

**TITLE III: ADMINISTRATION**

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## CHAPTER 30: ADMINISTRATIVE PROVISIONS

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*GENERAL ADMINISTRATION***§ 30.01 PURPOSE AND AUTHORITY.**

(A) House Bill Number 33, dated Thursday, February 23, 1978, was enacted by the General Assembly of the Commonwealth of Kentucky to create a new section of KRS Chapter 68 for the purpose of sound and efficient administration of county government. Also, in 1986, Senate Bill 352 amended KRS 68.005 to include, among other things, an annual review of the county administrative code.

(B) KRS 68.005, as amended states:

(1) The Fiscal Court shall adopt a county administrative code which includes, but not limited to, procedures and designation of responsibility for:

(a) General administration of the office of County Judge/Executive, county administrative agencies, and public authorities;

(b) Administration of county fiscal affairs, including budget formulation, receipt, and disbursement of county funds and preparation of records required for the county audit, and for filing of claims against the county;

(c) Personnel administration, including description and classification of nonelected positions, selection, assignment, supervision, and discipline of employees, employee complaints, and the county's affirmative action program;

(d) County purchasing and award of contracts; and

(e) Delivery of county services.

(2) The Fiscal Court shall review the county administrative code annually during the month of June and may by a two-thirds majority of the entire Fiscal Court amend the county administrative code at that time. The County Judge/Executive may at other times prepare and submit amendments to the code for the approval of a majority of the Fiscal Court.

(C) The County Judge/Executive, as the chief executive officer of the county, is directly responsible for the organization and management of the administrative functions of the county government. While it is the Fiscal Court which determines county needs and policies and priorities for meeting those needs, it is the County Judge/Executive who must see that these policies and priorities are effectively and properly executed.

(D) The statutes provide only general guidance as to the form and substance of a county internal administrative organization. In the smallest counties, most of the administrative functions might be carried out by the County Judge/Executive personally.

(E) The administrative code, if continually monitored by the County Judge/Executive and Fiscal Court, will provide the intended objective. The objective is to maintain a viable code that provides the necessary substance for appropriate internal administrative control consistent with the statutory requirements and local needs. Close adherence to the administrative code will ensure that this objective is maintained.

(F) It should be noted, the administrative code (all parts) is not a contract and is not intended to be such. The administrative code provides a comprehensive tool for administration that is consistent with statutory requirements. The administrative code provides limitations, general rules, guidelines, and the like, as well as the desires of the community as represented by the members of the Fiscal Court.

(G) Employment with county government is at-will. Nothing contained herein shall be construed to create a contractual relationship or to abrogate at-will employment status. At-will employment may only be modified by express writing of the County Judge/Executive.

(H) A copy of the county administrative code shall be recorded in the office of the County Clerk and said copy shall be the official copy for all purposes.  
(Prior Code, § 30.01) (Ord. 2001-06, passed 7-17-2001)

**§ 30.02 COUNTY JUDGE/EXECUTIVE.**

(A) The County Judge/Executive shall be the chief executive of the county and shall have all the powers and perform all the duties of an executive and administrative nature consistent with the Kentucky Constitution and Kentucky Revised Statutes. It shall be the duty of the County Judge/Executive to carry out all duly executed orders of the County Fiscal Court.

(B) The responsibilities of the County Judge/Executive are defined in KRS 67.710.

(C) Additional responsibilities of the County Judge/Executive are found in KRS 67.715, which includes organization of county functions, special districts, and county representation.

(D) It shall be the responsibility of the County Judge/Executive to ensure appropriate representation on all boards and commissions as set forth by the Kentucky Revised Statutes. A list of all county appointees, the board or commission upon which they serve, and their term of office shall be maintained by the County Judge/Executive and submitted to the Fiscal Court on a biannual basis in June and December of each calendar year. This list of appointees, the board or commission upon which they

serve, and their term of office shall also be published in the local newspaper annually in December of each calendar year. Copies of the list submitted to the Fiscal Court shall be maintained as part of the official minutes of the Fiscal Court in the office of the County Court Clerk.

(E) The County Judge/Executive may appoint an Executive Secretary who shall serve at his or her pleasure with compensation approved by the Fiscal Court. The County Judge/Executive may appoint other office personnel as permitted by KRS 67.710 and consistent with the organizational chart and compensation plan submitted by the County Judge/Executive and approved by the Fiscal Court. Such organizational charts and compensation plans shall be included in the administrative code.

(F) The County Judge/Executive shall require each department of county government to submit for his or her approval and adoption by the Fiscal Court a specific job description for all positions within the department by July 1, 2004. All job descriptions shall be completed by each department head and submitted to the County Judge/Executive for review prior to submission to the Fiscal Court for final approval and inclusion in the administrative code under the position classification section. No position may be created without the specific job description as mandated by this section.

(G) The County Judge/Executive shall require each department head of county government to conduct annual reviews of each job classification for which they are responsible and submit needed amendments for such job classifications as set forth in the administrative code for the county.

(H) The County Judge/Executive shall prepare and submit to the Fiscal Court an organizational chart showing the agencies and departments of county government and their organization. The organizational chart shall show the relationship of each agency and department and the lines of authority within county government.

(1) The organizational chart for each county government department shall be included as an appendix to the administrative code adopted by Ordinance Number 2001-06 as follows:

- (a) Appendix 3-A: Anderson County Judge/Executive's Office;
- (b) Appendix 3-B: Anderson County Attorney's Office;
- (c) Appendix 3-C: Anderson County Treasurer's Office;
- (d) Appendix 3-D: Anderson County Emergency Medical Service;
- (e) Appendix 3-E: Anderson County Road Department;
- (f) Appendix 3-F: Anderson County Parks and Recreation Department;
- (g) Appendix 3-G: Anderson County Police Department;

- (h) Appendix 3-H: Anderson County Animal Shelter;
- (i) Appendix 3-I: Anderson County Sheriff's Department;
- (j) Appendix 3-J: Anderson County Jailer; and
- (k) Appendix 3-K: Anderson County Coroner.

(2) The appendices referred to herein, contained in Ordinance Number 2001-06, are hereby adopted by reference and made a part hereof the same as if set forth in full herein.

(I) Standard operating procedures for Appendix 3-D, 3-E, 3-G, 3-H, 3-I, and 3-J shall be included in the administrative code adopted by Ord. 2001-06, and adopted as part of this code of ordinances by § 30.41. Certain job classification positions for these departments may be declared as "safety sensitive" positions (except for elected officials). Safety sensitive positions may have professional standards and disciplinary procedures that may be more strict than for positions not declared to be safety sensitive. Whether a classification is a safety sensitive position shall be listed in the job description included in Ordinance Number 2001-06. In addition, at the discretion of the County Judge/Executive and with the approval of the Fiscal Court, any other job classification may be declared as safety sensitive in order to protect the public health and safety of the citizens of the county. Such declaration of a position becoming a safety sensitive position shall be by ordinance. Standard operating procedures for any department of county government shall be approved in the same manner as the adoption of a county ordinance and included in Ordinance Number 2001-06.

(J) At the discretion of the County Judge/Executive and with the approval of the Fiscal Court, other departments may be required to have standard operating procedures included under their assigned appendix of Ordinance Number 2001-06.

(K) The offices of the County Clerk, Property Valuation Administrator, and Circuit Court Clerk, while elected offices, are governed by administrative regulations and other statutes as to standard operating procedures.

(L) (1) At the discretion of the County Judge/Executive and with the approval of the Fiscal Court, the head of a department may be allowed to amend standard operating procedures, in writing, and with notice to all employees. Said amendments shall be effective at the time of notice to employees and shall be subject to ratification by the Fiscal Court during the month of June of each year.

(2) However, any subsequent refusal by the Fiscal Court to ratify the action of the department head shall only effect action subsequent to the refusal to ratify and not any action taken by the department head from the time of notice to the employee to the failure by the Fiscal Court to ratify.

(Prior Code, § 30.02)

(Ord. 2001-06, passed 7-17-2001; Ord. 2006-05, passed 4-4-2006; Ord. 2016-1, passed 4-5-2016)

**§ 30.03 APPOINTMENT PROCEDURES AND DUTIES FOR DEPUTY COUNTY JUDGE/EXECUTIVE.**

(A) The County Judge/Executive shall designate by written executive order, within 30 days of assuming office, a Deputy County Judge/Executive who shall serve consistent with KRS 67.711 as Judge/Executive in the absence of the County Judge/Executive. The Fiscal Court shall approve compensation for the Deputy County Judge/Executive.

(B) The County Judge/Executive shall be deemed absent when he or she is physically absent from the county, physically disabled, or prevented by other emergency beyond control which would prevent attending meetings of the Fiscal Court.

(C) Such appointment of a Deputy County Judge/Executive shall continue until such time as the County Judge/Executive publishes a written revocation of the appointment or makes a new appointment by executive order. The Fiscal Court shall be notified in writing by the County Judge/Executive at the next regular meeting of Fiscal Court following any new appointment of a Deputy County Judge/Executive.

(D) The Deputy County Judge/Executive shall have all administrative powers of the County Judge/Executive as specified in the Kentucky Revised Statutes. The Deputy County Judge/Executive shall not chair or vote on the Fiscal Court nor have the power to appoint or terminate any county employee in the absence of the County Judge/Executive.

(Prior Code, § 30.03) (Ord. 2001-06, passed 7-17-2001)

**§ 30.04 PROCEDURES FOR APPOINTMENT/REMOVAL OF ADMINISTRATIVE PERSONNEL AND MEMBERS OF BOARDS AND COMMISSIONS.**

(A) The County Judge/Executive shall nominate qualified persons to serve in administrative positions and on boards and commissions. Notice of intent to nominate an individual to an administrative position or as a member of a board or commission shall be placed on the agenda of any regular or special meeting of the Fiscal Court. The Fiscal Court shall not vote on the nomination at the meeting in which the individual's name is placed in nomination by the County Judge/Executive but may vote at the next regular or special called meeting of the Fiscal Court, provided a period of not less than three days has passed since the nomination. Re-appointment to the same board or administrative position may be voted on at the same meeting an individual's re-nomination is made.

(B) The Fiscal Court may require the nominee(s) to administrative positions or membership on boards or commissions to appear at the next meeting of Fiscal Court for the purpose of answering questions about matters which relate to the position for which he or she has been nominated. Said appearance is required upon the request of any member of the Fiscal Court, and such request must be

made at the meeting in which an individual's name is placed in nomination for a position. Said nominee may be notified by mail or by the County Judge/Executive if this is the intention of the Fiscal Court.

(C) The Fiscal Court shall provide any nominee to an administrative position or membership on a board or commission with an opportunity to make a written statement concerning his or her nomination and qualifications. This opportunity does not exempt nominees from the request for interview detailed in division (B) above.

(D) If approval by the Fiscal Court of the nomination is required by state law, the Fiscal Court shall act on such nomination within 60 days. If the Fiscal Court does not act on the nomination within the 60-day period, said nomination shall be deemed accepted by the Fiscal Court.

(E) No person shall be selected as a member of a board or commission or for an administrative position if such person holds or is employed in a position which is incompatible with the one for which nominated. Members of boards and commissions are considered county government employees by the definitions given in Chapter 35 (Ethics), and are bound by the restrictions contained therein.

(F) In the event the Fiscal Court rejects the nominee, the County Judge/Executive shall submit additional nominations as specified in division (A) above, not to exceed three for any one position; and if Fiscal Court rejects all three, the County Judge/Executive shall appoint a person to serve on a temporary basis, not to exceed one year.

(G) When Fiscal Court approval of an appointment is not required by state law, the County Judge/Executive shall make such appointment(s). At the next regular meeting of the Fiscal Court following the appointment by the County Judge/Executive, the Fiscal Court shall be notified of the appointment. Such appointment shall also be filed as part of the minutes of the Fiscal Court and remain on file with the County Court Clerk.

(H) Before any member of a board or commission may be dismissed, such person shall be presented, in writing, a list of reasons for the dismissal. A hearing shall be conducted by the County Judge/Executive no sooner than three and no later than 21 days after receipt of the reason for dismissal. At such a hearing, the person sought to be dismissed shall have an opportunity to make a statement on his or her behalf, to be represented by anyone of his or her choosing and to call witnesses, which may testify. The County Judge/Executive shall issue a written opinion, which shall contain the facts upon which his or her determination is based. Any member of a board or commission appointed by the County Judge/Executive either with the approval of the Fiscal Court or under the executive authority of the County Judge/Executive, may be dismissed under these procedures set forth in this section.

(I) Administrative personnel shall be dismissed under the provisions set forth in Chapter 31 of this code of ordinances or applicable state law for the particular administrative position.  
(Prior Code, § 30.04) (Ord. 2001-06, passed 7-17-2001)

**§ 30.05 PROCEDURES FOR ORGANIZATION/REORGANIZATION OF COUNTY DEPARTMENTS AND AGENCIES.**

(A) The County Judge/Executive shall have developed by each department of county government and then submitted to the County Fiscal Court a written plan which describes the services and functions to be performed by each department, agency, commission, or special district to be created. This requirement may be deemed fulfilled when the provisions under County Judge Executive, § 30.02(F), (G), and (H) are complied with by an existing county department, board, or commission and such compliance is recorded in the official minutes of the County Fiscal Court or included as a part of the administrative code as required.

(B) The plan shall include an organizational chart showing the relationship of each department, agency, commission, or special district to other and the chain of command. The chart shall be maintained in current condition and shall be available for public inspection during the regular office hours of the County Judge/Executive or County Clerk.

(C) Pursuant to KRS 67.715, the County Judge/Executive may create, abolish, or combine any county department or agency or transfer a function from one department or agency to another, provided that he or she shall first submit plans for such reorganization to the Fiscal Court. If not disapproved within 60 days, the plans shall become effective. Such a plan for reorganization must be available for public inspection 15 days prior to its effective date.

(Prior Code, § 30.05) (Ord. 2001-06, passed 7-17-2001)

**§ 30.06 PROCEDURES AND REPORTS TO FISCAL COURT BY COUNTY ADMINISTRATIVE AGENCIES AND PUBLIC AUTHORITIES.**

(A) The complaints and actions taken shall be on an official citizen complaint form provided by the County Judge/Executive and approved by the Fiscal Court.

(B) Each administrative agency and public authority authorized and established by the county shall submit an annual report to the County Judge/Executive within 75 days after the close of each fiscal year. The report must include at a minimum:

(1) A descriptive narrative of the functions and activities of the authority; and

(2) Those items required by KRS 65.070(2)(a)1, 2, 3, and 4 in full with each report. Also, the referenced statute requires filing with the County Clerk's office by the first day of July each year.

(C) Each administrative agency and public authority shall file a copy of its annual budget and audit with the County Judge/Executive as required by KRS 65.070(2)(b).

(D) All meetings of boards, commissions, public authorities, and special districts shall be open to the public, unless exempt by KRS 61.810. A record of the proceedings of each meeting shall be maintained in the form of minutes of each entity and be available for public inspection at the office of the County Clerk within 60 days of the meeting. The County Judge/Executive may also require that a copy of such minutes of all boards, commissions, public authorities, and special districts be submitted to his or her office within 60 days of said meetings and these minutes shall also be available for inspection by the Fiscal Court upon request and by the public upon request during normal business hours.

(E) The County Judge/Executive shall make a verbal report with recommendations to the Fiscal Court at the next meeting following the receipt of any of the above required reports when an action by the Fiscal Court is necessary for the board, commission, public authority, or special district to carry out their responsibilities. The reports of the authorities shall be made available to the Fiscal Court for review. The County Judge/Executive may require that a member or members of the board, commission, public authority, or special district appear before the Fiscal Court to answer questions concerning actions necessary by the Fiscal Court.

(F) The County Judge/Executive or Fiscal Court may cause the records and accounts of any administrative agency to be examined at any time.  
(Prior Code, § 30.06) (Ord. 2001-06, passed 7-17-2001)

***OPERATION OF FISCAL COURT***

**§ 30.20 PROCEDURES FOR MEETINGS OF FISCAL COURT.**

(A) Regular meetings of the Fiscal Court shall be held twice monthly. The first regular meeting of the month shall be held on the first Tuesday of each month at 10:00 a.m., and the second regular meeting of the month shall be held on the third Tuesday of each month at 7:00 p.m.

(B) At the discretion of the County Judge/Executive, a work session may be held at 9:00 a.m. on the first Tuesday and/or at 6:00 p.m. on the third Tuesday of each month. No official action may be taken by the Fiscal Court during a work session. Work sessions of the Fiscal Court are for informational and discussion purposes only. All work sessions shall be open to the general public.

(C) In the event that a regular session of the Fiscal Court falls on a legal holiday, the County Judge/Executive shall announce at the preceding regular session of the Fiscal Court the rescheduled meeting date, time, and place of the next regular meeting. The meeting shall be publicized in the *Anderson News* at least seven days prior to the announced day and time.

(D) All meetings of members of the Fiscal Court at which any public business is discussed or any action taken shall be open to the public at all times except as otherwise permitted by KRS 61.810.

(E) The County Judge/Executive may call a special meeting of the Fiscal Court for the purpose of transacting any business over which the Fiscal Court has jurisdiction. All special meetings of the Fiscal Court shall be called in compliance with KRS 61.823.

(F) Pursuant to KRS 67.090, if a special meeting of the Fiscal Court is necessary and the County Judge/Executive is unable or unwilling to act, a majority of the members of the Fiscal Court may call the special meeting.

(G) No meeting shall be held by the Fiscal Court without notice to all members thereof.  
(Prior Code, § 30.20) (Ord. 2001-06, passed 7-17-2001)

### **§ 30.21 PRESIDING OFFICER AT MEETINGS OF THE FISCAL COURT.**

(A) The County Judge/Executive shall be the presiding officer of the Fiscal Court at all regular and special meetings.

(B) If the County Judge/Executive is not present or is unable to preside, a majority of the magistrates present and voting shall elect one of their number to preside. This action shall be in compliance with KRS 67.040.  
(Prior Code, § 30.21) (Ord. 2001-06, passed 7-17-2001)

### **§ 30.22 QUORUM.**

As set forth in KRS 67.078, unless otherwise provided by statute, a majority of the Fiscal Court shall constitute a quorum and a majority of a quorum shall be sufficient to take action, excepting that a majority of the Fiscal Court shall be required to pass an ordinance.  
(Prior Code, § 30.22) (Ord. 2001-06, passed 7-17-2001)

### **§ 30.23 ORDER OF BUSINESS.**

(A) At each meeting of the Fiscal Court, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by County Judge/Executive or Presiding Member;
- (2) Roll call of members of the Fiscal Court;

- (3) Declaration of a quorum by the Presiding Official;
- (4) Approval of minutes of previous meeting;
- (5) Citizen issues and concerns;
- (6) Agenda items as presented by the Presiding Officer;
- (7) Review and approval of claims against the county to be paid;
- (8) Department head reports to the Fiscal Court;
- (9) Standing committee reports and recommendations;
- (10) Reports and recommendations of special committees of Fiscal Court;
- (11) Other business as deemed appropriate by the Fiscal Court;
- (12) Announcements; and
- (13) Adjournment.

(B) The County Finance Officer shall prepare an itemized list of all valid bills requiring Fiscal Court review or approval for each regularly scheduled meeting.

(C) No bill shall be reviewed or approved for payment unless contained in the itemized list for the meeting.

(Prior Code, § 30.23) (Ord. 2001-06, passed 7-17-2001)

**§ 30.24 STANDING COMMITTEES OF THE FISCAL COURT.**

(A) At the beginning of each new four-year term of the Fiscal Court the County Judge/Executive shall appoint the following standing committees:

- (1) Finance Committee;
- (2) Public Safety Committee;
- (3) Transportation (Road) Committee;
- (4) Parks and Recreation Committee;
- (5) Policy and Procedures Committee;

- (6) Animal Control Committee;
- (7) Insurance Committee; and
- (8) Solid Waste Committee.

(B) Each standing committee of the Fiscal Court shall consist of two magistrates appointed by the County Judge/Executive. The County Judge/Executive shall serve as a member of all standing committees of the Fiscal Court.

(C) It shall be the responsibility of the County Judge/Executive to provide administrative support to all standing committees of the Fiscal Court.

(D) Standing committees of the Fiscal Court shall meet as required to review issues related to their specific responsibilities and shall make recommendations to the Fiscal Court for official action as necessary.

(E) Each department head of county government shall deliver all necessary information to the appropriate committee through the office of the County Judge/Executive. The head of each department shall meet with the appropriate committee to give any required information concerning his or her respective department to the standing committee for review, consideration, and recommendation for official action by the Fiscal Court.

(Prior Code, § 30.24) (Ord. 2001-06, passed 7-17-2001; Ord. 2002-11, passed 9-17-2002; Ord. 2022-01, passed 3-15-2022)

### **§ 30.25 SPECIAL COMMITTEES OF THE FISCAL COURT.**

(A) As required to carry out the lawful functions and responsibilities of the County Fiscal Court, the County Judge/Executive may appoint special committees to investigate, review, plan for, or execute specific task(s) or study issues that the County Fiscal Court deems appropriate for special consideration or specific expertise. The County Judge/Executive may appoint any citizen(s) of the county to a special committee of the Fiscal Court. The County Judge/Executive shall serve as a member of any special committee of the Fiscal Court along with two other members of the Fiscal Court.

(B) Special committees of the Fiscal Court shall serve for no longer than 90 days unless their time for completion of their task(s) or assignment(s) is extended by a vote of a majority of the Fiscal Court present and voting at a regular or special called meeting of the Fiscal Court. Extensions of time for a special committee of the County Fiscal Court shall be for no more than 60 days after which the committee's term shall expire.

(C) The County Judge/Executive shall be responsible for providing administrative support to any special committee of the Fiscal Court.

(D) Minutes of all Fiscal Court special committee meetings shall be filed with the Executive Secretary of the Fiscal Court and shall be maintained by the County Judge/Executive to be made available to the general public and members of the Fiscal Court upon request.

(E) The County Judge/Executive shall present any recommendations from a special committee to the Fiscal Court for any action as required by state law. Such recommendations may be in writing or given as a verbal recommendation from the County Judge/Executive to the County Fiscal Court. (Prior Code, § 30.25) (Ord. 2001-06, passed 7-17-2001; Ord. 2022-01, passed 3-15-2022)

**§ 30.26 FISCAL COURT RECORDS AND MINUTES.**

(A) As specified in KRS 67.100, the Fiscal Court is a court of record. The County Clerk shall attend all meetings of the Fiscal Court and keep a full and complete record of its proceedings.

(B) Minutes of the proceedings of each meeting shall be prepared and submitted for approval at the next succeeding regularly scheduled meeting.

(C) Every official action of the Fiscal Court shall be made a part of the permanent records of the county.

(D) The County Clerk shall keep an index of all records and make such index and records available for public inspection in accordance with KRS 61.870 through 61.884.

