

**CITY OF WEST POINT, KENTUCKY
ORDINANCE 2025-07**

**AN ORDINANCE TO ESTABLISH THE CODE OF ETHICS FOR
CITY OFFICIALS AND EMPLOYEES AMENDING AND
REPLACING IN FULL CHAPTER 38 OF THE WEST POINT
CODE OF ORDINANCES.**

WHEREAS, KRS 65.003 requires that local governments establish a Code of Ethics which shall contain certain elements;

WHEREAS, the City of West Point, along with Hardin County and the Cities of Elizabethtown, Radcliff, Vine Grove adopted a joint Code of Ethics in 1994;

WHEREAS, West Point and Hardin County officials are committed to the operation of a government that manifests the highest moral and ethical standards among its officers, employees, board or commission members, and continues its commitment to comply with all requirements of the law;

WHEREAS, this Ordinance shall be known and may be cited as the Hardin County/West Point Code of Ethics;

WHEREAS, The West Point City Council finds and declares that public office and employment with the City are public trusts and the vitality and stability of City government depends upon public confidence in the integrity of its elected and appointed officers, employees, board or commission members. Whenever the public perceives a conflict between the private interests and public duties of a city or county officer, employee, board or commission member, that confidence is imperiled; and

WHEREAS, City and County government 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, employees, board or commission members aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties.

NOW THEREFORE BE IT ORDAINED by the West Point City Council, County of Hardin, Commonwealth of Kentucky as follows:

- 1 Definitions Standards of Conduct
- 2 Conflicts of interest
- 2.1 In contracts
- 2.2 Withdrawal from participation
- 3 Receipts of gifts

17	Advisory opinions
18	Prohibited conduct against those who disclose violation
19	Penalties
20	Severability
21	Repealer

1 DEFINITIONS.

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

BOARD OF ETHICS. The County Board of Ethics which is created and vested by this chapter with responsibility of enforcing the requirements of the city's and county's Code of Ethics.

BUSINESS. 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.

CANDIDATE. Any individual who seeks nomination or election to a city or county 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, or 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.

CITY. The Cities of Elizabethtown, Radcliff, Vine Grove and West Point, Kentucky.

CITY OR COUNTY AGENCY. Any board, commission, authority, non-stock corporation or other entity created, either individually or jointly, by the city or county.

COUNTY BUSINESS means any discussion of specific county issues that goes beyond general information.

CLERK means the administrative official designated as the custodian of its records by the county's Board of Ethics which shall be the Hardin County Court Clerk unless the Hardin County Court Clerk disqualifies in any matter pending before the Board of Ethics in writing to the Chairperson of the Board of Ethics. Such disqualification shall be mandatory in any Board of Ethics matter directly involving the Hardin County Clerk and shall be permissive in any Board of Ethics matter directly involving a county elected official, county appointed official or county employee. In the event of such disqualification, the Chairperson of the Board of Ethics shall appoint one of the city clerks to act as custodian of records for the matter.

- (3) County Clerk;
- (4) Circuit Court Clerk;
- (5) County Attorney;
- (6) Jailer;
- (7) Coroner;
- (8) Surveyor;
- (9) Constable;
- (10) Sheriff;
- (11) County Judge Executive;
- (12) Any person who occupies a non-elected office created under KRS 83A.080; and
- (13) Property Value Administrator.

OFFICIAL ACT means any legislative, administrative, appointive, or discretionary act of any public official or employee of the county or any agency, board, committee, or commission thereof.

PERSONAL BENEFIT includes benefits other than those that are directly financially advantageous. These include financial benefits to immediate family members, business associates, as well as non-financial benefits to these people and to oneself.

PERSONAL INTEREST means a relationship to something where a personal benefit has been, will be, or might be obtained by certain action or inaction with respect to it.

SUBORDINATE means another official or employee over whose activities an official or employee has direction, supervision, or control.

TRANSACTION means any matter, including but not limited to contracts, work, business with the county, the sale or purchase of real estate by the county, and any request for zoning amendments, variances, or special permits pending before the county, upon which a public officer or employee performs an official act or action.

STANDARDS OF CONDUCT

2 CONFLICTS OF INTEREST.

Every officer and employee of the city and county shall comply with the following standards of conduct:

- (1) No officer, employee, board or commission member, nor any immediate family member of any officer, employee or board or commission member, shall have an

(8) No city or county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.

(9) No city or county government officer, employee, board or commission member, or business organization in which he or she has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he or she serves.

(10) No city or county government officer shall be deemed in conflict with these provisions if, by reason of his or 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 or 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.

(11) No elected city or 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 or her immediate family, whether directly or indirectly, in return therefor.

(12) Nothing shall prohibit any city or county government officer, employee, board or commission member or members of his or her immediate family, from representing himself, herself or themselves, in negotiations or proceedings concerning his, her or their own interests.

(13) No officer, employee, board or commission member shall be deemed in violation of any provision of this section if by reason of the officer's, employee's, board or commission member's participation, vote, decision, action or inaction, no financial benefit accrues to the officer, employee, board or commission member, a family member, an outside employer or a business in which the officer, employee, board or commission member, or any family member has a financial interest, or any business with which the officer, employee, board or commission member, or any family member is negotiating or seeking prospective employment, or other business or professional relationship, 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.

2.1 CONFLICTS OF INTERESTS IN CONTRACTS.

(A) No officer, employee, board or commission member of the city or county shall directly or through others undertake, execute, hold or enjoy, in whole or in part, any

2.2 WITHDRAWAL FROM PARTICIPATION.

- A. An officer or employee must refrain from acting on or discussing, formally or informally, a matter before the city or county, if acting on the matter or failing to act on the matter may personally or financially benefit the officer, employee or a member of the officer or employee's immediate family member as defined in this ordinance. Such officer or employee should leave the room if it is a public meeting conducted under KRS 61.810 and KRS 61.815.
- B. Withdrawal at a meeting requires public announcement, on the record, of the reason for withdrawal.

3. RECEIPT OF GIFTS.

No officer, employee, board or commission member of the city or county, or any city or 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 inferred that the gift was intended to influence, or could reasonably be expected to influence the officer, employee, board or commission member in the performance of his or her public duties.

- A. Certain items are typically excluded from the prohibition. Examples of these items include but are not limited to:
 - 1. Gifts received from family members
 - 2. Gifts accepted on behalf of the county and transferred to the county
 - 3. Reasonable travel and travel-related expenses, cost of admission, food, beverages, and entertainment furnished in connection with certain specified public events, appearances, ceremonies, economic development activities, or fact-finding trips related to official government business
 - 4. Usual and customary loans made in the ordinary course of business
 - 5. Awards, including certificates, plaques, and commemorative tokens presented in recognition of public service
 - 6. Informational, promotional, and educational items

4. USE OF CITY OR COUNTY RESOURCES.

No officer, employee, board or commission member of the city or county shall use or

on behalf of the city or county actual and reasonable out-of-pocket expenses incurred by the officer, employee, board or commission member in connection with an appearance, speech or article, provided that the officer, employee, board or commission member can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city or county, or city or county agency, and primarily for the benefit of the city or county and not primarily for the benefit of the officer, employee, board or commission member or any other person.

ENDORSEMENTS.

- (A) No officer or employee in their official capacity may publicly endorse products or services for their own personal or financial interest or for their family member's personal or financial interest.
- (B) However, this does not prohibit an officer or employee from answering inquiries by other governmental officials, consumer organizations, or product information services regarding products or services.

COMPLICITY WITH OR KNOWLEDGE OF OTHER'S VIOLATIONS.

No officer or employee may directly or indirectly induce, encourage, or aid anyone to violate any provision of this code. If an officer or employee knows or has reasonable suspicion to believe that someone has violated this code, they are required to report it to the ethics board pursuant to Section 38 of this ordinance.

MEETING ATTENDANCE.

All elected county officers and members of county boards and commissions are expected to attend their meetings. It is a violation of this code to miss more than one third (33%) of the meetings in a 12-month period, absent a valid reason.

FINANCIAL DISCLOSURE

7 WHO MUST FILE.

The following shall file an annual statement of financial interests with the Board of Ethics:

- (A) Elected city and county officials; and
- (B) Candidates for elected city and county office.

8 WHEN TO FILE; AMENDED STATEMENT.

(A) The initial statement of financial interests required by this section shall be filed with the Board of Ethics, or the administrative official designated in writing as the custodian of its records, no later than 4:00 p.m. on 4-15-1995. All subsequent

9 CONTROL OF FINANCIAL STATEMENTS.

(A) The Board of Ethics shall be the official custodian of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interest shall be maintained by the Board of Ethics as the custodian, as public documents, available for public inspection immediately upon filing.

(B) A statement of financial interests shall be retained by the Board of Ethics, or the designated administrative official, for a period of five years after filing; provided that:

(1) Upon the expiration of three years after a person ceases to be an officer, employee, board or commission member of the city or county or city or county agency, the Board of Ethics shall cause to be destroyed any statements of financial interest or copies of those statements filed by the person; and

(2) Upon the expiration of three years after any election at which a candidate for elected city or county office was not elected or nominated, the Board of Ethics shall cause to be destroyed any statements of financial interest or copies of those statements filed by the person.

10 CONTENT OF FINANCIAL STATEMENT.

(A) The financial disclosure statement should be filed with the Board of Ethics by all filers who are subject to the jurisdiction of the Board of Ethics. Failure to do so will result in a civil fine of a maximum of \$500 payable to the Board of Ethics.

(B) Nothing in this section shall be construed to require any officer or candidate to disclose any specific dollar amounts nor the names of individual clients or customers of business listed as sources of income.

(C) Each statement shall be signed and dated by the individual filing the statement of financial interest.

(D) The financial disclosure statement should include the following information:

(1) Name of filer;

(2) Current business address, business telephone number and home address of filer;

(3) Title of filer's public office or office sought;

(4) Occupations of filer and spouse;

(5) Position held by the filer and any member of the filer's immediate family in any business organization or nonprofit entity from which the filer or any member of the filer's immediate family received compensation in excess of \$10,000 during the preceding calendar year, and the name, address, and telephone number of the

10.2 PUBLIC VIEWING.

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 the individual making the request. One copy of this form shall be attached to the statement so requested and shall become a part of the record.

11 NEPOTISM PROHIBITED.

(A) Nepotism is prohibited and the county's personnel policies and procedures shall specifically define the rules and regulations concerning nepotism and enforcement.

(B) No officer, employee, board or commission member 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 which includes compensation for a family member; provided that, the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.

(C) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to adoption of this ordinance.

ENFORCEMENT

12 COUNTY BOARD OF ETHICS.

(A) Establishment. The Board of Ethics is established having the authorities, duties and responsibilities as set forth in this chapter to enforce the provisions of this chapter.

(B) Composition of Board of Ethics.

(1) Appointment. The Board of Ethics shall consist of five members who shall be appointed by the executive authority of the city or county, subject to the approval of the legislative body (if different from the executive authority). The executive authorities of the Cities of Elizabethtown, Radcliff, Vine Grove and West Point, and the Judge Executive of the county shall each appoint one of the five members of the Board of Ethics as outlined in this section.

(2) Term. The initial members of the Board of Ethics shall be the duly appointed existing members, or if vacant those appointed within 60 days of the effective date of this ordinance. The members shall serve for a term of three years; except that, with respect to the members initially appointed, if any, one member shall be appointed for a

(10) Minutes. Minutes shall be kept for all proceedings of the Board of Ethics and the vote of each member on any issue decided by the Board of Ethics shall be recorded in the minutes.

(C) Facilities. Each appointing local government shall appropriate \$1000 annually by March 1 each year to the Board of Ethics for the provision of necessary materials, supplies, administration, accounting, legal expenses and clerical staff needed for the conduct of its business and shall make facilities available without charge upon request of the Board of Ethics for the conduct of its business.

(D) Power and duties. The county's Board of Ethics shall have the following powers and duties:

(1) To receive and investigate complaints, hold hearings and make findings of fact and determinations with regard to alleged violations of the provisions of this chapter;

(2) To issue orders in connection with its investigations and hearings requiring persons to submit in writing and under oath reports and answers to questions that are relevant to the proceedings and to order testimony to be taken by deposition before any individual designated by the Board who has the power to administer oaths;

(3) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board;

(4) To refer any information concerning violations of this chapter to the executive authority of the city or county, the city or county legislative body, the governing body of any city or county agency, the City or County Attorney or other appropriate person or body, as necessary;

(5) To render advisory opinions to the city or county and city or county agency officers, employees, board or commission members regarding whether a given set of facts and circumstances would constitute a violation of any provision of this chapter;

(6) To enforce the provisions of this chapter with regard to all officers, employees, board or commission members of the city or county and city and county agencies who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this chapter;

(7) To control and maintain all statements of financial interests that are required to be filed by this chapter and to ensure that the statements are available for public inspection in accordance with the requirements of this chapter and the state's Open Records Law, being KRS 61.870 through 61.884;

(8) To develop and submit any reports regarding the conduct of its business that

email address to which any written ethics complaint can be submitted and the Board shall maintain a process for timely receipt and processing of any complaint consistent with this Ordinance.

- C. The Board of Ethics shall acknowledge receipt of a complaint to the complainant within ten working days from the date of receipt. Within 30 days of the receipt of a ~~proper~~ complaint, the Board of Ethics shall conduct a preliminary inquiry based upon ~~concerning~~ the allegations contained in the complaint and determine:
 - 1. If the complaint is within the jurisdiction of Board of Ethics; and
 - 2. If the complaint alleges reasonable grounds that a violation of the applicable ordinance has occurred.
- D. All proceedings and records relating to a preliminary inquiry being conducted by the Board of Ethics shall be confidential until a final determination is made by the Board of Ethics, except the Board of Ethics may turn over to the Commonwealth's Attorney or County Attorney evidence which may be used in criminal proceedings; and
- E. If the Board of Ethics determines based on its preliminary inquiry (1) that the complaint is not within its jurisdiction; or (2) that the complaint does not allege reasonable grounds to believe that a violation of this chapter has occurred the Board of Ethics shall summarily terminate the inquiry, reduce the conclusion to writing and transmit a copy of its decision to the complainant and to the officer, employee, board or commission member against whom the complaint was filed.
- F. If the Board of Ethics concludes, based upon its preliminary inquiry, (1) that the complaint is within its jurisdiction; and (2) that it contains allegations sufficient to establish reasonable grounds to believe that a violation has occurred, the Board of Ethics shall notify the officer, employee, board or commission member who is the subject of the complaint and shall issue an order to initiate a hearing to determine whether there has been a violation and afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint.
- G. The person shall have the right to be represented by counsel, to appear and be heard under oath, to offer evidence in response to the allegations and cross examine witnesses against him/her at the hearing.
- H. Any person who knowingly files with the Board a false complaint alleging a violation of any provision of this chapter by an officer, employee, board or commission member of the city or county or any city or county agency shall be subject to a civil fine not to exceed \$1000

(7) Within 30 days after completion of the hearing, the Board of Ethics shall issue a written report of its findings and conclusions.

(8) If the Board of Ethics concludes in its report that no violation of this chapter has occurred, it shall immediately send written notice of this determination to the officer, employee, board or commission member who was the subject of the complaint and to the complainant.

(8) If the Board of Ethics concludes in its report that, after consideration of the evidence produced at the hearing, there is clear and convincing proof of a violation of the Ordinance ~~this chapter~~, the Board of Ethics may do one or more of the following:

(a) Issue an order requiring the violator to cease and desist the violation;

(b) Issue a written reprimand of the violator for the violation(s). The reprimand shall be provided to the executive authority and governing body (if different than the executive authority) of the city or county or city or county agency with which the violator serves;

(c) Issue an order requiring the violator to pay a civil penalty of up to \$1,000; OR

(d) Refer evidence of criminal violations of this chapter or state law to the County Attorney or Commonwealth's Attorney of the jurisdiction for review of criminal prosecution.

15 APPEALS.

Any person who is found guilty of a violation of any provision of this chapter by the county's Board of Ethics may appeal the finding to the circuit court of the county within 30 days after the date of the final action by the county's Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the clerk of the court all evidence considered by the Board at the public hearing.

16 LIMITATIONS OF ACTIONS.

Except when the period of limitation is otherwise established by state law, an action for a violation of this chapter must be brought within one year after the person complained about leaves office or employment.

17 ADVISORY OPINIONS.

(A) The Board of Ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative, or when requested by any officer, employee, board or commission member of the city or county or a city or county agency who is covered by this chapter.

(B) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions.

(C) The Board of Ethics may adopt regulations, consistent with the state's Open Records Law, being KRS 61.870 through 61.884, to establish criteria under which it will issue confidential

(B) In addition to all other penalties which may be imposed under this ordinance, any officer or employee of the county or any county agency who is found by the ethics board to have violated any provision of this ordinance shall forfeit to the county or the county agency an amount equal to the economic benefit or gain, which the officer or employee is determined by the ethics board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the county 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.

20 SEVERABILITY.

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.

21 REPEALED.

All other Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

Given First Reading this 14th day of July 2025.

Given Second Reading and duly enacted by the West Point City Council this 11th day of August 2025.



Richard A. Ciresi
Mayor

Attest:



Ashley Gates
City Clerk