



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Law & Public Safety Committee

Chairperson Christopher Smitherman
Vice Chair David Mann
Council Member Betsy Sundermann
Council Member Jan Michele Kearney
Council Member Greg Landsman
Council Member Steven Goodin
Council Member Liz Keating

Tuesday, August 31, 2021

9:00 AM

Council Chambers, Room 300

PRESENTATIONS

AGENDA

- [202102142](#) **REPORT**, dated 8/4/2021, submitted by Paula Boggs Muething, City Manager, regarding Gas Station Leak in West Price Hill

Sponsors: City Manager

Attachments: [Report Response to Motion - Fast Stop 7-13-21](#)
- [202102500](#) **MOTION**, submitted by Councilmember Landsman, In addition to expended efforts to get illegal guns off our streets and other safety measures the City is pursuing, **WE HEREBY MOVE** that the Administration, working with its many capable and diverse partners, establish a renewed effort to support emerging community-driven safety plans. (STATEMENT ATTACHED) (BALANCE ON FILE IN THE CLERK'S OFFICE).

Sponsors: Landsman

Attachments: [Investing in Community-Driven Safety Plans.docx \(6\)](#)
- [202102532](#) **ORDINANCE (EMERGENCY)**, dated 7/29/2021, submitted by Councilmember Landsman, from Andrew Garth, City Solicitor, **AMENDING** Article III, "Department of Law," Section 10, "Code Compliance and Administrative Hearings" of the Administrative Code of the City of Cincinnati for the purpose of establishing a new position of ethics and good government counselor within the Department of Law to support ethics and election and campaign finance efforts, which is contingent upon funding being appropriated to hire the ethics and good government counselor and other staff necessary for the duties of that office.

Sponsors: Landsman

Attachments: [Transmittal 202102532](#)
[Ordinance 202102532](#)

4. [202102535](#) **ORDINANCE (EMERGENCY)**, dated 7/29/2021, submitted by Councilmember Landsman, from Andrew Garth, City Solicitor, **MODIFYING** Chapter 117, "Campaign Finance - Disclosure," of the Cincinnati Municipal Code by AMENDING Section 117-3, "Reporting Requirements when Campaign has no Activity; Publication of Campaign Reports," to require timely reporting by the currently serving Mayor and Members of Council, and their associated campaign committees and political action committees, of political contributions in excess of \$200 per election cycle; AUTHORIZING the City Manager to take all actions necessary to design and implement a public-facing website through which such reports will be available; and AUTHORIZING the City Manager to develop such requirements, rules, and guidance, in consultation with the Cincinnati Elections Commission, as are necessary to carry out the purposes described herein, contingent upon funding being appropriated for such purposes.

Sponsors: Landsman

Attachments: [Transmittal 202102535](#)
[Ordinance 202102535](#)

ADJOURNMENT

August 4, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager *PM*
Subject: Gas Station Leak in West Price Hill

REFERENCE DOCUMENT #202100850

On February 26, 2021, the Law and Public Safety Committee referred the following for a report:

MOTION, submitted by Councilmember Smitherman, On December 24, 2020, a BP gas station situated at the corner of West Eighth Street and Pedretti Avenue leaked an estimated 360 gallons of gasoline from one of its aging tanks. The gasoline penetrated sewer lines, affecting residents on Carnation Avenue, Cappel Drive and Hermosa Avenue. Dozens were forced to leave their homes or endure serious restrictions on their indoor activities due to the presence of gasoline fumes. We believe other aging gas stations -many in lower-income neighborhoods -may also have aging tanks which could put our citizens at risk Accordingly, WE MOVE that the Administration provide a full report regarding the leak and all efforts to remediate it. This report should provide concise information for the affected residents regarding claims they may make to the Metropolitan Sewer District for compensation related to the leak, as well as an outline of the various state and local agencies with jurisdiction over the matter and all efforts (civil, criminal, and administrative) which are being undertaken to address the negligence which led to this incident. Moreover, ME MOVE that the. Administration work with all applicable state, local and federal agencies to compile a list of other aging gas stations within the City limits which may reasonably present a similar risk to City residents.

The following report provides an overview of the gasoline leak that occurred at Fast Stop Gas Station at West 8th Street and Pedretti Avenue in West Price Hill and efforts to remediate it. This report also provides information previously provided to residents on how to file a claim with the Petroleum Underground Storage Tank Compensation Board (PUSTRCB) for compensation related to the leak. The City has been working closely with the state Bureau of Underground Storage Tank Regulations (BUSTR), which regulates gasoline stored by gas stations in underground storage tanks (USTs). A list of all gas stations in Hamilton County with active environmental actions monitored by BUSTR is also attached.