(E) The county budget ordinance shall be indexed so that each index list covers one fiscal year and shall be listed in such index no later than 30 days after passage and any required approval.

(F) County ordinances other than the county budget ordinance shall be indexed in a composite index of all county ordinance in force, and shall be listed in the index no later than 30 days after passage and any required approval.

(G) A copy of all records required by state law shall be kept in the office of the County Clerk.

(H) All meetings of the Fiscal Court shall be tape recorded by the County Clerk and a copy of the tape recording shall be maintained by the County Clerk for a period of not less than five years. Meetings of the Fiscal Court may be video taped with the approval of a majority of the court members. Such video tapes shall be maintained by the County Clerk for a period of not less than five years. (Prior Code, § 30.26) (Ord. 2001-06, passed 7-17-2001)

**§ 30.27 ORDINANCES, ORDERS, AND RESOLUTIONS.**

(A) An ordinance means a general act of the Fiscal Court enforceable by law or an appropriation of money; all other acts are motions, orders, or resolutions. Executive Orders, Resolutions, and Public

Recognitions shall be prepared by the Executive Secretary to the Fiscal Court. Emergency Orders shall be prepared by the Director of Public Safety. Ordinances and Resolutions of Public Action or Activity shall be prepared by the Anderson County Attorney.

(B) All ordinances shall be introduced in writing, relate to one subject only, and contain a title which expresses the subject.

(C) There shall be inserted between the title and the body of each county ordinance an enacting clause written in the following manner: "Be It Ordained by the Fiscal Court of the County of Anderson, Commonwealth of Kentucky."

(D) County ordinances shall be amended by ordinance and only by stating in full each amended section.

(E) No county ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date, and the place within the county where a copy of the full text of the proposed ordinance is available for public inspection. Publication of amendments to a proposed ordinance shall be required, pursuant to KRS Chapter 424, prior to its adoption, and amendments shall be filed with the full text of the proposed ordinance that is available for public inspection. If consideration for passage is continued from the initial meeting to a subsequent date, no further publication shall be necessary if at each meeting the time, date, and place of the next meeting are announced.

(F) No county ordinance shall be passed until it has been read on two separate days, but ordinances may be read by title and a summary only. A proposed ordinance may be amended by the Fiscal Court after its first reading and prior to its adoption. All amendments shall be proposed in writing, and only by setting out in full each amended section.

(G) All county ordinances and amendments shall be published after passage and may be published in full or in summary form at the discretion of the Fiscal Court. If published in summary form, publication shall contain notice of a place in the county where the full text of the ordinance or amendment is available for public inspections.

(H) Traffic, building, housing, plumbing, electrical, safety, and other self-contained codes may be adopted by reference if a copy of the code is kept with the adopting ordinance and is made a part of the permanent records of the county.

(Prior Code, § 30.27) (Ord. 2001-06, passed 7-17-2001; Ord. 2022-01, passed 3-15-2022)

### **§ 30.28 RULES OF ORDER FOR MEETINGS OF FISCAL COURT.**

(A) Except when specifically required by state law, *Robert's Rules of Order* shall govern the deliberations of the Fiscal Court.

(B) The County Attorney or his or her designee shall serve as the official parliamentarian for meetings of the Fiscal Court.

(Prior Code, § 30.28) (Ord. 2001-06, passed 7-17-2001)

**§ 30.29 APPROVED COUNTY FORMS.**

(A) The following forms are hereby adopted by the Fiscal Court:

- (1) Employment Application Form;
- (2) Employment Interview Analysis;
- (3) Employment Performance Review;
- (4) Corrective Discipline Form (Anderson County EMS);
- (5) Road Repair Paving/Patching Request Form;
- (6) Vehicle Checklist Form;
- (7) Maintenance Repair/Request Form;
- (8) Anderson County Purchase Order;
- (9) Anderson County Real Estate Record;
- (10) Citizen's Complaint Form;
- (11) Employee Handbook Receipt; and
- (12) Sale of Employee Vacation Time.

(Ord. 2022-01, passed 3-15-2022)



*DELIVERY OF COUNTY SERVICES*

**§ 30.40 ESTABLISHMENT OF COUNTY DEPARTMENTS.**

There are hereby created and established the following departments of county government:

- (A) County Road Department;
- (B) County Department of Public Safety;
- (C) County Parks and Recreation Department;
- (D) County Police Department;
- (E) County Animal Shelter and Control Department;
- (F) County Code Enforcement Department; and

(G) County General Government and Administration.  
(Prior Code, § 30.40) (Ord. 2001-06, passed 7-17-2001)

***Cross-reference:***

*County organizations, see Chapter 32*

**§ 30.41 STANDARD OPERATION PROCEDURES ADOPTED BY REFERENCE.**

(A) Pursuant to the provisions of § 30.02(I), the following shall be the assigned appendix for standard operation procedures for delivery of county services:

- (1) Appendix 5-A: Anderson County Judge/Executive's Office;
- (2) Appendix 5-B: Anderson County Emergency Medical Service;
- (3) Appendix 5-C: Anderson County Road Department;
- (4) Appendix 5-D: Anderson County Sheriff's Department;
- (5) Appendix 5-E: Anderson County Police Department;
- (6) Appendix 5-F: Anderson County Animal Shelter and Control Department;
- (7) Appendix 5-G: Anderson County Jailer;

**Anderson County - Administration**

(8) Appendix 5-H: Anderson County Code Enforcement; and

(9) Appendix 5-I: Anderson County Parks and Recreation.

(B) Additional appendices may be assigned as necessary by the County Judge/Executive with concurrence by the Fiscal Court pursuant to final adoption of additional standard operation procedures as amendments to Ordinance Number 2001-06.

(C) The appendices referred to in division (A) above are hereby adopted by reference and made a part hereof the same as if set forth in full herein.

(Prior Code, § 30.41) (Ord. 2001-06, passed 7-17-2001; Ord. 2002-02, passed 3-19-2002; Ord. 2002 03, passed 4-16-2002; Ord. 2002-11, passed 9-17-2002; Ord. 2009-11, passed 11-17-2009)

## CHAPTER 31: PERSONNEL ADMINISTRATION

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**GENERAL PERSONNEL PROVISIONS**

**§ 31.001 STATEMENT OF PURPOSE.**

(A) The Fiscal Court and the county administration recognize that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective and efficient county government.

(B) The policies set forth herein are intended to implement the personnel system by providing procedures for:

- (1) Classifying positions in the county service;
- (2) Recruiting persons for that service; and
- (3) Compensating employees equitably for their services.

(Prior Code, § 31.001) (Ord. 2001-06, passed 7-17-2001)

**§ 31.002 PERSONNEL ADMINISTRATION.**

(A) The personnel system set forth herein shall be administered by the County Judge/Executive as set forth in KRS 67.710.

(B) In addition to other duties as set forth in these policies and procedures, the County Judge/Executive shall ensure that subsequent amendments or additions by the Fiscal Court be made as follows:

- (1) Immediately upon official amendment, the change(s) shall be written in a manner and format consistent with these policies and procedures;

(2) The amending ordinance shall be recorded in the administrative code adopted by Ordinance Number 2001-06; and

(3) A memorandum explaining the change(s) with the amendment attached shall be distributed to all personnel assigned custody of a copy of the policy and procedures section of this code.

(C) The County Judge/Executive shall conduct or have appropriate agency department heads conduct an annual review of the personnel policy and procedures section, preferably during the budget preparation process.

(D) If not required to be included as a part of Ordinance Number 2001-06, all policy and procedures manuals for any department of county government shall be in writing and approved by the Fiscal Court, and a copy maintained by the County Judge/Executive.  
(Prior Code, § 31.002) (Ord. 2001-06, passed 7-17-2001)

### **§ 31.003 SCOPE OF COVERAGE.**

(A) This chapter as adopted by the Fiscal Court is applicable to all persons employed to positions at all levels in the county government, with the exception of the following:

- (1) All elected officials;
- (2) All members of boards and commissions;
- (3) Consultants, advisors, and counsel rendering temporary professional services; and
- (4) Independent contractors.

(B) (1) Standard operating procedures of the County Sheriff's Office, County Emergency Medical Service, Police Department, and Jail Transport Officers may contain employment guidelines, rules of procedure, professional conduct, and disciplinary policies that are more stringent than for other employees of the county government due to being declared as safety sensitive positions by the Fiscal Court. Such standard operating procedures shall be contained in the appropriate appendix as adopted by § 30.41 of this code of ordinances.

(2) Other than those provisions which are more stringent due to being for a safety sensitive position, all other provisions of this chapter shall apply equally to employees of the County Sheriff's Department, County Emergency Medical Service, and the County Police Department.  
(Prior Code, § 31.003) (Ord. 2001-06, passed 7-17-2001)

**§ 31.004 PERSONNEL RECORDS.**

(A) Beginning the first day of employment, all new employees shall report to the County Finance Officer to supply any information needed to complete personnel records, execute payroll withholding authorization, and enroll in the applicable benefit programs.

(B) A personnel file to be maintained by the County Finance Officer shall be created for each employee. All relevant information, including application forms, resume, evaluation forms, disciplinary or commendation memoranda, and any other material deemed relevant to the employer's permanent record will be kept in the file which shall be accessible to each respective employee.

(C) It shall be the obligation of the employee to maintain current information in the personnel file by notifying the Finance Officer of all changes in family status, home address, home telephone number, or any other changes which would affect payroll withholding or employee benefits.

(D) Every change in the status of the employee shall be recorded in the personnel file.

(E) A separate file on equal employment opportunity shall be maintained.

(F) All employees shall report to the County Finance Officer to fill out requisite paperwork upon termination of their employment for any reason.

(Prior Code, § 31.004) (Ord. 2001-06, passed 7-17-2001)

**§ 31.005 FALSE CREDENTIALS.**

If it should come to the attention of the County Judge/Executive that an employee was hired on the basis of false credentials, either during his or her probationary period or thereafter, said employee may be subject to immediate demotion or dismissal.

(Prior Code, § 31.005) (Ord. 2001-06, passed 7-17-2001)

**§ 31.006 EMPLOYMENT OF RELATIVES (NEPOTISM).**

After the effective date of Ordinance Number 2001-06, a family member of a county officer as defined in Chapter 35 (Ethics) shall not be initially employed to a full time position in a governmental agency in the county. This provision shall not apply to part-time, seasonal, or emergency employees with less than 120 days of employment in any one calendar year. After the effective date of Ordinance Number 2001-06, no family member, as defined in Chapter 35 (Ethics), of a director, manager, or supervisor shall be initially employed full time to work in a county department that is directed or supervised by a family member, as defined in Chapter 35. Part-time, seasonal, and emergency employees hired under the provisions of division (A) above shall not be assigned to work in the same

department or office area directed or supervised by a family member, as defined in Chapter 35. This provision shall not apply to any person employed in a county department in which a family member serving as a director, manager, or supervisor who has been employed for at least six months prior to the effective date of Ordinance Number 2001-06.

(Prior Code, § 31.006) (Ord. 2001-06, passed 7-17-2001)

### **§ 31.007 ORIENTATION OF NEWLY HIRED PERSONNEL.**

(A) (1) An orientation will be made available to all new employees as soon as possible by the department head, designated supervisor, or the County Judge/Executive.

(2) The orientation shall consist of at least the following:

- (a) Explanation of the management policies and administrative procedures;
- (b) Compensation schedule and employee benefits;
- (c) Reiteration of job duties per job description; and
- (d) Other elements deemed appropriate.

(B) (1) The date, time, place, individual conducting the orientation, and items covered during the orientation session, shall be recorded, signed by all persons present and placed in the employee's personnel file.

(2) A copy of the employee's job description must be signed by the employee and the individual conducting the orientation session, and placed in the employee's personnel file.

(Prior Code, § 31.007) (Ord. 2001-06, passed 7-17-2001)

### **§ 31.008 EQUAL OPPORTUNITY.**

(A) County government seeks to provide equal opportunity to all of its employees and applicants for employment and to prohibit discrimination based on race, color, sex, religion, national origin, disability, age, or because the individual is a smoker or nonsmoker.

(B) County government promotes equal opportunity in matters of hiring, promotion, transfer, compensation, benefits, and other conditions of employment.

(Prior Code, § 31.008) (Ord. 2001-06, passed 7-17-2001)

**§ 31.009 ADA STATEMENT.**

(A) The Fiscal Court, within the most current provisions outlined by the United States Supreme Court, complies with the Americans with Disabilities Act of 1990, as amended by the Civil Rights Act of 1991, being 42 U.S.C. §§ 12101 et seq.

(B) The Act prohibits discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment.

(Prior Code, § 31.009) (Ord. 2001-06, passed 7-17-2001)

***CLASSIFICATION PLAN PROVISIONS***

**§ 31.020 CLASSIFICATION PLAN.**

(A) In this subchapter as required by law and incorporated as a part of this title:

(1) Each position shall, on the basis of the duties and responsibilities of the position, be allocated to an appropriate category with specified classes;

(2) A class may include either a single position or two or more positions;

(3) Each class shall have a specification that includes:

(a) A concise, descriptive title;

(b) A description of the duties and responsibilities of each position in the class; and

(c) A statement of the physical requirements and qualifications, including skills, abilities, experience, licensure, or certifications and education preference for each such position.

(4) All positions in a single class shall be sufficiently alike to permit:

(a) The use of a single descriptive title for the class;

(b) A description of the duties of the class;

(c) The same qualifications for each position;

- (d) The use of the same tests of competence for each position; and
- (e) Application of the same pay range for each position.

(5) All job descriptions shall set forth those duties that are essential.

(B) During the budget process each year, the County Judge/Executive shall require each department head to:

(1) Review the duties and responsibilities of each class; and

(2) Recommend for the County Judge/Executive and Fiscal Court approval on the basis of the review:

- (a) A reclassification of positions, if deemed necessary;
- (b) The creation of one or more new classes, if deemed necessary; and
- (c) The abolition of one or more existing classes, if deemed necessary.

(C) Whenever the duties of a position so change that no appropriate class for it exists, the County Judge/Executive shall:

- (1) Prepare an appropriate class specification for it; and
- (2) Submit it to the Fiscal Court for appropriate reclassification.

(D) Reclassification of a position may not be used to avoid a restriction concerning demotion, promotion, or compensation.

(E) (1) The County Judge/Executive may create a new position with the approval of the Fiscal Court by amending ordinance.

(2) In creating a new position, the County Judge/Executive shall:

- (a) Describe in detail the duties and responsibilities of the position;
- (b) Suggest minimum entrance qualifications for the position; and

(c) Allocate the position to an appropriate class or create an appropriate class for the position, if necessary.

(Prior Code, § 31.020) (Ord. 2001-06, passed 7-17-2001)

**§ 31.021 AMENDMENTS.**

(A) All amendments to the classification plan shall be presented to the Fiscal Court for approval.

(B) All approved amendments shall be recorded as set forth in § 31.002(B)(1), (B)(2), and (B)(3). (Prior Code, § 31.021) (Ord. 2001-06, passed 7-17-2001)

**§ 31.022 STATUS OF EMPLOYMENT.**

(A) All employees shall be designated as full-time, part-time, temporary, or cooperative.

(1) *Full-time employee.* An employee who works at least 32 hours per week on a regularly scheduled basis.

(2) *Part-time employee.* An employee who works less than 32 hours per week, but on a regularly scheduled basis.

(3) *Temporary or seasonal employee.* An employee who works in a position which is of a temporary nature (full-time, part-time, or PRN), whose employment with the Fiscal Court does not exceed 120 days per year.

(4) *Cooperative employee.* An employee who works less than 24 hours a week but on a regularly scheduled basis, and receives academic credit for his or her labor.

(B) Employees in established positions working 37 or more hours per week shall be entitled to all benefits provided by the county.

(C) (1) Employees working less than 37 hours per week shall receive all benefits provided by the county, with the exception of vacation and sick time, which shall be provided on a pro-rated basis.

(2) These pro-rated rates are located in §§ 31.076(B) and 31.077(B).

(D) Part-time, temporary, PRN, cooperative, and seasonal employees shall not be entitled to any benefits (except those benefits required by federal or state law).

(E) The authorized established positions, for full-time, part-time, and temporary/seasonal, are included in § 31.121.

(Prior Code, § 31.022) (Ord. 2001-06, passed 7-17-2001)

**COMPENSATION PLAN PROVISIONS****§ 31.035 COUNTY PAY PLAN.**

(A) All positions in the classification plan shall be compensated as set forth in the county's pay plan. The pay scales for the various job categories shall be included in § 31.136.

(B) The assignment of classes to a pay scale shall be based upon the relative level of difficulty of the duties and responsibilities of the class; the prevailing rates of pay for the work involved in comparable, competitive public and private labor markets; and other pertinent wage and economic data.

(C) The scale of wages and ranges and the pay plan adopted or subsequently modified shall be approved by the Fiscal Court by amending ordinance.  
(Prior Code, § 31.035) (Ord. 2001-06, passed 7-17-2001)

**§ 31.036 PAY PLAN ADMINISTRATION.**

(A) A pay plan prepared as required by the Kentucky Revised Statutes and incorporated as part of this administrative code shall prescribe for each class a minimum and a maximum rate of pay, and all employees occupying positions in a class shall be compensated at a rate no less than the minimum and no more than the maximum amount of the grade in which the position is assigned.

(B) At least once each fiscal year during the budget process, the County Judge/Executive and the Finance Committee of the Fiscal Court shall:

(1) Analyze fluctuations in the cost of living;

(2) Examine the wage range for each class of positions in the pay plan to ascertain whether minimum and maximum wages should be raised or lowered for a particular class during the succeeding 12 months; and

(3) Upon the basis of the comparison, analysis, and examination, submit to the Fiscal Court recommendations or amendments to the pay plan.

(C) Reclassification of an employee's position from one class to another of comparable pay range shall effect no change of wage for the employee.

(D) An employee whose position is reclassified from one class to a higher class shall enter the higher class at its minimum wage, unless this minimum is lower than his or her higher wage at the time the reclassification is effected.

(E) Whenever the County Judge/Executive submits to the Fiscal Court that a position be reclassified to a class that requires a higher wage, he or she shall likewise submit with it an estimate of the financial requirements of the wage increase that the reclassification would entail.

(F) In the event that an employee enters a higher class by promotion, the wage in the higher class shall be the minimum wage for that class, unless the minimum is lower than, or the same as, the wage at the time of promotion. In that event, the County Judge/Executive shall determine what wage the employee shall receive within the pay range of the higher class.

(G) In the event an employee is demoted, the County Judge/Executive shall set a wage within the wage range of the class to which he or she has been demoted.

(H) For an employee transferred from a position in one class to a position in an equivalent class, the transfer shall effect no change in rate of pay.

(I) The County Judge/Executive and department heads shall annually review the performance of each employee. The overall results of each employee performance may be used for the basis of granting promotions and/or pay increases. Any promotion or adjustments that will increase the expenses of the county requires a review by the Finance Committee and approval by the Fiscal Court.

(J) An appointee (hire) to a new or vacant position shall receive the minimum wage to the class to which the position is allocated, except that through written documentation the County Judge/Executive may cause the appointment to be made at a wage above the minimum, but not more than the maximum in cases of:

(1) Unusual difficulty in filling a position; or

(2) Exceptionally qualified personnel.

(Prior Code, § 31.036) (Ord. 2001-06, passed 7-17-2001)

**§ 31.037 HOURS OF WORK.**

(A) (1) Employees shall be at their places of work in accordance with prescribed departmental schedules.

(2) All departments shall maintain daily attendance records of all employees. All department heads shall submit time sheets to the County Judge/Executive or County Finance Officer as instructed.

(B) Hours of work for all employees of the Fiscal Court shall be scheduled in accordance with the needs of meeting the particular public service function of the department. All work schedules of employees are at the discretion of the department head, with the approval of the County

Judge/Executive. In certain circumstances, flexible hours may be scheduled for employees, if approved by the department head and the County Judge/Executive.  
(Prior Code, § 31.037) (Ord. 2001-06, passed 7-17-2001)

### § 31.038 OVERTIME.

(A) Hourly employees called out to work shall be paid a minimum of 30 minutes at their overtime rate provided that their work hours have exceeded 40 hours for the current work week. Employees called out who work more than 30 minutes shall be compensated for hours actually worked at their regular rate of pay, unless the hours worked for the current work week exceeds 40 hours; then, the rate shall be at one and one-half their regular rate of pay.

(B) Each department shall record hours for hourly (non-exempt) county workers in a fashion approved by and at the County Judge Executive's discretion.

(C) In order to determine whether an employee will receive overtime pay for hours worked in excess of 40 hours per week, each class shall be declared exempt or nonexempt under provisions of federal and state wage and hour laws. Exempt employees shall not receive overtime pay. Non-exempt employees shall receive overtime pay at the rate of one and one-half times the hourly wages for actual hours worked in excess of 40 hours in any work week.

(D) Employees of the Fiscal Court shall not receive any "comp" time. Hourly employees who worked in excess of 40 hours in any work week shall be paid for those hours under applicable federal and state wage and hour laws.

(E) (1) All overtime must be approved by the department head prior to being worked by any hourly employee. Lunch breaks and other approved rest periods shall not be considered as overtime unless the hourly employee is subject to emergency call during the period.

(2) **EMERGENCY CALL** is considered to be that the employee is subject to law enforcement or emergency medical service dispatch during the period of the lunch break or approved rest period.

(F) (1) Hourly employees required to be present at meetings of the Fiscal Court or committees of the Fiscal Court shall be compensated at the regular rate of pay.

(2) A minimum time for compensation shall be for one hour. Any additional time shall be based on actual time at the meeting.

(3) Overtime provisions will apply if the appearance at the meeting causes the hourly employee to accumulate (work) in excess of 40 hours during the work week.  
(Prior Code, § 31.038) (Ord. 2001-06, passed 7-17-2001)

**§ 31.039 WORKWEEK.**

(A) The county's official workweek shall begin Thursday at 12:00 a.m. EST.

(B) The Fiscal Court may change the official workweek at any time, but not to avoid overtime requirements.

(Prior Code, § 31.039) (Ord. 2001-06, passed 7-17-2001; Ord. 2023-5, passed 6-30-2023)

**§ 31.040 WAGE INCREASES.**

(A) The annual budget may include wage increases for the budget year effective July 1 annually, subject to availability of revenues.

(B) Individual (merit) wage increases may be made during the budget year subject to the availability of revenues. Such increases may only be made subject to an appropriate job performance evaluation being completed by the department head or County Judge/Executive. All merit raises must be approved by the County Judge/Executive.

(Prior Code, § 31.040) (Ord. 2001-06, passed 7-17-2001)

**§ 31.041 PLACEMENT POLICY.**

(A) An appointment to a position shall be made only after the individual being considered has been certified for the position as set forth in § 31.045 of this chapter. This policy applies to new applicants, rehires, transfers, and promotions.

