

## **TITLE III: ADMINISTRATION**

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## CHAPTER 30: FISCAL COURT

### Section

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### **GENERAL PROVISIONS**

#### **30.01 PURPOSE AND AUTHORITY.**

(A) Kentucky Revised Statute Chapter 68.005, as amended states:

(1) The Fiscal Court shall adopt a county administrative code, which includes, but not limited to, procedures and designation of responsibility for:

(a) General administration of the office of county judge executive, county administrative agencies and public authorities;

(b) Administration of county fiscal affairs, including budget formulation, receipt and disbursement of county funds and preparation of records required for the county audit, and for filing of claims against the county;

(c) Personnel administration, including description and classification of non-elected positions, selection, assignment, supervision and discipline of employees, employee complaints and the county affirmative action program;

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- (d) County purchasing and award of contracts;
- (e) Delivery of county services.

(2) The fiscal court may review the county administrative code annually during the month of June and may by a two-thirds majority of the entire fiscal court amend the county administrative code at that time. The County Judge/Executive may at other times prepare and submit amendments to the code for the approval of a majority of the fiscal court.

(B) The County Judge/Executive, as the chief executive officer of the county, is directly responsible for the organization and management of the administrative functions of county government. While it is the Fiscal Court that determines county needs and policies and priorities for meeting those needs, it is the County Judge/Executive who must see that these policies and priorities are effectively and properly executed.

(C) The Grant County Fiscal Court's objective is to maintain a viable code that provides the necessary substance for appropriate internal administrative control consistent with the statutory requirements and local needs. Close adherence to this code will ensure that this objective is maintained. Employment by the Grant County Fiscal Court is at-will.

(D) It should be noted; this code (all parts) is not a contract and is not intended to be such. This code provides a comprehensive tool for administration that is consistent with statutory requirements. This code provides limitations, general rules, guidelines, etc., as well as the desires of the community as represented by the members of the Fiscal Court.

(Ord. 37-2000-374, passed 9-18-00)

### ▪ 30.02 ADOPTING ORDINANCES.

KRS 67.077 - Treatment of proposed ordinance - Incorporation of material into ordinance by reference  
 - Section not applicable to charter county or urban-county government - statute text:

(A) No county ordinance shall be passed until it has been read on two separate days, but ordinances may be read by title and a summary only. The Fiscal Court may amend a proposed ordinance after its first reading and prior to its adoption. All amendments shall be proposed in writing, and only by setting out in full each amended section.

(B) No county ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date, and place at which the county ordinance will be considered, and a place within the county where a copy of the full text of the proposed ordinance is available for public inspection. Publication of amendments to a proposed ordinance shall be required, pursuant to KRS Chapter 424, prior to its adoption, and amendments shall be filed with the full text of the proposed ordinance that is available for public

inspection. If consideration for passage is continued from the initial meeting to a subsequent date, no further publication shall be necessary if at each meeting the time, date and place of the next meeting are announced.

(C) All county ordinances and amendments shall be published after passage and may be published in full or in summary form at the discretion of the fiscal court. If applicable, a sketch, drawing, or map, together with a narrative description written in layman's terms, may be used in lieu of metes and bounds descriptions. If published in summary form, publication shall contain notice of a place in the county where the full text of the ordinance or amendment is available for public inspection.

(D) Traffic, building, housing, plumbing, electrical, safety, and other self-contained codes may be adopted by reference if a copy of the code is kept with the adopting ordinance and is made a part of the permanent records of the county.

(E) The provisions of this section shall not be applicable in counties that have pursuant to KRS 67.830 adopted a charter county form of government or pursuant to KRS Chapter 67A adopted an urban-county form of government.

(Ord. 37-2000-374, passed 9-18-00)

### ▪ 30.03 MAGISTERIAL DISTRICTS.

It is hereby ordained that the following boundaries are established for the following magisterial districts:

(A) *First magisterial district.* The boundaries of the first magisterial district are as follows:

Beginning at a point in Hwy 36, in the northeast corner of Grant County, at the Grant and Harrison Counties' line; thence in a northerly direction meandering along the Grant, Harrison and Pendleton Counties' line to a point in the center of a branch north of the Fairview Road on the Grant and Pendleton Counties' line; thence meandering in a westerly direction along the center of said branch to the center of Lake Williamstown Dam; thence in a westerly direction in the center of Lake Williamstown to a point in the center of the South Fork of Grassy Creek; thence meandering with the center of said creek in a westerly direction to the common corner of Donald Conrad and Isabel Lanter property and the center of Conrad Lane; thence in a southwesterly direction from the center of Conrad Lane to the east line of Donald Conrad property and Juett Brothers Subdivision; thence with the east line of Juett Brothers Subdivision to the southwest corner of the Grant County Concrete Company's property and the center of U.S. Hwy 25 at the south corporate limits of the City of Dry Ridge, Kentucky; thence in a southerly direction in the center of U.S. Hwy 25 to the intersection of U.S. Hwy 25 and Baton Rouge Road; thence with the center of the Baton Rouge Road in a westerly direction to the west right-of-way of Interstate Hwy 75; thence in a southerly direction with the west right-of-way of Interstate Hwy 75 to the center of Williams Branch; thence in a westerly direction with the center of Williams Branch to the center of Clark's Creek; thence in a southerly direction with the center of Clark's Creek to a point in the center of Kentucky Route

36; thence with the center of Kentucky Route 36 in a southwesterly direction to the center of the Salem Pike; thence with the center of Salem Pike in a southerly direction to the center of the Chipman Ridge Road; thence with the center of said road in an easterly direction to the center of Kentucky Route 1995 (Heekin-Lawrenceville Road); thence with the center of said road in a northerly direction to the center of the Heekin Pike; thence with the center of the Heekin Pike in an easterly direction to a point in the Heekin Pike 200 feet west of U.S. Hwy 25; thence in a southerly direction 1,000 feet to a point in Harry Marksberry's property; thence in an easterly direction crossing U.S. Hwy 25 to the railroad tracks; thence along the railroad tracks in a southerly direction to a point opposite the common corner of Larry and David Lonkard and R. Austin property; thence with said lines in a southeasterly direction to the center of a branch; thence with the center of said branch in a southeasterly direction to the center of Fork Lick Creek on the south side of Lincoln Ridge Road; thence with the center of Fork Lick Creek in an easterly direction to a point in the line of D. Dressman and M. Faulkner's property; thence with said lines in a south and southwesterly direction to a point in the line of J. Fry and Bracht Road; thence with the center of Bracht Road in a southwesterly direction to the center of the Old Lexington Pike Loop 2; thence with the center of said road in a southerly direction to the center of U.S. Hwy 25; thence in a northerly direction to a point at the beginning of Musselman Creek; thence with the center of said creek in a northwesterly direction to the center of the Keefer-Lawrenceville Road; thence continuing with the center of said creek in a northwesterly direction to the center of Lusby Mill Road; thence continuing with the center of said creek in a northwesterly direction to the center of Eagle Creek; thence with the center of Eagle Creek in a northwesterly direction to the Owen County line; thence with the Owen County line in a southeasterly direction to the Scott County line; thence with the Scott County line in a northeasterly direction to the Harrison County line; to the place of beginning.

(B) *Second magisterial district.* The boundaries of the second magisterial district are as follows:

Beginning at a point in the center of a branch north of the Fairview Road on the Grant and Pendleton County line; thence in a northerly direction along the Grant and Pendleton County line to a point in the center of Grassy Creek; thence in a westerly direction to the intersection of Mann Road and Sherman-Newtown Road and Grassy Creek; thence in a southwesterly direction along the Sherman-Newtown Road taking in both sides of said road, to a point in the north corner of U.S. Hwy 25 and Sherman-Newtown Road intersection; thence with the center of U.S. Hwy 25, in a southerly direction to a point the intersection of U.S. Hwy 25 and Sherman-Mt. Zion Road; thence with the center of Sherman-Mt. Zion Road in a westerly direction to a point in the west right-of-way of Interstate Hwy 75; thence in a southerly direction along the west right-of-way of Interstate 75 to a branch on the west line of R. Turner's property; thence along the center of said branch in a westerly direction to a point in the center of Arnold's Creek below Lake Boltz Dam; thence meandering with the center of Boltz Lake in a southeasterly direction crossing Interstate Hwy 75, to a point in H. Brewer, Jr. and M. Kinsey property; thence along their property line boundary of H. Brewer, Jr. and M. Kinsey and a branch in an easterly direction to the center of U.S. Hwy 25; thence in a southerly direction in the center of U.S. Hwy 25, to the intersection of Hwy 22 and U.S. Hwy 25; thence in a westerly direction in the center of Hwy 22 to a point in Clark's Creek southwest of Delia; thence in a northwesterly direction in the center of Clark's Creek to a point in

the center of Clark's Creek Road; thence in a southwesterly direction to a point in Clark's Creek on the west side of a dead end road; thence meandering in a southwesterly direction in the center of Clark's Creek to a point in Ford's Mill Road west of the Jump Road; thence along the center of Ford's Mill Road in an easterly direction to the center of Eagle Creek; thence along the center of Eagle Creek in a westerly direction to a point of the mouth of Brush Creek empties into Eagle Creek; thence in a northwesterly direction in the center of Brush Creek to the Grant and Owen County line; thence in a southerly direction with the Owen and Grant County line to a point in a branch northwest of the Lusby Mill Road; thence in a northeasterly direction to a point in the center of Eagle Creek; thence in a northeasterly direction to the center of Musselman Creek; thence continuing with the center of said creek in a southerly direction to the center of the Lusby Mill Road; thence with the center of said creek in a southeasterly direction to the Keefer-Lawrenceville Road; thence in a southeasterly direction along the center of Musselman Creek to a point in the beginning of Musselman Creek; thence in a southerly direction to a point in the center of U.S. Hwy 25; thence in a northeasterly direction to the center of Old Lexington Pike (Loop 2); thence in a northerly direction to the center of Bracht Road; thence with the center of Bracht Road in a northeasterly direction to a point in the line of J. Fry and Bracht Road; thence in a north and northeasterly direction to a point in D. Dressman and M. Faulkner property; thence in a northeasterly direction to the center of Fork Lick Creek; thence with the center of said branch in a northeasterly direction to a point on the south side of the Lincoln Ridge Road; thence in a northwesterly direction in the center of said branch to a point in the common corner of Lonkard and Austin property; thence in a northerly direction along railroad tracks to a point in U.S. Hwy 25; thence in a westerly direction crossing U.S. Hwy 25 to H. Marksberry property to a point behind the house; thence in a westerly direction in H. Marksberry property, 200 feet to a point; thence in a northerly direction in H. Marksberry property, 1,000 feet to the center of Heekin Pike; thence in a northwesterly direction in the center of the Heekin Pike to a point in the Heekin-Lawrenceville Road (1995); thence in a southerly direction to the center of Chipman Ridge Road and a point in the center of the Salem Pike; thence in a northwesterly direction of the center of the Salem Pike to a point in the center of Ky. Route 36; thence in a northerly direction to the center of Clark's Creek where it meets the Williams Branch; thence in a northeasterly direction in the center of Williams Branch to a point in the west right-of-way of Interstate 75; thence in a northerly direction west of the west right-of-way of Interstate 75 to a point in the center of the Baton Rouge Road; thence in an easterly direction to a point in the center of U.S. Hwy 25; thence in a northerly direction along the center of U.S. Hwy 25 to a point in the southwest corner of the Grant County Concrete Company property line south of the corporate limits of the City of Dry Ridge; thence in a northeasterly direction to the east line of the Juett Brothers Subdivision and D. Conrad property; thence in a northeasterly direction to the center of Conrad Lane; thence in an easterly direction along Conrad Lane to the common corner of D. Conrad and I. Lanter property; thence in an easterly direction to the center of South Fork of Grassy Creek; thence in an easterly direction along the center of said Creek to the center of Lake Williamstown; thence meandering in an easterly direction along the center of Lake Williamstown to the center of a branch behind Lake Williamstown Dam; thence meandering along the center of said branch to the point of beginning in the Grant and Pendleton County line.

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(C) *Third magisterial district.* The boundaries of the third magisterial district are as follows:

Beginning at a point in the center of Grassy Creek on the Grant and Pendleton County line; thence in a westerly direction along the center of said creek to the intersection of Mann Road, Sherman-Newtown Road and Grassy Creek; thence in a southwesterly direction along an imaginary line to the north side of the Sherman-Newtown Road to a point in the north corner of U.S. Hwy 25 and Sherman-Newtown Road intersection; thence with the center of U.S. Hwy 25, in a southerly direction to a point in the intersection of U.S. Hwy 25 and the Sherman-Mt. Zion Road; thence with the center of the Sherman-Mt. Zion Road in a westerly direction to a point in the west right-of-way of Interstate Hwy 75; thence in a southerly direction along the west right-of-way of Interstate 75 to a branch on the west line of R. Turner's property; thence along the center of said branch in a westerly direction to a point in the center of Arnold's Creek below Boltz Lake Dam; thence meandering with the center of Boltz Lake in a southeasterly direction crossing Interstate Hwy 75 to a point in H. Brewer, Jr. and M. Kinsey property; thence along the property line boundary of H. Brewer, Jr. and M. Kinsey and a branch in an easterly direction to the center of U.S. Hwy 25; thence in a southerly direction in the center of U.S. Hwy 25 to the intersection of Hwy 22 and U.S. Hwy 25; thence in a westerly direction in the center of Hwy 22 to a point in Clark's Creek southwest of Delia; thence in a northwesterly direction in the center of Clark's Creek to a point in the center of Clark's Creek Road; thence in a southwesterly direction to a point in Clark's Creek on the west side of a dead end road; thence in a southwesterly direction in the center of Clark's Creek to a point in the Ford's Mill Road west of the Jump Road; thence along the center of the Ford's Mill Road in an easterly direction to the center of Eagle Creek; thence along the center of Eagle Creek in a westerly direction to a point in the mouth of Brush Creek empties into Eagle Creek; thence in a northwesterly direction in the center of Brush Creek to the Grant and Owen County line; thence in a northerly direction in the Grant and Owen County line to a point in the Grant and Gallatin County line; thence in a northerly direction in the Grant and Gallatin County line to a point in the northwest corner of Grant County where Grant County is bordered by Gallatin County; thence in an easterly direction along the Grant and Gallatin County line to a point in the Grant and Boone County line; thence in a northeasterly direction along the Grant and Boone County line to a point in the Grant and Kenton County line; thence in an easterly direction along the Grant and Kenton County line to a point in the northeast corner of Grant County on the Grant and Pendleton County line; thence in a southerly direction along the Grant and Pendleton County line to a point in the center of Grassy Creek on the Grant and Pendleton County line, the point of beginning.

(Ord. 5-92-104, passed 4-16-92)

▪ **30.04 FEES AND COSTS.**

(A) Fees and costs in the Circuit and District Court, in addition to those fees and costs which have already been imposed by law, shall be assessed and thereafter delivered to the Treasurer of Grant County, in accordance with the following schedule:

- (1) In Circuit civil cases, a fee of \$25;

- (2) In Circuit criminal cases, a cost of \$25;
- (3) In civil cases that are appealed from Circuit Court to the Court of Appeals, a fee of \$25;
- (4) In all traffic cases, a fee of \$10 per traffic offense;
- (5) In probate cases, a fee of \$10 per case;
- (6) In misdemeanor cases, a fee of \$20 per case;
- (7) In small claims cases, a fee of \$10 per case;
- (8) In District Court civil cases, a fee of \$10 per case.

(B) Fees for the service of a subpoena and for the service of a civil summons shall also be charged, in addition to those charges which are already allowed by law as follows:

- (1) For the service of a subpoena, a fee of \$10;
- (2) For the service of a civil summons, a fee of \$10.

(C) All funds collected hereunder shall be expended for the purpose of paying expenses for courthouse, bonds related to them and administration thereof in Circuit and District Court, as authorized by the aforementioned legislation.

(Ord. 32-2000-369, passed 7-17-00)

### ***OPERATION OF FISCAL COURT***

#### **▪ 30.15 PROCEDURES FOR MEETINGS OF FISCAL COURT.**

(A) Regular meetings of the Fiscal Court shall be held on the first and third Monday of every month at 7:00 p.m. at the Grant County Courthouse.

(B) Provided, however, that if the regular meeting day or date falls on a legal holiday, the meeting shall take place on the following Tuesday of that month at the same place and hour.

(C) All meetings of members of Fiscal Court at which any public business is discussed or any action taken shall be open to the public at all times except as otherwise permitted by KRS 61.810.

(D) The County Judge/Executive may call a special meeting of the Fiscal Court for the purpose of transacting any business over which the Fiscal Court has jurisdiction.

(Ord. 37-2000-374, passed 9-18-00)

**▪ 30.16 PRESIDING OFFICER.**

The County Judge/Executive shall be the presiding officer of the Fiscal Court at all regular and special meetings.

(Ord. 37-2000-374, passed 9-18-00)

**▪ 30.17 QUORUM.**

(A) Not less than a majority of the members of the Fiscal Court shall constitute a quorum for the transaction of business.

(B) No proposition shall be adopted except with the concurrence of at least a majority of the members present.

(Ord. 37-2000-374, passed 9-18-00)

**▪ 30.18 ORDER OF BUSINESS.**

(A) At each meeting of the Fiscal Court, the following business shall be observed unless dispensed with by a majority vote of the members present.

- (1) Approval of minutes of previous meeting.
- (2) Review of financial claims against the county.
- (3) New business.
- (4) Adjournment.

(B) The County Judge/Executive may prepare an itemized list of all valid bills requiring Fiscal Court review or approval.

(C) No bill shall be reviewed or approved for payment unless contained in the itemized list for the meeting.

(Ord. 37-2000-374, passed 9-18-00)

**▪ 30.19 FISCAL COURT RECORDS AND MINUTES.**

(A) The clerk of the Fiscal Court shall attend all meetings of the Fiscal Court and keep a full and complete record of its proceedings.

(B) The clerk of the Fiscal Court shall keep an index of all records and make such index and records available for public inspection in accordance with KRS 61.870 to 61.884.  
(Ord. 37-2000-374, passed 9-18-00)

▪ **30.20 ORDINANCES, ORDERS AND RESOLUTIONS.**

(A) An ordinance means a general act of the Fiscal Court enforceable by law or an appropriation of money; all other acts are motions, orders or resolutions.

(B) All ordinances shall be introduced in writing; relate to one subject only; and contain a title that expresses the subject.

(C) 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 the County of Grant, Commonwealth of Kentucky:"

(D) County ordinances shall be amended by ordinance and only by setting out in full each amended section.

(E) No county ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date and the place within the county where a copy of the full text of the proposed ordinance is available for public inspection. In the event consideration for passage is continued from the initial meeting to a subsequent date, no further publication is necessary provided that at each meeting the time, date and place of the next meeting is announced.

(F) All county ordinances and amendments shall be published after passage and may be published in full or in summary.  
(Ord. 37-2000-374, passed 9-18-00)



## CHAPTER 31: COUNTY OFFICIALS AND EMPLOYEES

### Section

#### *General Provisions*

- 31.01 Director of Disaster and Emergency Services
- 31.02 Electioneering prohibited

#### *Code of Ethics*

- 31.15 Definitions
- 31.16 Standards of conduct
- 31.17 Financial disclosure
- 31.18 Nepotism
- 31.19 County Ethics Commission

#### *County Judge/Executive*

- 31.25 County Judge/Executive
- 31.26 Appointment procedures for Deputy Judge/Executive
- 31.27 Procedures for appointment/removal of administrative personnel and members of Boards and Commissions
- 31.28 Procedures for organization/reorganization of county departments and agencies
- 31.29 Procedures and reports to Fiscal Court by county administrative agencies and public authorities
  
- 31.99 Penalty

### **GENERAL PROVISIONS**

#### **31.01 DIRECTOR OF DISASTER AND EMERGENCY SERVICES.**

(A) The Director of Disaster and Emergency Services for the county shall routinely be available to respond to emergencies, attend training, and to attend meetings convened by the Disaster and Emergency Services Area Coordinator.

(B) The Director of Disaster and Emergency Services shall relinquish authorities and responsibilities associated with any other governmental employment with the county and the Director shall assume those authorities and responsibilities until such time as the Director shall cease acting in the capacity of Director.

(C) In no case shall the county seek reimbursement for the Director's salary for any time spent in another capacity.

(Ord. 1-89-56, passed 2-16-89)

***Statutory reference:***

*Authority to establish, see KRS 39.415*

**' 31.02 ELECTIONEERING PROHIBITED.**

(A) No person shall do any electioneering near the polling place within a 500 foot perimeter of the voting machine.

(B) ***ELECTIONEERING*** shall include the displaying of signs, the distribution of campaign literature, cards and handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any candidate or question on the ballot in any manner.

(Ord. 10-85-33, passed 12-5-85) Penalty, see ' 31.99

***CODE OF ETHICS***

**' 31.15 DEFINITIONS.**

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

***BUSINESS ASSOCIATE.***

- (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, and the shareholders, owners, and officers of such a corporation;
- (4) A corporation, business association, or other business entity in which the county government officer or employer 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.** Any 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 in the Secretary of State: or
- (2) Is nominated for office by a political party under KRS 118.105, 118.115, 118.325.

**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 employees 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, but shall not mean any officer of a school district or school board.

**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.

**RULE OF NECESSITY.** The county government, agency or district may make or enter into a contract in which an officer or employee or members of his immediate family or a business associate has an economic interest if the nature of the transaction and the nature of the interest is publicly disclosed on the record prior to the time it is engaged in, and a specific finding is made by the county government, agency, or district and entered on the official record of the proceedings of the governing body that, notwithstanding the conflict, it is in the best interests of the local government because of limited supply, price, or documented emergency.

(Ord. 33-94-158, passed 11-18-94; Am. Ord. 37-2000-374, passed 9-18-00)

**31.16 STANDARDS OF CONDUCT.**

(A) No county government officer or employees or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.

(B) No county government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for him or others.

(C) No county government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

(D) No county government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties.

(E) No county government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office as governed by the Kentucky Revised Statutes.

(F) 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, appearance, ceremonies or fact-finding trips related to official county government business.

(G) No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.

(H) No county government officer or employee shall use any county property, including vehicles, equipment, materials, land and any other property or service for his or her personal convenience or the private advantage or for the personal convenience or personal gain of any other person.

(I) No county government officer or employee shall use his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated except under the "rule of necessity."

(J) No county government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves, where such local agency is a party.

(K) 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.

(L) 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.

