

ORDINANCE NO. BG2021 - 6
As Amended

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 25 (CODE OF ETHICS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO AMEND SUBCHAPTERS RELATED TO BOARD OF ETHICS AND PENALTIES

WHEREAS, the City of Bowling Green Board of Ethics recommended amendments to the Code of Ethics to revise language in Subchapters 25-13 (Board of Ethics) and 25-14 (Penalties) to require an employee or public official found to have violated the Code of Ethics to pay a portion or all of the legal costs incurred by the Board of Ethics, City or City agency; and,

WHEREAS, the proposed amendments are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 25 (Code of Ethics) is hereby amended as follows:

...

25-13 BOARD OF ETHICS.

...

4. Penalties.

(a) If the Board of Ethics concludes in its report that in consideration of the evidence produced at the hearing a violation of this Chapter did not occur, the Board of Ethics may dismiss the complaint by a majority vote of the entire Board of Ethics; or,

(b) If the Board of Ethics 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 ordinance, the Board of Ethics, after considering any mitigating circumstances, may:

(1) Issue a written formal reprimand to the violator concerning the violation(s) and provide a copy of the reprimand to the City Manager, Board of Commissioners and

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City agency with which the violator serves or is employed.

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

(3) Recommend in writing to the City Manager, Board of Commissioners and City agency with which the violator serves or is employed, that the violator be sanctioned as recommended by the Board of Ethics, which may include a recommendation for discipline, dismissal, removal from office or employment, or any other penalties as recommended by the Board of Ethics.

(4) Issue a written order requiring the violator to pay a civil penalty of not more than one thousand dollars (\$1,000.00), and, at the sole discretion of the Board of Ethics, requiring the violator to pay a portion or all of the reasonable legal costs incurred by the Board of Ethics and/or the City and/or City agency in relation to the violation(s), which civil penalty and legal costs may be recovered by the City in a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.

(5) Refer evidence of violations of this Chapter or State or Federal laws to the County Attorney, Commonwealth Attorney or United States Attorney of the jurisdiction for prosecution.

...

25-14 PENALTIES.

Except when another penalty is specifically set forth in this Chapter or State or Federal law, the violation of the Code of Ethics shall be punishable as follows:

1. Any public official or employee of the City found by the Board of Ethics to have violated this Chapter shall forfeit to the City or City agency an amount equal to the economic benefit or gain realized by such public official or employee of the City, as determined by the Board

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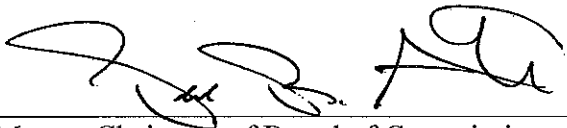
of Ethics. This forfeiture, in addition to any order of the Board of Ethics requiring payment of any civil penalty, and/or legal costs, may be enforced by the City in a civil action in the nature of the recovery of a debt if the offender fails to pay the amount within the prescribed time, or, if there is none, within a reasonable amount of time.

...

2 All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

3. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on February 2, 2021, and given final reading on March 2, 2021, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: March 2, 2021

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Sue Parrigin, Commissioner
Ordinance No. BG2021-6 was amended on the floor at the February 2, 2021 Board of Commissioners meeting.