

ORDINANCE NO. 4

(Formerly Ordinance ____)

AN ORDINANCE ESTABLISHING A CODE OF ETHICAL CONDUCT APPLICABLE TO THE ELECTED AND APPOINTED OFFICIALS OF THE CITY.

Be it ordained by the City of Druid Hills:

SECTION 1. Title. This ordinance shall be known as the “City of Druid Hills Code of Ethics.” The term “official” as used herein shall mean all elected officers of the City of Druid Hills, and the clerk, treasurer and attorney appointed by the elected officers.

STANDARDS OF CONDUCT

SECTION 2. Conflicts of Interest in General. Every official of the city shall comply with the following standards of conduct:

- (A) No official, or any of their immediate family, shall have an interest in a business or engage in any business, or activity, which is in substantial conflict with the proper discharge of the official’s public duties.
- (B) No official 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.

SECTION 3. Conflicts of Interest in Contracts. No official shall directly or through others undertake or enjoy any contract made or awarded by the city.

SECTION 4. Receipt of Gifts. No official shall solicit or accept any gift having a fair market value of more than one hundred dollars (\$100) under circumstances in which it could be reasonably be inferred that the gift was intended to influence the official in the performance of his or her public duties.

SECTION 5. Use of City Property, Equipment, and Personnel. No official 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.

FINANCIAL DISCLOSURE

SECTION 6. Who Must File. All city officials shall file an annual statement of financial interests with the Board of Ethics.

SECTION 7. When to File Statements.

- (A) The initial statement of financial interests required by this section shall be filed with the Board of Ethics on or before January 31, 1995; and all subsequent statements shall be filed no later than the 31st day of January of each year, provided that:
 - (1) An official newly-appointed to fill a position with the city shall file his or her initial statement no later than thirty (30) days after the date of the appointment.

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- (B) The Board of Ethics may grant a reasonable extension of time for filing a statement of financial interests for good cause shown.

SECTION 8. Control and Maintenance of the Statements of Financial Interests. A statement of financial interests shall be retained by the Board of Ethics for a period of five (5) years after filing.

SECTION 9. Contents of the Financial Interests Statement.

- (A) The statement of financial interests shall include the following current information:
 - (1) The name and home address of the filer, and the name of the filer’s employer and/or businesses if self-employed.
 - (2) The title of the filer’s office.
 - (3) Identification of each source of income of the filer and the filer’s immediate family members -exceeding five thousand dollars (\$5,000) and the nature of the income (e.g., salary, commission, dividend, retirement fund distribution, etc.) - from any source which has done business with the City of Druid Hills in the last three (3) years or which is reasonably anticipated to be doing business with the City within the forthcoming twelve (12) months.
- (B) Nothing in this section shall be construed to require any officer or employee to disclose any specific dollar amounts nor the names of individual customers or businesses listed as sources of income.

NEPOTISM

SECTION 10. Nepotism Prohibited. No official of the City shall cause the employment, other than for temporary work, of a family member to an office or position of employment with the city.

ENFORCEMENT

SECTION 11. Ethics Administrator Created.

- (A) The Ethics Administrator shall consist of one (1) member who shall be appointed by the Mayor, subject to the approval of the Board of Commissioners. The administrator shall be appointed within sixty (60) days of the effective date of this ordinance. The Ethics Administrator shall not hold an elected or appointed office, whether paid or unpaid, with the City. The member shall serve for a term of two (2) years. He or she shall have been a resident of the City for at least a one (1) year prior to the date of the appointment and shall reside in the City throughout the term in office. The administrator shall be chosen by virtue of his or her known and consistent reputation for integrity and their knowledge of local government affairs. The member may be re-appointed for any number of consecutive years.
- (B) The Ethics Administrator may be removed by the Mayor subject to the approval of the Board of Commissioners for misconduct, inability, or willful neglect of duties.

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- (C) The Ethics Administrator shall serve without compensation, subject to having his or her necessary expenses paid by the City.

SECTION 12. Power and Duties. The Ethics Administrator shall have the following powers and duties:

- (A) To initiate investigations, receive and investigate complaints, hold hearings, make findings of fact with regard to this Ethics ordinance and/or alleged violations and issue opinions in response to inquiries of this ordinance.
- (B) To enforce the provisions of this ordinance with regard to all officials by issuing appropriate orders and/or imposing penalties provided for in this ordinance.
- (C) To maintain all statements of financial interests that are required to be filed and to insure that the statements are available for public inspection.

SECTION 13. Penalties.

- (A) Any official who is found to have violated any provision of this ordinance may be subject to a civil fine imposed by the Ethics Administrator not to exceed one thousand dollars (\$1,000), which 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 which may be imposed under this ordinance, any official who violates any provision of this ordinance shall forfeit to the city an amount equal to the economic benefit or gain which the official determined by the Ethics Administrator 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 a prescribed period of time.

SECTION 14. Severability. If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provision of this ordinance shall continue in full force and effect.

SECTION 15. Effective Date. This ordinance shall take full force and effect immediately upon publication as required by KRS 83A.060

Given first reading on the 14th day of November, 1994.

Given second reading and duly enacted by the legislative body of the City of Druid Hills on the 12th day of December, 1994.

Ben Franklin, Mayor

ATTEST:
Caroline Westfall, Clerk