(B) The County Judge/Executive shall make appointments by executive order. The executive order shall state the name of the individual, to which position appointed, the beginning wage and beginning date of employment. A copy of the executive order shall be filed in the individual's personnel file.

(Prior Code, § 31.041) (Ord. 2001-06, passed 7-17-2001; Ord. 2002-11, passed 9-17-2002)

**§ 31.042 METHODS OF FILLING VACANCIES.**

(A) *Promotions.* In considering the filling of a vacancy, current employees who meet job requirements shall be considered for the position. However, in the event the County Judge/Executive determines the needs of the county are best accommodated by the employment of a person who is not a current employee, he or she may make the appointment deemed to be in the county's best interest.

(B) *Transfer.* It shall be the policy of the county to fill vacancies by transferring any current employee who has requested a transfer. However, the County Judge/Executive must ascertain that any

transfer is in the best interest of the county. Any employee being considered for transfer must be qualified for the position.

(C) *Open application policy.* It shall be the policy of the county to accept applications for employment at any time during regular business hours.

(1) Should it be determined by the County Judge/Executive that no current employee is qualified for promotion or transfer or that a new hire is in the best interest of the county, he or she may select for appointment consideration from applications on file with the county.

(2) Any individual being considered for employment from applications on file must be qualified for the position.

(D) *Recruitment.* Should it be determined by the County Judge/Executive that no current employee qualifies for promotion or transfer and that current applicants do not qualify or that it would be in the best interest of the county, he or she shall publicly recruit applicants to be considered in filling the vacancy.

(E) *Safety sensitive positions.* Those positions determined by the Fiscal Court to be “safety sensitive positions” shall be filled according to the standard operating procedures set forth in the appropriate appendix to this chapter for the particular department for which a vacancy exists.  
(Prior Code, § 31.042) (Ord. 2001-06, passed 7-17-2001)

#### **§ 31.043 ANNOUNCEMENT OF VACANCIES.**

At the discretion of the County Judge/Executive, notices of employment opportunities may be publicized in local or regional newspapers or distributed to provide interested and qualified persons with an opportunity to apply.

(Prior Code, § 31.043) (Ord. 2001-06, passed 7-17-2001)

#### **§ 31.044 APPLICATIONS AND FORMS.**

(A) Applicants must apply on forms provided by Fiscal Court. At the discretion of the County Judge/Executive, a resume may be required and be filed along with the county job application.

(B) Applications will be considered active for six months.

(C) The application form is subject to change due to state and federal mandates. The forms presented with the administrative code adopted in Ordinance Number 2001-06 are hereby adopted by reference and made a part hereof the same as if set forth in full herein.

(D) The application form shall be reviewed at least annually. The County Judge/Executive is responsible for updating the form to meet the latest requirements. A copy of the application form is attached to Ordinance Number 2001-06.

(Prior Code, § 31.044) (Ord. 2001-06, passed 7-17-2001)

**§ 31.045 CERTIFICATION OF ELIGIBILITY FOR POSITION.**

(A) No person may be appointed to a position unless verified information on an official employment application form indicates that he or she meets the qualifications for the position as set forth in the class specification.

(B) The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:

(1) Information the applicant supplies on the official employment application form;

(2) Written, performance or physical tests or examinations, or any combination, which may be required by the County Judge/Executive;

(3) Personal interview;

(4) Information and evaluations supplied by references given by the applicant; and/or

(5) Other appropriate information as determined.

(C) The Fiscal Court reserves the right to conduct background investigations on all applicants for employment.

(Prior Code, § 31.045) (Ord. 2001-06, passed 7-17-2001)

**§ 31.046 INITIAL EMPLOYMENT PERIOD (PROBATIONARY).**

(A) (1) All personnel initially appointed, rehired, transferred, or promoted to an established position shall be on probationary status for six months.

(2) The probationary period may be extended by the County Judge/Executive at his or her discretion or upon the recommendation of the department head, but any probationary period shall not be for more than one year.

(B) (1) Any employee who has served an initial probationary period and is promoted or transferred to a new position shall be in secondary probationary status and may be reinstated without right of appeal to the position from which he or she was promoted or to a comparable position.

(2) In the event the former position is unavailable, the County Judge/Executive may place said employee into a comparable position, at his or her sole discretion.

(C) A new employee may be dismissed without right of appeal during the original probationary period.

(Prior Code, § 31.046) (Ord. 2001-06, passed 7-17-2001)

#### **§ 31.047 TRANSFER.**

Any employee occupying an established position may request a transfer from one position to a comparable position by making the request through the department head to the County Judge/Executive, if:

(A) He or she possesses the appropriate qualifications for the position;

(B) He or she is not serving an original probationary period;

(C) The position is vacant; and

(D) The transfer is consistent with the needs of the county.

(Prior Code, § 31.047) (Ord. 2001-06, passed 7-17-2001)

#### **§ 31.048 PROMOTION.**

(A) A promotion cannot be made unless there is a vacancy or a new position is established by ordinance.

(B) A person may be promoted from one position to another only if he or she has the qualifications for the higher position. The same procedure as those authorized for ascertaining qualifications for initial employment to a position as set forth in § 31.045 shall be followed.

(C) All employees have the right to apply for vacant positions as set forth in § 31.042.

(Prior Code, § 31.048) (Ord. 2001-06, passed 7-17-2001)

#### **§ 31.049 DISCIPLINARY ACTION.**

(A) The policy of Fiscal Court is to be patient, fair, and consistent in the administration of the organization and its employees. When problems arise, emphasis is on improvement and/or correction

rather than punishment. However, willful and/or repeated breaches of employment rules must be dealt with firmly under a uniform policy which applies to all employees.

(B) (1) Those positions declared by the Fiscal Court to be safety sensitive positions may have more stringent disciplinary standards set forth for the specific job classification and contained in the standard operation procedures for the department to which the safety sensitive position is assigned.

(2) However, the disciplinary standards set forth in this section shall apply as well to all safety sensitive positions unless the provisions of this section are less stringent than a standard set forth for the safety sensitive position in the appropriate standard operating procedures section and then the more stringent standard shall prevail.

(C) An employee or employees may be disciplined for, but not limited to, the following when substantiated with or by bona fide proof:

- (1) Incompetency;
- (2) Inefficiency;
- (3) Dishonesty:
  - (a) Deliberately making or using falsified records, materials, requisitions and the like;
  - (b) Lying;
  - (c) Personal use of county property;
  - (d) Theft of property;
  - (e) Deliberate waste; and/or
  - (f) Supplying false information on an employment application form.
- (4) Improper conduct;
- (5) Neglect of duty:
  - (a) Repeated failure to be at work station at starting time;
  - (b) Leaving assigned work area without permission;
  - (c) Failure to attend scheduled meeting;

- (d) Refusal to accept reasonable work assignment;
  - (e) Stopping work before specified time;
  - (f) Deliberate interruption of work;
  - (g) Loitering, loafing, or sleeping on the job; and/or
  - (h) Unsatisfactory work and/or attitude.
- (6) Failure to keep time cards accurately or completing or punching another employee's time card;
- (7) Fighting or horseplay on county's premises at any time;
  - (8) Attempting bodily injury to another person;
  - (9) Failure to observe safety rules;
  - (10) Abusive or obscene language;
  - (11) Discourtesy to the public or fellow employees;
  - (12) Conviction of a felony;
  - (13) Untidy attire, torn uniforms, and other failures to maintain a clean, neat appearance;
  - (14) Off-duty activities that discredit the individual or organization or cause inefficiency in performing assigned duties;
  - (15) Reporting to work under the influence of intoxicants or illegal drugs;
  - (16) Use of any intoxicants or illegal drugs while on duty;
  - (17) Repeated positive drug tests;
  - (18) Unlawful dispensing or distribution of drugs and/or unauthorized medications;
  - (19) Gambling while on duty;
  - (20) Improperly discussing or disclosing confidential information;

(21) An accumulation of minor infractions (defined as lapses in procedure with low impact on safety, services, and departmental functioning);

(22) Failure to follow any other rule, regulation, operating procedure, or job requirement not specifically mentioned above;

(23) Frequent or excessive absenteeism;

(24) Failure to provide notice to the County Judge/Executive or department head by 8:30 a.m. of absence due to sickness; and

(25) Refusal to report to work when called, unless a bona fide emergency exists in immediate family.

(D) When an employee commits any violation of division (C) above or fails to follow any rule, regulation, operating procedure, or job requirement, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense.

(1) *Verbal warning (counseling)*. In the case of a minor infraction, the immediate supervisor or department head and/or County Judge/Executive shall administer a verbal counseling without rancor (ill will) and explain the actions necessary to correct the problem as soon as possible after the offense. The date of the counseling, along with a description of the occurrence which prompted the counseling, actions necessary to correct the problem, and any comments the employee may have made, shall be noted, signed, and placed in the employee's departmental personnel folder by the person giving the counseling. A copy of the counseling shall be placed in the employee's file in the County Judge/Executive's office.

(2) *Written warning*.

(a) In the case of a second minor infraction, the immediate supervisor or department head and/or County Judge/Executive shall give the employee a written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings. Written warnings shall state that the employee's performance will now be reviewed on a regular basis for improvement and explain the consequences of continued infractions.

(b) The employee shall sign the written warning or the warning shall be signed by a witness; a copy of the written warning shall be placed in the employee's personnel folder.

(3) *Suspension*.

(a) In situations where the county has become aware of alleged misconduct by an employee which, if true, could result in disciplinary action, the appointing authority may suspend the employee

with pay if it is determined the action is necessary to assure public confidence in governmental oversight of its employees, or assure the integrity of the county's inquiry in the allegations.

(b) Nothing in this policy or procedure should be construed as limiting the authority of the County Judge/Executive or Fiscal Court to suspend an employee without pay in those instances where such action is deemed appropriate.

1. The county shall immediately provide written notification to the employee informing him or her of the suspension and the nature of the allegations being investigated. In the event it is deemed necessary to suspend the employee immediately upon learning of a particular situation, the employee shall be provided written verification of the suspension within 24 hours.

2. Consistent with existing personnel procedures, the county shall immediately begin an investigation into the allegations against the employee. This investigation shall be carried out expeditiously, and in no instances shall it be delayed beyond what is considered reasonable and necessary to conduct a complete investigation.

3. When an alleged offense by an employee of the county is being formally investigated by a federal or state licensing or certifying board or commission, the county may not make a final determination until the investigation by the federal or state certifying board or commission is complete and, at the sole discretion of the county an employee under investigation for an alleged offense relevant to a license or certification to engage in a practice may remain on suspension until such time as a final action is taken relevant to their license or certification.

4. Upon reaching a determination as to the culpability of the employee, the appointing authority shall take action as follows:

a. In the event the allegations against the employee are valid, the appointing authority shall invoke disciplinary action as deemed appropriate. These actions shall not include payment of wages in the event the suspension is extended beyond the investigative period; or

b. In the event the allegations against the employee are proven to be false, the employee shall immediately be reinstated to his or her position.

5. During the time an employee is on suspension with pay he or she is considered to be performing services for the county. Therefore, the employee must remain available to return to work within 24 hours of receiving written or verbal confirmation of his or her reinstatement from the appointing authority. In the event the employee is notified of this reinstatement verbally, the county shall provide written verification within one working day.

(4) *Discharge.*

(a) Where an offense is repeated, or misconduct is serious enough for discharge on the first offense, the department head may recommend dismissal of an employee.

(b) The recommendation shall include the reason(s) for the discharge, details of previous disciplinary action taken against the employee, if any, and the recommended effective date and time of discharge.

(c) Final and formal discharge of an employee shall come from the County Judge/Executive (with or without departmental recommendation), who shall notify the employee in writing of the intent to discharge.

(d) A copy of the notification shall be placed in the employee's personnel file.

(5) *Pre-termination (dismissal/discharge) hearing.* An employee who has been notified of an intent to dismiss him or her has the right to appear personally, or with counsel, at a pre-termination hearing held before the County Judge/Executive. The following procedures shall be followed in those instances where a pre-termination hearing is desired by the employee.

(a) The request for a pre-termination hearing must be made, in writing, to the County Judge/Executive within five working days of the employee's receipt of the letter of intent to dismiss, excluding the day it was received.

(b) The pre-termination hearing shall be held within five working days of the employee's request, excluding the day it was received.

(c) The pre-termination hearing is informal. It gives the employee the opportunity to respond to charges contained in the letter of notice of intent to dismiss.

(d) Within five working days, excluding the day of the pre-termination hearing, the County Judge/Executive shall uphold, alter, modify, or rescind the intended dismissal. The employee will be notified in writing of the County Judge/Executive's decision, and the reasons for same.

(e) Such actions shall be recorded in the employee's file.

(6) *Demotion or transfer.*

(a) In the event that an employee becomes unable to perform the duties as stated in the class specification, he or she may be transferred or demoted in lieu of taking any disciplinary action, provided the employee meets the qualifications for the position, and the position is vacant.

(b) Such actions shall be recorded in the employee's personnel file.  
(Prior Code, § 31.049) (Ord. 2001-06, passed 7-17-2001)

**§ 31.050 RESIGNATION.**

(A) An employee will be regarded as having resigned his or her position if he or she gives notice, written or verbal (with witness), to his or her immediate supervisor or the County Judge/Executive. Unless approved in advance by the County Judge/Executive, failure to give at least two weeks' notice may be cause for denying future employment with county government.

(B) An employee's resignation and its attending reasons, if noted, shall be recorded in the employee's personnel file.

(C) Any employee who is absent from work without notice and approval from his or her department head for two consecutive scheduled work shifts for reasons other than those set forth under fringe benefits provisions herein will be considered to have abandoned the job and will be deemed to have resigned, and his or her employment with the county government may terminate immediately.  
(Prior Code, § 31.050) (Ord. 2001-06, passed 7-17-2001)

**§ 31.051 REINSTATEMENT AND REHIRES.**

(A) The County Judge/Executive may reinstate into the former position or a comparable position any employee who fails during the probationary period to serve satisfactorily in a position to which he or she has been promoted. The reinstated employee shall receive at least the rate of pay which was received at the time of promotion.

(B) Any employee leaving in good standing who is rehired after one year or more of separation from county service shall be considered a new employee. Individuals rehired to the same department, or at the discretion of the Fiscal Court, within one year of leaving in good standing shall have previous seniority and benefits, that are presently in effect, reinstated.  
(Prior Code, § 31.051) (Ord. 2001-06, passed 7-17-2001)

**§ 31.052 RETIREMENT.**

Fiscal Court does not have a mandatory retirement age. However, all employees must meet the minimum essential qualifications of the job classification for which they are assigned.  
(Prior Code, § 31.052) (Ord. 2001-06, passed 7-17-2001)

**§ 31.053 MEDICAL EXAMINATIONS.**

(A) Upon an offer of probationary status employment, the county may require the prospective employee to submit to a physical and/or mental examination by a physician or mental health professional selected by the county to ensure competency to complete assigned duties.

(B) The county shall pay 100% of the costs (including travel costs) for all required medical examinations related to initial employment or promotions.

(C) (1) Each department of county government may, within their approved standard operating procedures, require medical and/or mental examinations of its assigned employees at prescribed intervals of employment or in the event such a medical and/or mental examination is necessary to meet a public safety need of the county department.

(2) All costs of such a medical and/or mental examination shall be paid by the Fiscal Court, and time required to undergo such an examination shall be compensated. Refusal to comply with such a request shall result in disciplinary action.

(D) Employees shall agree that written reports regarding their county required examinations may be sent to the county for personnel uses only, to be held in nonpublic personnel files.  
(Prior Code, § 31.053) (Ord. 2001-06, passed 7-17-2001)

**§ 31.054 POLITICAL ACTIVITY.**

(A) No employee of any department of the county government, as a condition of employment or continued employment, shall be required to contribute to or campaign for any candidate for political office.

(B) No employee of any department of county government shall engage in political activity during his or her assigned administrative office hours.  
(Prior Code, § 31.054) (Ord. 2001-06, passed 7-17-2001)

**§ 31.055 MEAL BREAK TIME.**

(A) County employees who are subject to emergency call during their assigned meal break shall be paid for the meal break time not to exceed one hour. *EMERGENCY CALL* means law enforcement or EMS related calls.

(B) County employees who are not subject to call during their assigned meal break shall not be paid for the meal break time. Meal break times shall not exceed one hour.  
(Prior Code, § 31.055) (Ord. 2001-06, passed 7-17-2001)

**§ 31.056 LAYOFF.**

(A) The County Judge/Executive may layoff an employee because of lack of work or funds. The order of layoff shall be established on the basis of the needs of the county as determined by the County Judge/Executive.

(B) In layoffs:

(1) Consideration shall be given to both the seniority and merit of the persons considered for layoff; and

(2) Part-time, temporary, seasonal, and probationary employees in a class of positions in a particular department shall be laid off before other persons in the class are laid off.

(C) One week before the effective date (except emergencies approved by the Fiscal Court) of the layoff of a regular full time employee, the County Judge/Executive shall:

(1) Notify the employee of the layoff;

(2) Explain the reasons for the layoff;

(3) Certify whether his or her service has been satisfactory; and

(4) Inform the Fiscal Court in writing of the layoff.

(D) A copy of the notice shall be retained in the employee's file.  
(Prior Code, § 31.056) (Ord. 2001-06, passed 7-17-2001)

**§ 31.057 PERSONAL CONDUCT, APPEARANCE, AND HYGIENE.**

(A) Images presented and statements made by all employees of county government can affect the entire organization. Therefore, employees are required to be friendly, courteous, and appropriately dressed at all times.

(B) The county requires its employees to present themselves for work in such a manner that is reflective of good personal hygiene. Each department of county government shall set standards for its employees within its respective standard operating procedures set forth in this title pertaining to conduct, appearance and hygiene. County police, emergency medical services, Sheriff's Department, and animal control officers shall wear the approved uniform of their respective departmental standard operating procedure section on dress codes.

(Prior Code, § 31.057) (Ord. 2001-06, passed 7-17-2001)

**§ 31.058 SAFETY AND INJURIES.**

The health and safety of all county employees is of major importance. The county is anxious to make everyone's job safe in all respects; therefore, all employees shall report all hazardous conditions

in their work area at once to their immediate supervisor. All work related injuries shall be reported to the employee's immediate supervisor as soon as possible. However, all injuries shall be reported no later than the end of the work day (shift).

(Prior Code, § 31.058) (Ord. 2001-06, passed 7-17-2001)

### § 31.059 HARASSMENT.

(A) *General provisions.* Fiscal Court is committed to maintaining a work environment free of discrimination and harassment. In keeping with this commitment, the county will not tolerate conduct that affects tangible job benefits, that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

(1) Harassment on the basis of race, color, religion, gender, national origin, age, or disability constitutes discrimination in the terms, conditions, and privileges of employment. **HARASSMENT** is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, or disability, or that of his or her relatives, friends, or associates, and that:

(a) Has the purpose or affect of creating an intimidating, hostile, or offensive work environment;

(b) Has the purpose or affect of unreasonably interfering with an individual's work performance; and/or

(c) Otherwise adversely affects an individual's opportunities.

(2) Harassing conduct includes, but is not limited to, the following:

(a) Epithets, slurs, negative stereotyping, threatening, or intimidating acts, that relate to race, color, religion, gender, national origin, age, or disability; and

(b) Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability and that is placed on walls, bulletin boards, or elsewhere on the employers' premises or circulated in the work place.

(B) *Harassment complaint procedure.* The employee shall document all incidents of harassment in order to provide the fullest basis for investigation. In addition, the employee shall notify his or her supervisor of the harassment, as soon as possible, so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. The Fiscal Court shall not investigate complaints older than 12 months unless part of a continuing pattern

of harassment. If action taken does not satisfy the employee, he or she may file a grievance with the County Judge/Executive. The County Judge/Executive shall investigate the complaint and issue a written report to the employee on his or her findings and any action(s) to be initiated by the county. In the event the employee is dissatisfied with the County Judge/Executive's decision, the employee has the right to appeal the decision to the Fiscal Court. Said appeal must be filed in writing, within 30 days of the County Judge/Executive's determination. Fiscal Court's review of the appeal shall be considered a personnel action, and consequently occur in a closed session.

(C) *Sexual harassment.* Sexual harassment deserves special mention. Inappropriate sexual advances, requests for sexual favors and other physical, verbal, or visual conduct based upon sex constitutes sexual harassment when:

- (1) Submission to such conduct is either explicitly or implicitly made a term or condition of employment;
- (2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

(D) *Sexual harassment complaint procedure.*

(1) All employees of any department of county government are responsible for helping assure the county avoids harassment. If an employee feels that he or she has experienced or witnessed sexual harassment, he or she is to notify his or her immediate supervisor immediately. Reports are to be made as soon as possible, preferably within 24 hours, and preferably in writing. Oral reports, however, will also be taken in the cases of unusually sensitive circumstances.

(2) (a) The Fiscal Court policy is to investigate all such complaints. To the fullest extent practicable, the county will keep complaints confidential. If an investigation confirms that sexual harassment has occurred, the county will take corrective action in accordance with the nature and extent of the offense. If the action taken does not satisfy the employee, he or she may file a grievance with the County Judge/Executive.

(b) The County Judge/Executive shall investigate the complaint and issue a written report to the employee on his or her findings and any action(s) to be initiated by the county. In the event the employee is dissatisfied with the County Judge/Executive's decision, the employee has the right to appeal the decision to the Fiscal Court. Said appeal must be filed in writing, within 30 days of the County Judge/Executive's determination.

(c) The Fiscal Court's review of the appeal shall be considered a personnel action, and consequently occur in a closed session.

(E) *Harassment and sexual harassment employee inquiry procedure.* Fiscal Court encourages any employee to raise questions he or she may have regarding the harassment or sexual harassment policy with his or her immediate supervisor or the County Judge/Executive.  
(Prior Code, § 31.059) (Ord. 2001-06, passed 7-17-2001)

### **§ 31.060 VIOLENCE IN THE WORK PLACE POLICY.**

(A) Fiscal Court believes that all employees have the right to work in a safe environment. Accordingly, the county does not tolerate any violence in the work place. Such acts will result in immediate disciplinary action, including, but not limited to, demotion, suspension, and termination.

(B) Violence includes not only intended physical harm, but threats of harm as well. Fiscal Court considers joking about violence, brandishing weapons, intimidating, harassing, and coercing other employees as forms of violence as well.

(C) Except for those safety sensitive positions authorized by state law to have peace officer powers, Fiscal Court forbids the possession of any weapon by employees on county property or a county work site while conducting county business. Employees found in violation of this policy shall be immediately suspended from work by their immediate supervisor. The County Judge/Executive shall be notified by the immediate supervisor and appropriate disciplinary action shall be initiated by the County Judge/Executive depending upon the severity of the infraction and the potential for harm to other county employees.

