



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Budget and Finance Committee

Chairperson David Mann
Vice Chair Chris Seelbach
Councilmember Steve Goodin
Councilmember Jan-Michele Kearney
Councilmember Liz Keating
Councilmember Greg Landsman
Councilmember Betsy Sundermann
Councilmember Wendell Young

Monday, October 18, 2021

1:00 PM

Council Chambers, Room 300

ROLL CALL

AGENDA

1. [202102919](#) MOTION, submitted by Councilmember Kearney, WE MOVE that the Administration REPORT on a viable source of funding by June 2022 for the \$700,000 needed for the Department of Transportation and Engineering to construct pedestrian safety measures, including but not limited to a crosswalk, on Erie Avenue near the Cincinnati Police Department District 2 Headquarters.

Sponsors: Kearney

Attachments: [Motion](#)

2. [202102942](#) MOTION, submitted by Vice Mayor Smitherman, Councilmember Keating, Goodin, Sundermann, Kearney, Landsman and Mann, WE MOVE the City Administration identify funding to provide computer tablets/iPads for all Cincinnati Police personnel to support the Mobile Crisis Team. WE MOVE the City Administration attempt to identify grants or private partnerships to pay for the tablets/iPads. WE FURTHER MOVE that the administration prepare a REPORT assessing the cost and possible funding sources to purchase and provide iPads for all law enforcement officers for the Mental Health Response Team through the Mobile Crisis Team by University of Cincinnati Health. This report should include the price per iPad to assess the possibility of providing iPads to as many of our officers as possible.

Sponsors: Smitherman, Keating, Goodin, Sundermann, Kearney, Landsman and Mann

Attachments: [Motion](#)

3. [202102922](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 10/13/2021, AUTHORIZING the City Manager to accept and appropriate a grant in an amount up to \$15,000 from the Cincinnati Recreation Foundation for the purpose of providing funding support to youth sports programs in need; and AUTHORIZING the Director of Finance to deposit the donated funds into Fund 319, "Contributions for Recreation Purposes."

Sponsors: City Manager

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

4. [202102925](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 10/13/2021, AUTHORIZING the transfer of the sum of \$395,800 within the General Fund, from and to various operating accounts and the unappropriated surplus of the General Fund according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments; and AUTHORIZING the transfer of the sum of \$161,845 from the unappropriated surplus of the Stormwater Management Fund according to the attached Schedule of Transfer for the purpose of providing funds for the ongoing needs of the Department of Public Services.

Sponsors: City Manager

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

5. [202102931](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 10/13/2021, ESTABLISHING new capital improvement program project account no. 980x199x221906, "Avondale Synthetic Baseball Field RCF Donation," for the purpose of providing donated resources for the construction of a synthetic baseball field at the Avondale Recreation Area; and AUTHORIZING the City Manager to accept and appropriate a cash donation from the Cincinnati Reds Community Fund up to the amount of \$150,000 to the newly established capital improvement program project account no. 980x199x221906, "Avondale Synthetic Baseball Field RCF Donation."

Sponsors: City Manager

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

6. [202102933](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 10/13/2021, ACCEPTING the grant of permanent public utility easements in favor of the City of Cincinnati for the construction, maintenance, and repair of stormwater sewers in and upon certain real property located north of Golden Avenue in the Columbia Tusculum and Hyde Park neighborhoods.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment A](#)

7. [202102930](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 10/13/2021, AUTHORIZING the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 36) for the purpose of ensuring the timely completion of various road, bridge, and stormwater infrastructure construction projects throughout the City.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment A](#)

EDRP ITEMS

8. [202102934](#) REPORT, dated 10/8/2021, submitted by Paula Boggs Muething, City Manager, regarding Implementation of Recommendations of the Economic Development Reform Panel. (SEE DOC. #202102641, #202102532, and # 202102535)

Sponsors: City Manager

Attachments: [Report - Economic Development Reform Panel](#)
[Attachment A - Ordinance Amending Chapters 100 and 101](#)
[Attachment B - Ordinance adopting Council Code of Conduct Including /](#)
[Attachment C - Cincinnati Mayor Code of Conduct](#)
[Attachment D - EGG Diagram](#)

9. [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](#)
10. [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](#)
11. [202103002](#) ORDINANCE (EMERGENCY), dated 10/15/2021, submitted by Councilmember Mann, from Andrew W. Garth, City Solicitor, 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 384-2020.
- Sponsors:** Mann
- Attachments:** [Transmittal](#)
[Emergency Ordinance](#)

12. [202103003](#) ORDINANCE (EMERGENCY), dated 10/15/2021, submitted by Councilmember Mann, from Andrew W. Garth, City Solicitor, 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.

Sponsors: Mann

Attachments: [Transmittal](#)
[Emergency Ordinance](#)
[Attachment A](#)

13. [202103004](#) ORDINANCE (EMERGENCY), (B VERSION) dated 10/15/2021, submitted by Councilmember Goodin, from Andrew W. Garth, City Solicitor, MODIFYING Title I, "Council and Corporation Miscellany," by enacting new Chapter 119, "Prohibition on the Solicitation or Acceptance of Campaign Contributions from Persons with a Financial Interest in City Business," of the Cincinnati Municipal Code to restore public trust in elected officials by prohibiting the solicitation or acceptance of campaign contributions from person having a financial interest in City business while it is pending before Council; and MODIFYING Section 1501-8, "Class C-1 Civil Offenses," of Title XV "Code Compliance and Hearings," of the Cincinnati Municipal Code to establish penalties for certain violations of Chapter 119.

