

61.252 Prohibition against city officers and employees contracting with city or city agency for property or services -- Exceptions -- Penalty.

- (1) No officer or employee of any city or city agency shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the officer's or employee's city or city agency, with the following exceptions:
 - (a) The prohibition in this section shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to the office, or before an employee was hired by the city or city agency; provided that if the contract is renewable, the prohibition shall apply to any renewal of the contract that occurs after the officer is elected or appointed, or after the employee is hired, unless the provisions of paragraph (c) of this subsection are satisfied;
 - (b) The prohibition in this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, or awarding, or managing the contract, in which case the provisions of paragraph (c) of this subsection shall be satisfied;
 - (c) The prohibition in this section shall not apply if the following requirements are met:
 1. The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency;
 2. The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed;
 3. A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city or city agency because of price, supply, or other specific reasons; and
 4. The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.
- (2) Violation of this section is a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section. Additionally, violation of this section shall be grounds for removal from office or employment, in accordance with applicable provisions of law.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 379, sec. 2, effective July 15, 1994.