

ORDINANCE NO. 01-02

**AN ORDINANCE OF THE CITY OF RICHMOND KENTUCKY AMENDING
ORDINANCE NO. 94-50 AS AMENDED BY ORDINANCE NO. 95-05.**

WHEREAS, the City of Richmond, Kentucky on December 6, 1994 adopted Ordinance No. 94-50, an Ordinance establishing a code of ethical conduct applicable to the officers and employees of the City and its Boards, Agencies, and Commissions; and

WHEREAS, Ordinance No. 94-50 was subsequently amended as provided in Ordinance No. 95-05; and

WHEREAS, it is deemed to be in the public interest that Ordinance No. 94-50 as so amended be amended in the particulars hereinafter set forth; and

WHEREAS, the vitality and stability of the government of this City depend upon the public's confidence in the integrity of its elected and appointed officers and employees. Whenever the public perceives a conflict between the private interests and public duties of a city officer or employee, that confidence is imperiled; and

WHEREAS, such a public perception can be brought about not only through the existence of an actual conflict between the private interests and public duties of a city officer or employee, but, equally, through an unfounded accusation of the existence of such a conflict; and

WHEREAS, a city officer or employee against whom an unfounded complaint of ethical misconduct has been brought will, in the defense of such complaint, incur expenses which should not properly be borne by such city officer or employee;

NOW, THEREFORE, BE IT ORDAINED by the Richmond City Board of Commissioners that:

SECTION I. PURPOSES

It is the purpose of this Amendment to Ordinance No. 94-50 as amended by Ordinance No. 95-05 to provide a mechanism whereby a city officer or employee, against whom an unfounded complaint of ethical misconduct has been brought, can recoup expenses incurred in the defense of same from the party who wrongfully necessitated the incurring of such expenses.

SECTION II. FILING AND INVESTIGATION OF COMPLAINTS

A new section of Ordinance 94-50 as so amended is hereby created by adding to Section XIX of the said Ordinance a new sub-part, codified as Section XIX G, same to read as follows:

- G. The signature of the party, or his representative, filing a complaint under this Ordinance constitutes a certification by him that he has read the complaint; that to the best of his knowledge, information, and belief formed after inquiry it is well grounded in fact and is warranted by existing law; and that it is not interposed for any improper purpose, such as, without limiting the generality of the foregoing, to harass or cause unnecessary expense to the city officer or employee charged in the complaint or to interfere with or impede the proper functions of municipal government within the City.

If a complaint be signed in violation of this provision, the Board of Ethics, upon motion or upon its own initiative, shall impose upon the person who signed it, his representative, if any, or both, an appropriate sanction which may include an order to pay to the city officer or employee in question the amount of expenses incurred because of the filing of, and the defense of, such complaint, including attorney's fee. In the event that the Board shall impose sanctions in accordance with this provision, the Board of Ethics shall not take cognizance of any further complaint filed by the party so sanctioned unless and until the order for sanctions has been fully complied with by such party. Any complaint filed by a party not in compliance with an order for sanctions shall be summarily dismissed by the Board of Ethics.

Sanctions imposed by the Board of Ethics in accordance with the foregoing shall be collectible, if not paid by the sanctioned party within 30 days of the order imposing same, through appropriate proceedings in a court of competent jurisdiction.

SECTION IV. EFFECTIVE DATE

This ordinance shall take full force and effect immediately upon its adoption by the legislative body of the City of Richmond and upon publication as required by KRS 83.A.060.

DATE OF FIRST READING: February 6, 2001

DATE OF SECOND READING: February 9, 2001

MOTION BY: Commissioner Hacker

SECONDED BY: Commissioner Brewer

VOTE:

Commissioner Brewer
Commissioner Hacker
Commissioner Jones
Commissioner Strong
Mayor Durham

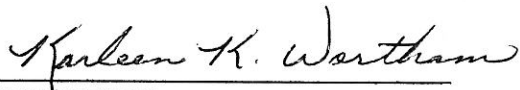
YES
X
X
Absent
X
X

NO



MAYOR

ATTEST:



CITY CLERK