(M) 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, own interests.

(Ord. 37-2000-374, passed 9-18-00)

▪ **31.17 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 should include the following information:

- (1) Name of filer;
- (2) Current business address, business telephone number and home address of filer;
- (3) Title of filer's public office or office sought;
- (4) Occupations of filer and spouse;
- (5) Positions held by the filer and any member of the filer's immediate family in any business organization or nonprofit entity from which the filer or any member of the filer's immediate family received compensation in excess of \$5,000, during the preceding calendar year, and the name, address, and telephone number of the business organization or nonprofit entity;
- (6) Name, address, telephone number of each source of income from within the Commonwealth of Kentucky of both the filer and spouse which exceeded \$5,000, during the preceding calendar year;

**Grant County - Administration**

(7) Name, address, and telephone number of each business organization located within the Commonwealth in which the filer or any member of the filer's immediate family had an interest of \$10,000 at fair market value or 5% ownership interest or more during the preceding calendar year;

(8) The location and type (commercial) of all real property within the county, other than the filer's primary residence, in which the filer or any members of the filer's immediate family had an interest of \$10,000 or more during the preceding calendar year.

(C) The financial disclosure statement shall be on a form provided by the Ethics Commission. Elected officers shall file the financial disclosure statement annually no later than February 15. Candidates shall be required to file the statement no later than 21 days after the filing date or the date of nomination. Newly appointed officers shall be required to file their initial statement no later than 21 days after the date of appointment.

(D) The financial disclosure statement shall be filed with the Ethics Commission by all filers who are subject to the jurisdiction of the Commission.

(E) Any County Judge/Executive, magistrate or Commissioner, sheriff, jailer, coroner, constable, surveyor, County Attorney, County Clerk, or a member of his immediate family, who has a private interest in any matter pending before the Fiscal Court shall disclose such private interest on the records of the court and shall disqualify himself/herself from participating in any decision or vote relating thereto.  
(Ord. 37-2000-374, passed 9-18-00)

**▪ 31.18 NEPOTISM.**

(A) No county government officer or county government employee shall act in his official capacity to hire or cause to be hired any member of his immediate family at an hourly pay rate or with benefits in excess of any other employee with similar job duties, responsibilities and qualification requirements.

(B) No officer or employee shall exercise contract management authority where any member of the immediate family of the official or employee is employed by or has contracts with persons doing county government work over which the official or employee has or exercises contract management authority.  
(Ord. 37-2000-374, passed 9-18-00)

**▪ 31.19 COUNTY ETHICS COMMISSION.**

(A) A County Ethics Commission is hereby created which shall have the powers to enforce all provisions of the code of ethics adopted by this subchapter.

(B) The County Ethics Commission shall consist of three members. The members shall be appointed by the County Judge/Executive with the approval of the Fiscal Court. Members shall receive no compensation but may be reimbursed for all necessary expenses. The terms of members shall be staggered and no longer than four years.

(C) The Board of Ethics shall, on the written request of any official, candidate, nominee or employee coming under the code of ethics, render advisory opinions concerning the provisions of this code of ethics. The Board may at its discretion publish its advisory opinion with such deletions as may be necessary to prevent disclosure of the individual or individuals involved or concerned.

(D) The Board shall receive, hear and investigate complaints concerning violations of this code of ethics. In any instance in which the Board of Ethics finds that violation of the code of ethics exists, the Board may impose the appropriate penalty. In hearing and investigating complaints concerning violations of this code of ethics, the Board shall have the power to subpoena witnesses, administer oaths, take testimony and require other production of evidence.

(E) The Board of Ethics shall, in writing, recommend to the executive authority and the governing body (if different than the executive authority) that the violator be sanctioned as recommended by the Commission, which may include a recommendation for discipline or dismissal.

(F) The Board of Ethics shall adopt rules and regulations necessary to implement the local ethics code.

(G) The Board of Ethics may issue an order requiring the violator to pay a civil penalty of not more than \$1,000.

(H) A member of the County Ethics Commission may be removed by the County Judge/Executive, subject to the approval of Fiscal Court, for misconduct, inability or willful neglect of duties. Before any member of the Ethics Commission is removed from office under this section, the member shall be afforded the opportunity for a hearing before the Fiscal Court.

(I) 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. 37-2000-374, passed 9-18-00)

***COUNTY JUDGE/EXECUTIVE***

**• 31.25 COUNTY JUDGE/EXECUTIVE.**

(A) The County Judge/Executive shall be the chief executive of the county and shall have all the powers and perform all the duties of an executive and administrative nature consistent with the Kentucky Constitution and Kentucky Revised Statutes.

(B) The responsibilities and duties of the County Judge/Executive are defined by KRS 67.710.

(C) Additional responsibilities of the County Judge/Executive are found in KRS 67.715, which includes organization of county functions, special districts and county representation.

(D) The County Judge/Executive may appoint office personnel as permitted by KRS 67.710 and KRS 67.711 consistent with the classification and compensation plan.  
(Ord. 37-2000-374, passed 9-18-00)

• **31.26 APPOINTMENT PROCEDURES FOR DEPUTY JUDGE/EXECUTIVE.**

(A) The County Judge/Executive shall designate by written executive order, within 30 days of assuming office, a deputy judge/executive who shall serve consistent with KRS 67.711 as judge/ executive in the absence of the County Judge/Executive.

(B) The County Judge/Executive shall be deemed absent when he/she is physically absent from the county, physically disabled, or prevented by other emergency beyond control which would prevent attending meetings of the Fiscal Court. A vacation, including one taken within the county, shall be considered an absence.

(C) Such appointment of a deputy judge/executive shall continue until such time as the County Judge/Executive publishes a written revocation of the appointment or makes a new appointment.

(D) The deputy judge/executive shall have all administrative powers as the County Judge/Executive. The deputy judge/executive shall not chair or vote on the Fiscal Court.  
(Ord. 37-2000-374, passed 9-18-00)

• **31.27 PROCEDURES FOR APPOINTMENT/REMOVAL OF ADMINISTRATIVE PERSONNEL AND MEMBERS OF BOARDS AND COMMISSIONS.**

(A) The County Judge/Executive shall nominate qualified persons to serve in administrative positions and on boards and commissions. Such appointments shall be placed on the agenda of any regular or special meeting of the Fiscal Court. If approval by the Fiscal Court of the nomination is required by state law, the Fiscal Court shall act on such nomination within 60 days. If the Fiscal Court does not act on the nomination within the 60 day period, said nomination shall be deemed rejected by the Fiscal Court. A majority of the Fiscal Court members present at a meeting shall vote in favor of the nomination in order for it to be approved.

(B) The Fiscal Court may require the nominee to appear at a public hearing for the purpose of questioning such nominee about matters that relate to the position for which he/she has been nominated. Said nominee shall be notified by mail if this is the intention of the Fiscal Court. The Fiscal Court shall provide the nominee with an opportunity to make a statement concerning his/her nomination and qualifications.

(C) No person shall be selected as a member of a board or commission or for an administrative position if such person holds or is employed in a position which is incompatible with the one for which nominated.

(D) In the event the Fiscal Court rejects the nominee, the County Judge/Executive shall submit additional nominations, not to exceed ten for any one position; and if Fiscal Court rejects all ten, the County Judge/Executive shall appoint a person to serve on a temporary basis, not to exceed one year.

(E) When Fiscal Court approval of an appointment is not required by state law, the County Judge/Executive shall make such appointment. Within 30 days of making the appointment, the County Judge/Executive shall notify the Fiscal Court in writing of the appointment. Such notice may be filed with the County Clerk.

(F) Before any administrative personnel, board or commission member may be dismissed; such person shall be presented, in writing, a list of reasons for the dismissal. A hearing shall be conducted by the County Judge/Executive no sooner than three and no later than 21 days after receipt of the reason for dismissal. At such hearing, the person sought to be dismissed shall have an opportunity to make a statement on his/her behalf, to be represented by anyone of his/her choosing and to call witnesses that may testify. The County Judge/Executive shall issue a written opinion that shall contain the facts upon which his determination is based.

(Ord. 37-2000-374, passed 9-18-00)

**31.28 PROCEDURES FOR ORGANIZATION/REORGANIZATION OF COUNTY DEPARTMENTS AND AGENCIES.**

(A) The County Judge/Executive shall submit to Fiscal Court a written plan that describes the services and functions to be performed by each department, agency, commission or special district to be created.

(B) The plan shall include an organizational chart showing the relationship of each department, agency, commission or special district to others and the lines of authority. The chart shall be maintained in current condition and shall be available for public inspection during office hours.

(C) The reorganization plan shall be submitted to Fiscal Court for review and available for public inspection 15 days prior to its effective date.

(D) The County Judge/Executive or Fiscal Court may cause the records and accounts of any administrative agency to be examined at any time.

(Ord. 37-2000-374, passed 9-18-00)

**' 31.29 PROCEDURES AND REPORTS TO FISCAL COURT BY COUNTY ADMINISTRATIVE AGENCIES AND PUBLIC AUTHORITIES.**

(A) All county administrative agencies and public authorities subject to the Fiscal Court by law, shall quarterly submit a list to the County Judge/Executive of any citizen complaints during the preceding three month period, which includes steps taken to correct the situation. The County Judge/ Executive may request such reports be filed more often.

(B) Each administrative agency and public authority authorized and established by the county shall submit an annual report to the County Judge/Executive within 75 days after the close of each fiscal year. The report must include at a minimum:

(1) A descriptive narrative of the functions and activities of the authority.

(2) Those items required by KRS 65.070 (1) (a) 1, 2, 3 and 4 in full with each report. Also, the referenced statute requires filing with the County Clerk office by the first day of July each year.

(C) Each administrative agency and public authority shall file a copy of its annual budget and audit with the County Judge/Executive as required by KRS 65.070 (1) (b).

(D) All meetings of boards, commissions, public authorities and special districts shall be open to the public, unless exempt by KRS 61.810. A record of the proceedings of each meeting shall be maintained in the form of minutes of each entity and be available for public inspection.

(E) The County Judge/Executive shall make a verbal report with recommendations to the Fiscal Court at the next meeting following the receipt of any of the above-required reports. The reports of the authorities shall be made available to the Fiscal Court for review.

