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CHAPTER 30: FISCAL COURT

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Statutory reference:

Fiscal courts, see KRS 67.040 through 67.120

GENERAL PROVISIONS

§ 30.01 REAPPORTIONMENT OF COUNTY COMMISSIONER DISTRICTS.

(A) The boundary lines of the three County Commissioner Districts and the three Magisterial Districts have been laid off so that all districts are compact, contiguous, and the population of each is as nearly equal as reasonably possible.

(B) Each district is reapportioned and laid off as follows:

(1) District 1 composed of the following voting precincts: Ft. Thomas B, C, E, F, H, I, K, L, M, N, P, R, S, Southgate B, C, D, Highland Heights A, B, C, D, E, Cold Spring A, C, Alexandria A, B, C, D.

(2) District 2 composed of the following voting precincts: Johns Hill, Wilder, Cold Spring B, D, E, F, Silver Grove, Melbourne, Camp Springs Ross, California, Mentor, Sunvalley, Grants Lick, Claryville, Alexandria E, F, G.

(3) District 3 composed of the following voting precincts: Dayton A, B, C, Southgate A, Fort Thomas A, J, Bellevue A, B, C, D, Newport A, B, C, D, E, F, G, H, I, J, K.

(4) The estimated population of each district is as follows:

- (a) District 1: 30,618
- (b) District 2: 29,554
- (c) District 3: 30,162

(C) The boundaries of each district as reapportioned is set forth on the map of Campbell County, Kentucky, attached to Ord. O-8-82, and incorporated herein as if fully set forth. (Ord. O-8-82; passed 9-7-82; Am. Ord. O-2-94, passed 3-19-94; Am. Ord. O-12-11, passed 7-20-11)

Statutory reference:

Reapportionment, see KRS 67.045

§ 30.02 INTRODUCTION AND ENACTMENT OF ORDINANCES.

(A) An ordinance may be introduced by a member of the Fiscal Court at any time such member desires. However, such ordinance must be in writing, and be composed in such form as to meet the requirements of KRS Chapter 67 pertaining to enactment of county ordinances. Upon the approval of the Fiscal Court, a member desiring to introduce a county ordinance may seek assistance of the County Attorney.

(B) Each county ordinance shall be an official written act of the Fiscal Court, the effect of which is general and lasting in nature, which is enforceable within the jurisdiction of the county; or a lawful appropriation of money. No action embraced in the term "county ordinance" may be taken except by passage of the county ordinance. Other official actions, including but not limited to approvals required by the Fiscal Court, may be taken by resolution, order or motion. No ordinance shall relate

to more than one subject, and each ordinance shall be prefaced in the following manner by title which expresses that subject: "An Ordinance relating to". 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 County of Campbell, Commonwealth of Kentucky." No county ordinance shall be passed until it has been read on two separate days, but ordinances may be read by title and summary only. After first reading, the following shall be expressed in publication: the time, date and place at which the county ordinance will be considered and a place within the county where a copy of such text of ordinance is available for public inspection. All ordinances shall conform to the provisions in Kentucky Revised Statutes Chapter 67 and Chapter 424.

(C) Upon the introduction of a county ordinance by a member of the Fiscal Court, it shall be read for the first time by the Clerk of the Fiscal Court, and said person shall duly assign a number to such ordinance, and further be responsible for the immediate advertising thereof in accordance with the publication laws of this state. The Clerk shall provide a copy of said proposed ordinance to be made available in the office of the County Judge/Executive at 1098 Monmouth Street, Newport, Kentucky, during office hours for review and perusal by any interested person. A copy of such proposed ordinance may be given to any person requesting same, provided, however, that the cost of such production of said copy or copies shall be borne by the person requesting the copy thereof.

(D) An ordinance, after its first reading and publication aforesaid, shall upon the approval of the Fiscal Court, be read for the second time and placed upon its passage. Passage of any ordinance shall require a majority of the Fiscal Court, namely three votes or more.

(E) Upon passage of the proposed ordinance, it shall be signed immediately by the County Judge/ Executive, and the Fiscal Court Clerk shall cause it to be numbered and codified, as well as published in accordance with the legal publication laws of Kentucky. The Clerk shall deliver a copy of said ordinance to the Campbell County Clerk for recording, and said County Clerk shall retain a County Ordinance Book and a County Code Book as part of his official records.

(F) The Clerk of the Campbell County Fiscal Court shall also keep an exact duplicate of the County Ordinance Book and the County Code Book

office of the County Judge/Executive. The Clerk of the Fiscal Court shall maintain and keep a proper index for the County Ordinance Book and the County Code Book.
(Ord. 1979-11, passed 2-5-79; Am. Ord. O-02-14, passed 2-19-14)

OFFICE TECHNOLOGY POLICY

§ 30.15 PURPOSE.

This policy describes the proper use of the computer systems for the employees/computer users of the Campbell County Fiscal Court. These systems include, but are not limited to, internal databases, financial systems, internet access, and internal and external e-mail.
(Ord. O-6-2000, passed 3-1-00; Am. Ord. O-16-05, passed 11-16-05)

§ 30.16 OBJECTIVE.

(A) As provided, internet and e-mail resources, services, and accounts are the property of the county. These resources are to be used for county business purposes in serving the interests of county government, citizens, and customers in the

course of normal business operations. This office technology policy represents a set of standards and procedures to be followed when using county computer equipment, including internet and e-mail.

(B) Employees of the county are encouraged to use the internet and e-mail to:

- (1) Enhance staff communication and collaboration;
- (2) Provide service of the highest quality to its citizens;
- (3) Discover new ways to use resources to enhance service; and
- (4) Promote staff development.
(Ord. O-6-2000, passed 3-1-00; Am. Ord. O-16-05, passed 11-16-05)

§ 30.17 COUNTY RIGHTS REGARDING INTERNET ACCESS.

(A) Monitoring tools are in place to monitor employees' use of e-mail and the Internet.
Employees

shall have no expectation of privacy associated with electronic data, including, but not limited to, e-mail transmissions, data files, and information published, stored, or accessed on the internet using the county's resources.

(B) Internet access may be provided to all employees. The county retains the right to maintain a log of all internet activity of each employee. Employees' activities should adhere to the appropriate/inappropriate guidelines as described in § 30.18.

(C) Employees are encouraged to remain professional in their correspondence, and to remove or delete those items that are not business-related. E-mail messages must be sent and received through the county's e-mail facility and positively reflect on the county. All electronic mail use must conform to the requirements set forth in this policy. The county retains the authority to maintain historical electronic data. Additionally, all electronic documents and messages remain the exclusive property of the county.

(D) The county has the right to access the e-mail at all times. The County Administrator can determine if e-mail access will remain confidential. There will be reasonable efforts to notify a user prior to accessing the user's e-mail. Notification is a courtesy to users and does not affect the county's sole ownership rights. E-mail users must cooperate in the access of e-mail.

(E) Electronic documents and messages of employees/computer users of the county could be subject to open record requests, pursuant to KRS 171.410. Both the e-mail sender and receiver may be responsible for retaining electronic documents and messages if it is determined to be an agency record. The employee is responsible to retain and manage his/her e-mails in a manner that meets administrative, fiscal, legal, and historical requirements. Nothing in this policy shall be deemed to make documents subject to federal or state open records law that otherwise would not be subject to such but for this policy. (Ord. O-6-2000, passed 3-1-00; Am. Ord. O-16-05, passed 11-16-05)

§ 30.18 EMPLOYEE GUIDELINES.