(D) In safety sensitive areas such as areas where prisoners are held, the emergency medical services building, law enforcement offices, ambulances, police cars, and juvenile treatment or questioning areas, the supervisor in charge of the facility or mobile unit may restrict access to areas deemed unsafe for unauthorized persons and which may assist in the protection of employees from violence in the work place by non-employees. Areas must be appropriately marked as “OFF LIMITS TO NON-AUTHORIZED PERSONNEL.”

(E) An employee who is the victim of work place violence by another employee should report the incident to his or her supervisor and the police as soon as possible. Work place violence against an employee by a non-employee should be reported to the police immediately. In the case that the supervisor is the perpetrator, the employee should report to the County Judge/Executive. The County Judge Executive shall refer the matter to the appropriate law enforcement agency for investigation. After reviewing the results of the investigation, the County Judge/Executive shall issue a written report outlining the disciplinary action of the county if any, and shall report criminal acts to the County Attorney.

(F) Any supervisor or department head informed of work place violence allegation is obligated to report said allegation to the County Attorney.

(G) All employees must cooperate with county investigations. Work place safety is everyone's responsibility, and all must take part. Fiscal Court strongly encourages all employees to report any acts or threats of violence they may have observed and to cooperate with all investigations. Employees who do not cooperate face disciplinary action.

(H) Fiscal Court will do its best to ensure the confidentiality of the complainant, the accused, and the witnesses. Absolute confidentiality cannot be assured. Only those who must know the particulars of the case will be given access to that information. In the case of a criminal act, such people include the County Attorney and law enforcement officials.

(I) If the county, after investigation, decides that the accused had breached this violence in the work place policy, disciplinary actions include, but are not limited to, demotion, suspension, transfer, and termination.

(J) Retaliation against any party involved—the accused, accuser, witnesses, and investigators—will not be tolerated. Employees acting as such will be disciplined.  
(Prior Code, § 31.060) (Ord. 2001-06, passed 7-17-2001)

#### **§ 31.061 DRUG-FREE WORK PLACE/DRUG TESTING POLICY.**

(A) The United States Congress enacted the Drug-Free Workplace Act of 1988, being 41 U.S.C. §§ 8101 et seq., effective March 18, 1988. Fiscal Court intends to comply with the provisions of that Act.

(B) Employees of the county shall not unlawfully manufacture, distribute, dispense, have possession of, or use illegal drugs or alcohol on the job, in the work place, or report to work under the influence of such substances. It is the intent of the county to maintain a work place free of these substances, so that all employees may have the opportunity to have a safer, more productive work environment.

(C) Any employee reporting to work under the influence of alcohol or illegal drugs or who commits a work-related drug or alcohol offense shall be disciplined under the established disciplinary process for either a "safety sensitive" or "non-safety sensitive" classification depending upon which classification the employee is classified as an employee of the county government, all of which include suspension and/or dismissal.

(D) The manufacturing, possession, and/or use of illegal drugs, alcohol, or drug paraphernalia in the work place is strictly prohibited. This includes the misuse/abuse of prescribed medications which could impair an employee's ability to function.

(E) It is the responsibility of the employee to notify his or her supervisor of any work related drug convictions within five days after the conviction or be subject to having charges filed for dismissal from employment with the county government.

(F) (1) If a supervisor has probable cause to suspect an employee of illegal drugs or alcohol use on the job or of reporting to work under the influence of same, the employee may be required to submit to drug or alcohol testing.

(2) The supervisor may also take other appropriate actions in order to protect the public safety and the safety of the work place, pending a final decision by the County Judge/Executive.

(G) An employee reporting to work on medication prescribed by a physician which could impair job performance is to immediately notify his or her supervisor and/or the County Judge/Executive. The employee must submit a doctor's statement indicating how the medication would affect his or her job performance and/or the health and safety of others, so appropriate steps may be taken by supervisors to prevent any hazards.

(H) The County Judge/Executive shall require all county departments to distribute at least annually information on the importance of maintaining a alcohol/drug free work place and other information to assist employees in finding and securing assistance for drug and alcohol abuse.  
(Prior Code, § 31.061) (Ord. 2001-06, passed 7-17-2001)

**§ 31.062 ALCOHOL AND DRUG TESTING POLICY.**

(A) The Fiscal Court is implementing this policy to further its goal of providing a safe work environment.

(B) All employees (except for elected officials) will be required to submit to a drug and alcohol test under the following circumstances:

(1) Pre-employment job offer. A ten-panel drug screen shall be obtained once a job offer has been formally extended to an applicant for any safety sensitive position with the county government. A ten-panel drug screen may be obtained once a job offer has been formally extended to an applicant for any other positions with the county government;

(2) After any accident in a county owned vehicle.

(a) A ten-panel drug screen and a breath alcohol shall be obtained from any county employee who has an accident while operating a county owned vehicle while on work time. This test shall be conducted as soon as possible following the accident.

(b) Following any accident while operating a county owned vehicle on work time, the employee shall immediately notify his or her immediate supervisor. The immediate supervisor shall transport the employee to an approved site for the drug screen and breath alcohol test to be performed.

(c) If the employee is transported to a medical facility, his or her immediate supervisor shall be notified and shall report to the medical facility to ensure that the breath alcohol and drug screen tests are performed at an appropriate time.

(3) When injured on the job. When medical treatment is first sought regardless of whether time from work is lost. Both a ten-panel drug screen and a blood or breath alcohol test shall be obtained. An occupational injury/illness accident report must be completed at the time of injury or illness;

(4) When circumstances involving unsafe work practices exist. When unsafe work practices cause an injury or damage to county property;

(5) When probable cause exists;

(6) When required by DOT regulations. Employees required to have CDL (commercial driver's license) as a condition of employment shall be tested for illegal drug and alcohol abuse under the most current DOT regulations;

(7) Random testing for safety sensitive positions.

(a) Paramedics and emergency medical technicians working for the County Emergency Medical Services may be required to submit to illegal drug and alcohol testing at rates determined by the Director of Public Safety and approved by the County Judge/Executive in order to maintain a safe, healthy work place.

(b) All other safety sensitive positions may be required to submit to random drug and alcohol screens twice annually at dates and times selected by the department head and approved by the County Judge/Executive.

(8) Testing/reporting requirements.

(a) If any employee is involved in a vehicle or personal injury accident as set forth earlier in this section, the employee must notify his or her supervisor immediately; and

(b) A supervisor may transport the employee to one of the testing locations approved by the Fiscal Court, at the earliest possible opportunity.

(c) Fiscal Court will pay for the tests and the time required to take the tests.

(d) The County Judge/Executive shall distribute to all county departments a list of approved test sites each year on or before July 1.

(C) Results.

- (1) The Fiscal Court, through the appropriate manager or supervisor, will inform each employee of the test results.
- (2) If the test is positive, the employee has 72 hours to request a retest of the original or split sample. This will be at the employee's expense. The employee has the right to the test result.
- (3) If the test is positive, the employee will be subject to disciplinary action up to and including termination.
- (4) If there is an indication that the chain-of-custody procedures were broken, the employee may be required to submit to another test.
- (5) The results of all tests will be kept confidential in the employee's personnel file, with information released on a "need to know" basis, or with the written consent of the employee.
- (6) Refusal to submit to a Breathalyzer (alcohol) or drug test will be considered a positive result and will be considered a voluntary resignation.
- (7) If it was determined that the employee altered his or her sample, it will be considered a "refusal to submit" and will be construed as a voluntary resignation.
- (8) Tests results returning positive for the pre-employment offer shall result in the county withdrawing the offer of employment.

(D) Violation of the drug and alcohol policy.

- (1) It shall be a violation of the Fiscal Court drug and alcohol policy to:
  - (a) Have a positive drug test for illegal or unauthorized drugs;
  - (b) Have a blood-alcohol level of 0.040 or greater according to an alcohol test while on duty;
  - (c) Refuse to submit to a drug or alcohol test required by this section;
  - (d) Adulterate or substitute a sample for testing;
  - (e) Interfere with or tamper with the testing process or sample in any way; and/or
  - (f) Use illegal or unauthorized drugs or alcohol while on duty.
- (2) Consequences of policy violation. In the event that any employee of the Fiscal Court violates the provisions of the drug and alcohol policy, the employee shall be subject to the disciplinary

actions authorized in § 31.049 and the disciplinary provisions of this section. Safety sensitive employees who violate the provisions of the drug and alcohol policy of the Fiscal Court shall be ineligible to hold any position classified as “safety sensitive” by the Fiscal Court. At the sole discretion of the County Judge/Executive, and with the approval of the Fiscal Court, a safety sensitive employee who violates the drug and alcohol policy may be re-assigned to another position that is not classified as safety sensitive following a minimum 60-day suspension without pay and successful completion of a drug and alcohol abuse treatment program selected by the county and paid for by the employee.  
(Prior Code, § 31.062) (Ord. 2001-06, passed 7-17-2001)

### ***FRINGE BENEFIT PROVISIONS***

#### **§ 31.075 HOLIDAYS.**

(A) The following days are declared paid holidays at the regular rate of pay for all county employees:

- (1) The first day of January (New Year’s Day);
- (2) Good Friday (Friday before Easter);
- (3) The last Monday in May (Memorial Day);
- (4) The fourth day of July (Independence Day);
- (5) The first Monday in September (Labor Day);
- (6) The fourth Thursday in November (Thanksgiving Day);
- (7) The day after Thanksgiving;
- (8) The twenty-fourth day of December (Christmas Eve Day);
- (9) The twenty-fifth day of December (Christmas Day);
- (10) The thirty-first day of December (New Year’s Eve Day); and
- (11) Presidential election day (full day); other elections (four hours).

(B) When any holiday listed falls on a weekend, the County Judge/Executive shall schedule comparable paid leave.

(C) (1) Notwithstanding the provisions of § 31.038 when it is essential for an employee to work on a declared holiday, he or she shall be compensated for actual hours worked at a time and one-half rate.

(2) Advanced permission must be obtained from the County Judge/Executive for an employee to work on a declared holiday. In no case will compensatory time be given to any employee who, by virtue of his or her work schedule, does not work on an official county holiday.

(D) In addition to the above, any day may be designated as a holiday by proclamation of the Fiscal Court.

(E) In order for an employee to be paid for a holiday, he or she must work the last scheduled day before and the first scheduled day after the holiday unless the absence(s) is approved in advance, or a sick day is substantiated by a physicians statement. Probationary employees shall receive holiday pay. (Prior Code, § 31.075) (Ord. 2001-06, passed 7-17-2001)

**§ 31.076 VACATION DAYS.**

(A) As of the effective date of Ordinance Number 2001-06, all current employees shall retain the vacation days as accumulated to date.

(B) All full-time employees shall, after the effective date of Ordinance Number 2001-06, be entitled to vacation leave at the following rates:

(1) Employees working at least 37 hours per week shall accrue vacation at the rate of eight hours for every calendar month worked.

(2) Employees working less than 37 hours per week shall accrue vacation at the pro-rated rate of six and one-half hours per calendar month worked.

(3) Employees working less than 32 hours per week shall receive no compensated vacation time.

(C) For accrual purposes, a new employee who reports for work shall begin to accrue vacation on the first day of employment but may not utilize the time accrued as time off with pay until after six full months of employment.

(D) No employee will be permitted to take advance leave or leave that has not been earned. An employee who has worked six months for the county may be granted vacation not to exceed the number of days actually accrued. Vacation pay shall be at the full rate at the current wage.

(E) An employee who has worked at least one full year and whose employment is terminated during the succeeding year is entitled not only to full vacation for the year worked, but also to vacation time for the partial year worked, the amount to be based on the percentage of a full year worked.

(F) An employee who is terminated shall be paid for all accumulated vacation leave, excluding probationary employees. Payment shall occur at the next regular pay date for the county.

(G) Absences on account of sickness, injury, or disability in excess of that authorized for such purposes may, at the request of the employee and with the approval of the department head, be changed to vacation leave credit.

(H) (1) Vacation may be accumulated to 30 (eight-hour) days.

(2) At the end of any fiscal year (June 30), any employee of the county may carry forward any unused vacation days not to exceed 240 hours.

(3) Hours not utilized by the employee in excess of 240 hours at the end of a fiscal year may be purchased from the employee at the current federal minimum wage rate at the discretion of the department head and with the approval of the County Judge/Executive.

(I) Effective July 1, 2003, employees employed at least 120 months and who work an average of 37 hours per week, shall on July 1 of each fiscal year, be granted 40 hours of additional vacation time in addition to the vacation time normally accrued. Employees who average at least 32 hours per week and who have been employed for at least 120 months shall have 32 hours of vacation time added on July 1 of each fiscal year in addition to that normally accrued. For those employees, who by virtue of their department's work schedule, work an average work week of greater than 48 hours and who have been employed for at least 120 months, shall be awarded 48 hours of vacation time on July 1 of each fiscal year.

(J) After 25 years of service, on July 1 of each fiscal year thereafter that the employee remains employed by the Fiscal Court or any department of county government, the employee shall be awarded 80 hours of vacation time in addition to the amount normally earned. This section shall take effect as of September 1, 2006.

(K) (1) The County Finance Officer shall keep complete records of vacation leave. An employee fraudulently obtaining vacation leave or a department head or supervisor falsely certifying vacation leave allowance may be suspended or dismissed.

(2) The record of vacation and sick hours held by the County Finance Officer shall be the official record of vacation and sick time for all county employees.

(Prior Code, § 31.076) (Ord. 2001-06, passed 7-17-2001)

**§ 31.077 SICK DAYS.**

(A) As of the effective date of Ordinance Number 2001-06, all employees currently employed by the Fiscal Court or any department of county government shall retain their accumulated sick leave to date.

(B) All full-time employees of the county shall be entitled to sick leave credit with pay at the rate as presented below:

(1) Employees working at least 37 hours per week shall accrue sick leave at the rate of eight hours for every calendar month worked. Following at least 120 months of employment, the accrual rate shall be 12 hours per calendar month.

(2) Employees working less than 37 hours per week shall accrue sick leave on a pro-rated schedule of six and one-half hours per calendar month worked. Following at least 120 months of employment, the accrual rate shall be eight hours per month.

(3) Employees working less than 32 hours shall not receive compensated sick leave.

(C) For accrual purposes, a new employee shall begin to accrue sick leave on the first day of employment but shall not be allowed to utilize the time as time off with pay until after six full months of employment.

(D) There is no maximum number of sick days that an employee may accumulate. However, except for utilization by a county employee under the provisions of KRS 78.616(1), (2), (3), and (4) for retirement credit, sick days have no cash value except for those purposes listed in this section as validated use of sick time credit.

(E) Sick leave credit may be utilized by employees when they are incapacitated from the performance of duties due to sickness or injury or when they are quarantined. An employee may use up to five sick days in the event of serious illness in the employee's immediate family. The immediate family for these purposes, shall be deemed to include the parents, spouse, children, brothers and sisters. All foreseeable leave for such purposes shall require specific prior written approval of the department head and County Judge/Executive. In the event of sick leave for any purpose, the department head or office head may require a certificate of a medical doctor giving information as to the circumstances involved.

(F) An employee on sick leave shall inform his or her department director of the fact and the reason as soon as possible; failure to do so by 10:00 a.m. of each day of illness may be cause for denial of sick leave with pay for the period of absence.

(G) Absence for part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than one-quarter of a day.

(H) The County Financial Officer shall keep complete records of sick leave. An employee fraudulently obtaining sick leave, or department head falsely certifying sick leave allowance for absence from work, may be suspended or dismissed. A doctor's statement is required for all absences for more than two consecutive days due to illness. A supervisor or department head may require a doctor's statement for absences of less than two days due to illness where abuse of sick leave is suspected.

(I) Employees are not entitled to receive pay for accumulated sick leave upon termination.

(J) Department heads (excluding elected officials) shall submit monthly reports to the County Financial Officer noting each of their employees accrued and used vacation and sick time. (Prior Code, § 31.077) (Ord. 2001-06, passed 7-17-2001)

### **§ 31.078 SICK LEAVE SHARING POLICY.**

(A) An employee who has accrued a sick leave balance of more than 40 hours may request that the county make available for transfer a specified amount of his or her sick leave balance to another named employee. The employee may not request a transfer of an amount of leave that would result in reducing his or her sick leave balance to less than 40 hours.

(B) The employee to receive sick leave transfers must meet the following criteria:

(1) Exhausted all accumulated sick leave;

(2) Complied with all policies to date with respect to the use of sick leave;

(3) Obtained written permission from co-workers to have a specified number of hours transferred to the requesting employee; and

(4) For the record, requested in writing to the County Judge/Executive to receive transferred sick leave.

(Prior Code, § 31.078) (Ord. 2001-06, passed 7-17-2001)

### **§ 31.079 DISABILITY LEAVE.**

(A) Any employee who suffers injury or illness as a result of service connected accident or illness shall be compensated in accordance with KRS Chapter 342.

(B) Employees shall continue to accrue sick leave and vacation leave while on disability leave due to service connected accident or illness for a period of three months after the accident or illness.

(Prior Code, § 31.079) (Ord. 2001-06, passed 7-17-2001)

**§ 31.080 MATERNITY LEAVE.**

(A) Maternity leave will be granted for full-time employees due to pregnancy, childbirth or any associated impairment for a period not to exceed three calendar months without pay. An additional period not to exceed 60 days without pay may be granted at the discretion of the immediate supervisor, if recommended by a medical doctor.

(B) The employee may use accrued sick leave, then accrued vacation leave and the remaining period without pay.

(Prior Code, § 31.080) (Ord. 2001-06, passed 7-17-2001)

**§ 31.081 LIGHT DUTY REASSIGNMENT.**

(A) In lieu of disability or maternity leave, based upon the availability of work and at the sole discretion of the county, an employee may be reassigned within his or her regular department or to any other department of county government for light duty work. Work hours may be adjusted based upon the amount of work available. Under no circumstance shall light duty work time exceed 40 hours per week. The employee shall be paid at his or her regular rate of pay for which he or she was being compensated at the time of injury, illness, or disability.

(B) The employee must secure a medical doctor's statement that the light duty work will not cause additional harm to the employee and that the employee is fully capable of performing the assigned task.

(C) Employees may be required to submit to an independent evaluation at the county's expense by a qualified professional, for a second opinion in regards to the need or continued need for light-duty assignment.

(Prior Code, § 31.081) (Ord. 2001-06, passed 7-17-2001)

**§ 31.082 BEREAVEMENT (FUNERAL) LEAVE.**

(A) Full-time employees in established positions may be granted up to 24 work hours off without loss of pay in case of death in the immediate family, including parents, grandparents, spouse, brothers, sisters, children, and immediate in-laws. Uncompensated bereavement leave is available at the discretion of the immediate supervisor.

(B) Employees on 48-hour shifts (ACEMS) may be granted three calendar days off for bereavement, and such absence shall be considered excused.

(Prior Code, § 31.082) (Ord. 2001-06, passed 7-17-2001)

**§ 31.083 SPECIAL LEAVE.**

(A) In addition to authorized leaves, the County Judge/Executive may authorize an employee to be absent without pay for personal reasons for a period or periods not to exceed ten working days in any calendar year.

(B) The County Judge/Executive may authorize special leave, with or without pay, for full-time employees for any period or periods for the purpose of attending courses in training at recognized universities or colleges and for other purposes that are deemed to be beneficial to the county service. (Prior Code, § 31.083) (Ord. 2001-06, passed 7-17-2001)

**§ 31.084 MILITARY LEAVE.**

(A) Any employee occupying a full-time position within the county who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or the Reserve Corps of the United States Public Health Service, shall be entitled to a leave of absence for a period not to exceed 15 calendar days in any one year for the purpose of attending annual mandatory training.

(B) County government shall comply with the provision of KRS 61.394 and KRS 61.396 governing military related leave of absences.

(C) Full-time county government employees may use vacation time if necessary for military leaves. (Prior Code, § 31.084) (Ord. 2001-06, passed 7-17-2001)

**§ 31.085 JURY DUTY.**

(A) When an employee is required to serve on jury duty, he or she shall be compensated at the normal rate of pay while serving on jury duty. All employees serving on jury duty shall be absent from work only during the times required by the courts. Compensation for jury duty separate from an employee's normal wages must be turned over to the County Treasurer.

(B) Employees dismissed from jury duty must immediately report to their respective work station with the county government.

(C) Employees summoned as a plaintiff or a defendant in a proceeding involving or arising from outside employment or personal business shall not be entitled to leave with pay, but may use accrued vacation leave during the absence. Employees subpoenaed in their capacity as county employees shall be compensated at their normal rate of pay. Employees subpoenaed in cases unrelated to their employment shall be given uncompensated excused absences. (Prior Code, § 31.085) (Ord. 2001-06, passed 7-17-2001)

**§ 31.086 TIME OFF TO VOTE.**

All employees entitled to vote in any election shall be given up to four hours off (eight hours off for the presidential election) with pay on election day to vote. The county may specify the hours during which each employee may be allowed time off to vote as per KRS 118.035. For clarification, see § 31.075 (Holidays).

(Prior Code, § 31.086) (Ord. 2001-06, passed 7-17-2001)

**§ 31.087 HEALTH INSURANCE.**

(A) The county pays for single health insurance policy. Additional coverage for an employee's family is available at the employee's expense.

(B) Benefits are as set forth in the carrier contract.

(C) No other medical benefit is implied.

(D) Employees are covered under the Consolidated Omnibus Budget Act of 1986 (COBRA, being 29 U.S.C. §§ 1161-68). In summary, COBRA provides that each qualified beneficiary who would lose coverage under the group health plan as a result of a qualifying event is entitled, under the plan, to elect, within the election period, continuation of coverage under the plan at their expense for a limited time. This summary statement is not intended to supplant the Act. All rights are set forth in the Act and should be consulted for official decisions.

(Prior Code, § 31.087) (Ord. 2001-06, passed 7-17-2001)

**§ 31.088 RETIREMENT BENEFITS.**

(A) The county and its employees contribute to Social Security at the rate determined by Congress.

(B) The county participates in the hazardous and nonhazardous County Employees Retirement System (CERS), dependent on the classification of the employee. CERS contribution regulations are established by the State Legislature.

(C) Employees are permitted to use accumulated sick leave for early retirement per the provisions of KRS 78.616(1), (2), (3), and (4).

(Prior Code, § 31.088) (Ord. 2001-06, passed 7-17-2001)

**§ 31.089 UNEMPLOYMENT INSURANCE.**

The county pays the full amount for unemployment insurance.

(Prior Code, § 31.089) (Ord. 2001-06, passed 7-17-2001)

**§ 31.090 WORKER'S COMPENSATION.**

The county pays the full amount for workers' compensation insurance.  
(Prior Code, § 31.090) (Ord. 2001-06, passed 7-17-2001)

**§ 31.091 EXPENSE REIMBURSEMENT.**

(A) Excluding county officials, no employee of the county shall receive or be allowed any lump sum expense allowance or contingent fund for personal or official expenses as per KRS 64.710. Lump sums for travel expenses are available to county employees through prior approval by the Fiscal Court. Any employee receiving such a lump sum must present all receipts from said travel, and return any surplus to the County Treasurer.