(Ord. 37-2000-374, passed 9-18-00)

**' 31.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in ' 10.99.

(B) Any person who violates the provisions of ' 31.02 related to prohibited activities on election day after he has been duly notified of such provisions by the sheriff of the election precinct shall be guilty of a violation and fined not more than \$50 for each offense. (Ord. 10-85-33, passed 12-5-85)

(C) Failure to comply with ' 31.17 shall be deemed a misdemeanor and carry a penalty of \$500 initially and \$50 for each day they are in noncompliance. (Ord. 33-94-158, passed 11-18-94)

## CHAPTER 32: DEPARTMENTS, COMMISSIONS AND AUTHORITIES

### Section

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**Grant County - Administration*****County Road Department; Delivery of County Services***

- 32.65 Establishment of Department
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***DEPARTMENT OF HEALTH*****▸ 32.01 ESTABLISHMENT.**

The County Fiscal Court hereby agrees to create, establish, maintain and operate an Independent District Department of Health as defined in KRS 212.780, along with the counties of Boone, Kenton, and Campbell. It is further resolved that each Fiscal Court will provide for its proportion of the costs for the creation, establishment, maintenance and operation of the Independent District Department of Health. (Ord. 9-91-90, passed 6-6-91)

***TOURIST AND CONVENTION COMMISSION*****▸ 32.10 ESTABLISHMENT.**

There is established a County Tourist and Convention Commission, the purpose of which shall be to promote tourist and convention activity within the county. (Ord. 13-89-68, passed 11-16-89; Am. Ord. 9-97-222, passed 7-7-97)

**▸ 32.11 FUNDING.**

To provide funds for the operation of the Commission there is proposed and levied a transient room tax of 3% of the rent for every occupancy of a suite, room or rooms, charged by all persons, companies, corporations or other like or similar persons, groups or organizations doing business as motor courts, motels, hotels, inns, or similar or like accommodation businesses. The transient room tax shall apply to transient guests who occupy a room in motor courts, motels, hotels, inns, or similar accommodations business for a consecutive period of 30 days or less. (Ord. 13-89-68, passed 11-16-89)

▪ **32.12 COLLECTING AGENCY.**

All persons, companies, corporations or other like or similar persons, groups or organizations doing business as motor courts, motels, hotels, inns, or like or similar accommodation businesses shall collect and pay the transient room tax to the County Treasurer as the designated collection agency for the county and the Commission. The Treasurer is authorized to take all appropriate action to provide for such collection and for the enforcement of this section, including, but not limited to, supplying a uniform reporting form to each such business to be used in the transmission of the payments levied herein.

(Ord. 13-89-68, passed 11-16-89)

▪ **32.13 FREQUENCY OF PAYMENTS TO COUNTY TREASURER.**

All persons, firms or organizations doing business as motor courts, motels, hotels, inns, or other like or similar accommodation businesses within the county, shall collect and pay the transient room tax to the County Treasurer on a quarterly basis for the quarterly periods ending March 31, June 30, September 30 and December 31 of each year, on or before the last day of the next month immediately following each quarterly period and at the time shall file a return on a form provided for such purpose.

(Ord. 13-89-68, passed 11-16-89)

▪ **32.14 COUNTY TREASURER AS EXAMINER.**

The County Treasurer and/or his duly authorized agent or agents are hereby empowered to examine the books, papers and records of any person, firm, organization or other like or similar accommodation business required herein to file a return. The examination shall be permitted in order to determine the accuracy of any return made, or if no return was made, to determine the amount of room tax due and owing.

(Ord. 13-89-68, passed 11-16-89)

▪ **32.15 LATE OR NONPAYMENT OF TAX.**

Any transient room tax imposed by this subchapter remaining unpaid after same becomes due shall bear interest at the rate of 12% per annum, and the person from whom the transient room tax is due shall further be charged a penalty of 10% of the amount of the unpaid tax. In addition, any person who shall fail, neglect or refuse to properly complete and file a return as required herein or pay the tax imposed herein, or any portion thereof, shall be subject to a fine of not less than \$25 nor more than \$200 with each day that said payment is due and not paid constituting a separate offense.

(Ord. 13-89-68, passed 11-16-89)

**▪ 32.16 PAYMENTS TO COMMISSION.**

All amounts collected by the County Treasurer in the 30 day payment period as provided herein shall be paid over to the County Tourist and Convention Commission within 45 days after the end of each quarter. Late payments collected by the County Treasurer shall be paid over to the Commission within 15 days after receipt. In consideration for the costs of collection of the tax, bookkeeping expenses, costs of forms, postage and other incidental expenses which will necessarily be incurred by the County Treasurer, the county shall be paid a commission of 3% of all taxes collected hereunder, including any interest and penalty collected thereon. All receipts and payments utilized by the county relating to the collection and payment of the transient room tax shall be included in the annual audit of the county as prescribed by the Kentucky Revised Statutes.

(Ord. 13-89-68, passed 11-16-89; Am. Ord. 9-97-222, passed 7-7-97)

**▪ 32.17 BONDING OF COMMISSION TREASURER.**

The Treasurer or any other officer of the Tourist and Convention Commission with authority to issue checks or handle funds owned by the Commission shall be bonded as required by the Fiscal Court in an amount commensurate to the largest amount of money on hand in any given month. The Commission Treasurer shall make an itemized quarterly report to the Fiscal Court showing income and expenditures for each month.

(Ord. 13-89-68, passed 11-16-89; Am. Ord. 9-97-222, passed 7-7-97)

**▪ 32.18 MEMBERSHIP.**

Membership on the Commission shall be established by the proper appointing authority or authorities in accordance with KRS 91A.360.

(Ord. 13-89-68, passed 11-16-89)

***ECONOMIC INDUSTRIAL DEVELOPMENT AUTHORITY*****▪ 32.30 CREATED.**

There is hereby created, pursuant to KRS 154.50-316, a body politic and corporate to be known as the County Industrial Development Authority.

(Ord. 6-93-121, passed 7-8-93)

▪ **32.31 GOVERNANCE; POWERS AND DUTIES.**

The authority shall be governed by the provisions of KRS 154.50-301 to 154.50-346 and shall have and exercise those powers and duties enumerated therein.  
(Ord. 6-93-121, passed 7-8-93)

▪ **32.32 MEMBERSHIP.**

Members shall be appointed by the County Judge/Executive in accordance with KRS 154.50-316 and 154.50-326.  
(Ord. 6-93-121, passed 7-8-93)

▪ **32.33 FUNDING.**

Funding for the County Industrial Development Authority shall be accomplished in accordance with KRS 154.50-340.  
(Ord. 6-93-121, passed 7-8-93)

▪ **32.34 COOPERATION WITH OTHER AUTHORITIES.**

The County Industrial Development Authority may work cooperatively with any other similarly constituted authority within or without the county in any instance where such cooperative effort is permitted by law.  
(Ord. 6-93-121, passed 7-8-93)

***PUBLIC PROPERTIES CORPORATION***

▪ **32.45 ESTABLISHED.**

A nonprofit, non-stock corporation is hereby established pursuant to the provisions of KRS 273.161 to 273.390 to be known as the Public Properties Corporation (the Acorporation@) to have and exercise the purposes and powers as may exist from time to time under its articles of incorporation.  
(Ord. 1-86-36, passed 2-6-86)

▪ **32.46 APPROVAL OF ARTICLES OF INCORPORATION.**

The articles of incorporation are hereby approved and authorized substantially in the form attached to Exhibit A of Ordinance 1-86-36, which articles of incorporation may be amended subject to approval pursuant to a resolution of the Fiscal Court.  
(Ord. 1-86-36, passed 2-6-86)

**▪ 32.47 DIRECTORS.**

The Directors of the Public Properties Corporation shall be as set forth in the articles of incorporation. (Ord. 1-86-36, passed 2-6-86)

***OFFICE OF EMERGENCY MANAGEMENT*****▪ 32.55 CREATED.**

(A) There is hereby created the Grant County Office of Emergency Management, in accordance with the provisions of Chapters 39A to 39F, which shall serve in the interest of public safety within the territorial boundaries of Grant County.

(B) The Grant County Office of Emergency Management shall develop, implement and maintain the local comprehensive emergency management program for Grant County in accordance with the provisions of KRS Chapters 39A to 39F, the comprehensive emergency management program requirements of the state Division of Emergency Management, the provisions of the Kentucky Emergency Operations Plan, administrative regulations promulgated by the state Division of Emergency Management, and the resolutions, orders or ordinances of the Fiscal Court of Grant County.

(C) The Grant County Office of Emergency Management shall be an organizational unit of county government attached to the Office of County Judge/Executive and shall have primary jurisdiction, responsibility, and authority for all matters pertaining to the comprehensive emergency management program and disaster and emergency response of Grant County.

(D) The Grant County Office of Emergency Management shall meet all requirements of a local emergency management agency as defined in KRS Chapters 39A to 39F, and shall be the administrative branch of the Grant County Disaster and Emergency Services organization established pursuant to KRS Chapter 39A to 39F.

(E) The County Judge/Executive shall designate and include a separate Office of Emergency Management budget unit classification within each annual county budget, and all financial matters of the Grant County Office of Emergency Management shall be handled through the county treasury and uniform budget system.

(Ord. 1-99-296, passed 2-15-99)

**▪ 32.56 APPOINTMENT TO OFFICE.**

(A) The County Judge/Executive, within 30 days of assuming office shall appoint a County Emergency Management Director in accordance with the provisions of KRS Chapter 39B, and shall immediately notify the state Division of Emergency Management of the appointment.

(B) The Grant County Emergency Management Director, appointed pursuant to this section, shall be sworn by oath to the office of emergency management director immediately upon appointment, and shall serve at the pleasure of the County Judge/Executive, but shall serve no longer than four consecutive years without reappointment and, as a minimum, shall meet all the qualification requirements specified in KRS Chapters 39A to 39F.

(Ord. 1-99-296, passed 2-15-99)

▪ **32.57 POWERS, AUTHORITIES, RIGHTS AND DUTIES.**

The Grant County Emergency Management Director shall have and exercise all the powers, authorities, rights, and duties as specified in KRS Chapters 39A to 39F, and in the orders or ordinances of the fiscal count of Grant County, to include the following.

(A) To represent the county judge/executive on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of Grant County;

(B) To be the executive head and chief administrative officer of the Grant County Office of Emergency Management and direct, control, supervise, and manage the development, preparation, organization, administration, operation, implementation, and maintenance of the comprehensive emergency management program of Grant County, and to coordinate all disaster and emergency response of Grant County;

(C) To develop, update, and maintain the Grant County Emergency Operations Plan in compliance with the provisions of KRS Chapters 39A to 39F;

(D) To establish, maintain, and coordinate or direct the Grant County Disaster and Emergency Services organization in accordance with the provisions of the County Emergency Operations Plan, the Kentucky Emergency Operations Plan, and the provisions of KRS Chapter 39A to 39F;

(E) To notify the county judge/executive and the state Division of Emergency Management immediately of the occurrence, or threatened or impending occurrence, of any emergency, disaster, or catastrophic incident or situation, and provide in such notice an assessment of possible or actual damages or threats to life, health, safety, property, or the environment, and recommend any emergency actions or orders which should be executed;

(F) To be the chief advisor to, and the primary on-scene representative of, the county judge/executive in the event of any emergency, declared emergency, disaster, or catastrophe within Grant County;

(G) To respond and have full access to the scenes of an emergency, declared emergency, disaster, or catastrophe and immediately investigate, analyze, or assess the nature, scope, or seriousness of all situations; coordinate the establishment and operation of an incident command or management system; execute the provisions of the Grant County Emergency Operations Plan; activate the Grant County

Emergency Operations Center or on-scene command post, convene meetings, gather information, and conduct briefings; notify the county judge/executive and the state Division of Emergency Management immediately of the nature, scope, or seriousness of any emergency situation and provide information on all on-going response actions being taken in association with the incident, provide any assistance requested, as deemed necessary or appropriate; and take any actions to fully expedite and coordinate the disaster and emergency response of all local public or private agencies, departments, units, or individuals;

(H) To take or direct immediate actions to protect public safety at the direction of the county judge/executive during any declared emergency or disaster;

(I) To act as an official representative of the state Division of Emergency Management when specifically requested by the state director;

(J) To report directly to the county judge/executive and act in an official policy-making capacity when carrying out all duties of the office of emergency management director;

(K) To have full signatory authority, in accordance with the county administrative code, for execution of all contracts, agreements, or other official documents pertaining to the administration, organization, and operation of the Grant County Office of Emergency Management and the local comprehensive emergency management program;

(L) To direct all paid or volunteer employees, staff assistants, or other workers of the Grant County Office of Emergency Management, and supervise any operating units and personnel associated with it which are officially appointed and affiliated with the County Disaster and Emergency Services organization pursuant to the provisions of KRS Chapters 39A to 39F;

(M) To prepare and submit regular or scheduled program activity reports to the area manager of the state Division of Emergency Management and the county judge/executive;

(N) To execute bond in the amount as determined by the county judge/executive, when directed by the county judge/executive;

(O) To prepare and submit to the county judge/executive, on an annual basis by the first day of March, a program and agency budget request for the Grant County Office of Emergency Management;

(P) To prepare and submit to the state Division of Emergency Management, on an annual basis by the fifteenth of July, a fiscal year Program Paper and budget request for the Grant County Office of Emergency Management;

(Q) To enroll and be a registered member of the Kentucky Emergency Management Association;

(R) To perform the duties of, or appoint with the approval of the Fiscal Court of the county, the Grant County Search and Rescue Coordinator pursuant to the provisions of the KRS 39F;

(S) To perform all administrative, organizational, or operational tasks required pursuant to KRS 39A to 39F, Kentucky administrative regulations, the Kentucky Emergency Operations Plan, or program guidance issued by the state Division of Emergency Management; and to carry out all other emergency management-related duties as required by the resolutions, orders, or ordinances of the Fiscal Court of Grant County, the executive orders of the county judge/executive, and the provisions of the Grant County Emergency Operations Plan.