Employees shall adhere to the following guidelines when using county computer systems. Acceptable uses for the internet/email will include, but not be limited to, the following:

(A) Personal use. Personal use is allowed on a limited basis, so long as the user follows the other guidelines for acceptable/unacceptable uses as set forth in this policy. This will allow for the county employee to become better acquainted with the internet and email. Email messages may contain information related to social matters or other events of interest to other employees. Examples of this include notifications of retirement luncheons, birthday greetings, notices of bereavement, and the like.

(B) Research/education. Communication with professional associations, other governments, universities, businesses, and/or individuals associated with the facilitation of county business research and education efforts, as authorized by a department director.

(C) General public. Distribution of information to the general public, whereby such information is made available under county guidelines and policies for the release of information, is prohibited.

(D) Incidental communication. Incidental communication among county employees and professional colleagues which facilitates work assignments and professional discussion in a work-related field of knowledge. (Ord. O-6-2000, passed 3-1-00; Am. Ord. O-16-05, passed 11-16-05)

§ 30.19 UNACCEPTABLE USES.

Unacceptable uses for the Internet/email will include, but not be limited to, the following:

(A) Unlawful access. Employees may not gain unlawful access to information or computer and communication resources.

(B) Malicious code. Intentional introduction of or experimentation with malicious code such as computer worms or viruses is prohibited.

(C) No county affiliation. Illegal, fraudulent, or malicious activity; political activity; religious promotion; or activity on behalf of organizations or individuals having no affiliation with the county is not allowed.

(D) Copyright/patent violations. Transmission of materials in violation of applicable copyright laws or patents is prohibited.

(E) Work interference. Employee shall not

send messages likely to result in the loss of

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recipient's work or systems and engage any other types of activity that could cause congestion of the network or otherwise interfere with the work of other workers.

(F) **Obscene/profane.** Employees are strictly prohibited from knowingly generating, receiving, viewing, storing, transmitting or other use of data or other matter which is abusive, profane or offensive to a reasonable person. Employees may not knowingly download, upload or send e-mail messages that contain any material that contains derogatory racial content, sexual content, derogatory religious content, offensive language, material which would reflect negatively on the county and material prohibited by law.

(G) **No employee shall access the Internet through other services that they have at home or other place of business.**

(H) **Broadcasting.** Employees may not post unsolicited messages to others mailboxes or news groups.

(I) **Crimes.** Employees may not engage in any type of criminal conduct.

(J) **Threats.** Employees may not make any threats or harassing remarks against another person or institution.

(K) **Security.** Employees may not compromise or disable the security of any system. Employees are not permitted to use unauthorized codes, passwords or other means to access other users' e-mail without their permission.

(L) **Directories.** Employees may not disturb other user's files or directories without their permission.

(M) **Email.** Incidental personal email should not interfere with the normal operation of the employee's department nor should it compromise the county in any way or cause additional expense to the county.

(N) **Proprietary Information.** Specifically barred from transmission over the internet is county proprietary information.

(O) **Harassment.** Employees are prohibited from using computer systems, email, or the internet to discriminate against, denigrate, or otherwise harass any protected class of people as defined by

the United State Equal Employment Opportunity Commission.

(Ord. O-6-2000, passed 3-1-00; Am. Ord. O-16-05, passed 11-16-05)

§ 30.20 DOWNLOADS.

The Internet provides a vast amount of shareware, freeware software, data, graphics, voice and video files which may be downloaded only if following the correct procedures. However, employees should not download programs or program upgrades related to the programs the county currently has in use. Before any software is downloaded from a county or non-county source, employees should consult the Director of Information Technology. Chargeable downloads must be authorized by the department director in consultation with the Director of Information Technology.

(Ord. O-6-2000, passed 3-1-00; Am. Ord. O-16-05, passed 11-16-05)

§ 30.21 SCANNING REQUIRED.

Users should not open files from external devices or the internet without scanning them for computer viruses. If an employee is unaware of the identity of the author, the employee should delete the e-mail message immediately. If an e-mail attachment is an executable program and the employee is unaware of the author, employees should not open that attachment. Employees should never open an attachment if it has a "VBS" extension, since files with this extension are usually computer viruses. Suspected infections should be reported to Information Technology immediately.

(Ord. O-6-2000, passed 3-1-00; Am. Ord. O-16-05, passed 11-16-05)

§ 30.22 USE AS PRIVILEGE.

The use of the Internet is a privilege, which may be revoked at any time.

(Ord. O-6-2000, passed 3-1-00; Am. Ord. O-16-05, passed 11-16-05)

30.23 EMPLOYEE ACCEPTABLE USE AGREEMENT.

By signing the accompanying acknowledgment, employees certify that they have read this policy, understand its terms, and will

comply with the guidelines as stated.

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Employee Acceptable Use Agreement

I hereby request access to the Campbell County Computer system via a Campbell County Fiscal Court account. My signature below certifies that I have read the Office Technology Policy and I understand, accept, and will abide by the provisions as stated.

Signature: _____ Department: _____
Department Director Approval: _____ Date: _____
Name: _____ Date: _____
(Ord. O-6-2000, passed 3-1-00; Am. Ord. O-16-05, passed 11-16-05)

CHAPTER 31: DEPARTMENTS, BOARDS, AND COMMISSIONS

Section		County Police Department when off duty, and to protect them from prosecution under the provisions of KRS 527.020(1). (Ord. O-2-83, passed 5-3-83' Am. Ord. O-04-15, passed 6-3-15)
	<i>Police Department</i>	
31.01	Authority to carry concealed deadly weapons	
31.02	Emergency vehicle equipment requirements	§ 31.02 EMERGENCY VEHICLE EQUIPMENT REQUIREMENTS.
31.03	Police officers serving as off-duty security officers	(A) All vehicles used by the Campbell County Police Department as emergency vehicles, except for those vehicles designated as investigative vehicles, shall be equipped with a combination of red and blue flashing, rotating, or oscillating lights.
31.04	Continuation of County Police Department	(B) The vehicle assigned to the Chief of Police and the vehicle assigned to the Assistant Chief are hereby designated as investigative vehicles.
31.05	Policy of repayment of training costs	(C) The Chief of Police is authorized to designate other vehicles in the Police Department as investigative vehicles from time to time as necessary. (Ord. O-7-84, passed 6-5-84)
	<i>Other Departments, Boards, Councils, and Commissions</i>	
31.15	County and Municipal Planning and Zoning Commission	
31.16	County and Municipal Board of Adjustments	
31.17	Emergency Medical Services Advisory Council	
31.18	Northern Kentucky Housing Commission	
	<i>POLICE DEPARTMENT</i>	
	§ 31.01 AUTHORITY TO CARRY CONCEALED DEADLY WEAPONS.	
	(A) All full time members of the Campbell County Police Department who are authorized to carry deadly weapons on or about their persons while on duty are hereby authorized to carry concealed deadly weapons on or about their persons at all times within the United States of America including the Commonwealth of Kentucky under the authority of the Law Enforcement Officers Safety Act of 2004 (LEOSA), 18 U.S.C. 926 and KRS 527.020(3).	§ 31.03 POLICE OFFICERS SERVING AS OFF-DUTY SECURITY OFFICERS.
	(B) All weapons carried by members of the Campbell County Police Department pursuant to this section must be approved by the Chief of the Campbell County Police Department prior to being carried.	Any officer of the County Police Department who serves during his off-duty hours as a private security guard, shall not be considered a County employee and thereby not entitled to Workmen's Compensation. (Res. R-82-82, passed 6-15-82)
	(C) It is the intention and purpose of this section to provide protection for members of the Campbell	§ 31.04 CONTINUATION OF COUNTY POLICE DEPARTMENT.
		(A) Pursuant to the authority of KRS 70.540, KRS 67.083(3)(u) and KRS 67.710(7), the Campbell County Judge/Executive, with the approval of the Campbell County Fiscal Court, does hereby establish and provide for the continuation of the County Police force known as the Campbell County Police Department as such presently exists and is being maintained.
		(B) The members of the Campbell County Police Department will continue as presently exists and as noted on the list of officers attached to Ord. O-19-00.