(B) Any employee of the county incurring expenses for approved travel shall be reimbursed as follows.

(1) *Transportation.* For all reasonable necessary public transportation by reasonably economical means, at actual cost of fares, not to exceed costs of accommodations that are less than first-class if available, the county reimburses mileage at the state rate for the use of privately owned vehicles advantageous to the purposes of the county.

(2) *Lodging.* Reimbursement shall be made on an actual expense basis for the cost of lodging with a receipt on all expenses claimed. If approved by the County Judge/Executive, lodging expenses for rooms may be paid in advance provided that a statement is received from the facility where lodging will take place. A paid receipt shall be forwarded to the County Judge/Executive's office within three days following the lodging.

(3) *Meals.* Reimbursement shall be made on an actual expense basis by receipt not to exceed \$8 per meal. Employees away from the work station on authorized travel shall be entitled to expenses for three meals if they leave prior to their normal starting time and return one hour after their normal work schedule ends.

(4) *Other.* Tolls, parking, baggage, and car rentals are allowed on an actual expense basis when reasonable and necessary in conducting business for the county.

(C) The expense reimbursement form must be completed (including required receipts) and submitted to the County Judge/Executive within three working days after returning from travel.

(D) The expense reimbursement form must be signed by the employee requesting reimbursement, the department head and/or the County Judge/Executive.

(E) The county may provide travel advances if requested and approved by the County Judge/Executive.

(Prior Code, § 31.091) (Ord. 2001-06, passed 7-17-2001)

**§ 31.092 FAMILY AND MEDICAL LEAVE ACT OF 1993.**

(A) The County Fiscal Court recognizes that the provisions of the 1993 Family and Medical Leave Act (FMLA, being 29 U.S.C. §§ 2611 et seq.) apply and will comply with the provisions of the Act, if the employee meets the eligibility requirements set forth in the Act.

(B) All departments of county government shall display the informational posters that inform employees of the provisions of the FMLA of 1993.

(Prior Code, § 31.092) (Ord. 2001-06, passed 7-17-2001)

**§ 31.093 USE OF COUNTY VEHICLES.**

(A) County owned vehicles are assigned to county employees by the County Judge/Executive.

(B) At the discretion of the County Judge/Executive, county employees may be allowed to drive county owned vehicles while off duty provided that the employee is subject to off-duty emergency call.

(C) County personnel shall not use county owned vehicles assigned to them by the County Judge/Executive for personal business when off duty. Off-duty hours are considered to be those times which are not hours that their department office is open for the transaction of business with the general public as set by the County Judge/Executive.

(D) Non-government personnel are not to be transported in a county owned vehicle assigned to a employee for use during off-duty hours except in emergency situations. Off-duty hours are the same as in division (C) above.

(E) County owned vehicles assigned to employees by the County Judge/Executive for use during off-duty hours shall not be driven outside of the county during off-duty hours without the permission of the County Judge/Executive unless the employee is subject to emergency call back and can return to the county within 30 minutes of receiving such an emergency call back request.

(F) County employees driving a county owned vehicle which shall be taken outside of the county for approved meetings, conferences, educational offerings, training, or official county business, which will remain out of the county overnight, shall file a written notice with the office of the County Judge/Executive prior to leaving the county and shall state the destination, reason for the trip and return time in the written report.

(G) The County Judge/Executive may place additional restrictions or guidelines regarding the use of county owned vehicles by memorandum to county employees and require mileage and usage records at his or her discretion.

(Prior Code, § 31.093) (Ord. 2002-11, passed 9-17-2002)

### ***EMPLOYEE RELATIONS PROVISIONS***

#### **§ 31.105 TRAINING AND CAREER DEVELOPMENT.**

(A) It is the County Judge Executive's responsibility to see that each new employee is given an orientation on the job, the nature, purposes and programs of the department, the administrative policies, and the operational policies of the county. A copy of the administrative code shall be maintained by each department head.

(B) In-service training of regular full-time employees shall be provided by the County Judge/Executive, department heads, or their respective designated representatives on a regular basis.

(C) The department heads, with the County Judge/Executive's concurrence may permit or direct the attendance of employees at meetings, conferences, workshops, or seminars intended to improve the knowledge, abilities, and skills of county employees.

(D) Training shall include the following areas at a minimum:

- (1) Orientation of new employees;
- (2) Position specific (the job position/title as appointed);
- (3) Safety training shall be departmental specific, as well as overall safety;
- (4) Employee conduct training; and

(5) At least annually, the County Judge/Executive shall conduct, or have conducted by a designated official, training for all department heads and supervisors regarding compliance with the following employment areas:

- (a) Americans With Disabilities Act, being 42 U.S.C. §§ 12101 et seq.;
- (b) Family Medical Leave Act, being 29 U.S.C. §§ 2611 et seq.;

- (c) Sexual harassment policies;
- (d) Violence in the work place policies;
- (e) Budget and purchasing policies; and
- (f) Employee evaluation policies and procedures.

(E) Training may be accomplished on site or at organizational training seminars provided by educational institutions, the state, the federal government, or other means.

(F) Attendance and participation in training arranged or provided by the county is mandatory and a condition of employment. The county will make every effort to provide training at reasonable times and with the convenience of the employee in mind. Training expenses will be paid by the county, including travel, lodging, registrations, and course materials. However, all course materials remain the property of the county to be maintained by the employee.

(G) Each employee shall sign certification that he or she has been given an opportunity to review the county's personnel chapter of the administrative code and received orientation on his or her job. (Prior Code, § 31.105) (Ord. 2001-06, passed 7-17-2001)

**§ 31.106 PERFORMANCE EVALUATION.**

(A) The County Judge/Executive and department heads are responsible for appraising the performance and merit of personnel under their respective jurisdiction.

(1) All department heads will be appraised by the County Judge/Executive. The appraisals will be completed no later than April 30 of each year.

(2) The County Judge/Executive shall provide the Fiscal Court with a report of the overall performance of each department. The report shall be included with the annual budget proposal.

(B) The following elements shall be considered in each evaluation:

(1) *Job proficiency.* The ability to perform job tasks at or above the job standard is to be appraised. The supervisor's appraisal of job performance is presumed to be accurate unless the employee can show arbitrary or discriminatory action or gross errors in judgment.

(2) *Harmonious work relationships.* The way an employee gets along with his or her supervisors and his or her fellow workers shall be appraised. Willingness to accept and to carry out

orders, as well as the ability to get along with others is important. The supervisor's appraisal of this factor is also presumed to be accurate unless any arbitrary or discriminatory action or gross errors in judgment are noted.

(3) *Absenteeism or tardiness.* The punctuality and consistency of attendance of an employee in the job is an important consideration. Excessive absences and/or tardiness are grounds for an unfavorable evaluation and disciplinary action.

(4) *Errors or accidents.* Errors in work and/or accidents attributable to improper performance of job tasks shall be noted and evaluated.

(5) *Failure to follow rules and regulations.* Any employee may receive an unfavorable evaluation if he or she disregards written or oral rules and regulations of which he or she could reasonably be deemed to be aware.

(6) *Relationships with the public.* Public relations are an important part of the duties of every employee. Each supervisor shall appraise the manner in which his or her subordinates deal with the public. Discourteous treatment, lack of tact, and other elements of misconduct in dealing with the public are valid reasons for an unfavorable evaluation.

(7) *Other.* Each supervisor shall appraise his or her subordinates in the best way possible for the organization. Other job related elements rather than those enumerated may be used in the appraisal. All appraisals must be done in a fair and equitable manner, and above all, shall be job related and consistent among all personnel appraised by that supervisor.

(C) After the evaluation is completed, each employee shall be given a copy within five working days. Each employee shall have five days to review his or her evaluation. If an employee is not satisfied with his or her evaluation, he or she may request a meeting with the County Judge/Executive and the department head within five days of the written receipt of the evaluation to discuss the contents. Each employee may submit a written rebuttal to the evaluation for consideration and inclusion in his or her personnel file.

(D) Each employee evaluation shall be placed in the personnel file of that employee after having been signed by both the employee and his or her evaluator.

(E) The approved evaluation form shall be attached to Ordinance Number 2001-06. (Prior Code, § 31.106) (Ord. 2001-06, passed 7-17-2001)

### **§ 31.107 GRIEVANCE PROCEDURE.**

(A) Except as otherwise provided herein, any employee who believes that he or she has been aggrieved may personally or by a representative, file a complaint with his or her department supervisor.

(B) Any employee who believes he or she has been adversely affected by an act or decision by the county shall have the right to process a complaint or grievance in accordance with the following procedure.

(1) (a) An aggrieved person must submit a dated, written statement to the department head clearly identified as a grievance and setting forth the nature of the grievance and facts upon which the allegation is based.

(b) The written statement must be submitted within ten work days of the alleged grievance.

(2) (a) The department head shall date the statement when received, and contact the complainant no later than ten work days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally.

(b) The informal meeting shall be conducted no sooner than ten work days nor more than 30 work days after receiving the written statement.

(c) There shall be prepared a written documentary of the discussions at the informal meeting, which shall be preserved in the file of the employee.

(3) Within ten work days of the informal meeting, if no decision has been made by the department head or the decision of the department head does not satisfy the complainant, he or she may request a meeting with the County Judge/Executive by submitting a written request to the County Judge/Executive.

(4) In thus discussing the grievance, the complainant or county may require the presence of any other county employee who may have relevant information regarding the grievance. Any other person may be admitted to the conference if they have information relevant to the grievance.

(a) The County Judge/Executive shall require the department head to participate in the discussion of the grievance, when it is brought before the County Judge/Executive.

(b) The County Judge/Executive shall issue a written decision on the matter within ten days. There shall be prepared a written documentary of the discussion at the meeting which shall be preserved in the file of the employee.

(5) (a) The decision of the County Judge/Executive shall be the final procedure for the complainant at the local level.

(b) All complaints received by the department head and responses from the department head and the County Judge/Executive will be kept by the county in the complainant's file.

(Prior Code, § 31.107) (Ord. 2001-06, passed 7-17-2001)

**CLASSIFICATION PLAN****§ 31.120 INTERPRETATION AND APPLICATION OF THE CLASSIFICATION PLAN.**

(A) *Overview.* Position classification refers to the organizing of positions into groups of classes on the basis of their duties and qualification requirements. The classification plan exerts an influence on almost every aspect of employer-employee relations, and county officials should be familiar with its contents. Position classifications include the position titles, their definitions, a description of the duties and responsibilities of each position, and the qualifications necessary to fill each position. Position classification facilitates proper employee compensation, selection, placement, promotion, and training.

(B) *The purpose of classification.* The purpose of a personnel management system is to assist in securing and keeping well-qualified employees. The county's strategy for doing so is the development of fair and equitable recruitment, selection, promotion, pay, and fringe benefit programs. The plan assures employees that their salary will be based on the value of the services they render (e.g., equal pay for equal work). All parts of an effective personnel management system work together toward these goals.

(C) *Administration of the plan.*

(1) It is the duty of the County Judge/Executive to administer the classification plan as written. The administration of the plan includes responsibility for reviewing existing or new positions for purposes of classification, reclassification and pay level determinations. However, all changes in the plan itself are subject to the approval of Fiscal Court.

(2) (a) The county shall conduct or have conducted a comprehensive review of the classification plan at least every year. Between these comprehensive reviews, the county officials responsible for personnel may conduct or have subordinates conduct work audits of various positions to assure that the plan is current and corresponds with existing conditions.

(b) If this continuous audit program is opted for, the comprehensive review is not required annually.

(3) A classification plan is not intended to fix positions permanently into classes. Instead, the plan must be administered continually to adapt it to changing conditions. All proposed changes should be carefully scrutinized to the end of maintaining service morale, the validity of class concepts and the integrity of the class relationships established in the classification and pay plans. Three specific types of changes in the plan itself are possible: abolition of a class, adjustment or revision of a class, and the creation of a class.

(a) The abolition of a class is appropriate when positions in a class are abolished or when positions are significantly changed in the nature of work, duties, and responsibilities so that the class becomes inappropriate, inaccurate, or irrelevant.

(b) The adjustment or revision of a class specification to meet changing circumstances can be readily made. Minor rewriting of class specifications will suffice in most cases.

(c) New classes should be created when new work situations arise that are not covered by the established class specifications.

(d) However, caution should be exercised in this respect, particularly to assure that new classes are justified, and reflect substantially permanent rather than temporary situations.

(D) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CLASS.** A position or group of positions that has similar duties and responsibilities, required qualifications, and can be equitably compensated by the same wage range.

**CLASS SERIES.** Consists of two or more classes which are substantially similar as to the types of work involved and differ only in rank as determined by the importance of the duties, degree of responsibility, and amount of training and experience required. Titles usually are differentiated by I, II, and the like.

**CLASSIFICATION PLAN.** The official or approved system of grouping positions into appropriate classes and includes an index to the class specification, a list allocating each existing position to proposed or existing classes, and rules for the administration of the plan.

**EMPLOYEE.** An individual legally employed to perform the duties and carry out the responsibilities of a position. In classifying, it is the duties and responsibilities of the position, not the employee, that must be considered.

**POSITION.** A group of currently assigned duties and responsibilities requiring the full or part-time employment of one person.

**POSITION CLASSIFICATION.**

(a) A system of identifying and describing the different kinds of work in an organization and grouping together under common job titles those positions which are basically similar with respect to:

1. The nature of work;
2. The level of difficulty;
3. Degree of responsibility; and

4. Training and experience requirements.

(b) **POSITION CLASSIFICATION** groups similar positions into the same class so they may receive common treatment in employment practices.

(E) *Uses of position classification.* All major phases of the personnel program are founded upon position classification. Each position specification contains an analysis of the nature and degree of difficulty and responsibility involved in the work of the position and provides a statement of qualifications that are required for successfully performing its duties and responsibilities.

(1) For the administration, the position classification plan:

(a) Forms the basis of an objective recruitment program;

(b) May be used by each department head in perfecting or revising organizational structure, clarifying lines of authority, fixing responsibility and weighing personnel requirements;

(c) Provides the background information for setting salary and wage plans to assure equal pay for equal work;

(d) Serves as the basis for establishment of work-related written, oral, performance or other examinations; employee efficiency rating programs; employee training and counseling; regulations governing original employment, promotion, transfer, demotion, layoff and discharge; safety programs; and research studies;

(e) Provides uniform job terminology for payroll activities and for the use of all persons concerned with personnel activities;

(f) Facilitates the processes of budgeting, and the most advantageous placement and use of personnel; and

(g) Keeps management informed of personnel assignments at all times and helps locate duplication of functions, faculty organizations, and bottlenecks in the flow of work; assists in planning for increases or decreases in work loads; and generally provides information necessary for practically all problems involving the management of personnel.

(2) For the employee, a well developed position classification plan:

(a) Gives the employee a better concept of the activities of his or her own department, of his or her own work assignment, and of the county services as a whole;

(b) Shows him or her avenues of advancement, which may serve as an incentive to improve his or her status through more intensive attention to duties and by securing additional training or education;

(c) Allows him or her to see the position and its duties and responsibilities rather than the person occupying the position. The position classification plan shows the employee that classification and pay are based on the level of difficulty of assigned duties and responsibilities, not on how well the employee is performing his or her duties when the supervisor evaluates for purposes of salary increments or promotion; and

(d) Assures the employee that his or her position has been reviewed objectively in relation to other positions and that political and other unrelated considerations have not been used as the basis of its classification and pay.

(F) *Job descriptions.*

(1) (a) For every position, full-time, temporary, or part-time, there shall be a specific job description which outlines the duties and responsibilities of a job classification.

(b) Each specific job description shall be included in the county administrative code adopted by Ordinance Number 2001-06.

(2) For those classifications created after the adoption of Ordinance Number 2001-06 for which no job description exists within this code, a job description shall be written and approved by the Fiscal Court prior to the first day of employment for the new job classification.

(3) Job descriptions are to be utilized as general guides for job duties, responsibilities, and qualifications. They are not intended to be so specific as to take the ability to manage employees and job functions away from the local government and its duly elected County Judge/Executive, elected officials and department heads and supervisors.

(4) (a) Upon the effective date of Ordinance Number 2001-06, the number of positions for each county department shall be set by the Fiscal Court, based upon a written recommendation from the County Judge/Executive.

(b) Job classifications shall be filled based upon the authorized number set by Fiscal Court, pursuant to the provisions of this chapter.

(c) Those departments with safety sensitive positions shall utilize the selection procedures outlined in the approved standard operating guidelines for that specific department, but shall not exceed the authorized number of employees approved by the Fiscal Court.

(Prior Code, § 31.120) (Ord. 2001-06, passed 7-17-2001)

**§ 31.121 JOB CLASSIFICATIONS ADOPTED BY REFERENCE.**

The job classifications adopted by the Fiscal Court in Ordinance Number 2001-06 are hereby adopted by reference and made a part of this code the same as if set forth fully herein.

(Prior Code, § 31.121) (Ord. 2001-06, passed 7-17-2001; Ord. 2002-02, passed 3-19-2002; Ord. 2004-5, passed 2-25-2004; Ord. 2022-02, passed 4-5-2022; Ord. 2022-01, passed 3-15-2022)

**COMPENSATION PLAN****§ 31.135 INTERPRETATION AND APPLICATION OF THE PAY PLAN.**

(A) *Purpose.* The objective of a pay plan is to provide equal pay for equal work and to provide a pay range for each class of positions in the county government that will allow it to retain employees and to compete in the job market with other private and public employers in the area.

(B) *Relationship to classification plan.* In order to assure equal pay for equal work, it is necessary to know what the duties and responsibilities of each position are and what training, experience, and skills are needed in order to carry out these duties. This requires a large body of job knowledge, which can best be obtained from a classification plan. The classification plan does not set the rate of pay. It merely provides that all those positions in the same class shall have the same pay range. The pay plan provides for ranges of pay to which classes of positions are assigned. The integrity of the classification plan may be maintained in the pay plan if the relative levels of worth among the classes are maintained in allocating classes to the salary schedule. Thus, the principle of “equal pay for equal work” would be maintained. If that pay range is not comparable to prevailing wages for the position in the recruitment involved, however, the second part of the purpose stated above will not be met. The whole salary schedule may be lower or higher than prevailing wage rates and still achieve equal pay for equal work. However, a substantial increase or decrease for certain class of positions would negate the principles of equal pay for equal work.

(C) *Factors in determining pay grade allocations.*

- (1) Many factors go into determining the relative work of a group of positions. These include:
  - (a) The kind and level of work;
  - (b) The required knowledge, skills, and abilities;
  - (c) Nature and extent of supervision given and received;

- (d) Freedom of action;
- (e) Required creativity;
- (f) Responsibility for public contacts;
- (g) Special working conditions; and
- (h) Training and experience requirements.

(2) All these are to be found in the class specifications (job descriptions) in Ordinance Number 2001-06, as adopted by § 31.121 of this chapter.

(D) *Application of county pay plan.*

(1) The ranges of pay are intended to be base pay for a standard workweek in the various classes of work as defined by county policy.

(2) The pay rates are not intended to include special assignment differentials, reimbursement for travel expenses, or other authorized expenses incurred in connection with official business.

(3) The minimum rate of each class should be the normal entering rate. Departures from this should be made only if necessary to fill a vacancy despite vigorous recruitment efforts or as a recognition of job qualifications and experience that will enhance the mission of county government to its citizens.

(4) All starting pay for any position in county government shall be set by the County Judge/Executive or appropriate elected official, if allowed by state law, utilizing the pay classification ranges of the appropriate class set forth in this section. The starting pay for all positions set by the County Judge/Executive shall be listed as part of the executive order by which the person is appointed to a job classification and shall be recorded with the County Clerk and with the appropriate department head.

(5) Progression through the pay range shall depend on funding availability. However, under normal circumstances, the employee may receive a pay increase due to an across the board or percentage increase budgeted by the Fiscal Court or merit increase due to outstanding performance, which must be accompanied by a review of performance or attaining a higher degree of certification in the class of employment. All merit raises for positions employed by the Fiscal Court shall be given upon approval of the County Judge/Executive after receiving the appropriate job evaluation and other supporting documentation from the employee's department head. An executive order shall be issued by the County Judge/Executive and filed with the County Clerk, the appropriate department head and members of the Fiscal Court.

(6) A promotion may entail an adjustment in pay to reach the minimum pay rate of the new classification. Further progression through the range should be governed by the same criteria as set forth in divisions (D)(4) and (D)(5) above, as well as elsewhere in these policies and procedures.

(7) The pay plan set forth in Ordinance Number 2001-06 uses the federal minimum wage as the base point.

(a) The pay plan includes:

1. A starting point;
2. Mid-range; and
3. Maximum salary.

(b) Listings may be by hourly rate, daily rate or yearly salary amount.

(Prior Code, § 31.135) (Ord. 2001-06, passed 7-17-2001)

#### **§ 31.136 PAY PLAN ADOPTED BY REFERENCE.**

The pay plan for the county as adopted by Ordinance Number 2001-06 is hereby adopted by reference and made a part of this code the same as if set forth in full herein.

(Prior Code, § 31.136) (Ord. 2001-06, passed 7-17-2001)

## CHAPTER 32: COUNTY ORGANIZATIONS

### Section

- 32.01 Extension District and Extension Board
- 32.02 Lawrenceburg-Anderson County Joint Economic Development Authority
- 32.03 Drug Intervention Commission
- 32.04 Lawrenceburg-Anderson County Tourism Commission

### ***Cross-reference:***

*911 Advisory Board, see § 50.06*

*Establishment of county departments, see § 30.40*

*Ethics Commission, see § 35.07*

*Lawrenceburg/Anderson County Planning Commission, see § 154.002*

### **§ 32.01 EXTENSION DISTRICT AND EXTENSION BOARD.**

(A) There is hereby created the County Extension District, whose boundaries shall be co-existent with the boundaries of the county, and which shall henceforth, from the adoption of this section, constitute a governmental subdivision of the state and a public body corporate.

(B) There is hereby created the County Extension Board, which shall be composed of the County Judge/Executive and six other county residents appointed in accordance with KRS 164.635, said Board to possess all powers unto it pursuant to KRS 164.605 through 164.675 and other applicable law. (Prior Code, § 32.01) (Ord. 2008-7, passed 9-2-2008)

### **§ 32.02 LAWRENCEBURG-ANDERSON COUNTY JOINT ECONOMIC DEVELOPMENT AUTHORITY.**

(A) Pursuant to KRS 154.50-301 et seq., there is hereby created a local industrial development authority which shall be known as the Lawrenceburg-Anderson County Joint Economic Development Authority, Inc.

(B) Pursuant to KRS 154.50-316, the Lawrenceburg-Anderson County Joint Economic Development Authority, Inc. shall consist of six members.