(Ord. 1-99-296, passed 2-15-99)

▪ **32.58 VIOLATIONS.**

Any person violating any of the provisions of this subchapter, or any lawful orders, rules or regulations promulgated pursuant to it, upon conviction shall be guilty of a Class A misdemeanor. Violators of this subchapter may be issued a citation by the Sheriff of Grant County or by a duly authorized official.

(Ord. 1-99-296, passed 2-15-99)

▪ **32.59 SEVERABILITY.**

The provisions of this subchapter are severable and if any provisions shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality, or inapplicability shall not affect or impact the remaining provisions of this subchapter. This subchapter shall be in full force and effect from and after its approval, adoption and publication, and all ordinances or parts of ordinances in conflict herewith are hereby repealed and held for naught.

(Ord. 1-99-296, passed 2-15-99)

***COUNTY ROAD DEPARTMENT; DELIVERY OF COUNTY SERVICES***

▪ **32.65 ESTABLISHMENT OF DEPARTMENT.**

(A) There is hereby created and established a Grant County Road Department consisting of a Grant County Road Supervisor and such other employees of said department as may from time-to-time be provided in the job classifications and approved by the Fiscal Court.

(B) The Grant County Road Supervisor shall be appointed by the County Judge/Executive with the consent of Fiscal Court.

(C) The Fiscal Court shall set the number and compensation of all employees of the road department in ' ' 34.115 through 34.137 of this code.

(D) All appointments to the road department, and removals from, shall be made by the County Judge/Executive in accordance with the provisions of Chapter 34, Personnel Administration.  
(Ord. 37-2000-374, passed 9-18-00)

▪ **32.66 DUTIES OF ROAD SUPERVISOR.**

(A) The duties of the County Road Supervisor shall be as set forth in the job classification located in §§ 34.115 through 34.137.

(B) The County Road Supervisor shall be responsible for the performance of the road department and its functions, and all persons who are employees of the road department shall be subject to the supervision and direction of the road supervisor.  
(Ord. 37-2000-374, passed 9-18-00)

▪ **32.67 ROAD DEPARTMENT PROPERTY.**

(A) Employees of the department shall be responsible for the good care of departmental equipment and property assigned to their use and shall promptly report to their supervisor the loss or damage to or unserviceable condition of such property.

(B) No departmental property or equipment shall be used for private purposes or on private property.  
(Ord. 37-2000-374, passed 9-18-00)

▪ **32.68 COUNTY ROAD INVENTORY/CONDITION.**

(A) The County Judge/Executive shall maintain a map that clearly identifies all county maintained roads.

(B) The Grant County Road Supervisor shall contact all area utilities (city and county water services) prior to digging or surfacing or resurfacing any county road.  
(Ord. 37-2000-374, passed 9-18-00)

▪ **32.69 SPECIFICATIONS FOR COUNTY ROADS.**

(A) Roads may be accepted into the county road system by the Fiscal Court in accordance with KRS 178.115 and the minimum specifications set forth in this code.

(B) Prior to Fiscal Court consideration of a road for acceptance into the county road system, the County Road Supervisor shall certify that the following specifications have been met or exceeded:

(1) Surveyed legal description of the proposed road prepared by a licensed Kentucky registered land surveyor;

(2) A copy of all property owner's deeds and proof of good, marketable and fee simple title in the property of the owners proposing to deed the road right-of-way to the county;

(3) Certification by the property owners that fences, buildings, gates and cattle gates have been removed from the proposed county road and right-of-way;

(4) Acceptable road specifications shall be recommended by the road supervisor and approved by the Fiscal Court regarding, but not limited to, right-of-way width, pavement width, pavement specifications and grade and drain;

(5) The road shall be properly ditched and tiled with cross drainpipes of adequate size and road banks stabilized in grass or other suitable cover;

(6) The requirements of this subdivision may be waived by the Fiscal Court upon a finding that the same information has been provided by an alternate source.

(C) Streets in compliance with KRS 100.277 shall be accepted by the Fiscal Court by operation of law. (Ord. 37-2000-374, passed 9-18-00)



## CHAPTER 33: COUNTY JAIL

### Section

33.01 County Jailer to prepare and accept bail bonds; fee

#### • **33.01 COUNTY JAILER TO PREPARE AND ACCEPT BAIL BONDS; FEE.**

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

(B) For every bail bond processed by the County Jailer, he 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 KRS 431.5305.  
(Ord. 5-92-108, passed 7-2-92)



## CHAPTER 34: PERSONNEL POLICIES

### 34.01 Personnel policies adopted

*Editor=s note: Chapter 34, Personnel Policies, formerly set out the county=s personnel policies in full. Per Ordinance 17-2005-574, passed October 17, 2005, these sections were repealed to permit for the efficient operation of county government. The policies are now adopted herein by reference. For specific provisions, please refer to the current Grant County Personnel Policies on file in the office of the County Judge/Executive.*

#### • 34.01 PERSONNEL POLICIES ADOPTED.

(A) The document appended to Ordinance 18-2005-575, styled Grant County Personnel Policies and dated July 1, 2005, is hereby adopted by reference as though set out in full herein.

(B) Prior ordinances relating to personnel policies, and not otherwise repealed by separate ordinance, shall hereafter be deemed repealed from and after the effective date of this section, except as they are included and re-ordained in whole or in part in the Grant County Personnel Policies, provided that such repeal shall not affect any action taken or any right established prior to the effective date of this section.

(C) The Grant County Personnel Policies dated July 1, 2005 shall be deemed published as of the day of its adoption and approved by the Fiscal Court and the Clerk thereof is hereby authorized and ordered to file a copy of the Grant County Personnel Policies Code, dated July 1, 2005, in the office of the County Judge/Executive. A copy of this section shall be kept in the front of the Grant County Personnel Policies.

(D) The Grant County Personnel Policies dated July 1, 2005 shall be in full force and effect from and after its date of passage, approval and publication as required by law; further, due to the voluminous nature of the Personnel Policies, a summary of the Grant County Personnel Policies shall be published according to statute. These Personnel Policies shall be presumptive evidence in all courts and places of all provisions, sections, penalties and regulations therein contained, as of the date of passage, and that the same is properly signed, attested, recorded and approved, and that any public hearings and notices thereof as required by law have been given.

(Ord. 18-2005-575, passed 10-17-05; Am. Ord. 13-2006-593, passed 8-21-06)

[Text continues on page 63.]



## CHAPTER 35: TAXATION; FINANCIAL MANAGEMENT

### Section

#### *Bank Franchise and Local Deposit Tax*

- 35.01 Imposition of tax
- 35.02 Definitions
- 35.03 Rate of franchise tax
- 35.04 Administration
- 35.05 Due date
- 35.06 Records

#### *Financial Management*

- 35.15 Budget preparation procedures
- 35.16 Budget hearing procedures and requirements
- 35.17 Procedures and duties of County Treasurer
- 35.18 Procedures for Fiscal Administration
- 35.19 Claims Against the County

#### ***Cross-reference:***

*Transient room tax, see ' ' 32.11 et seq.*

*Tax to fund 911 emergency service, see ' 91.02*

### ***BANK FRANCHISE AND LOCAL DEPOSIT TAX***

#### **' 35.01 IMPOSITION OF TAX.**

Pursuant to KRS Chapter 136, there is hereby imposed on each Afinancial institution,@ as defined in ' 35.02 of this chapter, located within the jurisdiction of the county, a franchise tax measured by the deposits in such institutions. All moneys collected pursuant to this chapter 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. 9-96-196, passed 8-15-96)

#### ***Statutory reference:***

*Local Government Franchise Taxes, KRS 136.575*

**▪ 35.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

**FINANCIAL INSTITUTION.**

(1) A national bank organized and existing as a national bank association pursuant to the provisions of the National Bank Act, 12 USC 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;

(2) Any bank or trust company incorporated or organized under the laws of any state, except a banker's bank organized under KRS 286.3-135;

(3) Any corporation organized under the provisions of 12 USC 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 USC 611 to 631, in effect on December 31, 1995; or

(4) Any agency or branch of a foreign depository as defined in 12 USC 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 USC 3101 in effect.

(Ord. 9-96-196, passed 8-15-96)

**▪ 35.03 RATE OF FRANCHISE TAX.**

(A) The rate of the franchise tax imposed on financial institutions shall be 0.025% of the deposits located in the jurisdiction of the county.

(B) The amount and location of deposits in the 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 in prior periods.

(Ord. 9-96-196, passed 8-15-96)

**▸ 35.04 ADMINISTRATION.**

(A) The Kentucky Revenue Cabinet shall certify to the local jurisdiction the amount of deposits within the jurisdiction 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. 9-96-196, passed 8-15-96)

**▸ 35.05 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 2% and interest of 12% per annum.

(B) The financial institution shall be allowed a 2% discount if the tax bill is paid by December 31 of the same year as the tax bill is issued.

(C) The 2% 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 2% and shall bear interest at the rate of 12% per annum.

(D) The 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. 9-96-196, passed 8-15-96)

**▸ 35.06 RECORDS.**

(A) It shall be the duty of the sheriff to collect and account for the franchise taxes imposed by this chapter. The sheriff 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 chapter and of any subsequent rate changes.

(Ord. 9-96-196, passed 8-15-96)

***FINANCIAL MANAGEMENT*****▸ 35.15 BUDGET PREPARATION PROCEDURES.**

(A) County Judge Executive responsibility.

(1) The County Judge/Executive shall prepare a proposed budget for review and adoption by the Fiscal Court as provided in KRS Chapter 68.240, as well as any rules and regulations prescribed by the State Local Finance Officer.

(2) On or before April 1 of each year, every county agency, department, public authority and county office that receives county funds shall submit to the County Judge/Executive a written budget request showing the amount of funds requested and a brief explanation of the need for such funds.