(C) All other rules and regulations, salaries and any other matters relating to the operation of the Campbell County Police Department will continue in full force and effect as presently exists. The purpose of this section is just to replace the initial ordinance establishing the County Police force, which has not been able to be located and is not meant in any manner to change the existing operations, rules and regulations relative to the Campbell County Police Department.

(Ord. O-10-99, passed 6-23-99)

§ 31.05 POLICY OF REPAYMENT OF TRAINING COSTS.

(A) All police recruits, as a condition of their appointment, must agree to reimburse the Campbell County Fiscal Court for their training expenses, if they leave the Campbell County Police Department within three years after their appointment date and become employed in the same service with another law enforcement agency.

(B) The schedule for repayment is as follows: if they leave the county prior to their first service anniversary date, they shall reimburse the county 100% of the training cost. If after the first anniversary, but prior to their second service anniversary date, they shall pay the county 75% of the training costs; and, if after the second anniversary, but prior to their third service anniversary date, they shall pay the county 50% of the training cost.

(C) There shall be no obligation for repayment of training expenses to the county after three years of service to the county.

(Ord. O-8-91, passed 4-17-91)

OTHER DEPARTMENTS, BOARDS, COUNCILS, AND COMMISSIONS

§ 31.15 COUNTY AND MUNICIPAL PLANNING AND ZONING COMMISSION.

For the provisions concerning the County and Municipal Planning and Zoning Commission, see §§ 152.15 through 152.25.

§ 31.16 COUNTY AND MUNICIPAL BOARD OF ADJUSTMENTS.

For provisions concerning the County and Municipal Board of Adjustments, see § 152.24.

§ 31.17 EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL.

(A) Duties. The Emergency Medical Services Advisory Council shall review the delivery of emergency medical services by way of paramedics, emergency medical technicians, emergency and non-emergency/transport ambulance services, fire departments, police departments and emergency dispatch.

(B) Each of the following organizations shall designate one (1) individual to serve on the Council:

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These individuals, after nomination by their respective sponsoring organization, shall be appointed by the Fiscal Court for a four-year term and may succeed themselves.

(C) Upon review of the status of the delivery of emergency medical services to the said counties, the council shall make recommendations to each Fiscal Court as to how they can best achieve consistent and efficient delivery of emergency medical services. The council's findings may take the form of a proposed ordinance to be adopted by the respective Fiscal Courts.

(D) The council shall remain in existence after compliance with this section for the purpose of continual monitoring of the state of delivery of emergency medical services. The council shall promulgate rules and regulations for adoption by the Fiscal Court to achieve the goals of this section.

(E) This council shall be integrated with similar councils established by the counties of Boone and Kenton. The findings and recommendations shall be made with a view towards creating a unified system for the delivery of emergency medical services to the three counties.

(Order O-5-96, passed 7-17-96)

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§ 31.18 NORTHERN KENTUCKY HOUSING AUTHORITY.

(A) *Establishment of Northern Kentucky Housing Commission and implementation of program.* This Fiscal Court (the "Fiscal Court") hereby authorizes and directs that the Northern Kentucky Housing Commission be established in accordance with the Act, upon adoption of resolutions or ordinances by Boone County, Kenton County, Pendleton County and Grant County, declaring the need and establishing the Northern Kentucky Housing Commission, or upon adoption of such resolutions or ordinances by such of the foregoing counties as shall constitute contiguous counties within the meaning of the Act. In accordance with the findings of this Fiscal Court heretofore set forth, the purpose of establishing the Commission is to provide for the program consistent with the purposes of the Act and this section.

(B) *Appointment of County Representative as member of Northern Kentucky Housing Commission.* Upon adoption of resolutions or ordinances by those counties enumerated in division (A) of this section, establishing the Northern Kentucky Housing Commission, or such of them as shall adopt such resolutions or ordinances, this Fiscal Court shall by resolution or order appoint the representative of the county who shall serve as a member of the Northern Kentucky Housing Commission. Such appointment

shall become effective at the times and in the manner provided in the Act.
(Ord. O-4-2000, passed 4-5-00)

CHAPTER 32: COUNTY JAIL

Section

- 32.01 Adoption by reference
- 32.02 Jailer authorized to accept bail bonds

§ 32.02 JAILER AUTHORIZED TO ACCEPT BAIL BONDS.

§ 32.01 ADOPTION BY REFERENCE.

The Campbell County Jail Manual, and all amendments thereto, is hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein. Copies of said manual are available for public inspection during normal hours at the office of County Fiscal Court Clerk.
(Ord. O-1-92, passed 4-1-92; Am. Ord. O-16-92, passed 11-4-92; Am. Ord. O-11-94, passed 8-3-94; Am. Ord. O-14-2000, passed 8-16-00; Am. Ord. O-03-05, passed 3-16-05; Am. Ord. O-06-10, passed 5-19-10)

(A) The Campbell County Jailer is hereby authorized to prepare or accept bail bonds.

(B) For every bail bond processed, the Jailer shall collect a fee of \$5 from the defendant and shall furnish the defendant with a written receipt for same.

(C) The accounting and reporting of said funds shall be dealt with pursuant to Section 4 of House Bill 408 of the 1992 regular session of the Kentucky General Assembly.
(Ord. O-10-92, passed 8-4-92)

CHAPTER 33: DISCRIMINATION BASED ON HANDICAPPED STATUS

Section

- 33.01 Adoption of procedures
- 33.02 Administration
- 33.03 Amendment of procedures
- 33.04 Grievance procedures for discrimination based on handicapped status

discrimination may also file a complaint.

(B) When any person, (citizen, applicant, or employee) who believes he has been adversely affected by an act or decision by the city, and that such act or decision was based on handicapped status, shall have the right to process a complaint or grievance in accordance with the following procedure.

§ 33.01 ADOPTION OF PROCEDURES.

The procedures explained in this chapter shall be the "grievance procedures" for anyone who believes he or she has been discriminated against by Campbell County, Kentucky, based on handicapped status with respect to federally funded programs. (Ord. 0-15-84, passed 11-7-84)

(1) Step one. An aggrieved person must submit a written statement to the County Judge/Executive setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

(2) Step two.

(a) The County Judge/Executive shall contact the complainant no later than 15 days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five days nor more than 45 days after receiving the written statement.

(b) There shall be prepared a written documentary of the discussions at the informal meeting which shall be preserved in the records of the Campbell County Fiscal Court.

(3) Step three. Within 15 days of the informal meeting, if no decision has been made by the Campbell County Judge/Executive or the decision of the Campbell County Judge/Executive does not satisfy the complainant, he may request a hearing with the County Fiscal Court by submitting a written request to the Campbell County Judge/Executive.

(4) Step four.

(a) In thus discussing the grievance, the complainant may designate any person of his or her choice to appear with him and participate in the discussion. The County Fiscal Court shall require the Campbell County Judge/Executive to participate in the discussion of the grievance, when it is brought before the County Fiscal Court. The County Fiscal Court shall issue a written decision on the matter within 15

§ 33.02 ADMINISTRATION.

The administration of these procedures and related federal and state regulations shall be the responsibility of the County Judge/Executive. (Ord. 0-15-84, passed 11-7-84)

§ 33.03 AMENDMENT OF PROCEDURES.

These procedures may be amended by ordinance to comply with court directives or additional federal and state regulations. (Ord. 0-15-84, passed 11-7-84)

§ 33.04 GRIEVANCE PROCEDURES FOR DISCRIMINATION BASED ON HANDICAPPED STATUS.

(A) Any person (employee or citizen) who believes that he has been subjected to discrimination as prohibited by the Federal Revenue Sharing program regulations and Section 504 of the Rehabilitation Act of 1973, may personally or by a representative, file a complaint with the Office of the County Judge/Executive, Campbell County, Kentucky. A person who has not personally been subjected to

days, and the decision shall be the final procedure for the complainant at the local level.

(b) There shall be prepared a written documentary of the discussion at the hearing, which

shall be preserved in the records of the County Fiscal Court.
(Ord. 0-15-84, passed 11-7-84)

CHAPTER 34: COUNTY POLICIES

Section

Possession of Lighted Smoking Materials

- 34.01 Purpose of chapter
- 34.02 Places where lighted smoking materials prohibited
- 34.03 Responsibility of Campbell County Fiscal Court
- 34.04 Education and training
- 34.05 Non-discrimination

Public Records

- 34.15 Access to and use of public records

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- 34.45 Adoption by reference

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- 34.55 Title, purpose and intent
- 34.56 Definitions
- 34.57 Establishment of inducement
- 34.58 Application for inducement
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- 34.65 Property Assessment and Reassessment Moratorium Program

Energy Project Assessment District (“EPAD”)

- 34.70 Finding and determination; definitions
- 34.71 Creation of Energy Project Assessment District
- 34.72 Program
- 34.73 Program administration
- 34.74 Petition
- 34.75 Review of petitions
- 34.76 Assessments
- 34.77 Amendments

- 34.99 Penalty

POSSESSION OF LIGHTED SMOKING MATERIALS

§ 34.01 PURPOSE OF CHAPTER.

The possession of lighted smoking materials in public places is hazardous and poses a significant risk to the health of the smoker and the general public’s safety, comfort, convenience and indoor environment. The purpose of this chapter is to protect the public’s health and to provide a smoke-free work environment for the Campbell County Fiscal Court employees by prohibiting the possession of lighted smoking materials in Campbell County Fiscal Court owned, operated, or leased, facilities.
(Ord. O-6-92, passed 6-3-92; Am. Ord. O-18-95, passed 11-1-95)

§ 34.02 PLACES WHERE LIGHTED SMOKING MATERIALS PROHIBITED.

The possession of lighted smoking materials in any form, including but not limited to, the possession of lighted cigarettes, cigars, pipes, or other tobacco products, is prohibited in all of the following places used by or open to the public, or serving as a place of work.

(A) Campbell County Fiscal Court Building, 1098 Monmouth Street, Newport, Kentucky 41071.

(B) Alexandria Courthouse, 8352 East Main Street, Alexandria, Kentucky 41001.

(C) Campbell County Animal Shelter, 1898 Poplar Ridge, Melbourne, Kentucky, 41059.

(D) Campbell County Police Department & OEM Offices, 8774 Constable Drive, Alexandria, Kentucky 41001.

(E) A.J. Jolly Golf Course Clubhouse, A.J. Jolly Park, 11541 Alexandria Pike, Alexandria, Kentucky 41001.

(F) Campbell County Transportation Center, Park Maintenance, and Golf Maintenance, 1175 Racetrack Road, Alexandria, Kentucky 41001.

smoke outside the facility, it is requested that discretion is used.

(G) Campbell County Housing Offices, 1098 Monmouth Street, Newport, Kentucky 41071.

(H) Campbell County, 8774 Constable Drive, Alexandria, Kentucky 41001.

(I) Campbell County Senior Citizen Center, 3504 Alexandria Pike, Highland Heights, Kentucky 41076.

(J) Park Maintenance Facility and Park Ranger Station, A J Jolly Park, Alexandria, Kentucky 41001.

(K) Public restrooms, A J Jolly Park, Alexandria, Kentucky 41001.

(L) Campbell County Clerk and Sheriff Annex, 8330 West Main Street, Alexandria, KY, 41001.

(Ord. O-6-92, passed 6-3-92; Am. Ord. O-18-95, passed 11-1-95; Am. Ord. O-13-09, passed 1-6-10; Am. Ord. O-02-14, passed 2-19-14)

§ 34.03 RESPONSIBILITY OF CAMPBELL COUNTY FISCAL COURT.

The Campbell County Fiscal Court, or other persons having control of a facility within § 34.02, shall:

(A) Prominently post "NO SMOKING" signs with letters of not less than one inch in height, or the International "NO SMOKING" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it. These signs are to be posted in every room, building, or other place where smoking is prohibited.

(B) Request general public smoking in violation of this act to stop. If refuse to stop smoking in facility/common areas, citizen will be asked to leave premises.

(C) Employees of the Campbell County Fiscal Court, violating this act, shall be disciplined in accordance with personnel policies and procedures.

(1) All employees share in the responsibility of adhering to this act.

(2) If an employee or citizen chooses to

(D) If any dispute arising under this chapter, the rights of the non-smoker shall be given preference.
(Ord. O-6-92, passed 6-3-92; Am. Ord. O-18-95, passed 11-1-95)

§ 34.04 EDUCATION AND TRAINING.

The Campbell County Fiscal Court shall engage in a continuing program to inform its employees and the public regarding health consequences of smoking and the benefits of non-smoking; shall clarify the purposes of this chapter to citizens affected by it and shall guide in the compliance of this chapter.
(Ord. O-6-92, passed 6-3-92; Am. Ord. O-18-95, passed 11-1-95)

§ 34.05 NON-DISCRIMINATION.

No employee shall be discharged or applicant for employment refused hiring, or in any manner discriminated against, because such employee or applicant exercised any rights afforded by this chapter.
(Ord. O-6-92, passed 6-3-92; Am. Ord. O-18-95, passed 11-1-95)

PUBLIC RECORDS

§ 34.15 ACCESS TO AND USE OF PUBLIC RECORDS.

(A) Records subject to inspection pursuant to Kentucky Open Records may be inspected at the principal office of the Campbell County Fiscal Court located at 1098 Monmouth Street, Newport, Kentucky. The Campbell County Fiscal Court's regular office hours are: 8:30 am to 4:30 p.m., Monday through Friday, excluding holidays.

(B) The title and address of the official custodian of the Campbell County Fiscal Court's records shall be designated from time to time as needed by the Campbell County Fiscal Court.

(C) The costs of copies of public records are:

(1) For non-commercial use of records:

(a) Letter and legal size paper - \$.10 per copy;

(b) Computer diskettes, cassette recorder tapes, and video tapes - \$5.00 per copy.