(1) Pursuant to KRS 154.50-326(1)(c), one-half of the members shall be appointed by the Mayor of the City of Lawrenceburg and one-half shall be appointed by the County Judge/Executive.

(2) Pursuant to KRS 154.50-326(2), members of the Authority shall serve for a term of four years each, and until their successors are appointed and qualified. Initial appointments shall be made so that two members are appointed for two years, two members for three years, and two members for four years. Upon expiration of these staggered terms, successors shall be appointed for a term of four years.

(3) Any member shall abstain from voting on an issue presented before the Authority in which that member has or appears to have a conflict of interest. All members of the Authority shall be informed of the facts surrounding any alleged conflict of interest, or appearance thereof, involving any member and the remaining members shall determine by majority vote if the conflict or appearance thereof exists. If it is determined that a conflict of interest, or the appearance thereof, exists, then the member having such conflict, or appearance thereof, shall not vote on the issue wherein the conflict lies.

(4) Pursuant to KRS 154.50-321(3), the appointing authority may replace a member upon a showing being made to the appointing authority of misconduct by such member in his or her capacity as an Authority member or upon conviction of a felony.

(C) Pursuant to KRS 154.50-333, a quorum for the transaction of the business of the Authority shall consist of a majority of the members. Meetings of the Authority may be called by the Chairperson or by a majority of the members. In case of tie voting by the Authority, the issue shall be deemed to have failed passage.

(D) Pursuant to KRS 154.50-336, members of the Authority shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred by them in the conduct of the affairs of the Authority.

(E) The Authority shall, upon the appointment of its members, organize, and elect officers.

(1) The Authority shall choose a Chairperson and Vice-Chairperson who shall serve for terms of one year.

(2) The Authority may fix a salary for the Secretary-Treasurer, and the Secretary-Treasurer shall execute an official bond to be set and approved by the Authority, and the cost thereof shall be paid by the Authority.

(3) The Authority may employ necessary counsel, agents, and employees to carry out its work and functions and prescribe such rules and regulations as it deems necessary.

(4) The Secretary-Treasurer shall keep the minutes of all meetings of the Authority and shall also keep a set of books showing the receipts and expenditures of the Authority. The Secretary-Treasurer

shall preserve on file duplicate vouchers for all expenditures and shall present to the Authority, upon request, complete reports of all financial transactions and the financial condition of the Authority. Such books and vouchers shall at all times be subject to examination by the legislative body or bodies by whom the Authority was created. The Secretary-Treasurer shall transmit at least once annually a detailed report of all acts and doings of the Authority to the legislative body or bodies by whom the Authority was created.

(F) The purpose, duties, and powers of the Authority shall be to:

(1) Acquire, retain, and develop land for industrial and commercial purposes in the state; aid in the development and promotion of industrial sites, parks, and subdivisions to meet industrial and commercial needs in the state;

(2) Encourage the acquisition, retention, and development of land for industrial and commercial needs in the state by other local development organizations, both public and private;

(3) Cooperate with the United States Army Corps of Engineers and other federal agencies in formulating development plans and in acquiring and developing land for industrial and commercial purposes in accordance with these plans; and

(4) (a) The Authority may borrow money on its own credit, and may acquire by contract, lease, purchase, gift, condemnation, or otherwise any real or personal property, or rights therein, necessary or suitable for establishing industrial sites, parks, or subdivisions.

1. The Authority may dispose of any real or personal property, or rights therein, which in the opinion of the Authority are no longer needed to carry out the purposes of KRS 154.50-301 through 154.50-346.

2. The Authority may lease, sell, or convey any or all industrial sites, parks, and subdivisions owned or optioned by it to any public or private organization, governmental unit, or industry for the purpose of constructing and/or operating any manufacturing, industrial, or commercial facility. Provided, however, that no sale or conveyance of any land shall be made to a private organization or industry without such organization or industry first having executed a written contract with the Authority; providing, that if no actual construction of a manufacturing, industrial, or commercial facility, as set forth in the executed contract, is commenced within ten years, the organization or industry shall offer to reconvey the land, free and clear of liens and encumbrances, to the Authority, and should the Authority accept the offer of reconveyance, it shall return to the organization or industry 95% of the purchase price paid therefor.

(b) Upon the adoption by the Authority of a resolution reciting that property is needed for industrial sites, parks, and subdivisions and cannot be acquired by negotiation and purchase at its fair

market value, the governmental units in which such land is located may direct and institute condemnation proceedings in the name of such governmental units, for the use and benefit of the Authority.

(c) The procedure for condemnation shall conform to the procedure set out in the Eminent Domain Act of the state, being KRS 416.540 to 416.670. Upon acquisition of the property, the governmental unit shall convey the property to the Authority upon payment by the Authority to the governmental unit of an amount of money equal to the judgment and costs paid by the governmental unit.

(G) The conduct of the Authority, along with the power, rules, and regulations of the Authority shall be as set forth in KRS 154.50-301 through 154.50-346, unless otherwise restricted herein.

(H) The books of the Lawrenceburg-Anderson County Joint Economic Development Authority, Inc. shall be audited or inspected at such times and to such degree as may be determined by either the Board of Council for the City of Lawrenceburg or the County Fiscal Court.

(Prior Code, § 32.02) (Ord. 2007-6, passed 8-7-2007)

### § 32.03 DRUG INTERVENTION COMMISSION.

(A) *Creation of the County Drug Intervention Commission.* The Fiscal Court, in conjunction with the City Council of the City of Lawrenceburg, hereby creates and establishes the County Drug Intervention Commission. The purposes of the Drug Intervention Commission shall include, but not be limited to:

- (1) Promoting the prevention of illegal drug use in the county;
- (2) Assisting and facilitating the apprehension of persons promoting drug use and drug trafficking in the county;
- (3) Educating the public about the harmful effects of illegal drug use and of drug trafficking in the county; and
- (4) Promoting cooperation among interested agencies, coordinating efforts among local law enforcement agencies, and improving generally the ability of local law enforcement agencies to counteract and prevent illegal drug use and drug trafficking in the county.

(B) *Membership of the Drug Intervention Commission.* The following persons or their designees shall constitute the Drug Intervention Commission:

- (1) County Judge/Executive;

- (2) Anderson County Sheriff;
- (3) Anderson County Attorney;
- (4) Anderson Circuit Clerk;
- (5) Mayor of the City of Lawrenceburg;
- (6) Chief of the City of Lawrenceburg Police Department; and
- (7) City Attorney or Counsel of the City of Lawrenceburg.

(C) *Governing law.* The Drug Intervention Commission shall be governed by all provisions of the Kentucky Revised Statutes as they now exist and as they may hereafter be amended or augmented, and its daily operations shall governed by such bylaws and procedures as it may from time to time adopt.

(D) *Funding.*

(1) The Drug Intervention Commission shall be funded by such appropriations as the Fiscal Court and the City Council of City of Lawrenceburg shall from time to time make for that purpose. The Drug Intervention Commission shall also be empowered to solicit and receive donations from other sources, enter contracts, apply for and receive grants, and receive such restitution payments as may from time to time be ordered paid to it by the courts of the commonwealth having jurisdiction in the county.

(2) All funds received by the Drug Intervention Commission shall be held in the Drug Intervention Fund which shall be maintained in an account or accounts which are separate and unique from all other funds and revenues of either the Fiscal Court or the City of Lawrenceburg. The Drug Intervention Fund shall be used solely for the purposes of the Drug Intervention Commission as set forth above.

(E) *Other provisions.*

(1) The Drug Intervention Commission shall elect from its membership a Chairperson and a Treasurer and may make contracts necessary to carry out the purposes of this section; provided, however, that no contract made by the Drug Intervention Commission may obligate the Fiscal Court or the City Council of the City of Lawrenceburg unless those bodies have specifically approved the contract prior to its execution. Contracts may include, but shall not be limited to, the procurement of promotional services and other services and materials relating to the promotion of drug prevention and apprehension of persons involved in illegal drug trafficking.

(2) The Drug Intervention Fund shall be audited annually by an independent auditor who shall report to the Drug Intervention Commission, the Fiscal Court, and the City Council of the City of Lawrenceburg. Copies of the audit report shall be available to members of the public upon request. (Prior Code, § 32.03) (Ord. 2005-19, passed 10-4-2005)

**§ 32.04 LAWRENCEBURG-ANDERSON COUNTY TOURISM COMMISSION.**

(A) *Establishment.* The Fiscal Court hereby creates and establishes the County Tourist and Convention Commission for the purpose of promoting tourism and convention activity with the county. The Tourist and Convention Commission shall be governed by KRS 91A.350 et seq. and other applicable provisions of the Kentucky Revised Statutes as they now exist and as they may hereafter be amended or added to. The Tourist and Convention Commission shall have all the authority, powers and duties granted to it by the Kentucky Revised Statutes.

(Prior Code, § 32.04)

(B) *Name.* The County Tourist and Convention Commission shall be renamed to “The Lawrenceburg-Anderson County Tourism Commission” (hereinafter referred to as “the Commission”) and shall serve and operate under such terms and conditions as may be established by the laws of the commonwealth and all applicable ordinances enacted by the establishing bodies.

(C) *Members.* The Commission shall be composed of seven members and shall, unless otherwise specified, be appointed by the joint action and agreement of the City Mayor of the City of Lawrenceburg and the County Judge/Executive, as set forth herein.

(D) *Appointment of members.* In the absence of both a local hotel-motel association and a local restaurant association at the time of the establishment of the Commission, the initial Commission members shall be appointed as follows:

(1) *Initial appointments.* The following initial members of the Commission shall, unless otherwise specified, be appointed by the joint decision of the Mayor of the City of Lawrenceburg and the County Judge/Executive:

(a) Three Commissioners representing local hotels or motels;

(b) One Commissioner representing local restaurants;

(c) One Commissioner shall be appointed from a list of three or more names submitted by the County Chamber of Commerce;

(d) One Commissioner shall be appointed in the sole discretion of the County Judge/Executive; and

(e) One Commissioner shall be appointed in the sole discretion of the Mayor of the City of Lawrenceburg.

(2) *Subsequent appointments/vacancies.* All appointments or re-appointments made after the date of the initial appointments, described in division (D)(1), shall be made as follows:

(a) In the event that no local hotel and motel association exists and/or no local restaurant association exists at the time it shall become necessary to fill an expired term or other vacancy, all such subsequent appointments or vacancies shall be filled in the same manner that the original appointment was made;

(b) In the event that a local hotel and motel association exists at the time it shall become necessary to fill an expired term or other vacancy, all such subsequent appointments or vacancies shall be filled as follows: Two Commissioners shall be jointly appointed from a list of three or more names submitted by the local city hotel and motel association, and one Commissioner shall be jointly appointed from a list of three or more names submitted by the local county hotel and motel association; provided, that if only one local hotel and motel association exists which covers both the city and county, then three Commissioners shall be jointly appointed from a list of six or more names submitted by it. A local city or county hotel and motel association shall not be required to be affiliated with the State Hotel and Motel Association to be recognized as the official local city or county hotel and motel association;

(c) In the event that a local restaurant association exists at the time, it shall become necessary to fill an expired term or other vacancy, all such subsequent appointments or vacancies shall be filled as follows: One Commissioner shall be jointly appointed from a list of three or more names submitted by the local restaurant association or associations. A local restaurant association or associations shall not be required to be affiliated with the State Restaurant Association to be recognized as the official local restaurant association or associations;

(d) In the event that no Chamber of Commerce exists when it shall be necessary to fill an expired term or other vacancy, all such subsequent appointments or vacancies shall be filled by the joint decision of the City Mayor and the County judge Executive from persons residing within the jurisdiction of the Commission and representing local businesses;

(e) Vacancies on the Commission of members appointed under the terms of divisions (D)(1) and (D)(2)(d) above, and this division (D)(2)(e) shall be filled in the same manner that original appointment was made; and

(f) Any candidate submitted for appointment to the commission, pursuant to division (D)(2)(a),(b),or (c), shall be appointed by the chief executive officers of the City of Lawrenceburg and the county within 30 days of the receipt of the required list or lists.

(E) *Term.* Commissioners shall be appointed for terms of three years; provided, that in making the initial appointments, the appropriate chief executive officer or officers shall appoint two Commissioners for a term of three years, two Commissioners for a term of two years and three Commissioners for a term of one year. There shall be no limitation on the number of terms to which a Commissioner is reappointed. Upon the expiration of the term of any member, such member may continue to serve without restriction until replaced.

(F) *Removal of Commissioner.* A commissioner may be removed from office, by joint or separate action, of the appropriate chief executive officer or officers of the local governing body or bodies that established the Commission, as provided by KRS 65.007.

(G) *Officers and employees.* The Commission shall elect from its membership a Chairperson and a Treasurer, and may employ personnel and make contracts necessary to carry out the purpose of KRS 91A.350 through 91A.390. The contracts may include, but shall not be limited to, the procurement of promotional services, advertising services, and other services and materials relating to the promotion of tourist and convention business. Contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials, such as advertising firms, chambers of commerce, publishers, and printers.

(H) *Books and audits.* All books of the Commission and its account(s) as established pursuant to KRS 91A.390(2) shall be audited as provided in the applicable sections of the Kentucky Revised Statutes, as amended. An independent certified public accountant or Auditor of Public Accounts shall make a report to the Commission, to the associations submitting lists of names from which Commission members are selected, to the appropriate chief executive officer or officers, to the State Auditor of Public Accounts, and to the local governing body or bodies that established the Commission that was audited. A copy of the audit report shall be made available by the Commission to members of the public upon request and at no charge.

(I) *SPGE applicability; fiscal year.*

(1) The Commission shall comply with all applicable provisions of KRS 65A.010 through 65A.090 governing special purpose governmental entities.

(2) The Commission shall operate on the same fiscal year as the county; beginning July 1 of each year and ending on June 30 of the next following year.

(Ord. 2005-06, passed 3-1-2005; Ord. 2015-11, passed 12-17-2015)

## CHAPTER 33: JUDICIAL MATTERS

### Section

- 33.01 County inmate transportation policy
- 33.02 Inmate fees
- 33.03 Additional fees and costs to be assessed in circuit and district court civil and criminal actions

### § 33.01 COUNTY INMATE TRANSPORTATION POLICY.

The following provisions shall apply to inmate transportation in the county.

(A) *Designation of transportation officer.*

(1) For the purpose of transporting inmates as described in divisions (B), (D), and (E) below the County Sheriff shall be the designated transportation officer.

(2) For the purpose of transporting inmates as described in divisions (C) and (D) below, the County Jailer shall be the designated transportation officer.

(B) *New arrests from out of county.* The County Sheriff or his or her designee shall be responsible for taking custody of new arrests lodged out of the county for transportation to the County Sheriff's Office for processing. The Sheriff or his or her designee shall then deliver the inmate to the custody of the County Jailer for transportation to the detention facility contracted with by the Fiscal Court for the housing of inmates.

(C) *Arrests in the county.* The County Jailer shall be responsible for transporting inmates from the county to the detention facility contracted with by the Fiscal Court for the housing of inmates.

(D) *Court transports.*

(1) The County Sheriff or his or her designee shall be responsible for the transportation of inmates lodged outside of the contracting facility to court appearances in the county and at other places as may be designated by a judge of the Fifty-Third Judicial District or Circuit.

(2) The County Jailer shall be responsible for transportation of inmates lodged at the contracting facility to court appearances in the county and at other places, as may be designated by a judge of the Fifty-Third Judicial District or Circuit.

(E) *Juvenile transports.* The County Sheriff or his or her designee shall be responsible for the transportation of juvenile inmates to the juvenile detention facility upon initial detention by the court and from the detention facility for any subsequent court appearances required by the court and return to the juvenile detention facility, if required.

(F) *Mental health transports.* In the case of juvenile or mental health transports, the responding agency shall be responsible for transporting or making arrangements for the transportation of the subject to an appropriate mental health facility.

(G) *Extraordinary circumstances.* If the arresting officer encounters an arrestee that, in his or her opinion, exhibits combative or violent behavior, then the arresting officer shall deliver the arrestee directly to the detention facility contracted with by the Fiscal Court for the housing of inmates. (Prior Code, § 33.01) (Ord. 2005-13, passed 5-2-2005)

### § 33.02 INMATE FEES.

(A) The Jailer has adopted the fee policy set forth below and the same is hereby adopted by the Fiscal Court.

(1) The current bonding fee shall be raised from \$5 at present to \$10 in lieu of an administration fee. This only applies to persons who bond out from the county.

(2) A per diem fee for room and board shall be imposed as follows.

(a) There will be no fee for prisoners charged with the offense of flagrant non-support or non-support. They shall be billed for any medical or dental expenses.

(b) There will be no fee for prisoners charged with contempt failure to pay fines when serving fines out at the rate of \$10 per day as ordered by the sentencing judge. They shall be billed for medical and dental expenses.

(c) Inmates that remain in jail (do not make bond) until they become state inmates will not have to pay the per diem or medical costs unless they are probated.

(d) No per diem fee shall be charged to any prisoner who is required to pay a work release fee pursuant to KRS 439.179, a prisoner that has been ordered to pay a reimbursement fee by the Court pursuant to KRS 534.045 or that the Department of Corrections is financially responsible for housing.

(e) All other inmates will be required to reimburse the county at the actual costs of \$25 per day for housing and actual medical and dental costs incurred. This must be paid within 12 months of release from jail.

(3) The weekend jail fees shall be increased from the current \$30 to \$75 per weekend. Work release shall be \$20 per day for each day worked.

(B) The Jailer shall turn in all money collected to the County Treasurer for placement back into the Jail Fund at the end of each month.

(C) The Jailer will make a monthly report to the Fiscal Court on monies received.  
(Prior Code, § 33.02) (Ord. 2000-07, passed 8-15-2000)

**§ 33.03 ADDITIONAL FEES AND COSTS TO BE ASSESSED IN CIRCUIT AND DISTRICT COURT CIVIL AND CRIMINAL ACTIONS.**

(A) The following fees shall be assessed and collected by the Circuit and District Clerks of the county, in addition to the fees currently assessed and collected:

- (1) In traffic cases, the sum of \$10;
- (2) In criminal misdemeanor cases, the sum of \$20;
- (3) In probate cases, the sum of \$10;
- (4) In criminal felony cases, the sum of \$25;
- (5) In civil cases in District Court, the sum of \$10;
- (6) In civil cases in Circuit Court, the sum of \$25;
- (7) In cases appealed to the Kentucky Court of Appeals, the sum of \$25;
- (8) In small claims cases, no additional fee will be added for this purpose; and
- (9) In adoption cases, no additional fee will be added for this purpose.

(B) The following fees shall be assessed and collected by the County Sheriff, in addition to the fees currently assessed and collected:

- (1) For the service of subpoenas by the County Sheriff, the sum of \$10; and

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(2) For the service of civil summonses by the County Sheriff, the sum of \$10.

(C) All additional fees assessed hereunder shall be forwarded to the Finance and Administration Cabinet in Frankfort for dispersal back to the Fiscal Court.

(Prior Code, § 33.03) (Ord. 2000-05, passed 7-18-2000; Ord. 2001-12, passed 12-4-2001; Ord. 2012-3, passed 6-5-2012)

## CHAPTER 34: FINANCIAL MANAGEMENT

### Section

#### *Budget Preparation Procedures*

- 34.01 County Judge/Executive responsibility
- 34.02 Duties and procedures of the Fiscal Court
- 34.03 Budget hearing procedures and requirements
- 34.04 Procedures and duties of the County Treasurer

#### *Procedures for Fiscal Administration*

- 34.15 Responsibilities of County Judge/Executive
- 34.16 Claims against the county

#### *Purchases and Contracts*

- 34.30 Authorization of county contracts
- 34.31 Kentucky Model Procurement Code adopted by reference
- 34.32 Emergency expenditures by the County Judge/Executive
- 34.33 Storage and inventory control
- 34.34 Procedures for disposition of surplus property

#### *Capitalization Procedures*

- 34.45 Capitalization procedures

#### *Taxation and Fees*

- 34.60 District Cooperative Extension Education Tax
- 34.61 Transient Room Tax
- 34.62 Franchise fee on bank deposits
  
- 34.99 Penalty

***BUDGET PREPARATION PROCEDURES*****§ 34.01 COUNTY JUDGE/EXECUTIVE RESPONSIBILITY.**

(A) The County Judge/Executive shall prepare a proposed budget for review and adoption by the Fiscal Court as provided in KRS 68.240, as well as any rules and regulations prescribed by the State Local Finance Officer.

(B) On or before March 15 of each year, any county agency, department, public authority, and county office that receives county funds may be required by the County Judge/Executive to submit a written budget showing the amount of funds requested and a detailed explanation of the need for such funds.

(C) Each budget request from a county agency, department, public authority, and county office shall list specifically all personnel for whom public funds are requested and the amount of salary requested for each specific person for the fiscal year. The budget request shall list the salary of such personnel in the current fiscal year, the requested salary for the upcoming fiscal year, and the percentage of increase or decrease for the upcoming fiscal year.

(D) Each budget request from a county agency, department, public authority, and county office shall list by individual category those expenses that they expect to incur during the upcoming fiscal year. The budget request shall list the amount of appropriation for the current fiscal year, a projection based upon expenses to date for the current fiscal year and the amount requested for the upcoming fiscal year. The budget request shall list the percentage of increase or decrease requested for the upcoming fiscal year.

(E) Budget requests for all entities requesting funding from the Fiscal Court shall be made available to members of the Fiscal Court upon request for review. Such requests shall be maintained for a period of five years by the County Judge/Executive or Financial Officer.

(F) On or before April 1 of each year the County Judge/Executive, County Treasurer and Jailer shall prepare and submit a jail budget to the Fiscal Court, as required by KRS 441.215.

(G) The County Judge/Executive shall submit the complete proposed budget in ordinance form to the Fiscal Court not later than May 1 of each year.

(H) The County Judge/Executive shall cause a copy of the proposed budget to be posted in a conspicuous place in the courthouse annex near the door ten days before final adoption.

(I) The County Judge/Executive shall cause an advertisement notice of adoption of the budget ordinance to be published in the *Anderson News* at least seven, but not more than 21 days before final adoption by the Fiscal Court.

(J) The County Judge/Executive shall cause a summary of the budget ordinance to be published in the *Anderson News* at least ten days before final adoption by the Fiscal Court. This and the notice required in division (I) above may be advertised together, so long as the notice time requirements are correct.

(K) Following action by the Fiscal Court, but not later than June 10, the County Judge/Executive shall submit two copies of the budget to the State Local Finance Officer for approval as to form and classification.

(L) The County Judge/Executive shall certify to the State Local Finance Officer a copy of the original budget ordinance as approved by his or her office within 15 days of adoption, indicating clearly all changes made by the Fiscal Court.

(M) Within 30 days of adoption of the budget ordinance by the Fiscal Court, the County Judge/Executive shall cause a summary of the budget ordinance to be published in the *Anderson News*.

