

10 Minute Supervisor Trainings



November 2021

Code of Ethics

Does your district have a copy of your code of ethics for reference during each board meeting?

Does your board understand that some official decisions require complying with the code of ethics?

Has your district ever referenced the code of ethics for guidance?

If you answered NO to any of these questions, then you could be setting your district up for public negativity or even legal consequences.

KRS 65A.070:

(1) (a) The board, officers, and employees of each special purpose governmental entity shall be subject to the code of ethics of the establishing entity in which the special purpose governmental entity's principal business office is located.

This means each district is subject to a local code of ethics

(b) If the principal business office is located in more than one (1) establishing entity, the board of the special purpose governmental entity shall select one (1) of the applicable codes of ethics that will apply.

This applies to multi-county watershed conservancy districts but not conservation districts

(c) If there is no establishing entity, the board, officers, and employees of the special purpose governmental entity shall be subject to the code of ethics of the county in which the special purpose governmental entity's principal business office is located.

This means the district is subject to the local fiscal court's code of ethics

(2) The governing body of a special purpose governmental entity may adopt ethics provisions that are more stringent than those of the establishing entity in which its principal business office is located. If more stringent provisions are adopted, the governing body of the special purpose governmental entity shall, within twenty-one (21) days of the adoption of the provisions, deliver a copy of the provisions to the DLG and the establishing entity. Any subsequent amendments shall also be delivered to the DLG and the establishing entity within twenty-one (21) days of adoption. The DLG shall include any documents provided under this section as part of the public records and lists maintained under KRS 65.003(5)(a).

This means your board can create their own code of ethics, but it must be more stringent than the local fiscal court's code of ethics. If your board chooses to do this, it must follow the Department of Local Government's requirements.

Your code of ethics should include:

- Standards of Conduct
 - No member or immediate family shall have an interest in a business that does business with the agency
 - Shall not use position to gain privileges or advantages
 - Shall abstain from voting on matters of personal interest
 - May not take any employment which might prejudice your independence of judgment
 - May not accept gifts, favors, loans etc. for the purpose of influencing the discharge of official duties
 - Shall not use information whether public or private for personal gain
- Financial Disclosure (when, where and who must file)
- Nepotism Hiring of Relatives (defining the relationships of family members)
- County Ethics Commission (who is in control of addressing any issues or complaints)
- Powers of Ethics Commission (how they will handle any issues or complaints)
- Complaints, notice, hearing procedures, appeals, etc. (information on all procedures)

Your district's adopted Code of Ethics is your legal guidance for conducting business legally, ethically and transparent to maintain public trust. The document provides uniform guidance for supervisors and staff on awarding contracts, handling conflict of interest, hiring employees etc. When using the code of ethics in making specific decisions, make sure to note in your board minutes the particular ethical code you are referencing for making that decision.

For example: The district has advertised for sealed bids for a piece of equipment. Joe Board, conservation district board member, has an interest in a farm machinery company that submitted a sealed bid. Bids were opened in open meeting and discussed, and a contract was awarded. Joe Board would need to abstain from any discussion or voting on the choice of bids. Once the bid is approved, it need be noted in minutes along with a statement that Joe Board abstained from any discussion or vote on the bids. Accurately detailing this action in minutes is the board's documentation for following the code of ethics and reducing the public's perception of preferential treatment.

Conservation districts should ensure that a copy of their adopted code of ethics is available during ALL board meetings so it can be referenced as needed. Conservation district board supervisors have a responsibility to each other, their staff and taxpayers to ensure that all things handled by the board are transparent, ethical, and legal. If all board members and staff understand, rely on, and follow your county code of ethics. then this is a great tool for carrying out your responsibilities and conducting official district business.