Background

A gasoline leak occurred from a fuel line at the Fast Stop gas station at 4501 West 8th Street in West Price Hill in December 2020. About 360 gallons of gasoline leaked into the ground presumably above the gas station's private building sewer. Fumes from the leaked gasoline then entered the public sewer system and other underground trenches and entered area homes and

businesses. Odors were reported by residents in the vicinity of West 8th Street and Pedretti Avenue on December 24, 2020, with Cincinnati Fire Department (CFD) and Metropolitan Sewer District (MSD) responding to the calls.

MSD immediately began flushing the sewers with clean water and did so beginning on the first day of the complaints, December 24. On December 25, MSD began looking for the source of the odors, and the Cincinnati Fire began door-to-door visits of properties in the neighborhood.

On December 26, the CFD ordered the gas station to close its gas pumps and empty its gasoline storage tanks. The CFD remained in charge of emergency response, addressing the immediate threat caused by the leaked gasoline. The U.S. Environmental Protection Agency (EPA), Ohio EPA, MSD, and BUSTR worked together with the fire department to help assess conditions and available enforcement options.

BUSTR is responsible for implementing Ohio's UST program to ensure compliance with requirements for registration and permitting, release detection and reporting, and closure and corrective action for tank systems. Suspect releases from regulated UST systems are required to be reported to BUSTR within 24 hours. Following confirmation of a suspect release, immediate corrective action by the UST owner is required with a report to BUSTR within 20 days.

Beginning on January 4th, at the request of the City Manager's Office, MSD & CFD hosted five virtual community update meetings with Q&A of the various agencies to help keep residents updated on status. MSD has a webpage to provide info to the community at: <http://www.msdcg.org/GasLeak/index.html>. This webpage has information about various agency involvement including information to residents about how to submit a claim to the appropriate state agency (PUSTRCB – Petroleum Underground Storage Tank Release Compensation Board). The most recent public Q&A meeting occurred on June 7th.

On February 17, 2021, the CFD and MSD presented an update to City Council that included a timeline of the emergency response, an overview of the actions required by BUSTR to investigate and clean up the site such as repair, replacement and upgrade the piping, mechanicals, and secondary containment on the site. The February 2021 report to Council also included an overview of the Operating Permit which was currently and remains revoked by CFD.

Gas Station Leak and Remediation Efforts

Reports were made to CFD by residents of an odor coming through basement sewer drains into private residences on December 24, 2021. At the same time, gas station employees noticed a drop in pressure in the gas station UST system. On December 28, BUSTR required the gas station owner to hire a qualified environmental consultant, ATC Group Services of Sharonville, to assist with the investigation of the release, the implementation of immediate corrective actions, and longer-term remediation of releases of gasoline into the environment. BUSTR is overseeing the work by ATC.

The source of the release was determined to be the "premium product line" between the UST and the dispenser – both of which are located on private property. The release was estimated to be 360 gallons of premium gasoline which entered the trench line where the product line and sewer line is located. The trench line has a base of gravel, and this served as a conduit for gasoline to seep into the sewer and vapors to travel into building sewers and into homes.

Once the release was identified, CFD ordered all fuel to be removed from the USTs and product lines. Free product identified in the UST cavity was removed via vacuum truck extraction over the

course of several weeks. The Immediate Corrective Action activities included investigations of on-site sanitary sewer lines, two separate excavations to expose the sanitary sewer line and install a recovery system (failed due to subsurface conditions), and four additional extraction events to recover product from the tank pit. Four soil borings/monitoring wells have been installed in the vicinity of the UST cavity and product line piping; separate phase product was not identified in any of the monitoring wells. A shallow extraction well (EW) was installed in the vicinity of the former product line trench (east of the southeast fuel dispenser) during excavation to replace the broken product line. This EW is used to draw any residual product and impacted soil vapor from the backfill material beneath the former piping trench and surrounding the on-site sanitary sewer fill material, as needed.

Based on data gathered to date from the 4 monitoring wells (MW) installed, soil in the vicinity of MW#4 is elevated for 3 constituents and groundwater in the vicinity of MW#2 and MW#4 are elevated for 4 constituents. According to BUSTR, the operator must perform a "Tier 1 Delineation" which is due one year after detection of elevated levels which is by January 27, 2022. The Delineation report will determine if the groundwater is considered Drinking Water source and that will determine the action levels going forward for the release. After Tier 1 Delineation is complete then a Tier 2 evaluation and site-specific action levels may be established according to BUSTR.