(c) Plus the cost of postage if copies are mailed.

(2) For commercial use of records: The Campbell County Fiscal Court shall charge a reasonable fee based on one or both of the following:

(a) The cost to the Campbell County Fiscal Court of media, mechanical processing, postage and staff required to produce and mail the public record;

(b) Cost to the Campbell County Fiscal Court of creation, purchase or other acquisition of the record.

(c) Police report - \$5.00 per report copy.

(D) (1) The Campbell County Fiscal Court requires a statement from the requestor stating the commercial purpose for which the public records shall be used, and, the Campbell County Fiscal Court may require the requestor to enter into a contract for the commercial use of such records.

(2) It shall be unlawful for a person to obtain a copy of any part of a public record for a:

(a) Commercial purpose, without stating the commercial purpose if a certified statement from the requestor was required by the Campbell County Fiscal Court;

(b) Commercial purpose if the person uses or knowingly allows the use of the public record for a different commercial purpose, or

(c) Non-commercial purpose, if the person uses or knowingly allows the use of the public record for a commercial purpose. A newspaper, periodical, radio or television station shall not be held to have used or knowingly allowed the use of the public record for a commercial purpose merely because of its publication or broadcast, unless it has also given its express permission for that commercial use.

(E) Any person who violates any rules set forth in this section shall be liable to the Campbell County Fiscal Court for damages in the amount of:

(1) Three (3) times the amount that would have been charged for the public record if the actual commercial purpose for which it was obtained or used had been stated;

(2) Cost and reasonable attorney fees.

(3) The above amounts shall be in addition to and not in lieu of any other amounts provided by law.

(F) All public records of the Campbell County Fiscal Court shall be open for inspection by any person unless exempted from inspection by Kentucky Revised Statute or Court order. No person shall remove original copies of public records from the offices of the Campbell County Fiscal Court without the written permission of the official custodian.

(G) Any person shall have the right to inspect public records upon written application, signed by the applicant and with his name printed legibly on the application describing the records to be inspected. The application shall be hand delivered, mailed or sent via facsimile to the Campbell County Fiscal Court.

(H) A person may inspect public records of the Campbell County Fiscal Court during regular office hours, or by receiving copies of public records from the Campbell County Fiscal Court through the mail. The Campbell County Fiscal Court shall mail copies of the public records to a person whose residence or principal place of business is outside the County after the applicant precisely describes the public records and indicates on the application if the records are intended for commercial purpose.

(I) If the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant, and shall furnish the name and location of the custodian of that public record if such facts are known to that person.

(J) If the public record is in active use, storage or not otherwise available, the official shall immediately notify the applicant and shall designate a place, time and date for inspection of the public records, not to exceed three (3) days from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time and earliest date on which the record will be available for inspection.

(K) If the application places an unreasonable burden on producing public records or if the official custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the Campbell County Fiscal Court, the official custodian may refuse to permit inspection of the public records or mail copies thereof.

(L) In the event an applicant has requested that public records be delivered to them either in person, by mail or via facsimile, the official custodian may require payment of all fees due prior to providing the requested records, including any unpaid fees on prior requests.

(M) A copy of these rules shall be displayed at the Campbell County Fiscal Court Building, 1098 Monmouth Street, Newport, KY 41071.

(N) This section shall take precedence over conflicting policies of the Campbell County Fiscal Court, except in cases in the (1) Campbell County Planning & Zoning Department whose fee schedule is outlined in the zoning ordinance of the county. If not specifically mentioned in the zoning ordinance, fees set in this section shall apply and (2) in the event that any of these rules conflict with the Kentucky Revised Statutes, the provisions of the Kentucky Revised Statutes shall be controlling. (Ord. 0-19-97, passed 8-20-97; Am. Ord. O-14-09, passed 1-6-10; Am. Ord. O-02-14, passed 2-19-14)

DETENTION CENTER POLICY AND PROCEDURE MANUAL

§ 34.45 ADOPTION BY REFERENCE.

The Policy and Procedure Manual for the Campbell County Restricted Custody Center is hereby adopted in full as if set out at length herein. (Ord. O-08-08, passed 10-1-08; Am. Ord. O-04-11, passed 3-16-11; Am. Ord. O-05-11, passed 3-16-11; Am. Ord. O-18-11, passed 1-4-12; Am. Ord. O-10-12, passed 9-20-12)

JOBS DEVELOPMENT PROGRAM

§ 34.55 TITLE, PURPOSE AND INTENT.

(A) *Title.* A new section of the Campbell County, Kentucky Code entitled "Campbell County Jobs Development Program" is hereby adopted and described herein.

(B) *Purpose and intent.* In order to create new jobs, new sources of revenue for the support of public services, and improvement in the quality of life for county citizens through the creation of sustainable jobs with higher salaries, it is the declared purpose of this subchapter to provide inducements for eligible companies and to encourage the location or expansion of manufacturing facilities, agribusiness operations, and nonretail professional, scientific, or technical service facilities.

(Ord. O-08-11, passed 6-1-11)

§ 34.56 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates otherwise or requires a different meaning.

AGREEMENT. Any agreement made pursuant to this subchapter between the Fiscal Court and an approved company with respect to inducements.

AGRIBUSINESS. The processing of raw agricultural products, or the performance of value-added functions with regard to raw agricultural products.

APPROVAL. Action taken by the Fiscal Court that authorizes the eligible company to receive inducements and that designates the eligible company as an approved company.

APPROVED COMPANY. Any eligible company whose application has been approved by the Fiscal Court.

COUNTY. Campbell County, Kentucky;

ELIGIBLE COMPANY. Any corporation, limited liability company, partnership, limited partnership, sole proprietorship, business trust, or other legal entity that is engaged in or is planning to be engaged in one or more of the following activities within the county: manufacturing, agribusiness, or professional, scientific, or technical service operations. **ELIGIBLE COMPANY** does not include companies where the primary activity to be conducted within the county is forestry, fishing, mining, coal or mineral processing, the provision of utilities, construction, wholesale trade, retail trade, real estate, rental and leasing, educational services, accommodation and food services, or public administration services.

INDUCEMENT. Up to a 40% reduction in employee withholding fees payable to the county by the approved company for a term not to exceed ten years.

MANUFACTURING. Any activity involving the processing, assembling, or production of any property, including the processing resulting in a change in the conditions of the property and any activity related to the processing, assembling, or production of property. **MANUFACTURING** also includes storage, warehousing, distribution, and office activities related to the manufacturing facility.

PROFESSIONAL, SCIENTIFIC, OR TECHNICAL SERVICES. Any activity involving the performance of professional, scientific, or technical activities for others. **PROFESSIONAL, SCIENTIFIC, OR TECHNICAL SERVICES** includes those activities that require a high degree of expertise and training, and includes specialization according to expertise. **PROFESSIONAL, SCIENTIFIC, OR TECHNICAL SERVICES** includes, but is not limited to, legal advice and representation, accounting, payroll services, medical services, architectural and engineering services, computer services, research and development services, call center operations, centralized administrative or processing centers, telephone or internet sales order or processing centers, distribution or fulfillment centers, data processing centers, and other similar activities.

THRESHOLD CRITERIA.

- (1) An eligible company;
- (2) A minimum new fiscal year payroll of \$250,000 that is subject to the county employee withholding fee within the first year after approval of an application by the county for the inducement. (Ord. O-08-11, passed 6-1-11; Am. Ord. O-18-13, passed 12-18-13)

§ 34.57 ESTABLISHMENT OF INDUCEMENT.