Sponsors: Goodin

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

14. [202103005](#) ORDINANCE (EMERGENCY), (B VERSION) dated 10/15/2021, submitted by Councilmember Landsman, from Andrew W. Garth, City Solicitor, AMENDING Section 10, "Code Compliance and Administrative Hearings," of Article III, "Department of Law," 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, election, and campaign finance efforts; AUTHORIZING the transfer of \$375,000 from the General Fund balance sheet reserve account no. 050x2580, "Reserve for Weather Related Events, Other Emergency and One-Time Needs," to the unappropriated surplus of General Fund 050; AUTHORIZING the transfer and appropriation of \$200,000 from the unappropriated surplus of General Fund 050 to the Law Department General Fund personnel operating budget account no. 050x111x7100 for the purpose of providing funding for the new position of ethics and good government counselor and support staff; AUTHORIZING the transfer and appropriation of \$100,000 from the unappropriated surplus of General Fund 050 to the Law Department General Fund non-personnel operating budget account no. 050x111x7200 for the purpose of providing funding to support the operations of the ethics and good government counselor and support staff; AUTHORIZING the transfer and appropriation of \$75,000 from the unappropriated surplus of General Fund 050 to the Enterprise Software and Licenses non-departmental General Fund non-personnel operating budget account no. 050x952x7400 for the purpose of providing funding to implement a campaign finance transparency system; and REPEALING Section 13, "Office of Municipal Investigation," of Article II, "City Manager," of the Administrative Code to remove obsolete language regarding the Office of Municipal Investigation.

Sponsors: Landsman

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

ADJOURNMENT



Jan-Michele Lemon Kearney
Councilmember

October 6, 2021

MOTION

WE MOVE that the Administration REPORT on a viable source of funding by June 2022 for the \$700,000 needed for the Department of Transportation and Engineering to construct pedestrian safety measures, including but not limited to a crosswalk, on Erie Avenue near the Cincinnati Police Department District 2 Headquarters.

Councilmember Jan-Michele Lemon Kearney

_____	_____
_____	_____
_____	_____
_____	_____

BKF JB



Christopher E. C. Smitherman
Cincinnati Vice Mayor

October 12, 2021

MOTION

WE MOVE the City Administration identify funding to provide computer tablets/iPads for all Cincinnati Police personnel to support the Mobile Crisis Team.

WE MOVE the City Administration attempt to identify grants or private partnerships to pay for the tablets/iPads.

WE FURTHER MOVE that the administration prepare a REPORT assessing the cost and possible funding sources to purchase and provide iPads for all law enforcement officers for the Mental Health Response Team through the Mobile Crisis Team by University of Cincinnati Health. This report should include the price per iPad to assess the possibility of providing iPads to as many of our officers as possible.

Handwritten signature of Christopher E. C. Smitherman in blue ink.

Vice Mayor Christopher Smitherman

Handwritten signature of Liz Keating in blue ink.

Councilmember Liz Keating

Handwritten signature of Steve Goodin in blue ink.

Councilmember Steve Goodin

Handwritten signature of Betsy Sundermann in blue ink.

Councilmember Betsy Sundermann

Handwritten signature of Jan Michele Kearney in blue ink.

Councilmember Jan Michele Kearney

Handwritten signature of Greg Landsman in blue ink.

Councilmember Greg Landsman

Handwritten signature of David Mann in blue ink.

Councilmember David Mann

COMMITTEES

October 13, 2021

To: Mayor and Members of City Council 202102922
From: Paula Boggs Muething, City Manager
Subject: Ordinance – Recreation: Dick’s Sporting Goods Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a grant in an amount up to \$15,000 from the Cincinnati Recreation Foundation for the purpose of providing funding support to youth sports programs in need; and **AUTHORIZING** the Director of Finance to deposit the donated funds into Fund 319, “Contributions for Recreation Purposes.”

This Ordinance authorizes the City Manager to accept and appropriate a grant in the amount of up to \$15,000 from the Cincinnati Recreation Foundation (CRF) for the purpose of providing funding support to youth sports programs in need.

Dick's Sporting Goods Foundation is providing this donation through their Sports Matter Community Grant Program for the purpose of providing financial resources to CRF to support programming and equipment needs in underprivileged communities. The Ordinance also authorizes the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319. There is no match funding requirement, and there are no new FTEs associated with the grant.

This Ordinance is in accordance with the “Live” goal to “Create a more livable community,” as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



AUTHORIZING the City Manager to accept and appropriate a grant in an amount up to \$15,000 from the Cincinnati Recreation Foundation for the purpose of providing funding support to youth sports programs in need; and **AUTHORIZING** the Director of Finance to deposit the donated funds into Fund 319, “Contributions for Recreation Purposes.”

