

EMERGENCY

AKS

-2021

MODIFYING Chapter 100, “Mayor,” of the Cincinnati Municipal Code by enacting new Section 100-13, “Code of Conduct,” and **MODIFYING** Chapter 101, “Council,” of the Cincinnati Municipal Code by enacting new Section 101-45, “Code of Conduct,” to require all City elected officials to adopt and abide by codes of conduct as recommended by the Economic Development Reform Panel established by Ordinance 384-2021.

WHEREAS, on December 16, 2020, City Council passed an ordinance establishing the Economic Development Reform Panel (“EDRP”), with a mission of studying the City’s development process and making recommendations regarding best practices regarding economic development to insulate the development process from political influence and cronyism; and

WHEREAS, on July 29, 2021, the EDRP submitted its report and recommendations to Council, which included that Council and the Mayor adopt and abide by a Code of Conduct setting out expected behaviors for elected officials particularly in relation to the development process; and

WHEREAS, the City has policies governing expected behavior for the employees of the administrative service, however the staff of elected officials are not governed by those policies; and

WHEREAS, Council wishes to implement the EDRP’s recommendation regarding adopting Codes of Conduct for both Council, the Mayor, and their staff; now, therefore,

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

Section 1. That Chapter 100, “Mayor,” of the Cincinnati Municipal Code is hereby amended by enacting new Section 100-13, “Code of Conduct,” to read as follows:

Sec. 100-13. - Code of Conduct.

- (a) The mayor shall adopt a code of conduct within 45 days after being sworn in as mayor. The code of conduct will govern the mayor’s actions while in office as well as those of the mayoral staff and, at a minimum, will contain the following provisions:
 - (1) Recognition of the charter role of the mayor, council, and city manager, particularly in development projects and incentives;
 - (2) Recognition of the obligation of elected officials and staff to not attempt to privately interfere with quasi-judicial proceedings of boards and commissions or the Zoning Hearing Examiner;

- (3) Provisions to cultivate a culture of reporting of conflicts of interest and unethical conduct and a commitment to avoid retaliating against those who report suspected conflicts or unethical conduct;
- (4) Commitment to understanding and following the applicable ethics and conflict of interest laws;
- (5) Commitment to never use City resources or personnel for political activity;
- (6) Recognition of the limitations on the mayor's ability to negotiate economic development deals without the involvement and approval of the city manager; and
- (7) Articulation of rules to maintain a level playing field for private parties dealing with the City, to deter inappropriate behavior, to reinforce proper behavior, and to maintain public confidence in city government.

The code of conduct may address other issues that the mayor chooses to include.

- (b) The mayor shall transmit the code of conduct to the clerk of council within the timeframe established in subsection (a) to be placed on the next council agenda as an informational item. Council shall not have the ability to edit, approve, or disapprove the mayor's code of conduct. Council shall file the code of conduct when it appears on Council's agenda.
- (c) The mayor and all mayoral staff shall sign the code of conduct and submit the signed version to the clerk's office within forty-five days of becoming mayor, whether by election or appointment, or being hired by the mayor.
- (d) The mayor's code of conduct shall remain in effect for the duration of the mayor's term and thereafter until subsequently amended or superseded by a new code of conduct in accordance with this section.
- (e) Enforcement of the code of conduct required by this Chapter shall be by censure, approved a majority vote of councilmembers. Upon approval by a majority of council, the censure shall be filed with the clerk of courts.

Section 2. That Chapter 101, "Council," of the Cincinnati Municipal Code is hereby amended by enacting new Section 101-45, "Code of Conduct," to read as follows:

- (a) Council shall adopt a code of conduct within 45 days after being sworn in as members of council by enacting an ordinance adopting the code of conduct. The code of conduct will govern each individual member of council's actions while in office, as well as those of council staff and, at a minimum, will contain the following provisions:
 - (1) Recognition of the charter roles of the mayor, council, and city manager, particularly in development projects and incentives;

- (2) Recognition of the obligation of elected officials and staff to not attempt to privately interfere with quasi-judicial proceedings of boards and commissions or the Zoning Hearing Examiner;
- (3) Commitment to directing inquiries from private parties related to financial assistance or land use approvals to the city manager's office;
- (4) Commitment to understanding and following the applicable ethics and conflict of interest laws;
- (5) Cultivating a culture of reporting of conflicts of interest and unethical conduct and committing to avoid retaliating against those who report suspected conflicts or unethical conduct;
- (6) Commitment to never use City resources or personnel for political activity; and
- (7) Articulation of rules to maintain a level playing field for private parties dealing with the City, to deter inappropriate behavior, to reinforce proper behavior, and to maintain public confidence in city government.

The code of conduct may address other issues that council chooses to include.

- (b) Council and all council staff shall sign the code of conduct and submit the signed version to the clerk's office within 45 days of becoming a city councilmember, whether by election or appointment, or being hired by a city councilmember.
- (c) Council's code of conduct shall remain in effect for the duration of the council term and thereafter until subsequently amended or superseded by a new code of conduct in accordance with this section.
- (d) Enforcement of the code of conduct required by this Chapter shall be by censure, approved a majority vote of the remaining councilmembers. Upon approval by a majority of council, the censure shall be filed with the clerk of courts.

Section 3. 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 put Codes of Conduct in place to govern the behavior of elected officials and their staff in order to restore public trust.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk