

EMERGENCY

AKS

-2021

ADOPTING a Council Code of Conduct pursuant to Section 101-45, “Code of Conduct,” of the Cincinnati Municipal Code to govern conduct by Councilmembers and their staff.

WHEREAS, on December 16, 2020, City Council passed Ordinance 384-2021, 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, on _____, 2021, Council amended Chapter 101 of the Cincinnati Municipal Code to create new Section 101-45, “Code of Conduct,” to require City Council to adopt and abide by a code of conduct as recommended by the Economic Development Reform Panel; and

WHEREAS, Council wishes to adopt the attached Code of Conduct for Councilmembers and their staff; now, therefore,

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

Section 1. That pursuant to Cincinnati Municipal Code Section 101-45, Council hereby approves and adopts the attached Council Code of Conduct which will govern the conduct of Councilmembers and their staff.

Section 2. 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

CINCINNATI CITY COUNCIL

CODE OF CONDUCT

This code of conduct contains both required and aspirational principles and shall guide the conduct of City Councilmembers and their staff. Within forty-five days of becoming a City Councilmember, whether by election or appointment, every Councilmember shall sign a commitment to follow the Cincinnati City Council's Code of Conduct set forth in this document. Within forty-five days of being hired as a staff member for a Councilmember, every staff member shall sign a commitment to follow the Cincinnati City Council's Code of Conduct set forth in this document. The clerk of council shall administer this requirement and provide a copy of the commitment to each Councilmember and their staff members.

Pursuant to Section 101-45 of the Cincinnati Municipal Code, Council is charged with enforcement of this Code by public censure of violations, which requires a vote of majority of the members of Council, excluding the Councilmember subject to possible censure.

All Councilmembers and their staff shall:

- 1) Remember that they are public servants that owe a fiduciary duty to act in the best interest of the City and must place loyalty to the City of Cincinnati, compliance with its charter, applicable law, and ethical principles above their private gain or interest.
- 2) Maintain an appropriate level of decency, decorum, and respect during the performance of official City business as to maintain the integrity of elected public offices and public confidence in them, to facilitate productive and efficient public meetings, and to invite open public conversation.
- 3) Act impartially in the performance of their duties, so that no private organization or individual is given preferential treatment, including refraining from sponsoring legislation to appropriate public funds to specific private organizations or individuals and instead sponsoring proposals to appropriate public funds to identified public needs.
- 4) To maintain the integrity of the development process and avoid impropriety, direct inquiries from private parties related to financial assistance or land use approvals to the City Manager's Office and not privately interfere with quasi-judicial proceedings of City boards and commissions or the Zoning Hearing Examiner.
- 5) Read the City Charter; understand the Charter mandated roles of the Mayor, City Council, and the City Manager as set forth in the City Solicitor Opinion on Charter

Roles, Generally and in Economic Development dated January 26, 2021; and abide by the specific roles allocated to the City Manager, Mayor, and City Council, specifically acknowledging and accepting that:

- i. The Mayor has a combination of administrative and legislative powers under the Charter;
 - ii. The Mayor has the authority to engage external parties in discussion, persuasion, and other action as official representative of the City but must work in collaboration with and through the City Manager to engage City staff and departments regarding city operations and the exercise of administrative action;
 - iii. The Mayor's legislative powers include the ability to introduce legislation, preside over Council meetings, to refer items to committees, to appoint and remove the vice-mayor and the chair of all committees, and to veto legislation;
 - iv. Council's Charter role is legislative, which includes enacting legislation, appropriating funding for public purposes, passing the City's budget, passing motions to request reports, and holding public hearings;
 - v. Except through interactions with the City Manager's Office or other appropriate legislative channels (e.g., motions), Councilmembers should not involve themselves directly in administrative actions, including the negotiation of development contracts and financial incentives, sale of City-owned property, or the procurement by the City of goods or services;
 - vi. As elected representatives of City residents, Councilmembers play an important role in receiving and relaying constituent inquiries and community feedback to the City administration, but under the Charter Councilmembers should utilize legislative tools to serve this function, including creating awareness of such issues and feedback through motions and by setting policy direction through legislative initiatives and budget approval;
 - vii. The City Manager is the chief executive and administrative officer of the city and, as further detailed in the Charter, is responsible for management of the City's administrative service, appointment and removal of officials or employees in the administrative service, advising Council and the Mayor of the financial condition and future needs of the City, and executing City contracts; and
 - viii. Elected officials must work through the City Manager or her designee if they seek to influence or reprioritize administrative actions under the authority of the City Manager, including on behalf of constituents. Elected officials have Charter authority to make direct inquiries of City staff or departments for simple factual and informational inquiries or legislative inquiries. The City Manager has authority to establish departmental processes for efficient tracking and response to informational or other inquiries made by Councilmembers on behalf of constituents.
- 6) Refrain from making any unauthorized promises purporting to bind the City.
- 7) Never use City resources or personnel for political activity or use or disclose any nonpublic or confidential information obtained through the performance of City work

for private gain or publicity or as prohibited by Ohio Revised Code (“ORC”) Section 102.03(B).

- 8) Educate themselves regarding the Ohio public records and open meetings laws, abide by those laws, and organize their office to comply with these laws, including staffing their offices appropriately to retain and locate public records as required under City and Ohio laws and using City email to conduct City business rather than personal email accounts and texts whenever possible.
- 9) Educate themselves regarding Ohio Ethics laws and abide by those laws, including the acceptance of gifts and other items of value. See ORC Chapter 102 and Section 2921.42.
- 10) Not engage in any business or financial transaction with any individual, organization or business that is inconsistent with the proper performance of their City duties or that would create a conflict of interest or an appearance of impropriety. This includes soliciting or accepting campaign contributions once there is a reasonable belief that the contributor or their business or organization will be seeking public funding, financial incentives, or other development approvals from the City.
- 11) Educate themselves regarding conflicts of interest, the legislation coming before Council, and the identity of those doing business with the City as to avoid conflicts of interest and also to seek out guidance from the City Solicitor or the Ohio Ethics Commission when necessary.
- 12) Recuse themselves in matters coming before Council when there is an appearance of impropriety even if there is not a legal conflict of interest.
- 13) Not discuss fundraising or campaign activities while conducting City business.
- 14) Report, without undue delay, to the City Manager, City Solicitor, Ohio Ethics Commission, or other appropriate authority, any and all information concerning conduct which such employee or official knows or should reasonably know involves corrupt or other unlawful activity (i) by an elected City official or City employee in their capacity as such official or employee; or (ii) by any person dealing with the City which concerns the person’s dealings with the City.
- 15) Not take any retaliatory action against an employee or any other person because the employee or the person discloses or threatens to disclose an activity, policy, or practice of any official, employee, or City contractor that the employee or other person reasonably believes evidences:
 - i. An unlawful use of City funds or City funding for actions performed by or on behalf of the City, unlawful use of official authority, or other unlawful official

conduct that poses a substantial and specific danger to public safety by any official, employee, or City contractor; or

ii. Any other violation of a law, rule, or regulation by any official, employee, or City contractor that relates to their work performed for, or on behalf of, the City.

16) Adhere to all applicable laws and regulations that provide equal opportunity for all persons regardless of race, color, religion, gender, gender identity, national origin, age, sexual orientation, or handicap and not engage in, encourage, or permit – by action or inaction – behavior constituting discrimination or harassment of another City official or employee, City contractor or the contractor’s employees, or City residents.