To the extent any eligible company meets the threshold criteria, the eligible company may qualify for the inducement, and upon approval by the county,

the inducement may provide for an up to 40% reduction in employee withholding fees remitted to the county and may continue for up to ten successive years if the approved company maintains or exceeds the threshold criteria each successive year. At the discretion of the county, the inducement may be extended up to a maximum of 20 years should the approved company generate a minimum payroll of \$15,000,000 in county fiscal year payroll or a minimum of \$10,000,000 in county fiscal year payroll combined with a minimum of \$10,000,000 in capital investments during each of the additional qualifying ten years.
(Ord. O-08-11, passed 6-1-11)

§ 34.58 APPLICATION FOR INDUCEMENT.

An eligible company shall submit its signed application to the Fiscal Court on forms provided by the county, and shall provide any additional information reasonably requested to enable the county to evaluate the application.
(Ord. O-08-11, passed 6-1-11)

§ 34.59 APPROVAL AND AGREEMENT.

Upon approval of an application for inducement, an agreement acknowledging eligibility and outlining the process for implementation shall be executed by the county and the approved company. The agreement shall include, at a minimum, a description of the authorized inducement; a provision regarding potential suspension of inducement as described in § 34.60; and a provision that the inducement is not assignable without the express written consent of the county. The decision to approve the inducement for any eligible company shall be solely that of the Fiscal Court, which such county shall base its decision upon consideration of all information provided. The approved company's first year of inducement shall begin on the date provided in the agreement, but not later than 12 months from the date of execution of the agreement by the county and the approved company.
(Ord. O-08-11, passed 6-1-11)

§ 34.60 AMENDMENT TO INDUCEMENT AND TERMINATION.

In any fiscal year provided in the agreement, if the approved company does not comply with the agreement by failing to meet the threshold criteria, the Fiscal Court, at its discretion, may suspend the

approved company from utilization of the inducement or may lower the amount of the inducement upon written notification from the Fiscal Court.

(Ord. O-08-11, passed 6-1-11)

PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUM PROGRAM

§ 34.65 PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUM PROGRAM.

(A) *Title and adoption.* A new section of the Campbell County, Kentucky, Code entitled, "Property Assessment and Reassessment Moratorium Program," (hereinafter referred to as the "program") is hereby adopted for the purpose of granting property assessment and reassessment moratoriums on qualifying units of real property located in Campbell County, Kentucky.

(B) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates otherwise or requires a different meaning.

ADMINISTERING AGENCY. The Campbell County Fiscal Court, acting through its Economic Development Office, as directed by the County Judge/Executive.

ASSESSMENT OR REASSESSMENT MORATORIUM. The act of deferring the value of the improvements from the taxable assessment of qualifying units of real property for a maximum period of five years.

COMMERCIAL FACILITY. Any structure where the primary purpose and use of which is the operation of a commercial business enterprise and which is 25 years old or older. Structures which house a mixture of uses will be considered primarily commercial if 51 % of the usable square footage is to be occupied and used by a commercial business enterprise.

LEGISLATIVE BODY. The Campbell County Fiscal Court.

QUALIFYING UNITS OF REAL PROPERTY. Any commercial facility on a parcel of real property within the boundaries of Campbell County, Kentucky.

REHABILITATION. The process of returning an existing structure to a state of utility through repair or alteration which makes possible an efficient contemporary use.

REPAIR. The reconstruction or renewal of any part of an existing structure for the purpose of maintenance.

RESTORATION. The process of accurately recovering the form and details of a structure and its setting as it appeared at a particular period of time by removal of later work or by the replacement of missing earlier work.

STABILIZATION. The process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists.

(C) *Operation of program.*

(1) The program shall apply to commercial facilities to undergo rehabilitation, repair, restoration, and/or stabilization and that will have been approved for a moratorium by the legislative body. For approved qualifying units of real property, the moratorium granted shall defer the value of improvements from the taxable assessment for five years.

(2) The assessment or reassessment moratorium shall apply only with regard to county ad valorem real property taxes.

(3) The moratorium shall become effective on the assessment date next following the issuance of a moratorium certificate.

(4) The taxable assessment for approved qualifying units of real property shall be made by the property valuation administrator within 30 days of receipt of an application to the administering agency.

(5) On the assessment date next following the expiration, cancellation, or revocation of the moratorium, the qualifying unit of real property shall be assessed on the basis of its full fair cash value.

(6) Properties granted a moratorium may be eligible for subsequent moratorium certification if reapplication is made no sooner than three years following the expiration of the original moratorium, or any other moratorium, and provided that such property shall otherwise meet the requirements and be approved by the legislative body for the moratorium.

(D) *Application process.* The owner or lessee of a commercial facility may make application to the administering agency on a form provided by the administering agency. The form shall conform to the provisions set forth in KRS 99.605. The application shall be filed at least 30 days prior to commencing rehabilitation, repair, restoration, and/or stabilization. The property valuation administrator shall assess or reassess the property within 30 days of receipt of an application. The legislative body shall approve all applications made to the administering agency. After approval, the applicant shall notify the administering agency when the project is complete, and the administering agency and/or the property valuation administrator shall then conduct an on-site inspection of the property in order to verify the improvements.

(E) *Issuance of certificate.*

(1) The applicant shall have two years from the date of application in which the improvements will be made, unless granted an extension by the legislative body. The moratorium shall otherwise become void if not acted upon by the applicant within two years. Once the applicant notifies the administering agency that the project is complete, the property valuation administrator shall verify, through the on-site inspection of the property, and issue the moratorium certificate. The moratorium shall then take effect on the next assessment date, January 1, for five years. The property valuation administrator shall also certify the new, full fair cash value of the property so that other taxing entities who do not give a moratorium may levy taxes on the new assessed value of the property.

(2) A moratorium certificate may be transferred or assigned to a new owner or lessee of the approved property.
(Ord. O-15-16, passed 10-19-16)

ENERGY PROJECT ASSESSMENT DISTRICT ("EPAD")

§ 34.70 FINDING AND DETERMINATION; DEFINITIONS.

(A) *Finding and determination.*

(1) KRS 65.205 to 65.209 (the "Act") authorize local governments to establish a program to advance the conservation and efficient use of energy and water resources within their jurisdiction; and

(2) The Fiscal Court desires to enact and establish an energy project assessment district, and to establish a program related thereto, for the improvement of the health, safety and welfare of all citizens in Campbell County, which program advances the conservation and efficient use of energy and water resources.

(B) *Definitions.* For the purpose of this subchapter, capitalized words not otherwise defined herein shall have the meanings given them in the Act, and the following definitions shall apply.

COUNTY. The County of Campbell, Kentucky.

EPAD. The entire jurisdictional boundaries of the county.

EPAD PETITION. A petition of an owner to participate in the EPAD Program as provided in § 34.74.

EPAD PROGRAM. The EPAD Program established by the Fiscal Court by this subchapter.

OWNER. The owner or proposed owner of an interest in a real property in the EPAD.

PROGRAM ASSESSMENT. An assessment for payments to be imposed upon the real property located in an EPAD that is being improved by an energy project.

PROJECT FINANCING AGREEMENT. A contractual agreement between the owner, the Program Administrator, the county and an approved finance lender that provides for the financing of an Energy Project, with the costs being repaid by a program assessment.