In terms of product recovery, a total of 8,300 gallons of petroleum-impacted water and product from the observation well in the UST cavity according to BUSTR. Additionally, 5 cubic yards of petroleum impacted fill material was removed during the product line closure. BUSTR estimates that 331 gallons of product has been recovered and believes the product has been collected but there may be some residual entrenched in the soil and will be investigated as part of the Tier 1 Delineation.

The UST system upgrades have been completed including the removal and replacement of all product lines, fuel dispensers including under dispenser containments, new containment sumps, sump sensors, spill buckets, electric wiring for all UST system components, and Veeder Root monitoring system upgrades.

Filing a claim to the Petroleum Underground Storage Tank Release Compensation Board (PUSTRCB)

The gas station owner has a Certificate of Coverage (similar to insurance) with PUSTRCB. PUSTRCB covers individual leaks up to \$1 million per incident. In January, MSD shared this information with residents and posted it to <http://www.msdcg.org/GasLeak/index.html>.

Residents wishing to submit a claim related to this incident are advised to:

- a. Assemble quotes or receipts for expenses incurred by this incident.
- b. Submit your name, address, and your quotes/receipts to Dan Adams, ATC Group Services, dan.adams@atcgs.com
- c. If residents do not have access to email or have additional questions about the claims process, residents may contact Dan by phone at (513) 505-8481 (mobile) or (513) 771-2112, Ext. 241 (office).

State and local agencies with jurisdiction over the matter

Below is a list of various agencies that were involved in the immediate corrective action and current enforcement actions relating to the incident.

- Bureau of Storage Tank Regulations (BUSTR) - does not anticipate any civil, criminal, and administrative actions related to negligence.
- Cincinnati Fire Department (CFD)

- Ohio EPA Emergency Response Unit
- Office of Environmental Quality
- Cincinnati Board of Health
- State Health Department

MSD - a summary of the enforcement actions taken with Fast Stop:

- 1/26/2021 Notice of Violation (NOV) with \$12,600 penalty issued for 7 violations of MSD Rules and Regulations. NOV requires Fast Stop to meet with MSD representatives to discuss actions going forward.
- 2/15/2021 Fast Stop responds to NOV, identifies source of violations and requests 75% penalty offset for activities intended to mitigate impact of violations.
- 2/17/2021 MSD hosts virtual compliance meetings with Fast Stop and their representatives. Fast Stop offers to pay 25% of penalty with MSD holding 75% of penalty in abeyance pending verification of completion and verification of payment for activities to mitigate violations.
- 3/9/2021 MSD Compliance Services Division notifies MSD Wastewater Administration to invoice Fast Stop \$3150 (25% of \$12,600 penalty amount.)
- 3/10/2021 MSD Wastewater Administration Invoices Fast Stop \$3150.
- 3/22/2021 Fast Stop pays invoice by check.
- 8/17/2021 due date for completion of mitigation activities and demonstration of payment for activities.

A list of aging gas stations within the city limits that represent a similar risk.

Currently, there are a number of aging gas stations in the city limits. BUSTR oversees periodic inspections and reporting on the part of all such gas stations. CFD has no direct regulatory authority over USTs, except in emergency situations, and has limited ability to regulate or inspect USTs that are governed by state requirements. For example, the City could not close a gas station that is compliant with BUSTR regulations unless there were emergency public health and safety issues such as those that arose in connection with the station at West 8th and Pedretti. CFD has nevertheless engaged BUSTR to increase proactive enforcement in relation to aging USTs across the City.

BUSTR enforcement processes will benefit from better communication and information sharing with local health and safety agencies such as CFD. Prior to this incident local agencies were not provided information from BUSTR on noncompliant stations or stations with environmental actions. BUSTR has provided MSD with its database and MSD categorized the sites based on its understanding of the BUSTR status activities. CFD and MSD will now be better positioned to track active and ongoing environmental actions that BUSTR is currently overseeing. (Attached is a map of BUSTR identified sites in different phases of corrective environmental actions, as listed.)

According to BUSTR, the best possible indicator of risk of UST leak is the age of the tanks, but risk can also be increased due to poor management or faulty installation. With BUSTR's commitment to timely share information and reports of noncompliance with City agencies, CFD will have a more active role in identifying at-risk properties needing additional inspection and enforcement resources.

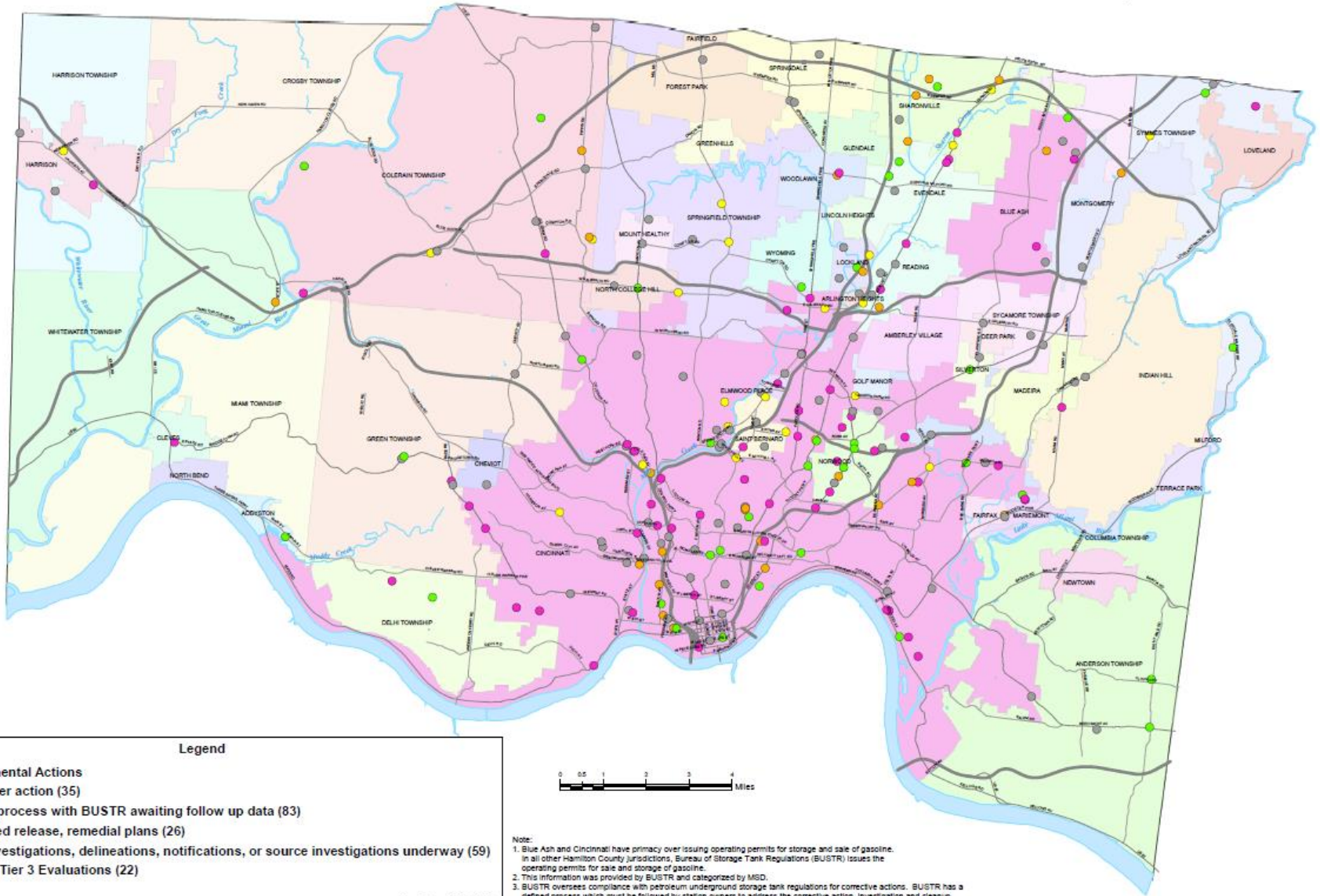
SUMMARY

In summary, BUSTR is the lead agency responsible for ensuring compliance with environmental regulations associated with underground storage tanks such as those used at gas stations. CFD

has overseen and observed the repair, replacement, and upgrade of the Fast Stop, and has also engaged BUSTR to improve information sharing between the agencies. As for the West 8th and Pedretti Station, the operator's lackluster track record highlights the need for it to build trust and demonstrate it can operate the facility safely. CFD worked to ensure that BUSTR signed off on corrective actions and that upon resumption of operations the gas station's performance will be evaluated at fixed periods over the next 18 months prior to issuance of an unqualified operating permit.

Active BUSTR Environmental Actions on Underground Storage Tanks (USTs) in Hamilton County

May 2021



Legend

- No Further action (35)
 - Closure process with BUSTR awaiting follow up data (83)
 - Suspected release, remedial plans (26)
 - Tier 1 investigations, delineations, notifications, or source investigations underway (59)
 - Tier 2 or Tier 3 Evaluations (22)
 - River
- Map Revised: 05/25/2021



Note:
 1. Blue Ash and Cincinnati have primacy over issuing operating permits for storage and sale of gasoline. In all other Hamilton County jurisdictions, Bureau of Storage Tank Regulations (BUSTR) issues the operating permits for sale and storage of gasoline.
 2. This information was provided by BUSTR and categorized by MSD.
 3. BUSTR oversees compliance with petroleum underground storage tank regulations for corrective actions. BUSTR has a defined process which must be followed by station owners to address the corrective action, investigation and cleanup of incidents. See Ohio Admin. Code Chapter 1301:7-9.



Greg Landsman
Councilmember

07/27/2021

MOTION

Investing in Community-Driven Safety Plans to Reduce Crime & Violence

In addition to expanded efforts to get illegal guns off our streets and other safety measures the City is pursuing, we hereby move that the Administration, working with its many capable and diverse partners, establish a renewed effort to support emerging community-driven safety plans.

In particular, this new effort should:

- **Update PIVOT¹ “micro-locations”** — described in the June 2017 report as “mak[ing] up only 1.4% of the city’s landmass, [but] a disproportionate amount of violence recurs in these places... 14.4% of all Part I crimes, 25.7% of Part I violent crimes, and 42.6% of shooting involving a victim occurred in these small geographic areas”² — with new data and information. The map of updated micro-locations should be shared with *all* neighborhoods, so communities have access to updated information as they build out community-led efforts. The City should assist and support neighborhoods in these efforts.
- **Provide SARA training³** to help neighborhoods build comprehensive plans to address ongoing issues contributing to crime and violence. The Administration should leverage current partnerships to provide this training.
- **Re-establish a “Safe and Clean Fund”** with a starting investment of \$1,000,000 to provide financial support for the community-driven violence-reduction plans submitted. In particular, this fund would focus on place-based environmental improvements proven to reduce crime and nurture strong community-building (eg. improved lighting, security cameras, better signage, blight and litter control, etc.). The “Safe and Clean Fund” should be prioritized in this year’s Carry Over/Close Out budget.
- **Ensure follow-up and follow-through from the Administration and the City** in the form of coordinated support regarding any issues that emerge from the safety plans submitted. This could include traffic calming efforts, curbing illegal dumping, temporary street closures for community events, police visibility, and more.

¹ The assessments done on the original PIVOT efforts show effective, long-lasting gun violence reduction. The City should continue to lift up this proven strategy.

² <https://www.theiacp.org/sites/default/files/Research%20Center/CPD%20PIVOT%20Goldstein%20Submission.pdf>

³ SARA (Scanning, Analysis, Response, and Assessment) is the Collaborative’s approach to problem-solving crime. It is intended to reduce crime and improve the quality of life for its citizens by facilitating community work and coalition-building between communities and the police, to effectively address crime, disorder, and the fear of crime in communities.



Greg Landsman
Councilmember

- **Confirm City partners' commitment to providing additional support to neighborhoods** on the issue of crime and violence reduction. Areas of additional coordinated support could include youth jobs and activities, mentoring, child care, career training opportunities, community events, support services, and more.

Due to the urgent nature of Cincinnati's gun violence crisis, we ask that the Administration report back to the Mayor and Council within 30 days as to how best to structure, fund, administer, and execute these new efforts, with the ultimate aim of most effectively providing support to communities who need it.

STATEMENT

One of the most effective ways to achieve long-lasting crime reduction is to not just listen and engage with the communities most impacted, but *follow their lead*; they will have the most nuanced and genuine understanding of what is needed.

In 2003, Cincinnati recognized the need for community-led responses to violence by establishing a "Safe and Clean Fund" to support and encourage community-based and community-initiated efforts aimed at improving neighborhood livability. Research proves that visible signs of disinvestment in neighborhoods leads to higher levels of crime, and that this locks certain neighborhoods into a vicious cycle of poverty and disorder. In recognition of this, we should re-establish the "The Safe and Clean Fund" with a starting investment of \$1,000,000 to once again, financially support community-driven violence-reduction plans submitted to the City.

Additionally, we should provide neighborhoods with updated data and information, and relevant training that will help support the creation of community-led plans, and commit to coordinated support from the City and partners to ensure plans are executed.

We must act now to apply more people, energy, attention, and funding to the needs identified by the communities most affected by gun violence in our city.

Councilmember Greg Landsman .



Greg Landsman
Councilmember

APPENDIX

THE FACTS:

The idea that increasing neighborhood livability through neighborhood-level problem solving approaches is effective at reducing crime is not a new discovery. It has been proven time and time again that visible signs of disinvestment in neighborhoods leads to higher levels of crime, and that this often locks certain neighborhoods into a vicious cycle of poverty and disorder.

- The demolition of vacant and abandoned buildings in Detroit was associated with an 11% reduction in gun assaults.⁴
- One 4-year study on an unnamed city in the Midwest found that the areas with vacant lots maintained through a City blight-reduction program had nearly 40% fewer assaults and violent crimes than those with unmaintained vacant, abandoned lots.⁵
- After vacant lots in high-poverty areas of Philadelphia were mowed, graded, or otherwise treated, gun violence dropped by 29%; researchers concluded that were the same treatments applied to vacant lots citywide, Philadelphia could expect to record 350 fewer shootings each year.⁶ In that same study, they also found a 22% decrease in burglaries, a 30% drop in noise complaints and illegal dumping, a 58% increase in residents reporting fewer security concerns when leaving their homes, and more than 3/4 of residents saying they significantly increased use of their outside spaces for relaxing and socializing.⁷
- In Chicago, researchers found that increased street lighting reduced outdoor nighttime felony crimes like murder, robbery, property damage, and aggravated assault by approximately 36%, and overall crime by 4%.⁸
- Improvements to lighting not only act as a situational deterrent to crime, but can also improve local community cohesion and pride, which in turn increases the willingness of residents to intervene in crime or cooperate with the police.⁹ Some researchers estimated the benefit-to-cost ratio of neighborhood street lighting upgrades to abate crime at about 4 to 1.¹⁰

Importantly, these studies do not find that the violence gets displaced to other neighborhoods — rather, it just sincerely decreases, across the board. This all goes to show that community-led, quick, inexpensive environmental-based tactics can substantially decrease violence in neighborhoods, particularly when addressed block by block. Furthermore, this approach yields a high return on investment — both economically and at a public-health level — while not displacing long-term residents, unlike some other costlier methods unintentionally do.¹¹

⁴ <https://link.springer.com/article/10.1007/s10865-019-00031-6>

⁵ <https://pubmed.ncbi.nlm.nih.gov/30216464/>

⁶ <https://www.pnas.org/content/115/12/2946>

⁷ <https://penntoday.upenn.edu/news/cleaning-vacant-lots-makes-neighborhoods-safer>

⁸ <https://urbanlabs.uchicago.edu/projects/crime-lights-study>

⁹ <https://cops.usdoj.gov/RIC/Publications/cops-p156-pub.pdf>

¹⁰ <https://www.strongtowns.org/journal/2019/5/9/how-something-as-small-as-street-lights-can-reduce-crime>

¹¹ <https://penntoday.upenn.edu/news/cleaning-vacant-lots-makes-neighborhoods-safer>

City of Cincinnati



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Greg Landsman
Councilmember

202102532

Date: July 29, 2021

To: Councilmember Greg Landsman
From: Andrew Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – Amending Administrative Code Establishing Ethics and Good Governance Counselor**

Transmitted herewith is an emergency ordinance captioned as follows:

AMENDING Article III, “Department of Law,” Section 10, “Code Compliance and Administrative Hearings,” of the Administrative Code of the City of Cincinnati for the purpose of establishing a new position of ethics and good government counselor within the Department of Law to support ethics and election and campaign finance efforts, which is contingent upon funding being appropriated to hire the ethics and good government counselor and other staff necessary for the duties of that office.

AWG/CMZ/(lnk)
Attachment
337986

EMERGENCY

City of Cincinnati

CMZ

AWB

An Ordinance No. _____

- 2021

AMENDING Article III, “Department of Law,” Section 10, “Code Compliance and Administrative Hearings,” of the Administrative Code of the City of Cincinnati for the purpose of establishing a new position of ethics and good government counselor within the Department of Law to support ethics and election and campaign finance efforts, which is contingent upon funding being appropriated to hire the ethics and good government counselor and other staff necessary for the duties of that office.

WHEREAS, recent indictments of elected officials of the City of Cincinnati have undermined the public’s trust that City officials are acting in an ethical, transparent, and effective manner; and

WHEREAS, the addition of an ethics and good government counselor to answer ethics questions from City officials and employees, to enforce expanded campaign contribution laws and rules, and to proactively train and educate City officials and employees will help restore the public’s trust in City government; and

WHEREAS, Article XIII of the Charter establishes the Cincinnati Elections Commission (“CEC”) but does not provide dedicated staffing or support resources; and

WHEREAS, the CEC relies heavily on the general counsel division of the City Solicitor’s Office for assistance in administering its Charter duties; and

WHEREAS, Article III, Section 10 of the Administrative Code authorizes an Office of Code Enforcement and Administrative Hearings (“OAH”) within the Solicitor’s Office that has expertise in holding administrative hearings with neutral hearing officers; and

WHEREAS, the impartial and investigative functions of OAH, if appropriately staffed, could be expanded to include ethics and good government functions available to all City employees and elected officials, as well as to provide support to the CEC in the administration of Article XIII of the Charter; and

WHEREAS, implementing this change requires amending Article III of the Administrative Code and appropriating funding for the expansion of the office and necessary staffing; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio, with three-fourths of its members concurring:

Section 1. That Section 10, “Code Compliance and Administrative Hearings,” of Article III, “Department of Law,” of the Administrative Code, is hereby amended as follows:

Sec. 10. – Ethics and Good Government Counselor; Code Compliance and

Administrative Hearings.

(a) There shall be an ethics and good government counselor within the city solicitor's office having the following responsibilities:

(1) Ethics

(A) Serve as a dedicated point of contact for any questions from city officials and city employees pertaining to ethics and conflict-of-interest laws.

(B) Act as a liaison to the Ohio Ethics Commission to assist city officials and city employees in obtaining ethics advice and advisory opinions on matters of state ethics law.

(C) Provide ethics and conflict-of-interest training and related educational resources for city elected officials, city employees, and city boards and commissions. Training materials should be made available online in coordination with the city's human resources department.

(D) Complete such other responsibilities as assigned by the city solicitor, including, but not limited to, drafting of ethics opinions, proactive identification of potential conflicts, and investigations as necessary to provide legal advice on ethics violations and conflicts of interest.

(2) Campaign Finance and Reporting

(A) Assist the Cincinnati Elections Commission with ensuring compliance with Article XIII of the Charter, including notifying candidates regarding failure to file any required reports or errors with reports.

(B) Assist the Cincinnati Elections Commission in its review of campaign finance reports for compliance with Article XIII of the Charter, chapter 117 of the Cincinnati municipal code, the rules adopted by the Cincinnati Elections Commission, and any other related city laws, rules, or regulations related to campaign finance and reporting requirements.

(C) Investigate and present information to the Cincinnati Elections Commission about candidate compliance with city campaign finance and reporting requirements.

(D) Communicate and coordinate as needed with the Hamilton County Board of Elections regarding state of Ohio campaign filings and reporting requirements required to be observed by mayoral and council candidates.

(E) Complete such other responsibilities as assigned by the city solicitor.

(3) Code Compliance and Administrative Hearings

(A) ~~The city solicitor shall designate a member of the solicitor's office to be responsible for oversight of~~Oversee the office of administrative hearings, the

parking violations bureau, and the conduct of the code compliance and administrative hearing process on civil offenses as set forth in Title XV of the Cincinnati Municipal Code. ~~The designated member of the solicitor's office shall provide oversight of;~~

(B) Oversee the administration of the enforcement procedures for civil offenses and appeals of parking violations as set forth by ordinance, and shall be responsible for oversight of such other administrative hearings, or alternative dispute resolution, or other municipal investigations as may be directed by the city manager or by ordinance.

(b) The ethics and good government counselor shall be an attorney appointed and supervised by the city solicitor under Article IV, Section 5 of the charter. Legal advice provided by the ethics and good government counselor shall be subject to approval by the city solicitor.

(c) The city solicitor may hire such consultants or investigators as are necessary to fulfill the responsibilities provided in this section.

Section 2. That Section 10, "Code Compliance and Administrative Hearings," of Article III, "Department of Law," of the Administrative Code is hereby repealed.

Section 3. That the City Manager is authorized to create a new full-time position of the ethics and good government counselor and to establish two full-time support positions to operationalize this ordinance, which positions shall be contingent upon appropriation and maintenance of corresponding funding by City Council.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to establish the position of ethics and good government

counselor to support elected officials and city employees, and to provide additional support for the Cincinnati Elections Commission.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

New language is underscored. Deleted language is struck through.

202102535

Date: July 29, 2021

To: Councilmember Greg Landsman
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Ordinance –Modifying Chapter 117 Campaign Finance Disclosure**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING Chapter 117, “Campaign Finance – Disclosure,” of the Cincinnati Municipal Code by AMENDING Section 117-3, “Reporting Requirements when Campaign has no Activity; Publication of Campaign Reports,” to require timely reporting by the currently serving Mayor and Members of Council, and their associated campaign committees and political action committees, of political contributions in excess of \$200 per election cycle; AUTHORIZING the City Manager to take all actions necessary to design and implement a public-facing website through which such reports will be available; and AUTHORIZING the City Manager to develop such requirements, rules, and guidance, in consultation with the Cincinnati Elections Commission, as are necessary to carry out the purposes described herein, contingent upon funding being appropriated for such purposes.

AWG/MSS/(lnk)
Attachment
332972

City of Cincinnati

MSS

AWB

An Ordinance No. _____

-2021

MODIFYING Chapter 117, “Campaign Finance – Disclosure,” of the Cincinnati Municipal Code by **AMENDING** Section 117-3, “Reporting Requirements when Campaign has no Activity; Publication of Campaign Reports,” to require timely reporting by the currently serving Mayor and Members of Council, and their associated campaign committees and political action committees, of political contributions in excess of \$200 per election cycle; **AUTHORIZING** the City Manager to take all actions necessary to design and implement a public-facing website through which such reports will be available; and **AUTHORIZING** the City Manager to develop such requirements, rules, and guidance, in consultation with the Cincinnati Elections Commission, as are necessary to carry out the purposes described herein, contingent upon funding being appropriated for such purposes.

WHEREAS, an increased public demand for timely disclosure of campaign contributions has emerged in the wake of the decision of the United States Supreme Court in *Citizens United v. FEC*; and

WHEREAS, transparency in political fundraising is desirable for the promotion of good government; and

WHEREAS, there is a need for greater transparency and timely disclosure in political fundraising by the elected officials of the City, to aid in restoring public trust in the elected officials of the City; and

WHEREAS, Council wishes to utilize advances in technology to make campaign contribution information available to the public in a timely, transparent, and useful format; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 117-3, “Reporting Requirements when Campaign has no Activity; Publication of Campaign Reports,” of Chapter 117, “Campaign Finance – Disclosure,” of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 117-3. – Campaign Contribution Reporting, Disclosure, and Publication Reporting Requirements when Campaign has no Activity; Publication of Campaign Reports.

(a) Definitions.

(1) “Campaign” means the currently serving mayor and each member of council, as well as any campaign committee or political action

- (2) committee associated with the currently serving mayor and each member of council.
- (3) “Contribution” has the same meaning as in section 3517.01 of the Ohio Revised Code or a successor statute.
- (4) “Contributor” means any person who makes a contribution, including individuals, corporations, partnerships, political parties, political action committees, or any other association or entity, however organized.
- (b) The city manager is authorized to establish a public-facing website through which the reports required by this section promptly shall be made available to the public. The reports required by this section shall be submitted electronically through the website the city manager establishes. The city manager is authorized to establish requirements for the format of electronic reports required by this section in consultation with the Cincinnati Elections Commission, so that the resulting information will be electronically searchable and downloadable by members of the public through the website. The city manager, in consultation with the Cincinnati Elections Commission, is authorized to promulgate rules and guidance regarding compliance with this section. All such requirements, rules, and guidance shall be made available through the website.
- (c) Each campaign shall report each instance when a contributor cumulatively contributes \$200 or more to the campaign during the period between successive elections of members of council. Once a contributor has contributed \$200 or more to a campaign, the campaign shall report each additional contribution made by such contributor to the campaign during that period between successive elections of members of council, without regard to the amount of each additional contribution.
- (d) The reports required by this section shall be submitted through the public website maintained by the city administration by the third business day following receipt of a contribution covered by 117-3(c), excluding the calendar day on which the contribution is received. For purposes of this requirement, a contribution is deemed to be received on the first calendar day that a campaign gains exclusive possession of such contribution, including but not limited to the day on which a check is delivered, the day a check is received in the mail, or the day an online contribution is made available to spend.
- (e) The reports required by this section are in addition to any campaign contribution reporting or disclosure requirements contained in federal, state, or municipal law.
- (f) If a campaign committee otherwise required to file any statement under the provisions of Article XIII of the charter has no contributions that it has

received and no expenditures that it has made since the last date reflected in the last previously filed statement, if any, no statement shall be required; however, the campaign committee shall file a statement to that effect with the Cincinnati Elections Commission.

(g) The Cincinnati Elections Commission shall make available online to the public through the internet, the contribution and expenditure information in all statements, all addenda, amendments, or other corrections made to statements required by Article XIII, Section 2(a) of the charter to be filed with the Cincinnati Elections Commission. The Commission may remove the information from the internet after a reasonable period of time.

Section 2. That existing Section 117-3, "Reporting Requirements when Campaign has no Activity; Publication of Campaign Reports," of the Cincinnati Municipal Code is hereby repealed.

Section 3. That the City Manager is hereby authorized to take all action necessary to design and implement a public-facing website through which such reports will be submitted and made available to the public, and to develop such requirements, rules, and guidance in consultation with the Cincinnati Elections Commission as are necessary to carry out the purposes described herein, contingent upon funding being appropriated for such purposes.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law, provided, however, that the reporting requirements established herein shall not become binding upon the Mayor and Members of Council or associated campaign committees or political action committees, until the City Manager confirms that the website has been established, which confirmation shall be made no later than January 1, 2022, or six months after appropriation of required funding, whichever is later.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.