

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.