(N) The County Judge/Executive shall maintain a copy of the budget as adopted, together with any amendments adopted thereafter, for public inspection.  
(Prior Code, § 34.01) (Ord. 2001-06, passed 7-17-2001)

#### **§ 34.02 DUTIES AND PROCEDURES OF THE FISCAL COURT.**

(A) The Fiscal Court shall review, in detail, the proposed budget (including the jail budget) that the County Judge/Executive has prepared and submitted.

(B) The review shall be conducted at a meeting or meetings held not later than June 1 of each year.

(C) The Fiscal Court shall make comments, amendments and tentatively approve the proposed budget by reading it publicly. This shall take place prior to the County Judge/Executive submitting the budget to the State Local Finance Officer.

(D) The budget approved by the State Local Finance Officer shall be submitted to the Fiscal Court for adoption not later than July 1, or within ten days after receipt of the certified assessment from the Department of Revenue, as provided by KRS 132.180, which ever shall be later.  
(Prior Code, § 34.02) (Ord. 2001-06, passed 7-17-2001)

#### **§ 34.03 BUDGET HEARING PROCEDURES AND REQUIREMENTS.**

(A) *County Road Aid Fund.* During the county budget preparations process, the Fiscal Court shall conduct a public hearing of the County Road Aid Fund. The procedure shall be as follows.

(1) The county shall publish notice of the proposed use hearing on the County Road Aid Fund at least seven days, but not more than 21 days, in advance of the scheduled hearing.

(2) Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge/Executive as public record.

(B) *LGEA Fund.* Prior to adoption of the county budget and submittal to the State Local Finance Officer, a budget hearing shall be conducted by the Fiscal Court on the LGEA Fund. The proceedings shall be as follows.

(1) Notice of the budget hearing shall be published at least seven days, but not more than 21 days, prior to the scheduled hearing.

(2) Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge/Executive as public record.

(C) *Hearing; both requirements.* The hearing process required above may be coordinated in a manner that both requirements (County Road Aid and LGEA) are addressed at the same hearing. (Prior Code, § 34.03) (Ord. 2001-06, passed 7-17-2001)

#### **§ 34.04 PROCEDURES AND DUTIES OF THE COUNTY TREASURER.**

(A) The County Treasurer shall keep records and make reports as set forth in KRS 68.210, KRS 68.020, KRS 68.360, and KRS 66.480. Also, the County Treasurer shall maintain the following records (the requirements are subject to change), as required by the Uniform System of Accounts for counties:

- (1) Cash receipts journal and cash receipts ledger;
- (2) Check distribution ledger;
- (3) Appropriation ledger;
- (4) General ledger;
- (5) Investment journal;
- (6) Subsidiary ledgers and journals; and
- (7) Account for each individually:
  - (a) General Fund;

- (b) Road and Bridge Fund;
- (c) Jail Fund;
- (d) LGEA Fund; and
- (e) Special accounts as may be necessary.

(B) The County Treasurer shall prepare financial reports for the Fiscal Court and Jailer each month pursuant to KRS 68.360 and 441.235.

(C) The County Treasurer shall prepare a quarterly financial statement for the State Local Finance Officer.

(D) The County Treasurer shall prepare and have published an annual financial statement pursuant to KRS 424.220.

(E) The County Treasurer shall countersign checks per the following conditions:

- (1) Claim has been reviewed by the Fiscal Court;
- (2) There is sufficient fund balance and cash in the bank to cover the check; and
- (3) There is adequate free balance in the properly budgeted appropriation account to cover the check.

(F) The County Treasurer is the sole officer bonded to receive and disburse county funds. (Prior Code, § 34.04) (Ord. 2001-06, passed 7-17-2001)

***PROCEDURES FOR FISCAL ADMINISTRATION***

**§ 34.15 RESPONSIBILITIES OF COUNTY JUDGE/EXECUTIVE.**

(A) The County Judge/Executive is responsible for administering the provisions of the county budget ordinance when adopted by the Fiscal Court. All or part of the financial management duties may be assigned to a finance officer job description and may include, but not be limited to:

- (1) Receipt of all claims against the county;
- (2) Prepare and submit a master claims list to the Fiscal Court for review;

- (3) Prepare checks on claims reviewed by the Fiscal Court;
- (4) Co-sign all checks with the County Treasurer with specific written permission from the County Judge/Executive;
- (5) Maintain an appropriation ledger;
- (6) Prepare a quarterly financial statement to be transmitted to the County Fiscal Court and State Local Finance Officer, as well as post it for ten consecutive days in a conspicuous place near the front door of the courthouse;
- (7) Submit the quarterly financial statement at the next meeting of the Fiscal Court;
- (8) Reconcile the appropriation ledger with the County Treasurer's appropriation ledger at least once a month;
- (9) Issue purchase orders for signature by the County Judge/Executive and maintain a purchase order ledger;
- (10) Maintain time records, including vacation, sick time, and the like; and
- (11) Issue the biweekly county payroll.

(B) The County Judge/Executive shall pay all financial claims against the county after review by the Fiscal Court. However, some recurring claims as outlined in § 34.16(E) may be paid prior to Fiscal Court review. All such claims shall be within the line item amounts of the county budget.

(C) At the close of each fiscal year, the County Judge/Executive is responsible for the preparation of records necessitated by the annual audits of both the county and office of the County Judge/Executive. The annual audits may be conducted by the state's Auditor of Public Accounts or a certified public accountant selected by the Fiscal Court.

(Prior Code, § 34.15) (Ord. 2001-06, passed 7-17-2001)

#### **§ 34.16 CLAIMS AGAINST THE COUNTY.**

- (A) The County Judge/Executive shall account for all claims against the county.
- (B) All claims for payment from county funds shall be filed in writing.
- (C) Each claim shall be recorded by the date of receipt and presented to the Fiscal Court at its next meeting.

(D) Each claim shall designate the budget fund and classification from which the claim will be paid.

(E) The payroll for county officials, employees, utility bills, and recurring expenses, such as interest and principal on bonded debt, are not required to be reviewed by the Fiscal Court prior to payment. However, all such paid expenses shall be presented to the Fiscal Court for review. This procedure is intended to expedite financial management of the county, but may be changed by ordinance by the Fiscal Court.

(F) The Fiscal Court, for good cause, may order that a claim not be paid.  
(Prior Code, § 34.16) (Ord. 2001-06, passed 7-17-2001)

***PURCHASES AND CONTRACTS***

**§ 34.30 AUTHORIZATION OF COUNTY CONTRACTS.**

Every contract of the county, and change or amendment thereto, shall be authorized or approved by the Fiscal Court before it is executed by the County Judge/Executive. Every contract, prior to the County Judge/Executive executing the contract, shall be approved by the County Attorney as to form and legality.

(Prior Code, § 34.30) (Ord. 2001-06, passed 7-17-2001)

**§ 34.31 KENTUCKY MODEL PROCUREMENT CODE ADOPTED BY REFERENCE.**

The Fiscal Court hereby adopts by reference KRS 45A.343 through 45A.460, the local government provisions of the Kentucky Model Procurement Code, which is made a part of this code of ordinances as if set forth in full herein.

(Prior Code, § 34.31) (Ord. 2001-06, passed 7-17-2001)

**§ 34.32 EMERGENCY EXPENDITURES BY THE COUNTY JUDGE/EXECUTIVE.**

(A) During emergency situations where it is necessary to expend county funds in order to protect life and property the County Judge/Executive shall expend funds pursuant to the provisions of KRS Chapter 39. A duly executed “Declaration of Emergency” shall be in place with the Local Emergency Manager and with the State Division of Emergency Management prior to emergency expenditures.

(B) During emergency situations involving routine county services that do not constitute the issuance of a “Declaration of Emergency” or for implementing the provisions of KRS Chapter 39, the

County Judge/Executive is authorized to expend up to \$20,000 per claim in order to maintain county equipment and services to the citizens.

(Prior Code, § 34.32) (Ord. 2001-06, passed 7-17-2001)

### **§ 34.33 STORAGE AND INVENTORY CONTROL.**

(A) Each particular department head shall be responsible for the proper utilization of all repetitive use items purchased by his or her department. Repetitive use items are to be utilized only for the purpose for which they were purchased. Private usage is prohibited and shall invoke the disciplinary procedures outlined in Chapter 31 of this code.

(B) The County Judge/Executive shall require every county agency, department, public authority, and county office that receives county funds to submit an updated inventory list of all property in January of each year. The inventory file shall contain an item inventory number, item description, date purchased, purchase amount, and office assigned or location where the item is generally stored or utilized. All items, except repetitive use items, with a purchase value of \$100 or more shall be listed on the inventory list.

(C) The inventory list shall be turned in each year by January 30 to the County Judge/Executive and shall be maintained by the County Judge/Executive or Financial Officer for a period of five years. Each county agency, department, public authority, and county office shall maintain a current inventory list at their base of operations, to be made available for inspection to any citizen upon the proper execution of an open records request.

(D) Whenever an item on the inventory list of a county agency, department, public authority, or county office is no longer in use by that particular entity, for any reason, the department head shall file a report with the County Judge/Executive within five working days stating the exact reason for the item's lack of utilization.

(E) As additional property required to be on the inventory list is added by any county agency, department, public authority, or county office, the information required in division (B) above shall be forwarded to the County Judge/Executive within three working days by the department head.

(F) Whenever an item is not accounted for under the provisions of division (B) above, each county agency, department, public authority, or county office department head shall notify the County Judge/Executive in writing that the item is no longer in service or has been sold, destroyed, transferred to another agency, or otherwise removed from its possession. All items listed on the previous year's inventory must be accounted for during the current inventory period each January.

(Prior Code, § 34.33) (Ord. 2001-06, passed 7-17-2001)

**§ 34.34 PROCEDURES FOR DISPOSITION OF SURPLUS PROPERTY.**

(A) In the event that any county agency, department, public authority, or county office determines that an item is no longer fulfilling any public function for the particular entity, the department head shall notify the County Judge/Executive in writing that the item should be considered as surplus property for that particular entity. The report shall include a specific description of the item, the date of original purchase by the county, the amount of the purchase price, if known by the department head, and the general condition of the item that is considered by the department head to be surplus property. The purpose for which the item was utilized by the particular entity of local government shall be included in the written report to the County Judge/Executive.

(B) The written report from the department head to the County Judge/Executive shall also state the method of proposed disposition including: whether it is to be transferred to another governmental agency or to a private entity; compensation, if any, to be received; and whether it is recommended to be sold at public auction or through sealed bids.

(C) The County Judge/Executive shall recommend to the Fiscal Court the manner in which the property is to be disposed of and with the approval of the Fiscal Court, the property shall be either transferred to another governmental agency, or sold at public auction or by the sealed bid process. The County Judge/Executive shall be authorized to reject any and all sealed bids and public auction offers if by doing so the public interest is protected in that all bids received are too low.

(Prior Code, § 34.34) (Ord. 2001-06, passed 7-17-2001)

***CAPITALIZATION PROCEDURES*****§ 34.45 CAPITALIZATION PROCEDURES.**

(A) *Capital expenditure.* Capital expenditure means the cost of the asset including the cost to put it in place. Cost means the net invoice price of the equipment, including the fee for any initial modifications, attachments, accessories, or auxiliary apparatus necessary to make it useable for the purpose for which it was acquired. It also includes the cost of incoming transportation incurred on shipments from external suppliers.

(B) *Policy.*

(1) Buildings and improvements having a cost in excess of \$25,000 may be capitalized and depreciated over the useful life of the project.

(2) Vehicles, including any modifications, attachments, accessories, or alterations costing more than \$5,000 shall be capitalized and depreciated over the useful life of the vehicle.

(3) Equipment with an original purchase price exceeding \$5,000 should be capitalized and depreciated over the useful life of the equipment.

(4) Land and land improvements that are acquired shall be capitalized if the cost is in excess of \$10,000. No depreciation is taken on land or improvements.

(5) Roads and subsequent improvements must be capitalized if the cost exceeds \$20,000. Depreciation will be taken over the useful life of the road.

(C) *Depreciation.* The method used for depreciation shall be the straight line method spread over the useful life of the asset.

(D) *Salvage value.* Salvage value will be set at zero for depreciation purposes.

(E) *Maintenance and repair.* Expenditures needed to maintain equipment in a proper operating condition or to restore equipment to a proper operating condition are expensed.

(F) *Software.* All computer software, whether operating systems or applications, is expensed, except that the original operating system purchased with the computer is capitalized.

(G) *Retirement policy.*

(1) Assets are retired from the capital asset file when it has been determined that the asset is no longer operable, has been replaced, or is no longer available for use. Notification of retirement is made through annual equipment surveys verified by the using departments.

(2) In addition, for existing assets that have been modified or replaced by a building renovation project, the original cost and accumulated depreciation of the item being replaced is removed from the file. When the actual cost of the asset is not readily determined, an estimated cost is calculated by taking the replacement cost and discounting it back to the original date of the asset.

(Prior Code, § 34.45) (Ord. 2005-25, passed 1-17-2006)

## ***TAXATION AND FEES***

### **§ 34.60 DISTRICT COOPERATIVE EXTENSION EDUCATION TAX.**

(A) The Fiscal Court does hereby authorize and establish a County District Cooperative Extension Education Tax. All real property, personal property, motor vehicle, and watercraft shall be subject to

taxation in the county at the rate of \$0.016 per \$100 of the assessed valuation as of January 1, of each taxable year. This tax shall be effective January 1, 2009.

(B) Notwithstanding the provisions of division (A) above, the Fiscal Court expressly reserves the right to abolish, reduce, or modify the tax rate hereinabove established at any time in the future.

(C) This County District Cooperative Extension Education Tax shall be properly placed upon the tax bills of all taxpayers liable therefor by the proper state and county officers. The proper state and county officers are hereby directed to collect, receive, and remit the proceeds of this levy to the duly elected treasurer of the County Extension District Board, and to do all other things necessary, requisite, and proper in collecting and remitting these tax proceeds. This County District Cooperative Extension Education Tax shall be collected in the same manner as are other county taxes, with the remittance being on or before the fifteenth of each month following collection.

(D) All taxes herein collected pursuant to this section shall be credited to the County Extension District Board and may be expended by the County Extension District Board for the purposes directly associated with operating the program and maintenance of its facilities. The money may only be used by the District and all funds expended shall be approved by the County Extension District Board. (Prior Code, § 34.61) (Ord. 2008-8, passed 9-2-2008; Ord. 2009-2, passed 5-5-2009; Ord. 2009-05, passed 7-7-2009)

#### § 34.61 TRANSIENT ROOM TAX.

(A) *Purpose of use for the tax.* The tax collected hereunder shall be used for the operation of the local Lawrenceburg-Anderson County Tourism Commission (hereinafter referred to as “the Commission”) to promote tourist and convention activity in the county. (Prior Code, § 34.62)

(B) *Annual budget.*

(1) The Commission shall annually submit a budget and request for funds for the operation of the commission to the City Council of the City of Lawrenceburg and to the County Fiscal Court.

(a) The annual budget shall be submitted no later than the May 1 of each year.

(b) The first line-item of each annual budget proposed by the commission shall be an expenditure sufficient to cover all expenses anticipated to be incurred relative to the annual audit.

(c) The proposed annual budget shall be acted upon by both the City Council and Fiscal Court, either through approval or amendment, before June 30 of each year.

(d) In the event that any proposed annual budget is not acted upon by the City Council and the Fiscal Court before the June 30 date described above, the Commission budget approved for the preceding year shall be automatically reinstated and the Commission may operate under the terms of such budget until further action of the City Council and Fiscal Court.

(2) The City Council of the City of Lawrenceburg and the County Fiscal Court shall include the Commission in the annual budget of each entity and shall provide funds for the operation of the Commission by imposing a 3% transient room tax on the rent for every occupancy of a suite, room, or rooms, charged by all persons, companies, corporations, or other like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, bed and breakfasts, or like or similar accommodation businesses.

(a) The collection and enforcement of the transient room tax from all persons or entities subject thereto, and who are located within the incorporated boundaries of the City of Lawrenceburg, shall be the sole responsibility of the City of Lawrenceburg.

(b) The collection and enforcement of the transient room tax from all persons or entities subject thereto, and who are located outside the incorporated boundaries of the City of Lawrenceburg, shall be the sole responsibility of the county.

(3) Transient room taxes shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments. **APARTMENT** means a room or set of rooms, in an apartment building, fitted especially with a kitchen and usually leased as a dwelling for a minimum period of 30 days or more.

(C) *Collection.* All moneys collected pursuant to this section and KRS 91A.400 shall be collected on a monthly basis and shall be maintained in an account separate and unique from all other funds and revenues collected, and shall be considered tax revenue for the purposes of KRS 68.100 and KRS 92.330.

(1) A portion of the money collected from the imposition of this tax, as determined by the tax levying body, upon the advice and consent of the Tourist and Convention Commission, may be used to finance the cost of acquisition, construction, operation, and maintenance of facilities useful in the attraction and promotion of tourist and convention business, including projects described in KRS 154.30-050(2)(a). The balance of the money collected from the imposition of this tax shall be used for the purposes set forth in KRS 91A.350. Proceeds of the tax shall not be used as a subsidy in any form to any hotel, motel, or restaurant, except as provided in KRS 154.30-050(2)(a)3.c. Money not expended by the Commission during any fiscal year shall be used to make up a part of the Commission's budget for its next fiscal year.

(2) The transient room tax collecting and enforcement entity as described in (B)(2)(a) and (B)(2)(b) above, or an agent or employee designated in writing by the such entity is authorized to

examine the books, papers, and records of any person, firm, organization, or other like or similar accommodation business required herein to file a return. Said examination shall be permitted in order to determine the accuracy of any return made; or, if no return was made, to determine the amount of room tax due and owing.

(3) (a) All transient rooms taxes collected by the county pursuant to this section and specifically division (B)(2)(b) above shall be paid over to the Commission for deposit into such account as is described in division (C)(2) above within 30 days of collection.

(b) All transient rooms taxes collected by the City of Lawrenceburg pursuant to this section and paragraph (1)(B)(i) above, shall be paid over to the Commission for deposit into such account as is described in division (C) above within 30 days of collection.

(c) All transient room taxes collected by the state government, or any agency thereof, and which are at any time transferred either to the government of City of Lawrenceburg or the County shall be, in turn, transferred to the Commission by the receiving city or county government, for deposit into such account as is described in division (C) above, within 30 days of collection.

(D) *Borrowing revenue.* The Commission, with the approval of the tax levying bodies, may borrow money to pay its obligations that cannot be paid at maturity out of current revenue from the transient room tax, but shall not borrow a sum greater than can be repaid out of the revenue anticipated from the transient room tax during the year the money is borrowed. The Commission may pledge its securities for the repayment of any sum borrowed.

(E) *Bonds.* The City of Lawrenceburg and/or the County Fiscal Court are authorized and empowered to issue revenue bonds pursuant to KRS Chapter 58 for public projects. Bonds issued for the purposes of KRS 91A.350 through 91A.390 may be used to pay any cost for the acquisition of real estate, the construction of buildings and appurtenances, the preparation of plans and specifications, and legal and other services incidental to the project or to the issuance of the bonds. The payment of the bonds, with interest, may be secured by a pledge of and a first lien on all of the receipts and revenue derived, or to be derived, from the rental or operation of the property involved. Bond and interest obligations issued pursuant to this section shall not constitute an indebtedness of the county, consolidated local government, or city. All bonds sold under the authority of this section shall be subject to competitive bidding as provided by law, and shall bear interest at a rate not to exceed that established for bonds issued for public projects under KRS Chapter 58.

(F) *Violation.* Any transient room tax imposed by this section remaining unpaid after it becomes due shall bear interest at the rate of 12% per annum of the amount of the unpaid tax payable and added to the principal amount when paid.

(1) If said account remains unpaid 60 days after its due date, the Commission may seek enforcement and collection through the office of the County Attorney.

(2) Any owner, manager, corporate officer, director, or agent in charge of any facility subject to this section is deemed responsible for seeing that said monies are paid to the Commission. Sixty days' delinquency on the part of any establishment charged with collecting and paying this tax shall be prima facie evidence of willful intent not to pay same.

(Ord. 2005-07, passed 3-1-2005; Ord. 2015-11, passed 12-17-2015) Penalty, see § 34.99

#### **§ 34.62 FRANCHISE FEE ON BANK DEPOSITS.**

(A) *General provisions.* Pursuant to KRS Chapter 136, there is hereby imposed on each "financial institution," as defined in division (B) below, located with the jurisdiction of the county, a franchise tax measured by the deposits in such institutions. All moneys collected pursuant to these sections shall be paid into the general fund of the county to be used for the payment of proper expenditures as determined by the Fiscal Court.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DEPOSITS.** All demand and time deposits, excluding deposits of the United States government, state and political subdivisions, other financial institutions, public libraries, educational institutions, religious institutions, charitable institutions, and certified and officers' checks.

#### **FINANCIAL INSTITUTION.**

(a) A national bank organized and existing as a national bank association pursuant to the provisions of the National Bank Act, 12 U.S.C. §§ 21 et seq., in effect on December 31, 1995, exclusive of any amendments made subsequent to that date, or a national bank organized after December 31, 1995, that meets the requirements of the National Bank Act in effect on December 31, 1995;

(b) Any bank or trust company incorporated or organized under the laws of any state, except a banker's bank organized under KRS 286.3-135;

(c) Any corporation organized under the provisions of 12 U.S.C. §§ 611 to 631, in effect on December 31, 1995, exclusive of any amendments made subsequent to that date, or any corporation organized after December 31, 1995, that meets the requirements of 12 U.S.C. §§ 611 to 631, in effect on December 31, 1995; or

(d) Any agency or branch of a foreign depository as defined in U.S.C. § 3101, in effect on December 31, 1995, exclusive of any amendments made subsequent to that date or any agency or branch of a foreign depository established after December 31, 1995, that meets the requirements of 12 U.S.C. § 3101 in effect on December 31, 1995.

(C) *Rate of franchise tax.*

(1) The rate of franchise tax imposed on financial institutions shall be 0.020% of the deposits located in the jurisdiction of the county.

(2) The amount and location of deposits in the financial institutions shall be determined by the method used for filing the summary of deposits report with the Federal Deposit Insurance Corporation.

(3) The accounting method used to allocate deposits for completion of the summary of deposits shall be the same as has been utilized in prior periods.

(D) *Administration.*

(1) The State Revenue Cabinet shall certify to the local jurisdiction the amount of deposits within the jurisdiction and the amount of the tax due.

(2) The county shall issue bills to the financial institution by December 1 of each year.

(E) *Due date.*

(1) The tax bill shall be due January 31 of the next year after it has been issued; thereafter, the bill shall be delinquent and subject to a penalty of 10% and interest of 12% per annum.

(2) The financial institution shall be allowed a 2% discount if the tax bill is paid by December 31 of the same year as the tax bill is issued.

(3) The county shall have a lien for taxes upon any and all property subject to the tax imposed by these sections, which lien shall be superior to all encumbrances prior or subsequent.