WHEREAS, the Cincinnati Recreation Foundation received a grant in the amount of up to \$15,000 from the Dick’s Sporting Goods Foundation Sports Matter Community Grant Program to fund youth sports programs in the City; and

WHEREAS, the Cincinnati Recreation Foundation is granting the funds to the Cincinnati Recreation Commission to provide funding support to youth sports programs in need; and

WHEREAS, acceptance of the grant requires no matching funds, and there are no FTEs associated with the grant; and

WHEREAS, acceptance of the grant funding is in accordance with the “Live” goal to “Create a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept and appropriate a grant in an amount of up to \$15,000 from the Cincinnati Recreation Foundation for the purpose of providing funding support to youth sports programs in need.

Section 2. That the Director of Finance is hereby authorized to receive and deposit the grant funds into Fund 319, “Contributions for Recreation Purposes.”

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

October 13, 2021

To: Mayor and Members of City Council 202102925
From: Paula Boggs Muething, City Manager
Subject: Emergency Ordinance – FY 2022 Mid-Year Budget Adjustments

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer of the sum of \$395,800 within the General Fund, from and to various operating accounts and the unappropriated surplus of the General Fund according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments; and **AUTHORIZING** the transfer of the sum of \$161,845 from the unappropriated surplus of the Stormwater Management Fund according to the attached Schedule of Transfer for the purpose of providing funds for the ongoing needs of the Department of Public Services.

This Emergency Ordinance authorizes the transfer of \$375,000 within the General Fund for the purpose of realigning operating support for the Cincinnati Center City Development Corporation, doing business as 3CDC, for work performed at Washington Park and Ziegler Park, from the Department of Public Services to the City Manager's Office. This Emergency Ordinance also authorizes the supplemental appropriation of \$20,800 from the unappropriated surplus of the General Fund to the Other City Obligations Non-Departmental non-personnel operating budget account for the purpose of re-appropriating funds from a prior year encumbrance to be used for expenses related to the COVID-19 pandemic.

Finally, this Emergency Ordinance authorizes the supplemental appropriation of \$161,845 from the unappropriated surplus of the Stormwater Management Fund to various accounts within the Department of Public Services Stormwater Management Fund non-personnel operating budget for the purpose of recertifying funds from prior year encumbrances for stormwater remediation contractual services and equipment purchases.

The reason for the emergency is the immediate need to allow for the continuation of uninterrupted services in FY 2022.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment

EMERGENCY

LES

- 2021

AUTHORIZING the transfer of the sum of \$395,800 within the General Fund, from and to various operating accounts and the unappropriated surplus of the General Fund according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments; and **AUTHORIZING** the transfer of the sum of \$161,845 from the unappropriated surplus of the Stormwater Management Fund according to the attached Schedule of Transfer for the purpose of providing funds for the ongoing needs of the Department of Public Services.

WHEREAS, the Approved FY 2022 Budget included \$375,000 for the Department of Public Services to fund operating support to the Cincinnati Center City Development Corporation, doing business as 3CDC, for work performed at Washington Park and Ziegler Park; and

WHEREAS, the work performed at Washington Park and Ziegler Park will now be managed by the City Manager's Office; and

WHEREAS, \$375,000 will be transferred from the Department of Public Services General Fund non-personnel operating budget to the City Manager's Office General Fund non-personnel operating budget; and

WHEREAS, funding in the amount of \$20,800, which was encumbered in FY 2021 for communications training, is no longer needed in Fiscal Year 2022 for that purpose; and

WHEREAS, the FY 2021 encumbrance of \$20,800 will be cancelled, and the funds returned to source, making them available to be re-appropriated for FY 2022 to be used for expenses related to the COVID-19 pandemic; and

WHEREAS, funding in the amount of \$151,000 was encumbered in FY 2021 for stormwater remediation but cannot be expensed prior to the expiration of the contract for such services; and

WHEREAS, the FY 2021 encumbrance of \$151,000 will be cancelled and the funds returned to source for the purpose of recertifying funds from a prior year encumbrance for a contract for stormwater remediation; and

WHEREAS, funding in the amount of \$10,845 was encumbered in FY 2021 for the procurement of stormwater remediation equipment but cannot be expensed prior to the expiration of the contract for such services; and

WHEREAS, the FY 2021 encumbrance of \$10,845 will be cancelled and the funds returned to source for the purpose of recertifying funds from a prior year encumbrance for stormwater remediation equipment; now, therefore,

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

Section 1. That the sum of \$395,800 existing within the General Fund is hereby transferred and appropriated within said fund according to the attached Schedule of Transfer for the purpose of realigning certain operating accounts and for providing funds for the ongoing needs of City departments.

Section 2. That the sum of \$161,845 is hereby transferred and appropriated from the unappropriated surplus of the Stormwater Management Fund according to the attached Schedule of Transfer for the purpose of realigning certain operating accounts and for providing funds for the ongoing needs of the Department of Public Services.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2 hereof and the Schedule of Transfer attached hereto.