(3) On or before April 1 of each year the County Judge/Executive, County Treasurer and Jailer shall prepare and submit a jail budget to the Fiscal Court, as required by KRS 441.215.

(4) The County Judge/Executive shall submit the complete proposed budget in ordinance form to the Fiscal Court not later than May 31 of each year.

(5) The County Judge/Executive shall cause a copy of the proposed budget to be posted in the courthouse ten days before final adoption.

(6) The County Judge/Executive shall cause an advertisement notice of adoption of the budget ordinance to be published in a newspaper of general circulation in the county at least seven, but not more than 21 days before final adoption by the Fiscal Court.

(7) The County Judge/Executive shall cause a summary of the budget ordinance to be published in a newspaper of general circulation in the county at least ten days before final adoption by the Fiscal Court. Note: This and the preceding notice may be advertised together, so long as the notice time requirements are correct.

(8) Following action by the Fiscal Court, but not later than June 10, the County Judge/ Executive shall submit two copies of the budget to the State Local Finance Officer for approval as to form and classification.

(9) The County Judge/Executive shall certify to the State Local Finance Officer a copy of the original budget ordinance as approved by his/her office within 15 days of adoption, indicating clearly all changes made by the Fiscal Court.

(10) Within 30 days of adoption of the budget ordinance by the Fiscal Court, the County Judge/Executive shall cause a summary of the budget ordinance to be published in a newspaper of general circulation in the county.

(11) The County Judge/Executive shall maintain a copy of the budget as adopted, together with any amendments adopted thereafter, for public inspection.

(B) Duties and procedures of the Fiscal Court.

(1) The Fiscal Court shall review in detail the proposed budget (which includes the jail budget) that the County Judge/Executive has prepared and submitted.

(2) The review shall be conducted at a meeting or meetings held not later than June 1 of each year.

(3) The Fiscal Court shall make comments, amendments, and tentatively approve the proposed budget. This shall take place prior to the County Judge/Executive submitting the budget to the State Local Finance Officer.

(4) The budget approved by the State Local Finance Officer shall be submitted to the Fiscal Court for adoption not later than July 1 or within ten days after receipt of the certified assessment from the Department of Revenue, as provided by KRS 132.180, which ever shall be later.

(Ord. 37-2000-374, passed 9-18-00)

### ▪ **35.16 BUDGET HEARING PROCEDURES AND REQUIREMENTS.**

(A) *County Road Aid Fund.* During the county budget preparation process, the County Judge/Executive may conduct a public hearing on the CRA fund. The procedure shall be as follows:

(1) Publish notice of the proposed use hearing on the CRA Fund at least seven days but not more than 21 days in advance of the scheduled hearing.

(2) Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge/Executive as public record.

(B) *LGEA Fund.* Prior to adoption of the county budget and submittal to the State Local Finance Officer, a budget hearing shall be conducted by the County Judge/Executive on the LGEA Fund. The proceedings shall be as follows:

(1) Notice of the budget hearing shall be published at least seven days but not more than 21 days prior to the scheduled hearing.

(2) Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge/Executive as public record.

(C) The hearing process required above may be coordinated in a manner that both requirements (CRA and LGEA) are addressed at the same hearing.

(Ord. 37-2000-374, passed 9-18-00)

### ▪ **35.17 PROCEDURES AND DUTIES OF THE COUNTY TREASURER.**

(A) The County Treasurer shall keep records and make reports as set forth in KRS 68.210, 68.020, 68.300, 68.360 and 66.480. Also, the County Treasurer shall maintain the following records as required by the Uniform System of Accounts for counties. The requirements are subject to change.

(1) Cash Receipts Journal and Cash Receipts Ledger.

- (2) Check Distribution Ledger.
- (3) Appropriation Ledger.
- (4) General Ledger.
- (5) Investment Journal.
- (6) Subsidiary Ledgers and Journals.
- (7) Account for each individually:
  - (a) General Fund.
  - (b) Road and Bridge Fund.
  - (c) Jail Fund.
  - (d) LGEA Fund.
  - (e) Special accounts as may be necessary.

(B) Prepare financial reports for the Fiscal Court and Jailer each month pursuant to KRS 68.360 and 441.235.

(C) Prepare a quarterly financial statement for the State Local Finance Officer.

(D) Prepare and have published an annual financial statement pursuant to KRS 424.220.

(E) Countersign checks per the following conditions:

- (1) Claim has been reviewed by the Fiscal Court;
- (2) There is sufficient fund balance and cash in the bank to cover the check; and
- (3) There is adequate free balance in a properly budgeted appropriation account to cover the check.

(F) The County Treasurer is the sole officer bonded to receive and disburse county funds.  
(Ord. 37-2000-374, passed 9-18-00)

## ▪ **35.18 PROCEDURES FOR FISCAL ADMINISTRATION.**

County Judge/Executive.

(A) The County Judge/Executive is responsible for administering the provisions of the County Budget Ordinance when adopted by the Fiscal Court. All or part of the financial management duties may be assigned to a finance officer job description and may include, but not be limited to:

- (1) Receipt of all claims against the county;
- (2) Prepare and submit a master claims list to the Fiscal Court for review;
- (3) Prepare checks on claims reviewed by the Fiscal Court;
- (4) Co-sign all checks with the County Treasurer;
- (5) Maintain an appropriations ledger;

(6) Prepare a quarterly financial statement, which shall be transmitted to the Fiscal Court and State Local Finance Officer, as well as post it for ten consecutive days in a conspicuous place near the front door of the courthouse;

(7) Read the quarterly financial statement at the next Fiscal Court meeting;

(8) Reconcile the appropriation ledger with the treasurer's appropriation ledger at least once a month;

(9) Issue purchase orders and maintains a purchase order ledger;

(10) Maintain time records, including vacation, sick leave, etc.

(B) The County Judge/Executive shall pay all financial claims against the county after review by the Fiscal Court. However, some claims as outlined in ' 35.19(E) may be paid prior to Fiscal Court review. All such claims shall be within the line item amounts of the county budget.

(C) The County Judge/Executive shall be responsible for preparing and signing of all warrants directing the County Treasurer to make a payment authorized by Fiscal Court and maintaining a record of such warrants.

(D) At the close of each fiscal year, the County Judge/Executive will be responsible for the preparation of records necessitated by the annual county audit and audit of his/her office. The state auditor of public accounts or a certified public accountant may conduct the annual audits.  
(Ord. 37-2000-374, passed 9-18-00)

#### **' 35.19 CLAIMS AGAINST THE COUNTY.**

(A) The County Judge/Executive shall account for all claims against the county.

(B) Anyone with a claim for payment from county funds shall file it in writing.

**Grant County - Administration**

(C) Each claim shall be recorded by date of receipt and presented to the Fiscal Court at its next meeting.

(D) Each claim shall designate the budget fund and classification from which the claim will be paid, and each warrant shall specify the budget fund and classification.

(E) The payroll for county officials, employees, utility bills and recurring expenses (also known as regular bills), such as interest and principal on bonded debt, are not required to be reviewed by the Fiscal Court prior to payment. However, all such paid expenses shall be presented to the Fiscal Court for review at the next regular meeting. This procedure is intended to expedite financial management of the county, but may be changed by the Fiscal Court. The Court, for good cause, may order that a claim not be paid. (Ord. 37-2000-374, passed 9-18-00)

**CHAPTER 36: DISCRIMINATION BASED ON HANDICAPPED STATUS;  
EQUAL OPPORTUNITY; AFFIRMATIVE ACTION PROGRAM**

Section

*General Provisions*

36.01 Equal Opportunity; Affirmative Action Program

*Discrimination Based on Handicapped Status*

36.15 Adoption of procedures

36.16 Administration

36.17 Amendment of procedures

36.18 Grievance procedures for discrimination based on handicapped status

**GENERAL PROVISIONS**

**36.01 EQUAL OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM.**

(A) *General policy.* It has been, and will continue to be, the policy of Grant County, Kentucky (hereinafter referred to as the county), to recognize and abide by the provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and Executive Order 11246 and amendments thereof.

(B) *Equal Opportunity Officer.*

(1) A member of the administrative staff of the county shall be appointed by the Judge/ Executive to serve the functions of the Equal Opportunity Officer.

(2) The responsibilities of the Officer shall include, but not be limited to, the following:

(a) Consult with and advise on matters pertaining to the administration of an equal employment opportunity program for the county staff.

(b) As assigned, establish and maintain contact as the county's liaison with the community generally and minority groups in particular.

(c) As assigned, work with schools, minority group agencies and organizations to encourage and assist with implementing equal opportunity in employment, training, housing, and business development as pertains to the programs carried out by the county.

(d) Obtain information about human rights programs of federal, state, and local agencies as well as special interest groups promoting equal opportunity for all citizens.

(e) Prepare reports, as needed, on equal opportunity practices and programs and upon progress of the county's Affirmative Action Program.

(f) Maintain liaison and continuing working relationship with state officials on Equal Opportunity.

(g) Review and monitor all contractual agreements with the county to assure achievement of equal employment opportunity, open occupancy, and public accommodation objectives.

(h) Assist the county and contractors in preparing effective program criteria; compile public information for the county to disseminate; implement equal opportunity policies and statements; and prepare related correspondence including recommendations on equal opportunity practices.

(i) Investigate formal complaints of alleged discrimination by parties to agreements and recommend procedures to ensure compliance to all county activities for the promotion of equal opportunity objectives.

(C) *County staff.* The county has taken, and will continue to take, steps to assure nondiscrimination in its employment practices, including hiring, compensation, working conditions, promotions, demotion, or termination of its employees. Overt efforts will continue to be made to provide opportunities for equal employment and equal compensation within the county staff to provide a balance of male/female and black/white employees which will reflect the percentage of the total county and with project areas, and programs as such may be undertaken from time-to-time.

(D) *Third-party relationships.* The county policy shall be to abide by the instructions contained in the Federal Code of Regulations and with the spirit and intent of the Civil Rights Act of 1964, the Civil Rights Act of 1968, and Executive Order 11246, and amendments thereto, in its relations with third parties.

(1) *Contractors.*

(a) In addition to certain responsibilities toward third-party contractors, the officer listed in division (B) of this Program will observe the performance of third-party contractors in carrying out their Affirmative Action Program. The officer will request that goals and timetables be established and will evaluate the progress of each.

(b) Minority group contractors and subcontractors will be encouraged to bid on county jobs and, where a need is indicated, counseling and assistance will be provided by county staff in preparing bids and contracts and obtaining performance bonds.

(2) *Developers and owner participants.*

(a) The officer will instruct project redevelopers concerning their obligations under the covenants of Title VI and Title VIII in an effort to achieve nondiscrimination in the operation of completed development.

(b) All agreements entered into by the county for the rehabilitation, sale, lease, sub-lease, transfer, use, occupancy, tenure or enjoyment of project property shall contain covenants prohibiting discrimination and segregation, in accordance with the Civil Rights Acts of 1964 and 1968 and HUD/State regulations.

(Ord. 37-2000-374, passed 9-18-00)

***DISCRIMINATION BASED ON HANDICAPPED STATUS***

▸ **36.15 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 the county based on handicapped status with respect to federally funded programs.

▸ **36.16 ADMINISTRATION.**

The administration of these procedures and related federal and state regulations shall be the responsibility of the County Judge/Executive.

▸ **36.17 AMENDMENT OF PROCEDURES.**

These procedures may be amended by ordinance to comply with court directives or additional federal and state regulations.

