

ORDINANCE NO. ____-2026

AN ORDINANCE AMENDING SECTION 25-13 OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES TO REQUIRE THOSE MEMBERS OF COMMISSIONS, BOARDS, AND EMPLOYEES OR OFFICERS DEEMED NECESSARY BY THE ETHICS COMMISSION (“COMMISSION”) TO FILE ANNUAL FINANCIAL INTEREST STATEMENTS AND TO SET A PROCEDURE OF THE COMMISSION TO MAKE SAID DETERMINATION, AND TO REMOVE THE REQUIREMENT FOR CANDIDATES TO FILE A FINANCIAL INTEREST STATEMENT FOR THE FIRST FULL CALENDAR YEAR FOLLOWING THE END OF THEIR CANDIDACY; AMENDING SECTION 25-20 OF THE CODE OF ORDINANCES TO CHANGE THE MEMBERSHIP OF THE COMMISSION FROM NINE (9) TO BETWEEN SEVEN (7) AND NINE (9) MEMBERS, REVISE THE NAMES OF CERTAIN NOMINATING ORGANIZATIONS, REMOVE DEFUNCT NOMINATING ORGANIZATIONS, AND CHANGE THE NUMBER OF AT LARGE MEMBERS FROM TWO (2) TO BETWEEN TWO (2) AND FOUR (4) MEMBERS, REMOVE PARTY AFFILIATION LIMITATIONS, REQUIRE NOMINATING ORGANIZATIONS TO SUBMIT CERTAIN INFORMATION UPON SUBMISSION OF NOMINEES TO THE MAYOR, ESTABLISH QUORUM AS A MAJORITY OF THE MEMBERSHIP, AND ESTABLISH A STANDING AGENDA ITEM REGARDING CONFLICTS OF INTEREST OF THE MEMBERS AND A REQUIREMENT FOR RECUSAL FOR CONFLICTS OF INTEREST; AND AMENDING SECTION 25-23 OF THE CODE OF ORDINANCES TO SET A SCREENING PROCEDURE FOR THE CHAIR OF THE COMMISSION TO DETERMINE WHETHER THE COMMISSION HAS JURISDICTION TO HEAR COMPLAINTS FILED WITH THE COMMISSION AND TO PROVIDE PROCEDURES FOR AGREEMENT OR DISAGREEMENT BY THE COMMISSION WITH THE CHAIR’S DETERMINATION REGARDING JURISDICTION, ALL EFFECTIVE UPON PASSAGE OF COUNCIL.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 25-13 of the Lexington-Fayette Urban County Government Code of Ordinances, be and hereby is amended to read as follows:

Sec. 25-13. Financial Disclosure – Who must file.

The following persons shall file an annual statement of financial interests with the ethics commission established at section 25-20:

- (1) The mayor, county judge/executive, members of the urban county council, county clerk, county attorney, sheriff, coroner, surveyor and constables;
- (2) Candidates for the offices enumerated in subsection (1) of this section;
- (3) Members and chief executive officers, if any, of the urban county government board of adjustment, comprehensive plan update committee, ethics commission, and planning commission, and any other commissions, boards, employees or officers deemed necessary by the Ethics Commission as provided herein. Annually, the Ethics Commission shall review the responsibilities and authority of other commissions, boards, officers, and employees to determine whether the filing of an annual statement of financial interests by these members, officers, and employees would best support the declarations contained in section 25-2.
- (4) Commissioners, division directors, and employees holding the positions of buyer and buyer senior of the urban county government; and

- (5) All persons formerly occupying the positions identified in subsections (1, 3 and 4) of this section for the first full calendar year following the end of their term of office or employment.

Section 2 - That Section 25-20 of the Lexington-Fayette Urban County Government Code of Ordinances, be and hereby is amended to read as follows:

Sec. 25-20. – LFUCG Ethics Commission Created.

- (1) There is hereby created a Lexington-Fayette Urban County Government Ethics Commission which shall have the authorities, duties, and responsibilities as set forth in this chapter to enforce the provisions of this chapter.
- (2) The ethics commission shall consist of no fewer than seven and no greater than nine (9) members appointed by the mayor subject to confirmation by a majority of the council, from the following:
 - (a) One (1) member from a list of not less than three (3) names submitted by Commerce Lexington, Inc.;
 - (b) One (1) member from a list of not less than three (3) names submitted by the League of Women Voters of Lexington, Inc.;
 - (c) One (1) member from a list of not less than three (3) names submitted by the Fayette County Bar Association;
 - (d) One (1) member from a list of not less than three (3) names submitted by the Better Business Bureau serving Greater Kentucky and South Central Indiana;
 - (e) One (1) member from a list of not less than three (3) names submitted by the John Rowe Chapter of the National Bar Association; and
 - (f) No fewer than two (2) and no greater than four (4) members chosen at large, who are not members of any entities listed in subsection (2)(a)-(e) of this section.
- (3) A nominating organization listed in subsections (2)(a)-(2)(e) of this section may nominate a person regardless of whether that person is a member of the organization.
- (4) The initial members of the ethics commission shall be appointed within sixty (60) days of the effective date of this chapter. No member of the ethics commission shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the urban county government, any urban county government agency, or the office of any constitutional officer. The members shall serve for a term of four (4) years; except that with respect to the members initially appointed, four (4) members shall be appointed for a term of two (2) years, and five (5) members shall be appointed for a term of four (4) years. Thereafter, all appointments shall be for a term of four (4) years. Each member of the ethics commission shall have been a resident and registered voter of Fayette County for at least one (1) year prior to the date of the appointment and shall reside in Fayette County throughout the term of office. The members may be re-appointed for one consecutive term.
- (5) A member of the ethics commission shall be removed only by a majority vote of the council, and only for cause, except that a member of the ethics commission shall automatically be removed by operation of law in the event