(Ord. O-02-18, passed 3-21-18)

§ 34.71 CREATION OF ENERGY PROJECT ASSESSMENT DISTRICT.

There is hereby established an Energy Project Assessment District within the entire jurisdictional boundaries of the county in accordance with KRS 65.205 to 65.209. Through the EPAD, the Fiscal Court intends to operate the Program that utilizes assessments on relevant real property to support Energy Projects and Energy Improvements.

(Ord. O-02-18, passed 3-21-18)

§ 34.72 PROGRAM.

There is hereby established within the EPAD, an EPAD Program for the advancement of conservation and efficient use of energy and water resources. Under the EPAD Program, owners may petition for inclusion in the EPAD Program, whereby the owner enters into a project financing agreement to provide financing for an Energy Project, with the costs being repaid by a program assessment paid in yearly increments and included on the owner's real property tax bill. Any payments related to a project financing agreement or any other costs of the EPAD Program shall be payable solely and only from amounts collected as Assessment Payments and shall not be payable from the county's general funds.

(Ord. O-02-18, passed 3-21-18)

§ 34.73 PROGRAM ADMINISTRATION.

(A) The Judge/Executive, his or her designee, or a third-party entity pursuant to contractual agreement that the Judge/ Executive is hereby authorized to enter into, shall serve as Program Administrator (the "Program Administrator").

(B) The Program Administrator shall be responsible for the general administration of the Program and the completion of the following functions:

(1) Review EPAD petitions to determine compliance with applicable policies and procedures;

(2) Develop proposed Energy Projects and time lines for completion;

(3) Cause the preparation of and recommend written agreements between the county and owners that submit EPAD petitions, and accepting Energy Projects pursuant to reasonable terms and conditions established for each Energy Project;

(4) Provide for the collection and distribution of Assessment Payments with respect to Assessment Payments established through the Program; and

(5) Provide for the filing of notices of assessment as required by the Act.

(Ord. O-02-18, passed 3-21-18)

§ 34.74 PETITION.

Owners pursuing the development of an Energy Project shall complete a Petition and submit it to the Program Administrator. The Petition shall include and require the following:

- (A) The signature of the owner;
- (B) The names and current addresses of all current owners of record of the real property;
- (C) The full legal description of the real property to which a proposed Assessment Payment is to be imposed, including reference to deed book, page number and property identification number;
- (D) A general description of the proposed Energy Project;
- (E) A proposed time schedule for undertaking and completing the proposed Energy Project;
- (F) The written consent to the proposed Assessment Payment by each and every holder of a recorded mortgage lien on the affected property;
- (G) The proposed scope of the work for the Energy Project;
- (H) The construction, installation and equipping budget for the Energy Project; and
- (I) Information setting forth the baseline energy or water usage conditions and the energy or water savings projected to be achieved with respect to the Project Property as a result of the Energy Project.
(Ord. O-02-18, passed 3-21-18)

§ 34.75 REVIEW OF PETITIONS.

- (A) The Program Administrator shall review each Petition, and all associated materials supplied therewith, to determine if the Petition complies with this subchapter and all other applicable rules and regulations of the commonwealth and the county.
- (B) If the Petition complies, the Program Administrator shall provide for the preparation of a project financing agreement related to the financing of the costs of the Energy Project. The project financing agreement shall have the customary and reasonable terms and conditions, including but not limited to, the imposition of a program assessment for a period of no more than 30 years. The Program Administrator shall submit a form of the project financing agreement, a recommendation as to approval, the application and all supporting documentation for final approval by the Fiscal Court.
- (C) If approved by the Fiscal Court, the Program Administrator shall file a Notice of Assessment in the real property records of the county as required by KRS 65.207, which shall include the following:

- (1) The amount of the assessment;
- (2) The legal description of the real property;
- (3) The name of each owner of record of the real property; and
- (4) A reference to the statutory assessment lien provided under this section.
(Ord. O-02-18, passed 3-21-18)

§ 34.76 ASSESSMENTS.

The Program Administrator shall review each Petition and all associated materials supplied therewith to determine if the Petition complies with this subchapter and all other applicable rules and regulations of the commonwealth and the county.

- (A) As enumerated in the Program Financing and Assessment Agreement, the Program Administrator shall ensure the assessment is imposed and a statement as to the Assessment Payment due is included with the tax bill for the real property, in accordance with KRS 65.207(4)(a).
- (B) Any Assessment shall, together with any collection fees, accrued interest and penalties, constitute a first and prior lien against the real property on which the Assessment is imposed, from the date on which the Notice of Assessment is recorded until no Assessment Payments remain unpaid. The lien shall have the same priority as a lien for any other state or local ad valorem tax upon the Project Property.
- (C) Any unpaid Assessment Payment shall bear the same interest rate and penalty as other delinquent taxes included in the tax bill.
- (D) To offset the cost of administering the Program, including the cost of collection of Assessment Payments, in accordance with KRS 62.206(2)(c)2, fees may be imposed in amounts to be set forth in a Program Financing and Assessment Agreement, to be collected as a part of the Assessment Payment; provided that such fee shall not exceed the cost of the services performed.
- (E) The Program Administrator shall ensure that the Assessment Payments collected annually are paid to the county or the finance lender in accordance project financing agreement.
(Ord. O-02-18, passed 3-21-18)

§ 34.77 AMENDMENTS.

Pursuant to KRS 65.206(2)(b), the Fiscal Court may amend the terms and conditions of the Program by ordinance, except that no amendments shall be adopted to retroactively change the conditions under which an existing program assessment was imposed, unless the owner consents to the amendment in writing.

(Ord. O-02-18, passed 3-21-18)

§ 34.99 PENALTY.

Any person who violates any provision of this chapter for which no penalty is specified shall be subject to the penalty set forth in § 10.99.

CHAPTER 35: CODE OF ETHICS

Section

35.01	Definitions
35.02	Standards of conduct
35.03	Nepotism
35.04	Financial disclosure
35.05	County Ethics Commission

Appendix A: Financial Interests Statement

§ 35.01 DEFINITIONS.

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.
- (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, 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 for nomination for office with a county clerk or the Secretary of State; or
- (2) Is nominated for office by a political party under KRS 118.105, 118.115, 118.325, or 118.760.

COUNTY GOVERNMENT AGENCY. Any board, commission, authority, non stock corporation, or other entity formed by the county government or a combination of local governments.

COUNTY GOVERNMENT EMPLOYEE. Any person, whether compensated or not, whether full-time or part-time, employed by or serving the county government, or county government agency who is not a county government officer, but shall not mean any employee of a school district or school board.

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.

MEMBER OF IMMEDIATE FAMILY. A spouse, an unemancipated child residing in an individual's household, or a person claimed by the individual or individual's spouse as a dependent for tax purposes.

FAMILY MEMBER. Any relative who is 2nd cousin or closer in relationship.
(Ord. O-19-94, passed 12-7-94)

§ 35.02 STANDARDS OF CONDUCT.

(A) No county government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances, ceremonies or fact finding trips related to official county government business.

(B) No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage. A county officer may receive certain gifts or monetary benefits in the pursuit of county business at meetings, seminars, and conferences.

(C) No county government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no

material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

(D) 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 by the officer or a member of his immediate family, whether directly or indirectly, in return therefore.

