediate family as of December 31 of the reporting year. Only the name of the employer is to be listed, not the amount of compensation received.
- (4) Any loans, debts, interest paid or received and other financial considerations given to the county government officer, candidate, county government employee with procurement authority in excess of \$500, or members of their immediate family as of December 31 of the reporting year that are at a special rate not available to the general public.
- (5) The source of any other income/monetary gain or gifts in excess of \$ 150, or with a value in excess of \$150 received by the county government officer, candidate, or county government employee with procurement authority in excess of \$500 exclusive of those received from an immediate family member, grandparent, parent or child.

35.17 DISCLOSURE OF FINANCIAL INTEREST.

When any county government officer, county government employee, county government agent or any member of his/her immediate family shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within the Kenton County Fiscal Court or their county government agency a disclosure of such interest shall be immediately made to the Kenton County Fiscal Court, or governing body of such agency by the government officer, county government employee or county government agent. That disclosure shall be part of the permanent meeting records maintained by the Kenton County Fiscal Court or county government agency.

35.25 ETHICS COMMISSION

(A) COMPOSITION.

(1) The Kenton County Ethics Commission, "Ethics Commission", shall consist of three private citizen members who are residents of the County, none of whom can be County Elected Officials. One member shall be selected as chairperson by the members. The members shall be appointed by the Kenton County Judge/Executive with the approval of the Kenton County Fiscal Court. Members shall receive compensation at a rate of \$50 per diem and may be reimbursed all necessary expenses by the Kenton County Fiscal Court. Any fines levied may be used to offset costs incurred by the Ethics Commission. Staff assistance shall be made available by the Kenton County Judge/Executive or Administrator and other resources as necessary for the Ethics Commission to appropriately complete its duties shall be provided by the Kenton County Fiscal Court. The terms of members may be staggered and shall be no longer than four years. Members may be reappointed. Vacancies shall be filled within 60 days from the date a vacancy occurs. The Kenton County Judge/Executive may appoint one or more alternate members to serve temporarily if any member, or members, is unable to discharge his or her duties.

(2) An Ethics Commission member may be removed from office by at least a majority of a quorum of the Kenton County Fiscal Court, after written notice, including a clear statement of the grounds for removal, and opportunity for reply, at least 30 days before voting on removal. Grounds for removal shall be failure to meet the qualifications or limitations set forth in this code, neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or a violation of this chapter.

(B) POWERS AND DUTIES.

The Ethics Commission shall be responsible for the enforcement and administration of the Code of Ethics adopted in this chapter and shall have the following powers and duties:

- (1) To receive and review complaints alleging violation of this Code of Ethics;
- (2) To investigate, conduct hearings, adjudicate factual issues and to determine whether the alleged action, inaction or activity of a county government officer, county government employee, county government agent or candidate for county government office constitutes a violation of this Code of Ethics;
- (3) To impose penalties as set forth in this chapter upon a determination of a violation of this Code of Ethics;
- (4) When requested by a county government officer, county government employee, county government agent or candidate for a county government office, to issue

an advisory opinion concerning action, inactions or activities covered by this chapter. Such opinions shall be public and shall not disclose the identity of persons associated with the opinion. Confidential opinions may be issued, if requested by the county government officer, county government employee, county government agent or candidate for county government office, submitting the question, only if the opinion is otherwise exempt from disclosure pursuant to KRS 61.878 as amended; and

(5) The Kenton County Fiscal Court shall be the official custodian of financial disclosure statements to be filed under this Code of Ethics.

(C) COMPLAINTS.

(1) Written complaints against a county government officer, a county government employee, a county government agent or a candidate for a county government office which allege violations of this chapter may be filed by any person with the Ethics Commission and must be filed within one year of the time of the occurrence which is the subject of the complaint, or within one year of the date the occurrence was discovered or should have been discovered in the exercise of reasonable care. No unsworn complaint shall be considered by the Ethics Commission.

(2) The complaint shall be filed on a form provided by the Ethics Commission and shall contain the complaining party's name, address and contact information including telephone number, and fax number or e-mail address, if the complaining party has such contact availability. The complaint shall be made under oath and signed by the complaining party before a person who is legally empowered to administer oaths.

(3) The complaint shall contain the complaining party's sworn statement as to any known facts, details, or circumstances that support the allegation of a violation, including all acts or omissions committed by the county government officer, county government employee, county government agent or candidate for county government office.

(4) The complaining party shall file with the Ethics Commission all documents, recordings, pictures and other information which support the basis for the alleged violation.

(5) The complaining party shall provide the names and addresses of all individuals which the complaining party believes have information to support the allegation of a violation with a summary of what information the complaining party believes each named individual has to support the alleged violation.