▸ **36.18 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. A person who has not personally been subjected to discrimination may also file a complaint.

(B) Any person (citizen, applicant, or employee) who believes he has been adversely affected by an act or decision by the county, 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:

(1) *Step one.* An aggrieved person shall 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 County Fiscal Court.

(3) *Step three.* Within 15 days of the informal meeting, if no decision has been made by the County Judge/Executive or the decision of the 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 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 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 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.

## CHAPTER 37: PUBLIC RECORDS

Section

### *General Provisions*

37.01 Definitions

### *Procedures for Requesting Public Records*

37.15 Initial request with immediate inspection

37.16 Referral to proper custodian

37.17 Public records not immediately available

37.18 Refusal of unreasonable requests

37.19 Time limitation; denial of inspection

37.20 Concealing or destroying records prohibited

37.21 Access to records relating to particular individual

37.22 Format of copies

37.23 Fees for copies

37.24 Misstatement of purpose prohibited

37.25 Online access to public records in electronic form

37.26 Public records protected from disclosure

37.27 Notification of the Attorney General

### **GENERAL PROVISIONS**

#### **37.01 DEFINITIONS.**

For purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

**COMMERCIAL PURPOSE.** The direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee. **COMMERCIAL PURPOSE** shall not include:

- (1) Publication or related use of a public record by a newspaper or periodical;

(2) Use of a public record by a radio or television station in its news or other informational programs; or

(3) Use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to such action, or the attorneys representing the parties.

**CUSTODIAN.** The official custodian or any authorized person having personal custody and control of public records.

**MECHANICAL PROCESSING.** Any operation or other procedure which is transacted on a machine, and which may include, but is not limited to a copier, computer, recorder or tape processor, or other automated device.

**MEDIA.** The physical material in or on which records may be stored or represented, and which may include, but is not limited to paper, microform, disks, diskettes, optical disks, magnetic tapes, and cards.

**OFFICIAL CUSTODIAN.** The chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care, and keeping of public records, regardless of whether such records are in his actual personal custody and control.

**PERSON.** A human being who makes a request for inspection of public records.

**PRESCRIBED FEE or FEE.** The fair payment required by the county for making copies of public records and for mailing public records, which shall not exceed the actual cost thereof and shall not include the cost of required staff time.

**PUBLIC AGENCY.** The county, including its legislative body and every officer, department and division of the county; every entity created by authority of the county; any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council or agency created and controlled by the county; and any interagency body in which the county participates.

**PUBLIC RECORDS.** All books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by the public agency. **PUBLIC RECORDS** shall not include any records owned or maintained by or for the public agency that are not related to functions, activities, programs, or operations funded by the public agency nor any records that may be excluded by ' 37.26.

**REQUEST.** An oral or written application by any person to inspect public records of the agency.

**SOFTWARE.** The program code which makes a computer system function, but does not include that portion of the program code which contains public records exempted from inspection as provided by KRS 61.878 or specific addresses of files, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to public records in the public

agency's computer system. *SOFTWARE* consists of the operating system, application programs, procedures, routines, and subroutines such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency. (KRS 61.870)

### ***PROCEDURES FOR REQUESTING PUBLIC RECORDS***

#### **▪ 37.15 INITIAL REQUEST WITH IMMEDIATE INSPECTION.**

(A) Any person desiring to inspect or copy the public records of this county shall make a request for inspection at the office of the County Clerk during regular office hours, except during legal holidays. The official custodian, or the custodian acting under the authority of the official custodian, may require a request to inspect public records to be in writing, signed by the applicant and with the applicant's name printed legibly on the application. A written request to inspect public records may be presented by hand delivery, mail or via facsimile, if one is available.

(B) If the custodian determines that a person's request is in compliance with this chapter and the open records law, and the requested public records are immediately available, the custodian shall deliver the records for inspection. A person may inspect public records at the designated office of the county during the regular office hours, or in appropriate cases, by receiving copies of the records through the mail.

(C) If the public records are to be inspected at the offices of the county, suitable facilities shall be made available in the office of the County Clerk or in another office of the county as determined by the official custodian or custodian for the inspection. No person shall remove original copies of public records from the offices of the county without the written permission of the official custodian of the record. When public records are inspected at the county offices, the person inspecting the records shall have the right to make abstracts and memoranda of the public records and to obtain copies of all written public records. When copies are requested, the custodian may require advance payment of the prescribed fee.

(D) Upon proper request, the county shall mail copies of the public records to a person whose residence or principal place of business is located outside of the county after the person precisely describes the public records which are readily available and after the person pays in advance the prescribed fee.

#### **▪ 37.16 REFERRAL TO PROPER CUSTODIAN.**

If the County Clerk does not have custody or control of the public record or records requested, the County Clerk shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records. (KRS 61.872(4))

**▪ 37.17 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.**

If the public record is in active use, in storage, or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time, and date for inspection or mailing of the public records, not to exceed three days (excepting Saturdays, Sundays, and legal holidays) 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 public record must be available for inspection or duplication.

(KRS 61.872(5))

**▪ 37.18 REFUSAL OF UNREASONABLE REQUESTS.**

If the application places an unreasonable burden in producing public records, or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section must be sustained by clear and convincing evidence.

(KRS 61.872(6))

**▪ 37.19 TIME LIMITATION; DENIAL OF INSPECTION.**

The official custodian, upon any request for records made under this chapter, shall determine within three days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any request whether to comply with the request and shall notify in writing the person making the request within the three-day period of its decision. Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his authority and shall constitute final agency action.

(KRS 61.880)

**▪ 37.20 CONCEALING OR DESTROYING RECORDS PROHIBITED.**

No official of the county shall willfully conceal or destroy any record with the intent to violate the provisions of this chapter or these rules and regulations.

**▪ 37.21 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.**

Any person shall have access to any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the provisions of ' 37.26 of these rules and regulations.

(KRS 61.884)

**§ 37.22 FORMAT OF COPIES.**

(A) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of § 37.26. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate. If the applicant desires copies of public records other than written records, the custodian of the records shall duplicate the records or permit the applicant to duplicate the records; however, the custodian shall ensure that such duplication will not damage or alter the original records.

(B) (1) Nonexempt public records used for noncommercial purposes shall be available for copying in either standard electronic or standard hard copy format, as designated by the party requesting the records, where the agency currently maintains the records in electronic format. Nonexempt public records used for noncommercial purposes shall be copied in standard hard copy format where agencies currently maintain records in hard copy format. Agencies are not required to convert hard copy format records to electronic formats.

(2) The minimum standard format in paper form shall be defined as not less than 8 1/2 inches x 11 inches in at least one color on white paper, or for electronic format, in a flat file electronic American Standard Code for Information Interchange (ASCII) format. If the public agency maintains electronic public records in a format other than ASCII, and the format conforms to the requestor's requirements, the public record may be provided in this alternate electronic format for standard fees as specified by the public agency. Any request for a public record in a form other than the forms described in this section shall be considered a nonstandardized request.

(KRS 61.874(1)-(2))

**§ 37.23 FEES FOR COPIES.**

(A) The public agency may prescribe a reasonable fee for making copies of nonexempt public records requested for use for noncommercial purposes which shall not exceed the actual cost of reproduction, including the costs of the media and any mechanical processing cost incurred by the public agency, but not including the cost of staff required. If a public agency is asked to produce a record in a nonstandardized format, or to tailor the format to meet the request of an individual or a group, the public agency may at its discretion provide the requested format and recover staff costs as well as any actual costs incurred.

(B) (1) Unless an enactment of the General Assembly prohibits the disclosure of public records to persons who intend to use them for commercial purposes, if copies of nonexempt public records are requested for commercial purposes, the public agency may establish a reasonable fee.

(2) The public agency from which copies of nonexempt public records are requested for a commercial purpose may require a certified statement from the requestor stating the commercial purpose for which they shall be used, and may require the requestor to enter into a contract with the agency. The contract shall permit use of the public records for the stated commercial purpose for a specified fee.

(3) The fee provided for in subdivision (B)(1) of this section may be based on one or both of the following:

(a) Cost to the public agency of media, mechanical processing, and staff required to produce a copy of the public record or records;

(b) Cost to the public agency of the creation, purchase, or other acquisition of the public records.

(KRS 61.874(3),(4))

***Cross-reference:***

*Fees for online access to public records, see ' 37.25*

**' 37.24 MISSTATEMENT OF PURPOSE PROHIBITED.**

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 public agency pursuant to ' 37.23;

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

(C) Noncommercial 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.

(KRS 61.874(5)) Penalty, see ' 10.99

**' 37.25 ONLINE ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORM.**

(A) Online access to public records in electronic form may be provided and made available at the discretion of the public agency. If a party wishes to access public records by electronic means and the public agency agrees to provide online access, a public agency may require that the party enter into a contract, license, or other agreement with the agency, and may charge fees for these agreements.

(B) Fees shall not exceed:

(1) The cost of physical connection to the system and reasonable cost of computer time access charges; and

(2) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in ' 37.23.

(KRS 61.874(6))

**37.26 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.**

(A) The following public records are excluded from the application of this chapter and these rules and regulations and shall be subject to inspection only upon order of a court of competent jurisdiction, except as provided in KRS 61.878(1) that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery:

(1) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(2) Records confidentially disclosed to an agency and compiled and maintained for scientific research. This exemption shall not, however, apply to records the disclosure or publication of which is directed by other statute.

(3) (a) Records confidentially disclosed to the agency, or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

(b) Records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which are compiled and maintained:

1. In conjunction with an application for or the administration of a loan or a grant;
2. In conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Ch. 154;
3. In conjunction with the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person; or
4. For the grant or review of a license to do business.

(c) The exemptions provided for in divisions (A)(3)(a) and (b) above, shall not apply to records the disclosure or publication of which is directed by statute.

(4) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within, or expanding within the Commonwealth. This exemption shall not include those records pertaining to applications to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in division (A)(2) above.

(5) Public records which are developed by an agency in conjunction with the regulation or supervision of financial institutions, including but not limited to, banks, savings and loan associations, and credit unions, which disclose the agency's internal examining or audit criteria and related analytical methods.

(6) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made by or for a public agency relative to the acquisition of property, until such time as all of the property has been acquired. The law of eminent domain shall not be affected by this provision.

(7) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the exam is given or if it is to be given again.

(8) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations, if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of this chapter, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action. The exemptions provided by this division shall not be used by the custodian of the records to delay or impede the exercise of rights granted by this chapter.

(9) Public or private records, including books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency. This exemption shall apply to the extent that nondisclosure is requested in writing by the donor or depositor of such records, but shall not apply to records the disclosure or publication of which is mandated by another statute or by federal law.

(10) (a) Public records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:

1. Criticality lists resulting from consequence assessments;
2. Vulnerability assessments;
3. Antiterrorism protective measures and plans;
4. Counterterrorism measures and plans;
5. Security and response needs assessments;

6. Infrastructure records that expose a vulnerability referred to in this division through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;

7. The following records when their disclosure will expose a vulnerability referred to in this division: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency; and

8. Records when their disclosure will expose a vulnerability referred to in this division and that describe the exact physical location of hazardous chemical, radiological, or biological materials.

(b) As used in this division, ***TERRORIST ACT*** means a criminal act intended to:

1. Intimidate or coerce a public agency or all or part of the civilian population;
2. Disrupt a system identified in division (10)(a)6.; or
3. Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a public agency.

(c) On the same day that a public agency denies a request to inspect a public record for a reason identified in this division, that public agency shall forward a copy of the written denial of the request, referred to in KRS 61.880(1), to the executive director of the Office for Security Coordination and the Attorney General;

(d) Nothing in this division shall affect the obligations of a public agency with respect to disclosure and availability of public records under state environmental, health, and safety programs;

(e) The exemption established in this division shall not apply when a member of the Kentucky General Assembly seeks to inspect a public record identified in this division under the Open Records Law.

(11) Preliminary drafts, notes, or correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency.

(12) Preliminary recommendations and preliminary memoranda in which opinions are expressed or policies formulated or recommended.

(13) All public records or information the disclosure of which is prohibited by federal law or regulation.

(14) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.

(B) No exemption under this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person. In addition, if any public record contains material which is not excepted under this section, the county shall separate the excepted and make the non-excepted material available for examination, subject to the possible applicability of ' 37.18.

(C) The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

(D) No exemption under this section shall be construed to deny, abridge, or impede the right of a municipal employee, an applicant for employment, or an eligible on a register to inspect and copy any record, including preliminary and other supporting documentation, that relates to him. Such records shall include, but not be limited to work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, layoffs, disciplinary actions, examination scores, and preliminary and other supporting documentation. A county employee, applicant, or eligible shall not have the right to inspect or copy any examination or any documents relating to ongoing criminal or administrative investigations by any agency.

(KRS 61.878)

#### **' 37.27 NOTIFICATION OF THE ATTORNEY GENERAL.**

The official custodian shall notify the Attorney General of any actions filed against the county in Circuit Court regarding the enforcement of the open records law, KRS 61.870 to 61.884.

## CHAPTER 38: COUNTY POLICIES

### Section

#### *General Provisions*

- 38.01 Carrying concealed weapons on government property
- 38.02 Snow emergencies

#### *Purchases and Contracts*

- 38.15 Authorization of county contracts
- 38.16 Selection of vendors and contractors (procedures for sealed bidding)
- 38.17 Procedures for determination of qualifications of bidders
- 38.18 Procedures prerequisite to use of negotiated process
- 38.19 Procedures for negotiated process
- 38.20 Small purchase procedures
- 38.21 Storage and inventory control (procedures for receiving, storing and disbursing repetitive use items)
- 38.22 Procedures for disposition of surplus property

### **GENERAL PROVISIONS**

#### **38.01 CARRYING CONCEALED WEAPONS ON GOVERNMENT PROPERTY.**

(A) Under the authorization of KRS Chapter 237, the county does hereby prohibit the carrying of concealed weapons into all buildings and owned, leased or controlled by the government of Grant County. The provisions of this section, as enacted under KRS Chapter 237, shall not be deemed to be a violation of KRS 65.870.

(B) (1) All buildings or portions of buildings where the carrying of concealed deadly weapons is prohibited shall be clearly identified by signs posted at the entrance to the restricted area.

(2) Such signs shall be a minimum of 18 inches square and shall read as follows:

ATHE POSSESSION OF CONCEALED DEADLY WEAPONS, EVEN  
WITH PROPER PERMIT, ARE HEREBY PROHIBITED IN THIS BUILDING@

(C) Any person or persons violating this section may be denied entrance to the building or ordered to leave the building.

(D) Any employee of the county government or of any elected official of the county, excluding peace officers, who violates this section shall be subject to employee disciplinary measures.

(E) The provisions of this section shall not apply to buildings owned by a unit of county government but used as public housing by private persons.

(F) The adoption of this section shall be deemed to serve as public notice that the carrying of concealed deadly weapons shall be prohibited in all county buildings which shall also be posted accordingly.

(Ord. 22-96-209, passed 11-7-96)

### ▪ 38.02 SNOW EMERGENCIES.

(A) Upon the occurrence of snow, sleet or freezing rain and after consultation with the Grant County Road Supervisor, the County Judge/Executive may declare a snow emergency and the level thereof. Upon such declaration, all major news media outlets, other governmental jurisdictions and school district authorities in the county may be notified by the most expedient method practicable under the circumstances.

(B) Snow emergencies may be declared at one of the following levels:

(1) *Level One.*

(a) *Conditions.* Roadways are hazardous with blowing and/or drifting snow, roadways may be icy.

(b) *Advisory.*: Cautious driving is advised.

(2) *Level Two.*

(a) *Conditions.* Roadways are hazardous with blowing and drifting snow and roadways may be icy.

(b) *Advisory.* Only motorists whose travel is necessary should be on the roadways. Residents are urged to contact their employer to see if they should report to work.

(3) *Level Three.*

(a) *Conditions.* All roadways are restricted to emergency personnel use only for travel to work, for delivery of medical supplies, medical treatment and snow removal operations.

(b) *Advisory.* Essential travel only is advised. Violators are subject to prosecution. Residents are strongly urged to contact their employer concerning work schedules.

(C) During snow emergencies, no vehicle may be parked and no person, corporation, partnership, joint venture, unincorporated association or any combination thereof may park or permit any vehicle to be parked upon any public road right-of-way.

(D) During snow emergencies, the Grant County Road Department Supervisor may, as ordered by the County Judge/Executive, assist in clearing state-owned roadways if otherwise permitted by law.

(E) Any person violating any provision of this section, or any lawful order, rule or regulation promulgated pursuant to it, may be issued a citation by the Grant County Sheriff or any peace officer; upon conviction, a fine of not less than \$20 nor more than \$100 shall be assessed for each occurrence. (Ord. 01-2000-338, passed 2-7-00)

### ***PURCHASES AND CONTRACTS***

#### **▪ 38.15 AUTHORIZATION OF COUNTY CONTRACTS.**

Every contract of the county, change or amendment thereto, shall be authorized or approved by the Fiscal Court before it is executed by the County Judge/Executive, and every contract, except small purchases, shall be approved by the County Attorney as to form and legality. (Ord. 37-2000-374, passed 9-18-00)

#### **▪ 38.16 SELECTION OF VENDORS AND CONTRACTORS (PROCEDURES FOR SEALED BIDDING).**

(A) The County Judge/Executive shall place an advertisement in the newspaper of largest circulation in the county at least once, but not less than seven nor more than 21 days before bid opening. The advertisement shall include the time and place the bid will be opened, and the time and place where the specifications may be obtained. If the durability of the product, the quality of service or other factors is to be considered in bid selection, such factors shall be stated in the advertisement.

(B) The County Judge/Executive shall open all bids publicly at the time and place stated in the advertisement and shall select the lowest and/or best bid by a qualified bidder.

(C) The County Judge/Executive shall submit the bid selected to Fiscal Court for approval.

(D) The County Judge/Executive shall sign the contract on behalf of the county upon approval by the Fiscal Court. (Ord. 37-2000-374, passed 9-18-00)

**▪ 38.17 PROCEDURES FOR DETERMINATIONS OF QUALIFICATION OF BIDDERS.**

(A) Each bidder shall furnish in writing information pertaining to all contracts completed in the past two years and financial institutions used.

(B) In the event the information is conflicting or incomplete, the County Judge/Executive shall make further inquiry of the bidder.

(C) The contractors who have demonstrated, by past performance, the ability to perform satisfactorily in accordance with contracts on a timely basis and have shown a sound financial structure shall all be qualified as responsible.

(D) The County Judge/Executive shall make a written determination as to the extent or responsibility of each bidder and shall maintain a list of those who qualify as responsible contractors for particular types of supplies, services and construction items.

(E) A new business may be exempt from the qualification requirements where circumstances warrant. (Ord. 37-2000-374, passed 9-18-00)

**▪ 38.18 PROCEDURES PREREQUISITE TO USE OF NEGOTIATED PROCESS.**

(A) The negotiated process may be used instead of advertisement for bids if the amount exceeds \$20,000 in the following circumstances:

- (1) An emergency exists.
- (2) All bids received exceed the amount budgeted.

(B) Before an emergency is declared, the County Judge/Executive shall determine whether or not a delay in obtaining bids will result in danger to health, safety or property.

(C) The County Judge/Executive shall certify the existence of any emergency and file a copy of such certificate with the chief financial officer of the county.

(D) In the event all bids submitted are in excess of funds available, the Grant County Judge/ Executive shall prepare a written determination that there are no additional funds available so as to permit an award to the responsible bidder with the lowest and/or best bid and delay in advertising for additional bids is not in the best interest of the county.

(Ord. 37-2000-374, passed 9-18-00)

**▪ 38.19 PROCEDURES FOR NEGOTIATED PROCESS.**

(A) When the prerequisites have been met for use of the negotiated process, the County Judge/Executive shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the county.

(B) Professional services shall be negotiated with such persons as are properly licensed to perform such services.

(C) Where more than one bid is received, and all are in excess of the amount available, the lowest three bidders shall be notified that the county desires to negotiate a contract for a lesser amount based on revised quantities or specifications and fix a time limit for submission of proposals.

(D) The County Judge/Executive shall examine the proposals received and shall negotiate with the suppliers for the terms most advantageous to the county.

(E) The best-negotiated proposal shall be submitted to the Fiscal Court for approval and award.

(F) The County Judge/Executive shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, cost and date of contract.

(Ord. 37-2000-374, passed 9-18-00)

**▪ 38.20 SMALL PURCHASE PROCEDURES.**

(A) With prior approval of the County Judge/Executive or designee, authorized persons may purchase for their respective departments any supplies, services, etc., at a cost of \$500 or less. However, a purchase order and vendor's billing for the purchase shall be submitted to the County Judge/Executive.

(B) Supplies, services or construction normally supplied as a unit shall not be artificially divided for the sole purpose of using small purchase procedures.

(C) Before purchasing any supplies, services, etc., at a cost exceeding \$500, but less than the amount specified by state law (KRS 424.260) for bid purposes (\$20,000 as of July, 2000), authorized persons shall submit to the County Judge/Executive a purchase order containing specifications, quantities desired, and price quotes (three when possible) for the desired supplies or services. The County Judge/Executive shall determine the need for the item(s) requested, the approximate cost, and whether or not the expenditure is provided in the budget. The County Judge/Executive shall then select the price most advantageous to the county and purchase accordingly. If two or more local suppliers offer the same product at substantially the same price, the County Judge/Executive may purchase or authorize a purchase from suppliers on a rotating basis.

(D) A copy of the billing from the vendor along with a copy of the signed purchase order shall be submitted to the County Treasurer.

(E) All purchases shall be debited from the budget appropriation for the department making or requesting such purchase.

(F) No purchase shall be made for an amount that exceeds the sum budgeted and appropriated by the Fiscal Court for such purposes.  
(Ord. 37-2000-374, passed 9-18-00)

**▸ 38.21 STORAGE AND INVENTORY CONTROL (PROCEDURES FOR RECEIVING, STORING AND DISBURSING REPETITIVE USE ITEMS).**

The inventory file shall contain an item inventory number, item description, date purchased, purchase amount and office assigned for use.  
(Ord. 37-2000-374, passed 9-18-00)

**▸ 38.22 PROCEDURES FOR DISPOSITION OF SURPLUS PROPERTY.**

State the method of disposition, whether it is to be transferred to another governmental agency or to a private concern; compensation, if any, to be received; and which it is to be sold at public auction, by sealed bids or through negotiations.  
(Ord. 37-2000-374, passed 9-18-00)

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