of three (3) unexcused absences, whether consecutive or non-consecutive, in a two (2) year period or in the event of absence from at least twenty-five (25) percent of the meetings in a two (2) year period, beginning after March 1, 1999. An unexcused absence is any absence in which the chair of the ethics commission or the clerk of the urban county council is not notified of the intended absence at least twenty-four (24) hours in advance of a regularly scheduled meeting. In the event of three (3) unexcused absences or the absence from at least twenty-five (25) percent of the meetings over a two (2) year period, within the meaning of this section, the clerk of the urban county council shall notify the mayor and council administrator that a vacancy exists on the ethics commission.

- (6) The mayor shall notify a nominating organization promptly once a seat on the commission becomes vacant by rotation off the commission, by resignation, or otherwise. Upon receipt of such notice, the nominating organization shall submit to the mayor its list of three (3) nominees within sixty (60) days, as well as the information required in subsection (9) (a)-(g). If the nominations are not received within the prescribed time period, the mayor shall appoint, subject to confirmation by a majority of the council, the member from a list of not less than three (3) names submitted by a majority vote of the remaining members of the ethics commission, to fill the vacancy for that full term or remaining term.
- (7) Members of the ethics commission shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred within the limits of the funds appropriated by the council in the annual budget.
- (8) The ethics commission shall, upon the initial appointment of its members, and annually thereafter, elect a chairperson from among the membership. The chairperson may be reelected for unlimited consecutive terms. The chairperson shall be the presiding officer and a full voting member of the commission.
- (9) Beginning after February 1, 2000, all groups named as nominating organizations shall submit to the mayor the following information in writing:
 - (b) Name of the organization;
 - (c) Number of members in good standing;
 - (d) Copies of bylaws;
 - (e) Names of current officers and directors;
 - (f) Schedule of meetings;
 - (g) Mission statement if not contained within the bylaws; and
 - (h) Percent of the organization's funding provided by the Lexington-Fayette Urban County Government.

This information shall be updated on a rotating basis to coincide with the end of the term of each commission member nominated by one (1) of the nominating organizations. The chairperson of the ethics commission shall request the updated information no sooner than one (1) year and no later than six (6) months prior to the expiration of the relevant member's term. The nominating organization shall submit the updated information to the mayor within sixty (60) days of the request.

- (10) The mayor shall consider the information submitted pursuant to

subsection (9) and relevant other information and evaluate whether the nominating organization's continued participation by nominating members for the commission is consistent with this chapter's objectives. An organization's failure to submit the information within sixty (60) days of the request by the chairperson of the ethics commission shall be prima facie evidence that the organization's continued participation is not consistent with the chapter's objectives. After such consideration the mayor shall make a recommendation to the council that the organization's continued participation is or is not consistent with this chapter's objectives and whether the council should consider an amendment to this chapter to replace the nominating organization with another.

(11) The ethics commission shall provide for a schedule of regular meetings by resolution or bylaw. The schedule of regular meetings shall be made available to the public. Special meetings may be called pursuant to the provisions of KRS 61.823 of the Kentucky Open Meetings law.

(12) The presence of a majority of the members shall constitute a quorum and the affirmative vote of a majority of the members shall be necessary for any official action to be taken. For purposes of this subsection, "official action" is defined as any motion to adopt an order, issue a reprimand, make findings of fact, recommend discipline, fix a civil penalty, refer the matter for possible criminal prosecution, file charges against classified civil service employees or members of the division of fire and emergency services or the division of police, or make any other final determination of guilt following a hearing upon a complaint. A simple majority of those members present and voting shall be necessary for votes taken on all other matters, including, but not limited to, adoption of minutes, recommending that the urban county council adopt particular ordinances or resolutions, issuing advisory opinions, making determinations based on preliminary inquiries as to whether a complaint is within the commission's jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this chapter. The commission shall have a standing agenda item at the beginning of each meeting at which point commission members are to declare any actual or potential conflicts of interest they may have with any business before the commission at the meeting. Members of the ethics commission must communicate any actual or potential conflicts of interest they may have with business before the commission in a timely and effective manner. Any member of the ethics commission who has an actual or potential conflict of interest with respect to any matter to be considered by the commission shall recuse themselves from voting on the matter and shall not be counted for purposes of establishing a quorum.