(6) Failure of the complaining party to comply with divisions (A) - (E) above may result in dismissal of the complaint with prejudice or dismissal of individual allegations

contained in the complaint. The Ethics Commission may for cause shown allow for an amendment or supplemental filing by the complaining party, grant additional time for response by the subject of the complaint, prohibit the introduction of undisclosed information, or other such order as may be just under the circumstances.

(7) The Ethics Commission may amend a complaint by deleting allegations that do not constitute a violation of this chapter or by deleting allegations against persons or entities not covered by this chapter. The Ethics Commission may amend a complaint to include additional documents, witnesses, or materials that support the allegation or violation. The Ethics Commission may amend the complaint to state an allegation of a violation that is apparent from the complaint or amendments to the complaint.

(8) Any county government officer, county government employee, county government agent or candidate for county government office who is the subject of a complaint filed with the Ethics Commission shall be afforded due process by the Ethics Commission including, but not limited to the following:

(a) The Ethics Commission shall serve the complaint on the county government officer, county government employee, county government agent or candidate for county government office who is the subject of the complaint in a manner proscribed by the Kentucky Rules of Civil Procedure for service of process;

(b) A person against whom a complaint has been filed may file with the Ethics Commission a written response within 20 days of being served with the complaint;

(c) Within a reasonable time the Ethics Commission shall conduct a due process hearing into the allegations contained in the complaint and the person against whom a complaint has been filed shall have the right to legal counsel in all proceedings before the Ethics Commission at their own expense. The Ethics Commission shall record such hearing. The hearing shall not be open to the public unless so requested by person who is the subject of the complaint;

(d) A person who is the subject of any proceedings before the Ethics Commission shall be given not less than ten days notice of the date, time, and place of the due process hearing;

(e) The complainant shall be given not less than ten days before the scheduled hearing to appear at the time and place of the hearing. If the Ethics Commission does not find that extraordinary circumstances exist to justify the complaining party's absence, such complaint may be dismissed;

(f) Any person against whom a complaint has been filed, shall be permitted to present at any such due process hearing before the Ethics Commission, any witnesses or any electronic or documentary evidence, subject only to reasonable standards of relevance and materiality, and may examine or cross-examine all witnesses called to testify at such a proceeding;

(g) Evidence presented at any proceeding before the Ethics Commission including witnesses and electronic or documentary evidence, shall be subject to reasonable standards of relevance and materiality; and

(h) All persons testifying in any proceeding before the Ethics Commission shall first be placed under oath.

(i) Within 60 days after any due process hearing, the Ethics Commission shall issue written findings of fact and a decision. Any determination that a violation has been committed shall be based upon clear and convincing evidence. The findings of fact and decision shall be served by regular U.S. mail upon the person who is the subject of the complaint and also served by regular U.S. mail upon the complainant.

35.28 CONFIDENTIALITY REQUIREMENT.

The following confidentiality requirements are designed to protect the constitutional and civil rights of any alleged violator these county code of ethics and prevent potential county liability for released information. All charges, documents and findings shall be confidential during an open, pending investigation. After the investigation is complete and a final decision is rendered by the Kenton County Ethics Commission, the provisions of the Open Records Act shall govern the availability of the materials.

35.29 APPEAL.

Any person having been found by the Ethics Commission of violating this Ethics Code may appeal the decision to the Kenton County Circuit Court. The Kentucky Rules of Civil Procedure concerning appeals to Circuit Court shall apply to all such appeals.

35.99 PENALTY.

(A) Upon a determination by the Ethics Commission of a violation of the provisions of this Code of Ethics, §35.07 or §35.16 the Ethics Commission may impose a civil penalty not to exceed \$25 for each day that the person is non-compliant and/or may issue a letter of reprimand.

(B) Upon a determination by the Ethics Commission of a violation of any other provisions of this Code of Ethics not set forth in division (A) of this section, the Ethics Commission may impose the following civil penalties:

(1) For any unintentional violation which has been voluntarily corrected prior to any action by the Ethics Commission, a notice of mootness may be issued by the Ethics Commission;

(2) For any violation which is determined by the Ethics Commission to have been unintentional or the result of a good faith misinterpretation of the requirements, a letter of technical violation or a letter of reprimand may be issued by the Ethics Commission;

(3) For any intentional violation a letter of public reprimand may be issued by the Ethics Commission; and

(4) In addition to any of the penalties set forth herein, a monetary penalty not to exceed \$500 may be imposed by the Ethics Commission for each violation.

Section III – Severability

The provisions of this Ordinance are severable, and any section, or part of any section, or any provision of this Ordinance which is declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

Section IV – Effective Date

This Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Adopted this _____ day of _____, 2026.

1st Reading – August 24, 2026

2nd Reading - _____, 2026. Vote: _____, Yes, _____, No

Fiscal Court of Kenton County, Kentucky

By: _____
Kris Knochelmann, Judge/Executive

Attest:

Sue Kaiser, Fiscal Court Clerk