(E) Nothing shall prohibit any county government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, interests.
(Ord. O-19-94, passed 12-7-94)

§ 35.03 NEPOTISM.

Hiring members of immediate family is discouraged. However, in those instances where it is beneficial to the county and/or office to hire a member of immediate family, under no circumstances shall that person receive compensation, benefits or other job consideration not given to other employees of similar classification or job requirements. Also, for the member of the immediate family to be considered for employment he/she must possess those qualifications required of other job applicants. If the hiring of a member of immediate family takes place, the county officer shall notify the Campbell County Ethics Commission of his/her action. Any current family member on the payroll is grandfathered.
(Ord. O-19-94, passed 12-7-94)

§ 35.04 FINANCIAL DISCLOSURE.

(A) The following individuals shall be required to file a financial disclosure statement:

- (1) Elected officers;
- (2) Candidates for elected office;

(B) The financial disclosure statement shall include the following information:

- (1) Name of filer;
- (2) Current business address, business telephone number and email address and home address, home telephone number, and email address of filer;

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

(4) Occupation of filer;

(5) Name and address of the primary source of income of the filer during the preceding calendar year;

(C) Each statement shall be signed and dated by the individual filing the statement of financial interest. Knowingly signing a fraudulent statement shall be a Class A misdemeanor.

(D) The financial disclosure statement shall be filed with the Campbell County Ethics Board no later than February 15 of each year.
(Ord. O-19-94, passed 12-7-94; Am. Ord. O-02-14, passed 2-19-14)

§ 35.05 COUNTY ETHICS COMMISSION.

(A) The Campbell County Ethics Commission is hereby created which shall have the powers to enforce all provisions of the code of ethics, adopted by Ordinance O-19-94.

(B) The Commission shall be composed of three members to be appointed by the County Judge Executive, and confirmed by the fiscal court. Appointment shall be for a term of one year. Members will be reimbursed for expenses incurred. Staff assistance will be supplied by the county.

(1) All appointments shall be made no later than 60 days after the adoption of this chapter.

(2) Vacancies on the County Ethics Commission shall be filled within 60 days by the county judge/executive subject to the approval of the fiscal court. If a vacancy is not filled by the county judge/executive within 60 days, the County Commissioners may fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(C) Powers and duties.

(1) The Commission shall have jurisdiction over the administration of this code.

(2) The Commission may receive complaints; and conduct investigations, inquiries, and hearings concerning any matter covered by this code.

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(3) The Commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this code.

(4) The Commission shall determine whether the required statements and reports have been filed, and if filed, whether they conform with the requirements of this code. The Commission shall promptly give notice to the filer to correct or explain any omission or deficiency.

(5) The Commission may retain private counsel at the expense of the county if the county attorney has an actual or potential conflict. Any counsel must be pre-approved by the fiscal court.

(D) Complaint procedure; preliminary investigations.

(1) (a) Upon a complaint signed under penalty of perjury by any person, or upon its own motion, Commission shall investigate any alleged violation of this code.

(b) After the Commission receives the complaint, the Commission shall initiate a preliminary inquiry into any alleged violation of this code. This shall be done in a timely manner.

(c) The Commission shall forward a copy of the complaint and a general statement of the applicable law to the person alleged to have committed a violation. This shall be done in a timely manner.

(2) All Commission proceedings and records relating to a preliminary investigation shall be subject to the open meetings or open records act.

(a) The Commission may turn over to the Commonwealth's attorney or county attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings.

(4) The Commission shall afford a person who is the subject of a preliminary investigation an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard and to offer evidence in response to the allegations in the complaint.

(5) Any person who knowingly files with the Commission a false complaint of misconduct on the part of any elected or appointed official or other person shall be guilty of a Class A misdemeanor.

(E) Action by Commission.

(1) If the Commission concludes in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of this chapter, the Commission may:

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

(b) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body (if different than the executive authority) of the county or county agency with which the violator serves.

(c) Refer evidence of criminal violations of this chapter or state laws to the county attorney or commonwealth's attorney for the jurisdiction for prosecution.

(F) Appeals.

(1) Any person found by the Commission to have committed a violation of this code may appeal the action to the Campbell County Circuit Court. The appeal shall be initiated within 30 days after the date of the final action of the Commission by filing a petition with the court against the Commission. The Commission shall transmit to the clerk of the court all evidence considered by the Commission at the public hearing. The court shall hear the appeal upon the records as certified by the Commission.

(Ord. O-19-94, passed 12-7-94)

CHAPTER 36: FINANCE AND REVENUE

Section

Bank Franchise Tax

- 36.01 General provisions
- 36.02 Definitions
- 36.03 Rate of franchise tax
- 36.04 Administration
- 36.05 Due date
- 36.06 Records

BANK FRANCHISE TAX

§ 36.01 GENERAL PROVISIONS.

Pursuant to KRS Chapter 136, there is hereby imposed on each "financial institution", as defined in § 36.02, located within the jurisdiction of Campbell 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.

(Ord. 0-13-96, passed 11-19-96)

§ 36.02 DEFINITIONS.

DEPOSITS shall mean all demand and time deposits, excluding deposits of the United States government, state and political subdivisions, other financial institutions, public libraries, educational institutions, charitable institutions, and certified and officers' checks.

FINANCIAL INSTITUTION shall mean:

(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. sec. 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 287.135;

(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;

(D) Any agency or branch of foreign depository as defined in 12 U.S.C. sec. 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. sec. 3101 in effect on December 31, 1995.

(Ord. 0-13-96, passed 11-19-96)

§ 36.03 RATE OF FRANCHISE TAX.

(A) The rate of the franchise tax imposed on financial institutions shall be twenty-five thousandths of one percent (0.025%) of the deposits located in the jurisdiction of Campbell County.

(B) The amount and location of deposits in financial institutions shall be determined by the method used for filing the summary of deposits report with the Federal Deposit Insurance Corporation.

(C) The accounting method used to allocate deposits for completion of the summary of deposits shall be the same as has been utilized for prior periods.

(Ord. 0-13-96, passed 11-19-96)

§ 36.04 ADMINISTRATION.

(A) The Kentucky Revenue Cabinet shall certify to the local jurisdiction the amount of deposits within the jurisdictional and amount of the tax due.

(B) The county shall issue bills to the financial institution by December 1 of each year.

(C) In the transition year of 1996, the tax bills shall be issued to financial institutions no later than May 1, 1997.

(Ord. 0-13-96, passed 11-19-96)

§ 36.05 DUE DATE

(A) 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 ten percent (10%) and interest of (12%) per annum.

(B) The financial institution shall be allowed a two percent (2.0%) discount if the tax bill is paid by December 31 of the same year the tax bill is issued.

(C) The two percent (2.0%) discount shall be allowed on bills paid by May 31, 1997, for the transitional year. All other bills during this year shall be due June 1, 1997; thereafter, the bill shall be delinquent and subject to a penalty of ten percent (10%) and shall bear interest at the rate (12%) per annum.

(D) Campbell 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.
(Ord. 0-13-96, passed 11-19-96)

§ 36.06 RECORDS.

(A) It shall be the duty of the Campbell County Finance Department to collect and account for the franchise taxes imposed by this ordinance. The Campbell County Finance Department shall keep records of the amount received from each financial institution and the date of receipt.

(B) The Revenue Cabinet shall be notified of the tax rate imposed upon adoption of this ordinance and subsequent rate changes.
(Ord. 0-13-96, passed 11-19-96)