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 allow for the continuation of uninterrupted services in FY 2022.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

SCHEDULE OF TRANSFER

FY 2022 MID-YEAR ADJUSTMENT SCHEDULE OF TRANSFER

Fund 050 General Fund

<i>REDUCTIONS</i>				<i>INCREASES</i>					
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
SOURCE ACCOUNTS					USE ACCOUNTS				
DEPARTMENT OF PUBLIC SERVICES					CITY MANAGER'S OFFICE				
CITY FACILITY MANAGEMENT	050	255	7400	375,000	CITY MANAGER'S OFFICE	050	101	7200	375,000
GENERAL FUND					NON-DEPARTMENTAL ACCOUNTS				
UNAPPROPRIATED SURPLUS	050			20,800	OTHER CITY OBLIGATIONS	050	959	7200	20,800
TOTAL FUND REDUCTIONS				395,800	TOTAL FUND INCREASES				395,800

FY 2022 MID-YEAR ADJUSTMENT SCHEDULE OF TRANSFER

Fund 107 Stormwater Management

<i>REDUCTIONS</i>				<i>INCREASES</i>					
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
SOURCE ACCOUNTS					USE ACCOUNTS				
STORMWATER MANAGEMENT FUND					DEPARTMENT OF PUBLIC SERVICES				
UNAPPROPRIATED SURPLUS	107			161,845	NEIGHBORHOOD OPERATIONS	107	253	7200	151,000
					NEIGHBORHOOD OPERATIONS	107	253	7300	10,845
TOTAL FUND REDUCTIONS				161,845	TOTAL FUND INCREASES				161,845

October 13, 2021

To: Mayor and Members of City Council 202102931
From: Paula Boggs Muething, City Manager
Subject: Ordinance – Recreation: Donation from the Reds Community Fund

Attached is an Ordinance captioned:

ESTABLISHING new capital improvement program project account no. 980x199x221906, “Avondale Synthetic Baseball Field RCF Donation,” for the purpose of providing donated resources for the construction of a synthetic baseball field at the Avondale Recreation Area; and **AUTHORIZING** the City Manager to accept and appropriate a cash donation from the Cincinnati Reds Community Fund up to the amount of \$150,000 to the newly established capital improvement program project account no. 980x199x221906, “Avondale Synthetic Baseball Field RCF Donation.”

This Ordinance authorizes establishment of capital improvement program project account no. 980x199x221906, “Avondale Synthetic Baseball Field RCF Donation,” for the purpose of providing donated resources for the construction of a synthetic baseball field at the Avondale Recreation Area, located at 870 Blair Avenue. The Ordinance also authorizes the City Manager to accept and appropriate a cash donation from the Cincinnati Reds Community Fund (RCF) up to the amount of \$150,000 to the newly established capital improvement program project account no. 980x199x221906, “Avondale Synthetic Baseball Field RCF Donation.”

The original improvement plans for the Avondale Recreation Area were formulated in 2019 and called for a synthetic infield to be installed at the Avondale Recreation Area baseball field. However, this improvement was not possible because of some project budget realignment needs. Cincinnati Recreation Commission (CRC) designed the field so a synthetic turf could be installed at a later date. The ballfield renovation is currently 50% completed with only the need to install fencing, seeding, and ballfield clay/DuraEdge. The RCF donation will permit the completion the original scope of the project with the synthetic infield installation. The donation requires \$150,000 in matching funds, which the CRC will provide from existing capital improvement program projects to complete the remaining renovation elements.

This Ordinance is in accordance with the “Live goal to “Build a robust public life” “Collaborate” goal to “Unite our communities” as described on pages 149 and 210, respectively, of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

LES

-2021

ESTABLISHING new capital improvement program project account no. 980x199x221906, “Avondale Synthetic Baseball Field RCF Donation,” for the purpose of providing donated resources for the construction of a synthetic baseball field at the Avondale Recreation Area; and **AUTHORIZING** the City Manager to accept and appropriate a cash donation from the Cincinnati Reds Community Fund up to the amount of \$150,000 to the newly established capital improvement program project account no. 980x199x221906, “Avondale Synthetic Baseball Field RCF Donation.”

WHEREAS, the original improvement plans for the Avondale Recreation Area created in 2019 specified that a synthetic infield would be installed at the Avondale Recreation Area baseball field; and

WHEREAS, the improvements could not be completed due to budget realignment needs within the project, and consequently, the ballfield renovation remains incomplete; and

WHEREAS, Cincinnati Recreation Commission (“CRC”) designed the field to allow for installation of a synthetic turf at a later date; and

WHEREAS, the Cincinnati Reds Community Fund donation will permit the completion of the project with the synthetic infield installation; and

WHEREAS, the donation requires \$150,000 in matching funds, which CRC will provide from existing capital projects to complete the remaining ballfield renovation elements; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “build a robust public life,” and the “Collaborate” goal to “unite our communities” as described on pages 149 and 210, respectively, of Plan Cincinnati (2012); now, therefore,

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

Section 1. That new capital improvement program project account no. 980x199x221906, “Avondale Synthetic Baseball Field RCF Donation,” is hereby established for the purpose of providing donated resources for the construction of a synthetic baseball field at the Avondale Recreation Area.

Section 2. That the City Manager is authorized to accept and appropriate a cash donation from the Cincinnati Reds Community Fund up to the amount of \$150,000 to the newly established capital improvement program project account no. 980x199x221906, “Avondale Synthetic Baseball Field RCF Donation.”