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

Section 3 - That Section 25-23 of the Lexington-Fayette Urban County Government Code of Ordinances, be and hereby is amended to read as follows:

Sec. 25-23. – Filing and investigation of complaints.

(1) Complaints alleging any violation of the provisions of this chapter may be submitted to the ethics commission, or the administrative official designated by the ethics commission, or may be filed as charges against individual officers or employees pursuant to sections 21-44, 23-43, and 23-44 of the Code of Ordinances.

(a) All complaints made to the commission shall be in writing, signed by the complainant under penalty of perjury, and shall meet any other

requirements established by the ethics commission.

(b) Complaints against classified civil service employees and members of the division of fire and emergency services or division of police are, pursuant to KRS 67A.280 and 95.450, respectively, outside the commission's jurisdiction. Within five (5) business days of receipt of the complaint, the chair of the commission shall review the complaint, considering only whether each alleged violator is a classified civil service employee or a member of the division of fire and emergency services or the division of police, to determine whether the commission has jurisdiction to hear the complaint against the alleged violator.

(i) If the chair determines that the commission does not have jurisdiction to hear the complaint, the chair's determination shall be reduced to writing and transmitted to the commission. The commission shall acknowledge receipt of the complaint and transmit a copy of the chair's decision regarding jurisdiction to the complainant within ten (10) working days after the chair's determination. The commission shall also forward a copy of the complaint and transmit a copy of the chair's decision regarding jurisdiction to all alleged violators within ten (10) working days after the chair's determination. The chair's determination shall be included on the agenda of the scheduled commission meeting immediately following the chair's determination.

(ii) If a majority of the commission concurs with the chair's determination regarding jurisdiction of a complaint, the commission shall officially dismiss the complaint without consideration of the merit, truth, or falsity of the allegations contained in the complaint.

(iii) Alternatively, if a majority of the commission does not concur with the chair's determination regarding jurisdiction, the complaint shall be heard in a preliminary inquiry at a future commission meeting, in conformance with Sec. 25-23 (3) through (5) below.

(iv) Nothing contained herein shall prohibit the commission from requesting that the division, department, or office of the official(s) and/or employee(s) against whom the complaint is made investigate the allegations contained in the complaint or from filing charges against the official(s) and/or employee(s) pursuant to KRS 67A.280 and KRS 95.450.

(v) If the chair determines that the commission has jurisdiction over the complaint, the commission shall act in conformance with the requirements of Sec. 25-23 (2) through (5) below.

(2) Within ten (10) days of the chair's determination that the commission has jurisdiction to hear the complaint, the commission shall (a) acknowledge receipt of the complaint to the complainant and (b) forward a copy of the complaint and a general statement of the applicable provisions of this chapter to each officer and/or employee against whom the complaint is made.

(3) The ethics commission shall conduct a preliminary inquiry concerning the allegations contained in the complaint within thirty (30) working days after (a) the chair's determination that the commission has jurisdiction or, in the alternative, (b) the commission votes to consider the complaint pursuant to Sec. 25-23 (1)(b)(iii) above. The commission shall afford the officer(s) and/or employee(s) against whom the complaint is made an opportunity to respond in writing to the allegations in the complaint. Both the complainant and respondent have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations during the preliminary inquiry.

- (4) After the preliminary inquiry, the commission shall determine whether the complaint is within its jurisdiction and whether the complaint alleges a minimal factual basis to constitute a violation of this chapter. If the commission concludes that the complaint is outside of its jurisdiction, frivolous or fails to provide a minimal factual basis to constitute a violation of this chapter, the commission shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant(s) and to all officers or employees against whom the complaint was filed. The conclusion of the commission shall be a public record.
- (5) If the commission concludes, based upon the preliminary hearing, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the commission shall initiate a formal hearing to determine whether a violation has occurred and shall notify the officer(s) and/or employee(s) against whom the complaint is made of the timing and procedures to be followed in the formal hearing of the complaint.
- (6) All proceedings and records relating to a preliminary inquiry being conducted by the ethics commission shall be confidential until a final determination is made by the commission, except:
- (a) The commission may turn over to the commonwealth's attorney or county attorney evidence which may be used in criminal proceedings.
- (b) If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the commission may publicly confirm the existence of the inquiry, and, in its discretion, make public any documents which were issued to either party.
- (c) If all complainant(s) and respondent(s) consent to a waiver of confidentiality.
- (d) Hearings held pursuant to Sec. 25-25 shall be public unless commission members vote to go into executive session pursuant to KRS 61.810.

Section 4 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK, URBAN COUNTY COUNCIL

PUBLISHED: