

6.616 Definitions of "intentionally" and "knowingly".

The following definitions apply in this code:

- (1) "Intentionally" -- A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause that result or to engage in that conduct.
- (2) "Knowingly" -- A person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of that nature or that the circumstance exists.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 5, effective September 16, 1993.

ORDINANCE NO. _____, SERIES 2014

AN ORDINANCE AMENDING CHAPTER 21 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (LMCO) RELATING TO THE DEFINITION OF INTEREST, FINANCIAL INTEREST, PERSONAL INTEREST, SUBSTANTIAL INTEREST AND REMOTE INTEREST.

Sponsored By:

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: LMCO §21.01 is hereby amended to read as follows:

§21.01 DEFINITIONS.

CONFLICT OF INTEREST. A situation in which a person has a financial or personal interest sufficient to appear to influence the objective exercise of his or her official duties to serve the general interests of all constituents. The presence of a conflict of interest is independent of the occurrence of any impropriety.

INTEREST. The ownership or control of more than 5% of the profits, assets, or stock of a business, or holding a position as a principal of any nonprofit entity including, but not limited to, a labor organization. The right, title, legal or equitable share in an asset or transaction, or member or participant of any organization.

FINANCIAL GAIN. An ascertainable increase or decrease in the monetary or revenue income of a Metro Officer or Family Member of the Metro Officer.

FINANCIAL INTEREST. An interest which will result in an ascertainable increase or decrease in the income or net worth of a Metro Officer or Family Member of the Metro Officer.

MATERIAL GAIN. A substantive increase or decrease in a quantifiable endowment or proprietary interest of a Metro Officer, or that of a Family Member of a Metro Officer.

PERSONAL INTEREST. Any financial, ownership, or employment interest in a matter to be regulated or supervised, or any such financial, ownership, or employment interest of the Metro Officer or Family Member of the Metro Officer.

REMOTE INTEREST. A divergent interest not arising from a primary or proximate action by a Metro Officer, or that of a Family Member of a Metro Officer, in which no Financial Interest, Personal Interest, or Substantial Interest results to a Metro Officer, or that of a Family Member of a Metro Officer.

SUBSTANTIAL INTEREST. Any ascertainable pecuniary or proprietary interest, either direct or indirect, other than a Remote Interest.

SECTION II: LMCO §21.02 is hereby amended to read as follows:

§21.02 STANDARDS OF CONDUCT

In furtherance of the public trust assumed by Metro Officers upon their election or appointment to public office or employment, the following standards of conduct shall be applicable:

(A) No Metro Officer or member of his or her family shall have an Financial Interest, Personal Interest, or Substantial Interest interest in a business organization or engage in any business, transaction, or professional activity, which creates a conflict of interest is in ~~conflict with~~ the proper discharge of such officer's duties in the public interest.

(B) No Metro Officer shall use or attempt to use his or her official position to secure unwarranted privileges, or advantages, Financial Interests, Personal Interests, or Substantial Interests for himself or herself, members of his or her family or other persons.

(C) No Metro Officer shall act in his or her official capacity in any matter where such officer, a member of his or her family, or a business organization in which such officer has an interest Financial Interest, Personal Interest, or Substantial Interest, or has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgement.

(D) No Metro Officer shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice such officer's independence of judgement in the exercise of his or her official duties.

(E) No Metro Officer, members of his or her family, or business organization, nonprofit entity, or labor organization in which such officer has an interest Financial Interest, Personal Interest, or Substantial Interest, shall solicit or accept any gift, favor, loan, political contribution, service, economic opportunity, promise of future employment, or other thing of value based upon an understanding, or under circumstances from which it could reasonably be inferred, that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered:

(1) For the purpose of influencing such officer, directly or indirectly, in the discharge of his/her official duties; or

(2) For the purpose of gaining access to the Metro Officer.

(3) Nothing herein shall be construed to apply to the solicitation or acceptance of contributions to the campaign of announced candidate for elective public office as governed by applicable provisions of the Kentucky Revised Statutes.

(F) No Metro Officer, however, shall be prohibited from giving or receiving:

(1) An award publicly presented in recognition of public service;

(2) Commercially reasonable loans made in the ordinary course of the lender's business; or

(3) Reasonable hosting, including entertainment, meals or refreshments furnished in connection with public events, appearances, or ceremonies.

(G) No Metro Officer authorized and qualified to solemnize a marriage shall be prohibited from accepting a gratuity for performing such ceremony.

(H) No Metro Officer shall use, or allow to be used, his/her public office, or any information, not generally available to the members of the public, which such officer receives or acquires in the course and by reason of his or her office, for the purpose of securing financial gain for himself or herself, any member of his or her family, or any business organization with which such officer is associated.

(I) No Metro Officer or business organization in which such officer has an interest Financial Interest, Personal Interest, or Substantial 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 county agency.

(J) No Metro Officer shall be deemed in conflict with these provisions if, by reason of such officer's participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no material gain or ~~monetary~~ financial gain accrues to such officer 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.

(K) No Metro officer shall be deemed in conflict with the provisions of this Ethics Code, if by reason of such officer's participation in the enactment of any ordinance, resolution, or other matter required to be voted upon, material or monetary gain is conferred upon a non-profit or charitable organization with which the Metro Officer or a member of his or her family is in any way associated if the Metro Officer has disclosed said association to the Ethics Commission through his or her annual report or a supplementary report or if the Metro officer discloses said association with the clerk or secretary of the voting body prior to casting such vote.

(L) No Metro Officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a citizen or 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 or her family, whether directly or indirectly, in return therefor.

(M) Nothing in these standards of conduct shall prohibit any Metro Officer, or members of his or her family, from representing himself or herself, or themselves, in negotiations or proceedings concerning his or her, or their, own interests.

SECTION III: This Ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

Jim King
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____