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 1 through 2 hereof

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

October 13, 2021

To: Mayor and Members of City Council 202102933
From: Paula Boggs Muething, City Manager
Subject: Emergency Ordinance – Golden Avenue Stormwater Easement

Attached is an Emergency Ordinance captioned:

ACCEPTING the grant of permanent public utility easements in favor of the City of Cincinnati for the construction, maintenance, and repair of stormwater sewers in and upon certain real property located north of Golden Avenue in the Columbia Tusculum and Hyde Park neighborhoods.

The Stormwater Management Utility (SMU) has made improvements to existing private stormwater infrastructure on the property at 3610 Golden Avenue in order to prevent future flooding in the vicinity. This ordinance is to accept easements granted by the property owner for SMU to own and maintain the improved infrastructure shown on Attachment A to the Ordinance.

The Administration recommends passage of this Ordinance.

cc: Cathy B. Bailey, Executive Director/Greater Cincinnati Water Works

EMERGENCY

City of Cincinnati

CHM

AWB

An Ordinance No. _____ - 2021

ACCEPTING the grant of permanent public utility easements in favor of the City of Cincinnati for the construction, maintenance, and repair of stormwater sewers in and upon certain real property located north of Golden Avenue in the Columbia Tusculum and Hyde Park neighborhoods.

WHEREAS, Barbara W. Kellar and Larry Kellar have granted to the City public utility easements to construct, maintain, and repair public stormwater sewers in and upon certain real property generally located north of Golden Avenue and south of Grandin Road in the Columbia Tusculum and Hyde Park neighborhoods, as more particularly depicted and described on a plat entitled *Permanent Easement Plat for Stormwater Sewer along Barbara W. Kellar Property* attached to this ordinance as Attachment A and incorporated herein by reference (the “Easement Plat”); and

WHEREAS, the City Stormwater Management Engineer has examined and approved the Easement Plat as to its technical features and has found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Waterworks on behalf of the Stormwater Management Utility, recommends that Council accept and confirm the acceptance of the aforementioned public utility easements; now, therefore,

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

Section 1. That the public utility easements granted by Barbara W. Kellar and Larry Kellar to the City of Cincinnati for the construction, maintenance, and repair of public stormwater sewers in and upon the real property more particularly depicted and described on the plat entitled *Permanent Easement Plat for Stormwater Sewer along Barbara W. Kellar Property* attached to this ordinance as Attachment A and incorporated herein by reference (the “Easement Plat”) are hereby accepted and confirmed. The real property burdened by the public utility easements is more particularly described as follows:

Lying and being in the City of Cincinnati, County of Hamilton, State of Ohio, and being in Section 25, Town 4, Fractional Range 2, Miami Purchase, Columbia Township and being part of Lots 11 and 12 of John Totten's Estate, as recorded in Plat Book 5, Page 147, Recorder's Office, Hamilton County, Ohio, as recorded in Official Record 6633, Page 1102, Hamilton County, Ohio Records.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance and the Easement Plat to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. That City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including, without limitation, executing the Easement Plat and other necessary real estate documents.

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 for the City to accept and confirm the acceptance of the public utility easements and to record the Easement Plat with the Hamilton County, Ohio Recorder's Office without delay.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

October 13, 2021

To: Mayor and Members of City Council 202102930
From: Paula Boggs Muething, City Manager
Subject: **Ordinance – DOTE: Municipal Road Fund Program and Ohio Public Works Commission (OPWC) Round 36 Funding Applications**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 36) for the purpose of ensuring the timely completion of various road, bridge, and stormwater infrastructure construction projects throughout the City.

This Ordinance authorizes the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund (MRF) program and the Ohio Public Works Commission (OPWC) State Capital Improvement Program (SCIP), the Local Transportation Improvement Program (LTIP), and the Revolving Loan Fund Program as part of Funding Round 36.

The Department of Transportation and Engineering (DOTE) and the Greater Cincinnati Water Works Stormwater Management Utility (GCWW-SMU) identified the attached list of potential projects and local matching resources for which it intends to submit applications for grant resources by October 29, 2021 for funding year 2023. DOTE may apply for projects not included on this list if City priorities change. However, if the City is awarded any grants, loans, or loan assistance under these programs, DOTE will only accept grant resources for which City Council has provided authorization. Depending on the terms of the grant award for each project, local match funds may be required. Local match resources would come from existing and future capital improvement program project accounts as indicated in the attachment. No additional FTEs are associated with these applications for grants, loans, or loan assistance.

The implementation of these potential projects is in accordance with the "Connect" goal to "develop an efficient multi-modal transportation system that supports neighborhood livability," as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachments



AKS

- 2021

AUTHORIZING the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 36) for the purpose of ensuring the timely completion of various road, bridge, and stormwater infrastructure construction projects throughout the City.

WHEREAS, the Department of Transportation and Engineering (“DOTE”) and Greater Cincinnati Water Works Stormwater Management Utility (“GWCC-SMU”) intends to request grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 36) by October 29, 2021, for funding year 2023, in order to ensure the timely completion of projects DOTE identifies as high priorities; and

WHEREAS, DOTE and GCWW-SMU identified the attached list of potential projects as high priorities for which it intends to apply for assistance, although the list is subject to change and DOTE may apply for resources for projects not included in Attachment A; and

WHEREAS, depending on the terms of the grant award for each project, local match funds would be required for acceptance; and

WHEREAS, anticipated sources of local match funds, which would come from existing and future capital improvement program project accounts, are identified for each of the projects in Attachment A; and

WHEREAS, DOTE and GCWW-SMU will prepare all applications as requests for grant funding, but there may be opportunities to obtain additional zero percent interest loan funds for these projects once the District Integrating Committee allocation of grant monies is exhausted; and

WHEREAS, if the City is awarded any grants, loans, or loan assistance under these programs, DOTE will request authorization from City Council in order to accept and appropriate such resources; and

WHEREAS, no additional FTEs are associated with the applications for grants, loans, and loan assistance; and

WHEREAS, the implementation of these potential projects is in accordance with the “Connect” goal to “develop an efficient multi-modal transportation system that supports neighborhood livability” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 36) to ensure the timely completion of various road, bridge, and stormwater infrastructure construction projects throughout the City.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1 herein.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

OPWC Round 36 - Potential Projects

	Project Name	Local Match		Grant Amount	Total Project	Description	Neighborhoods
		Source	Amount				
1	Art Museum Drive Retaining Wall	DOTE Capital, Wall Stabilization and Landslide Correction Program	\$ 475,000	\$ 475,000	\$ 950,000	Stabilization of hillside movement which is occurring on the east side of Art Museum Drive by the installation of a drilled shaft retaining wall having a length of approximately 450 feet. Replacement of curb and sidewalk and restoration of pavement included in the project. Removal of existing cable post guardrail system with Steel backed timber guardrail on Art Museum Drive and Eden Park Drive	Mt. Adams & Walnut Hills
2	Beekman Avenue Rehabilitation	Transit Infrastructure Grant	\$ 1,460,000	\$ 1,460,000	\$ 2,920,000	Rehabilitation of Beekman Av from Westwood Northern Blvd to Elmore St. Includes retaining wall and sidewalk repair at 3200 Beekman Av.	Millvale
3	Brighton Bridge Improvement	DOTE Capital, including Bridge Rehabilitation Program	TBD		\$ 3,200,000	Replacement or removal of the Brighton Approach Bridge over Central Parkway.	CUF, Over-the-Rhine, West End
4	Clybourn PI Drainage Improvement	SMU Capital	TBD (20-50% of total Project Cost)		\$ 100,000	This project will improve the drainage at the intersection of Clybourn PI and Fairview Av.	CUF
5	Computerized Traffic Control System- OTR	Congestion Mitigation and Air Quality Improvements grant (CMAQ)	\$ 6,000,000	\$ 3,000,000	\$ 9,000,000	This project will upgrade the existing twisted pair telephone grade interconnect communication cable to fiber optic technology. This upgrade will facilitate ITS strategies to facilitate coordinated traffic signals.	Over-The-Rhine
6	Dane Av Drainage Improvement	SMU Capital	TBD (20-50% of total Project Cost)		\$ 100,000	This project will improve the drainage on Dane Av near the intersection with Bercliff Av.	Northside
7	Elberon Avenue Rehabilitation	DOTE Capital, including Street Rehab Program	\$ 750,000	\$ 750,000	\$ 1,500,000	Rehabilitation of Elberon Av from State Av to Bassett Rd.	East Price Hill & Lower Price Hill
8	Faraday Ave Improvement	DOTE Capital, including Wall Stabilization and Landslide Correction Program, Street Rehab & Safety	TBD (20-50% of total Project Cost)		\$ 1,500,000	Landslide correction, safety improvements and street rehabilitation.	South Cumminsville
9	Feemster St Drainage Improvement	SMU Capital	TBD (20-50% of total Project Cost)		\$ 200,000	This project will improve the drainage on Feemster St.	Columbia Tusculum
10	Ferguson PI Reconstruction	SMU Capital, DOTE Capital, including Street Rehab Program	TBD (20-50% of total Project Cost)		\$ 500,000	This project will lower the roadway to improve drainage on the north side.	West Price Hill
11	Glenway Avenue Rehabilitation	DOTE Capital, including Street Rehab Program	\$ 1,500,000	\$ 1,500,000	\$ 3,000,000	Rehabilitation of Glenway Avenue from Shirley Dr to Warsaw Ave.	West Price Hill & Westwood
12	Hillside Avenue Retaining Wall	DOTE Capital, Wall Stabilization and Landslide Correction Program	\$ 240,000	\$ 360,000	\$ 600,000	Stabilization of roadway that is affected by movement by the construction of approximately 500 feet of pier wall.	Riverside
13	Juergens Street Reconstruction	SMU Capital, DOTE Capital, including Street Rehab Program	TBD (20-50% of total Project Cost)		\$ 1,500,000	This project will rehabilitate Juergens Avenue from Vine Street to Greendale Avenue. The project will also include new curb and drainage improvements.	Clifton
14	Monon Av Drainage Improvement	SMU Capital	TBD (20-50% of total Project Cost)		\$ 300,000	This project will improve the drainage on Monon Av from Wildwood St to Parkway Av.	Hartwell

