

after the effective date of this section, provided, however, that such relationships shall be reported to the ethics commission which may recommend lateral transfer, substitute supervision, or other personnel action to eliminate or ameliorate the adverse effects of the relationship.

(Ord. No. 255-94, § 1, 12-13-94; Ord. No. 64-99, § 1, 3-25-99; Ord. No. 64-99, § 1, 3-25-99)

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 Commission shall reflect in as much possible, equal representation of the two (2) sexes, proportional representation of the two (2) leading political parties and minority racial compositions.

The ethics commission shall consist of 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 the Greater Lexington Chamber of Commerce, 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 of Central and Eastern Kentucky, Inc.;
- (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;
- (f) One (1) member from a list of not less than three (3) names submitted by the Professional Women's Forum;

~~(g) One (1) member from a list of not less than three (3) names submitted by the Citizens for Ethical Government; and~~

~~(hg) Two (2) Three (3) members chosen at large, who are not members of any entities listed in subsection (2)(a) (g) of this section.~~

(3) A nominating organization listed in subsections (2)(a) – (2)(g) 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. No more than five (5) of the members shall be of the same political party. 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.

~~(54)~~ 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.

~~(65)~~ 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. If the nominations are not received within the prescribed time period, the mayor shall appoint, within thirty (30) days, subject to confirmation by a majority of the council, the member from a list of not less than three (3) names ~~submitted~~ recommended by a majority vote of the remaining members of the ethics commission, to fill the vacancy for that full term or remaining term.

~~(76)~~ 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.

(87) 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:~~

~~(a) Name of the organization;~~

~~(b) Number of members in good standing;~~

~~(c) Copies of bylaws;~~

~~(d) Names of current officers and directors;~~

~~(e) Schedule of meetings;~~

~~(f) Mission statement if not contained within the bylaws; and~~

~~(g) 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.~~

(148) 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.

(129) The presence of five (5) or more members shall constitute a quorum and the affirmative vote of five (5) or more 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. Any member of the ethics commission who has a conflict of interest with respect to any matter to be considered by the commission shall disclose the nature of the conflict, and shall disqualify himself or herself from voting on the matter, and shall not be counted for purposes of establishing a quorum.

(1310) 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.

(Ord. No. 255-94, § 1, 12-13-94; Ord. No. 75-95, § 1, 4-27-95; Ord. No. 73-99, § 1, 3-25-99; Ord. No. 25-2000, § 3, 1-27-00; Ord. No. 87-2001, § 2, 4-19-01; Ord. No. 88-2001, § 1, 4-19-01; Ord. No. 181-2009, § 1, 8-27-09)

Sec. 25-21. - Facilities and staff.

- (1) Within the limits of the funds appropriated by the council in the annual budget, the urban county government shall provide the ethics commission, either directly or by contract or agreement, with the facilities, materials, supplies, and staff needed for the conduct of its business.
- (2) The department of law shall serve as counsel to the ethics commission, provided, however, that the ethics commission may, within the limits of the funds appropriated by the council in the annual budget, retain private counsel at the expense of the urban county government if the department of law has an actual or potential conflict.

(Ord. No. 255-94, § 1, 12-13-94)

Sec. 25-22. - Powers and duties of the ethics commission.

The ethics commission shall have the following powers and duties:

- (1) To initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to alleged violations of the provisions of this chapter.