(F) *Records.* It shall be the duty of the County Sheriff to collect and account for the franchise taxes imposed by this section. The County Sheriff shall keep records of the amount received from each financial institution and the date of receipt. The Revenue Cabinet shall be notified of the tax rate imposed upon adoption of this section and of any subsequent rate changes.

(Prior Code, § 34.63) (Ord. 96-017, passed 8-20-1996)

**§ 34.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Upon conviction for willful intent not to pay said tax described by § 34.61, any person mentioned in § 34.61(F)(2) shall be guilty of a Class B misdemeanor as defined in KRS Chapter 500 et seq., and, upon conviction, may be fined not more than \$250, or sentenced to imprisonment in the County Jail for not more than 90 days in said County Jail, or both fine and imprisonment may be levied. Each day's continued violation shall constitute a separate violation.  
(Ord. 2015-11, passed 12-17-2015)

## CHAPTER 35: ETHICS

### Section

- 35.01 Purpose
- 35.02 Findings and declarations
- 35.03 Definitions
- 35.04 Standards of conduct
- 35.05 Financial disclosure
- 35.06 Nepotism
- 35.07 Establishment of Ethics Commission
- 35.08 Powers and duties of Ethics Commission
- 35.09 Request for advisory opinion from Ethics Commission
- 35.10 Complaint procedure; preliminary investigations
- 35.11 Initial inquiry
- 35.12 Preliminary investigation
- 35.13 Adjudicatory proceedings
- 35.14 Appeals
- 35.15 Confidentiality; false complaint; right to attorney

### § 35.01 PURPOSE.

(A) The Fiscal Court has the authority pursuant to KRS Chapter 65, to enact an ordinance establishing a code of ethics to guide the conduct of elected and appointed officers and employees of the county, including members of the Fiscal Court, Sheriff, County Attorney, County Clerk, Jailer, Coroner, and Constable.

(B) Public office and employment are a public trust and government has a duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties.

(C) It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct for local government officers and employees shall be clear, consistent, and uniform in their application, and to provide local officers and employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

(Prior Code, § 36.01) (Ord. 2001-06, passed 7-17-2001)

**§ 35.02 FINDINGS AND DECLARATIONS.**

The Fiscal Court finds and declares that:

(A) Public office and employment are a public trust;

(B) The vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives;

(C) Whenever the public perceives a conflict between the private interests and the public duties of a government officer or employee, that confidence is imperiled;

(D) Local government has the duty both to provide the citizens of the county with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties; and

(E) It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for local government officers and employees shall be clear, consistent, and uniform in their application and enforceable with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

(Prior Code, § 36.02) (Ord. 2001-06, passed 7-17-2001)

**§ 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;

(2) A general or limited partnership, or a general or limited partner within the partnership;

(3) A corporation that is family-owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such a corporation; and

(4) A corporation, business association, or other business entity in which the county government officer or employee serves as a compensated agent or representative.

**BUSINESS ORGANIZATION.** Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self employed individual, holding company, joint stock company, limited liability corporation, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.

**CANDIDATE.** An individual who seeks nomination or election to a county government office. An individual is a **CANDIDATE** when the individual:

(1) Files a notification and declaration of nomination for office with the County Clerk or the Secretary of State; or

(2) Is nominated for office by a political party under KRS 118.105, KRS 118.115, KRS 118.325, or KRS 118.760.

**COUNTY GOVERNMENT AGENCY.** Any board, commission, authority, nonstock corporation, department, or other entity formed by the county government or combination of local governments.

**COUNTY GOVERNMENT EMPLOYEE.** Any person, whether compensated or not, whether full time, part-time or seasonal, employed by or serving the county government, but shall not mean any employee of the local school board or any person using jail work release or performing community service under judicial order.

**COUNTY GOVERNMENT OFFICER.** Any person, whether compensated or not, whether full time or part-time, who is elected to any county government office; or any person who serves as a member of the governing body of any county government agency or special taxing or non-taxing district.

**FAMILY MEMBER.** A spouse, parent, child, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.

**RULE OF NECESSITY.** The county government, agency, or district may make or enter into a contract in which an officer, employee, family member, or a business associate has an economic interest if:

(1) The nature of the transaction and the nature of the interest is publicly disclosed on record prior to the time it is engaged in; and

(2) A specific finding is made by the county government, agency, or district and entered on the official record of the proceedings of the governing body that, notwithstanding the conflict, it is in the best interests of the local government because of limited supply, price, or documented emergency. (Prior Code, § 36.03) (Ord. 2001-06, passed 7-17-2001)

**§ 35.04 STANDARDS OF CONDUCT.**

County officers or employees under the jurisdiction of this chapter shall comply with the following provisions.

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

(B) No county government officer or employee shall use or attempt to use his or her position to secure unwarranted privileges or advantages for himself or herself.

(C) No county government officer or employee shall act in his or her official capacity in any manner which he or she, a member of his or her family, or a business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might be expected to impair his or her objectivity or independence of judgment.

(D) No county government officer or employee shall undertake any employment or service, compensated or not, which might be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.

(E) No county government officer or employee, member of his or her immediate family, or business organization in which he or she has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, political contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective office as governed by the Kentucky Revised Statutes.

(F) No county government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, or hosting, including travel and expenses, entertainment, meals, or refreshments furnished in connection with public events, appearance, ceremonies, or fact finding trips related to official county government business.

(G) No duly authorized county government official shall be prohibited from accepting a gratuity for solemnizing a marriage.

(H) No county government officer or employee shall use, or allow to be used, his or her public office or employment, or any information, not generally available to the members of the public, which he or she receives or acquires in the course of and by reason of his or her office or employment, for the

purpose of securing financial gain for himself or herself, any member of his or her family or any business organization with which he or she is associated except under the “rule of necessity.”

(I) No county government officer, county employee, or business organization a county government officer or employee has an interest in, 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.

(J) No county government officer or employee 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, which falls under the “rule of necessity.”

(K) No elected 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 in return by the officer or a member of his or her immediate family, whether directly or indirectly.

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

(M) No county government officer or employee shall use official authority, influence, or coercion toward an official or employee of county government at any time for political activity or to effect a nomination or election result.

(N) No county government officer or employee shall attempt, directly or indirectly, to coerce a person in county government to lend, pay, or contribute anything of value to a group or person for any political activity or purpose.

(O) No county government officer or employee shall fail to repay a public office campaign debt within 30 days following the election day.

(P) No county government officer or employee shall use personnel, property, equipment, or resources of the county government for personal benefit or any political activity, convenience, or profit, nor for the benefit, convenience, or profit or any family members, relatives, business associates, or friends.

(Q) No official or employee of county government shall receive any requisites of office that are not offered equally to each and every citizen, including but not limited to vehicles, neighborhood development, or other discretionary fund grants.

(Prior Code, § 36.04) (Ord. 2001-06, passed 7-17-2001)

**§ 35.05 FINANCIAL DISCLOSURE.**

(A) The following individuals shall be required, as defined in this chapter, to file a financial disclosure statement:

- (1) Elected officials, annually;
- (2) Candidates for elected office, within 21 days of filing;
- (3) Management personnel such as department heads, chief deputies, as conflicts arise;
- (4) Officers and other county employees with procurement authority exceeding \$500 per purchase, annually; and
- (5) Members of boards and commissions to which this chapter applies, annually.

(B) The financial disclosure statement shall be on a form setting forth the above (copy of the form is attached to Ordinance Number 2001-06). The financial disclosure statement shall be filed annually by those subject to the reporting provisions of this chapter no later than July 1.

(C) Candidates shall be required to file the statement no later than 21 days after the filing date or the date of their nomination by a political party.

(D) Newly-appointed officers, chief deputies, department heads, and board and commission members, shall file the required financial disclosure form annually in July.

(E) The financial disclosure statement shall contain the following information:

- (1) Name of filer;
- (2) Current business address, business telephone number, and home address of the filer;
- (3) Title of the filer's public office or office being sought;
- (4) Occupations of filer and spouse;
- (5) Positions held by the filer, spouse, or minor children in any business organization or nonprofit entity from which the filer, spouse, or minor children received compensation in excess of \$10,000 during the preceding calendar year, and the name, address, and telephone number of the business organization or nonprofit entity;
- (6) Name, address, and telephone number of each source of income of the filer, spouse, or minor children which exceeds \$10,000 during the preceding year;

(7) Name, address and telephone number of each business organization in which the filer, spouse, or minor children had an interest of \$10,000 at fair market value or 5% ownership interest or more during the preceding year;

(8) The location and type (commercial, residential, agricultural) of all real property, other than the filer's primary residence, in which the filer, spouse, or minor children had an interest of \$10,000 or more during the past year;

(9) Any officer or employee, or any member of his or her family as defined in § 35.03, of the county government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department, agency, special district, or entity of county government, shall disclose such private interest to the Fiscal Court or the Local Ethics Commission and shall disqualify himself or herself from participating in any decision or vote relating thereto;

(10) Any county judge/executive, magistrate, sheriff, jailer, coroner, constable, county attorney, county clerk, or member of their family as defined in § 36.03, who has a private interest in any matter pending before the court or any special district of the county shall disclose such private interest on the records of the court or special district and shall disqualify himself or herself from participating in any decision or vote relating thereto; and

(11) Any officer or employee, or member of his or her family as defined in § 36.03, of an independent agency or special district to which this code of ethics applies, who shall have any private interest, directly or indirectly, in any contract or matter pending before or within such independent agency or special district, shall disclose such private interest to the Fiscal Court and to the governing body of the independent agency or special district and shall disqualify himself or herself from participating in any decision or vote relating thereto.

(F) Each statement shall be signed and dated by the individual filing the statement of financial interest. Signing a financial disclosure statement knowing it is false shall be a Class A misdemeanor.

(G) All financial disclosure statements shall be open records and access to such shall be governed by the State Open Records Law, being KRS 61.870 through 61.884.

(H) Financial disclosure statements shall be filed with the County Clerk, who shall forward such documents to the County Ethics Commission within 48 hours of receipt. Following review or final disposition by the County Ethics Commission, the documents shall be maintained by the County Clerk. (Prior Code, § 36.05) (Ord. 2001-06, passed 7-17-2001)

### **§ 35.06 NEPOTISM.**

(A) After the effective date of Ordinance Number 2001-06, a family member (as defined in § 36.03) of a county officer shall not be initially employed to a full-time position in any governmental agency or special district in which the county officer serves.

(B) This provision is subject to appeal to the Ethics Commission. This provision shall not apply to a county officer's family member who, after the effective date of Ordinance Number 2001-06 , on the date of the county officer's election or appointment, has been employed for at least 12 months in the same county agency in which the county officer serves.

(C) This provision shall not apply to part-time, seasonal, or emergency employees who work less than 120 days per year.

(Prior Code, § 36.06) (Ord. 2001-06, passed 7-17-2001)

### **§ 35.07 ESTABLISHMENT OF ETHICS COMMISSION.**

(A) There is hereby established the County Ethics Commission (herein referred to as "Ethics Commission").

(B) The Ethics Commission shall consist of three members.

(C) One member of the Ethics Commission may be a public official but shall not be an elected official.

(D) Two members of the Ethics Commission shall be citizens who hold no public office or position.

(E) Members of the Ethics Commission shall be at least 21 years of age and shall not have been convicted of a misdemeanor within the previous two years nor convicted of a felony at any time.

(F) Members of the Ethics Commission shall be residents of the county.

(G) Members of the Ethics Commission shall be nominated by the County Judge/Executive and confirmed by the Fiscal Court. Nominees may be suggested to the County Judge/Executive by any resident of the county.

(H) Those members of the Ethics Commission serving at the time of the adoption of Ordinance Number 2001-06 shall continue to serve until the expiration of their current term of appointment.

(I) Vacancies on the Ethics Commission shall be filled within 60 days by the County Judge/Executive with the approval of the Fiscal Court. If a vacancy is not filled by the County Judge/Executive and approved by the Fiscal Court, the remaining members of the Ethics Commission shall fill the vacancy subject to the approval of the Fiscal Court. All vacancies shall be filled for the remainder of the unexpired term.

(J) The terms of members of the Ethics Commission shall be for a period of four years. A committee member may serve no more than two consecutive terms.

(K) Members of the Ethics Commission shall serve without compensation but shall be reimbursed by the county for necessary expenses incurred in the performance of their duties under this chapter.

(L) Members of the Ethics Commission shall annually elect a Chairperson, who must be a citizen member. The election of a Chairperson shall be held in January of each calendar year.

(M) The Ethics Commission shall meet after July 15 and before July 30 of each calendar year to review financial disclosure statements that are filed by county officials and employees.

(N) The Ethics Commission shall meet within 30 days of the final filing date for elected officials for the purpose of reviewing the required financial disclosure statements of candidates.

(O) Other meetings may be held as necessary to carry out the provisions of this chapter by the Chairperson of the Ethics Commission. If the Chairperson is unable to call a meeting or refuses to call a meeting, the two remaining members may call a meeting by notifying the County Judge/Executive and Fiscal Court in writing of the time and place a meeting will be held.

(P) The Fiscal Court shall provide the Ethics Commission with necessary facilities for the conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.

(Q) (1) All necessary expenses incurred by the Ethics Commission and its members shall be paid, upon certification of the Chairperson, by the Fiscal Court within the limits of funds appropriated by the Fiscal Court by annual or emergency appropriations for these purposes.

(2) Fiscal Court retains the right to withhold payment for good cause shown.  
(Prior Code, § 36.07) (Ord. 2001-06, passed 7-17-2001)

### **§ 35.08 POWERS AND DUTIES OF ETHICS COMMISSION.**

The County Ethics Commission shall have the following powers and duties:

(A) To receive, hear, and review complaints and hold hearings with regard to possible violations of the county ethics provisions or financial disclosure requirements by local government officers or employees serving the county;

(B) Administer oaths, compel the attendance of witnesses, and the production of papers, books, documents, and testimony; and to have the deposition of witnesses taken in the manner prescribed by the Kentucky Rules of Civil Procedure for taking depositions in civil actions;

(C) To render advisory opinions to local government officers or employees serving the county as to whether a given set of facts and circumstances would constitute a violation of any provision set forth in this chapter on ethics and financial disclosure;

(D) To forward to the County Attorney, Attorney General of Kentucky, Commonwealth Attorney, or other governmental bodies any information concerning violations of the county provisions of ethics and financial disclosure by local government officers or employees serving the county which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by such officials;

(E) (1) Prescribe forms for reports, statements, notices, and other documents required by this chapter. The Fiscal Court shall pay the costs of producing the forms prescribed by the Ethics Commission.

(2) The prescribed forms shall be maintained by the office of the County Judge/Executive and available to the public or those covered by the provisions of this chapter upon request;

(F) (1) Determine whether the required financial disclosure statements and reports have been filed, and, if filed, whether they conform with the requirements of this chapter.

(2) The Ethics Commission shall give notice within three days from the Ethics Commission's review to a filer that deficiencies in and/or corrections to a required report need to be filed with the Ethics Commission. Such notice shall be in writing and explained to the filer in detail by the Ethics Commission. The filer of such a report found to be deficient shall have ten days to resubmit the required report to the Ethics Commission.

(G) Retain private counsel at the expense of the county; and

(H) To enforce the provisions of this chapter on ethics and financial disclosure with regard to local government officers and employees serving the county and to impose penalties for the violation thereof as are authorized by this chapter.

(Prior Code, § 36.08) (Ord. 2001-06, passed 7-17-2001)

### **§ 35.09 REQUEST FOR ADVISORY OPINION FROM ETHICS COMMISSION.**

(A) A local government officer or employee serving the county may request and obtain from the Ethics Commission an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the provisions of this chapter.

(B) Advisory opinions of the Ethics Commission shall not be made public.

(Prior Code, § 36.09) (Ord. 2001-06, passed 7-17-2001)

**§ 35.10 COMPLAINT PROCEDURE; PRELIMINARY INVESTIGATIONS.**

(A) Any person over the age of 18 may file a complaint alleging a violation of this chapter on ethics and financial disclosure subject to the following requirements:

(1) The alleged violation must have occurred, in whole or in part, within the 12 months preceding the filing of the complaint;

(2) The complaint must be on the form prescribed by the Ethics Commission, or substantially conform thereto; and

(3) The complaint must contain the name, address, and signature of the complainant, and other information requested on the complaint form.

(B) The Ethics Commission may initiate a complaint upon its own motion, based upon information reported in the media.

(Prior Code, § 36.10) (Ord. 2001-06, passed 7-17-2001)

**§ 35.11 INITIAL INQUIRY.**

(A) Not later than ten days after the Ethics Commission receives the complaint from a citizen or initiates a complaint upon its own motion, the Ethics Commission shall begin an initial inquiry into the alleged violation of the provisions of this chapter.

(B) Within 30 days of the commencement of the initial inquiry, the Ethics Commission shall conclude whether or not the complaint is incomplete, outside of its jurisdiction, or frivolous. It shall reduce this conclusion, if so found, to writing and shall transmit a copy thereof, if possible, to the complainant and to the local government officer or employee against whom the complaint was filed, thereby terminating the action and dismissing the complaint.

(C) If a potential violation is found the Ethics Commission shall notify within five days the local government officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. Such notice shall be in writing and shall contain a copy of the original complaint.

(Prior Code, § 36.11) (Ord. 2001-06, passed 7-17-2001)

**§ 35.12 PRELIMINARY INVESTIGATION.**

(A) (1) Upon a finding of a potential violation after an initial inquiry, the Ethics Commission shall afford any person accused of a violation an opportunity to respond in writing to the allegations in the

complaint. The accused person shall be allowed 30 days to prepare a written response. A 15-day extension may be offered at the discretion of the Ethics Commission.

(2) A copy of the written response will be forwarded to the complainant. The accused person may request an opportunity to appear before the Ethics Commission for informal oral arguments. The Ethics Commission shall permit such appearance only after written notice to the complainant of his or her right to be present.

(B) If the Ethics Commission determines, during or after the preliminary investigation, that the complaint does not allege facts sufficient to constitute a violation of this chapter, the Ethics Commission shall immediately terminate the inquiry and shall issue a written opinion to that fact. Copies of the opinion shall be filed with the County Clerk.

(C) (1) If the Ethics Commission, during the course of the preliminary investigation or hearing, finds probable cause to believe that a violation of this chapter has occurred, the Ethics Commission shall notify in writing to the accused violator such findings and may, upon majority vote, initiate an adjudicatory proceeding under the provisions of § 35.13 of this chapter to determine whether there has been a violation of the provisions of this chapter on ethics and financial disclosure.

(2) Such an adjudicatory proceeding shall occur no less than 30 days from the issuance of the written notice to the accused violator.

(Prior Code, § 36.12)

### **§ 35.13 ADJUDICATORY PROCEEDINGS.**

(A) The State Rules of Civil Procedure and the State Rules of Evidence shall apply to all Ethics Commission adjudicatory hearings.

(B) All testimony in an Ethics Commission adjudicatory hearing shall be under oath and shall be recorded by a judicial court reporter.

(C) All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by legal counsel and any other due process rights, privileges and responsibilities of a witness appearing before the courts of the state.

(D) Any person whose name is mentioned during an Ethics Commission adjudicatory hearing and who may be adversely affected thereby may appear personally before the Ethics Commission on the person's own behalf, with or without an attorney, to give a statement of opposition to such adverse mention or file a written statement of that opposition for incorporation into the record of the proceeding.

(E) All Ethics Commission adjudicatory hearings shall be carried out pursuant to the provisions of this section and shall be open to the public unless the members vote to go into executive session in accordance with the provisions of KRS 61.810.

(F) (1) Within five days after the end of an adjudicatory proceeding held pursuant to the provisions of this section, the Ethics Commission shall meet in executive session for the purpose of reviewing the evidence before it. Within ten days after the completion of deliberations, the Ethics Commission shall publish a written report of its findings of facts and conclusions of law.

(2) This report shall be filed with the County Attorney, or Attorney General of the State if filed in regard to the County Attorney.

(G) The Ethics Commission, upon finding pursuant to an adjudicatory hearing that there has been clear and convincing proof of a violation of this chapter, may:

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

(2) Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the county or lack of significant impact on public confidence in government, the Ethics Commission may issue a public or confidential reprimand, in writing, to the alleged violator for potential violations of the provisions of this chapter;

(3) Issue an order requiring the violator to file any report, statement, or other information as required by this chapter on ethics and financial disclosure;

(4) In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to the County Clerk;

(5) Issue an order requiring the violator to pay a civil penalty of not more than \$500. Such civil penalty shall be paid to the County Treasurer; and/or

(6) Refer the matter to the County Attorney, Commonwealth Attorney, Attorney General of the State, or other investigative agencies of appropriate jurisdiction for further proceedings and possible criminal penalties.

(H) (1) Findings of fact or final determinations by the Ethics Commission that a violation of this chapter has been committed, or any testimony related to the Ethics Commission's findings of fact or final determinations, shall not be admissible in criminal proceedings in the courts of the commonwealth.

(2) Evidence collected by the Ethics Commission may be used in a criminal proceeding if otherwise relevant.

(Prior Code, § 36.13) (Ord. 2001-06, passed 7-17-2001)

**§ 35.14 APPEALS.**

Any person found by the Ethics Commission to have committed a violation of this chapter may appeal the action to the Circuit Court. The appeal shall be initiated within 30 days after the date of the final action of the Ethics Commission by filing a petition with the Circuit Court against the Ethics Commission. The Ethics Commission shall transmit to the Clerk of the County Circuit Court all evidence considered by the Ethics Commission at the public hearing. The County Circuit Court shall hear the appeal upon the record as certified by the Ethics Commission.

(Prior Code, § 36.14) (Ord. 2001-06, passed 7-17-2001)

**§ 35.15 CONFIDENTIALITY; FALSE COMPLAINT; RIGHT TO ATTORNEY.**

(A) All county ethics proceedings and records with the exception of the adjudicatory hearing shall be confidential until a final determination is made by the Ethics Commission. Notwithstanding the foregoing, the Ethics Commission may turn over to the County Attorney, the Commonwealth Attorney, or other appropriate investigative agency, evidence which may be used in criminal proceedings.

(B) The complaining party or alleged violator shall not publicly disclose the existence of a complaint preliminary investigation. Violation of this division (B) may result in disciplinary action up to and including suspension without pay, a fine or both. This would not preclude either party from obtaining counsel.

(C) The Ethics Commission members shall not publicly disclose the existence of a complaint or a preliminary investigation nor make public any documents which were issued to any party in an action until a final determination is made.

(D) Any person who knowingly files with the Ethics Commission a false complaint of misconduct on the part of any county officer or employee shall be charged with a Class A misdemeanor.

(E) An accused person shall have the right to be represented by an attorney at every stage beyond initial inquiry.

(Prior Code, § 36.15) (Ord. 2001-06, passed 7-17-2001)