OPWC Round 36 - Potential Projects

	Project Name	Local Match		Grant Amount	Total Project	Description	Neighborhoods
		Source	Amount				
15	Paxton Avenue Improvement	Transit Infrastructure Grant	\$ 900,000	\$ 1,100,000	\$ 2,000,000	This project will rehabilitate Paxton Av from Wasson to Marburg Ave. The project includes safety improvements at the intersection of Paxton Ave, Wasson Rd & Isabella Av.	Oakley
16	Ridge Avenue Rehabilitation	DOTE Capital, including Street Rehab Program	TBD (20-50% of total Project Cost)		\$ 2,500,000	Rehabilitation of Ridge Avenue from Marburg Avenue to Beredith Avenue, including modifications at the Acomb St Railroad crossing	Pleasant Ridge
17	River Road Rehabilitation	Transit Infrastructure Grant	\$ 2,725,000	\$ 2,725,000	\$ 5,450,000	This project will rehabilitate River Rd from Anderson Ferry Rd to Dart	Riverside & Sedamsville
18	Riverside Drive Retaining Wall	DOTE Capital, Wall Stabilization and Landslide Correction Program	TBD (20-50% of total Project Cost)		\$ 800,000	Repair of retaining 1,380 feet of retaining wall, wall cap and guardrail.	East End
19	Street Lighting Improvement	DOTE Capital, Duke Energy Grant Funds (Account No. 212323).	\$ 400,000	\$ 1,600,000	\$ 2,000,000	This project would upgrade existing high-mast street lighting in the CBD to LED.	CBD
20	Warsaw Avenue Rehabilitation	Transit Infrastructure Grant	\$ 2,125,000	\$ 2,125,000	\$ 4,250,000	This project will rehabilitate Warsaw Avenue from Glenway Avenue to Grand Avenue. The project will include new lane striping and pedestrian improvements throughout the corridor.	East Price Hill
21	Whetsel Avenue Rehabilitation	DOTE Capital, including Street Rehab Program	TBD (20-50% of total Project Cost)		\$ 600,000	This project will rehabilitate Whetsel Avenue from Sierra Avenue to the northern corporation line.	Madisonville
22	Wooster Road Rehabilitation	DOTE Capital, including Street Rehab Program	TBD (20-50% of total Project Cost)		\$ 1,200,000	This project will rehabilitate Wooster Road from Little Duck Creek bridge to the eastern corporation line.	Linwood

October 8, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager **202102934**
Subject: Implementation of Recommendations of the Economic Development Reform Panel

Reference Document # 202102641, # 202102532, and # 202102535

On September 9, 2021, City Council referred the following motion (Item # 202102641) for a report:

MOTION, submitted by Councilmember Mann, WE MOVE that the City Administration prepare a report to lay out a roadmap to implement the recommendations of the Economic Development Reform Panel.

On August 31, 2021, City Council referred the following ordinance (Item # 202102532) for a report:

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.

On August 31, 2021, City Council referred the following ordinance (Item # 202102535) for a report:

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.

Background and Context

On July 29, 2021, the Economic Development Reform Panel (“EDRP”) released its final recommendations and report—fulfilling its mission set forth in Council Ordinance No. 384-2020 to study “the City’s development process” and “mak[e] recommendations...regarding best practices and ways to...better insulate it from political influence and cronyism.” The panel and its work arose out of the indictment of multiple City councilmembers due to the alleged action of these councilmembers relating to various development projects in the City.

As requested in the motion submitted by Councilmember Mann, the primary purpose of this report is for the Administration to lay out a roadmap for implementation of the recommendations of the EDRP. There have been several additional proposals from various Councilmembers arising from the same set of circumstances that gave rise to the EDRP, so the Administration has incorporated responses regarding those proposals into this report for implementation of the EDRP recommendations. These additional proposals are as follows:

- Item # 202102532 - Proposed ordinance submitted by Councilmember Landsman regarding the establishment of a new positions of ethics and good government within the City’s Law Department.
- Item # 202102643 – Proposed ordinance submitted by Councilmember Landsman that would institute new campaign disclosure requirements.
- Item # 202102643 – Proposed ordinance submitted by Councilmember Goodin that would institute new campaign contribution limitations.

The analysis conducted by the EDRP was wide ranging and analyzed action by various public and private parties in the development process—including elected officials, City staff, and private developers. Therefore, the recommendations by the EDRP require changes to the manner in which these parties act and interact. Council is a self-governing body and some recommendations require that Council adopt or implement new policies that govern the behavior of its members. The role of Mayor is established under and regulated by the Charter, but Council has the authority to pass ordinances regulating that role to the extent that it mirrors or reflects the requirements of the Charter. For these ordinances, Council must take action in order to execute the recommendations; in this report, the Administration provides recommended steps that Council could take toward implementation, including by providing proposed ordinances. While certain recommendations are focused on Administration action, in the instances in which resources are required to undertake the recommended functions, Council action will be further required to appropriate sufficient resources. For those recommendations, the Administration has provided an action plan and an estimate of required resources. Finally, some recommendations are solely within the purview of the Administration; in these instances, the Administration will proceed with implementation.

City Administration Action to Date and Charter Roles

When faced with a crisis of institutional integrity, the Administration took all available steps within its purview to return the constituent entities of city government to the roles established by the Charter, roles enshrined in the Charter to address the corruption and cronyism that plagued our City’s early history. While the Administration had no role in the alleged behaviors that led to the arrests and indictments of city council members, we were cognizant of the important role the Administration could play in restoring public trust. As reflected in the EDRP report, the Administration took immediate steps to enact measures designed to restore trust by providing transparency, accountability, and efficiency, and to adhere to the Charter designated roles of the legislative and administrative arms of our City government.

In Section II.D. of the report the EDRP emphasized the importance of recognizing the appropriate role of Council as purely legislative and endorsed certain actions already taken by the City Manager, including the establishment of the Office of Constituent Affairs, directing city staff to provide all inquiries from elected officials on development deals directly to the City Manager's office, and to increase onboarding and training of elected officials on the appropriate roles under the Charter. The Office of Constituent Affairs and its portal: (1) centralize collection and reporting of constituent concerns regarding operations, both externally and internally; (2) improve customer service and service delivery using the data and information gathered from the aggregated data; and (3) provide transparency and accountability through a public accounting of the conduit function of elected officials in utilization of the Administration to address operational concerns.

The Administration will continue implementation and enforcement of these measures and remains committed to excellent service delivery and responsive customer service channels. The Administration will continue to solicit and utilize feedback to improve and update policies and practices that will yield these results and maximize impact.

I. EDRP Recommendations – Development Processes¹

Improper Influence on Quasi-Judicial Matters

The EDRP recommends adoption of an ordinance requiring the Zoning Hearing Examiner and members of boards and commissions considering quasi-judicial matters to report to the City Solicitor any private contact from elected officials or their staffs attempting to influence the outcome of such matters. For clarity, quasi-judicial functions of these bodies typically involve the body having a hearing, being presented facts about the specific circumstances, and then the body making an interpretation of existing law and coming to a decision. The EDRP identifies City Planning Commission, the Zoning Hearing Examiner, the Historic Conservation Board, the Zoning Board of Appeals, the Building Board of Appeals as bodies that frequently act in a quasi-judicial manner in the development process.²

Existing Cincinnati Municipal Code (CMC) 113-3 and 1501-29 prohibit members of Council, members of the Administration, parties to the subject proceeding, or any other person from interfering with, attempting to interfere with, or improperly influence a hearing examiner in the performance of the duties of the office. To fully implement the EDRP recommendation, the Administration recommends an amendment to CMC Chapters 113 and 1501 to add a reporting requirement for the zoning hearing examiner and to clarify that private communication that is not conducted in public as part of the public hearing on the matter is not permitted.

The Administration further recommends an amendment to the CMC to establish a similar overarching prohibition and reporting requirements, as detailed in the EDRP report, that will apply to all City decision-making bodies and officials that act in a quasi-judicial function. This includes those bodies identified by the EDRP as relating to land use and development and all other City bodies acting in this capacity, such as the Civil Service Commission.

The City Administration will produce and introduce an ordinance encompassing the above recommendation for Council consideration.

¹ In Section II and in Section VI of its report, the EDRP recommends that Council adopt a code of conduct. The Administration's recommendations on this item are contained below in Section IV of this report.

² Council operates almost exclusively through legislative authority. In the unusual instance that Council would hold a quasi-judicial hearing, the Administration would notify Council of applicable rules in advance (e.g., for matters appealed to Council under CMC 1449-01).

Development Process Simplification

Another EDRP recommendation is to make the development process simpler. This recommendation is premised on the assumption that simplification of the development process will increase opportunities to more developers and level the playing field. Complexity of the development process can create an environment where only a small group of repeat players or those willing to hire specialist attorneys or advisors can navigate the various administrative and legislative processes necessary to complete a development project. This creates an opportunity for political influence in the development process.

The Administration has prioritized simplification of the development process with multiple policy goals in mind—including promoting housing affordability by encouraging additional production of housing and to improve service delivery and efficient use of resources. The Administration is following three strategies to accomplish this:

- 1) Simplify the zoning code to create more as-of-right development options and streamline administrative approval processes. Current proposals in this area include an omnibus zoning code clean up ordinance and a proposal from Councilmember Keating to remove unit/area density regulations.
- 2) Improve service delivery by transitioning our current permitting and permit review software to an updated online platform that will facilitate and expedite permit review and approval.
- 3) Commit additional resources to provide targeted technical assistance for various customer groups—including non-profit development corporations, for-profit developers, and small businesses. This has occurred through a restructuring of the Department of Community and Economic Development (DCED) and the establishment of a Neighborhoods Divisions, which will focus on providing assistance to community non-profit development corporations; a solidified Economic Development Division, which will provide assistance to for-profit developers; and a small business assistance office in the DCED Director's Office that will provide assistance to small businesses.

The Administration will continue to work on these three strategies, introduce legislation to further these goals, and remains available to provide support to Councilmembers interested in legislation to support these strategies. In future budget cycles, adding resources to DCED for additional staff in the Neighborhoods Division and the Economic Development Division will provide greater capacity to facilitate the type of technical assistance recommended by the EDRP, specifically for small developers.

Forensic Audit Results

In accordance with a motion introduced by Vice Mayor Smitherman, the Administration released an RFP for services to conduct a forensic audit of all development deals that have occurred over the past three years. The City Administration has awarded a contract to Crowe LLP, a public accounting, consulting, and technology firm, to conduct the audit. A final audit report will take several more months to complete, but once received the Administration will promptly release this report to Council in an FYI memorandum and will include further recommendations at that time based on the results, in accordance with the EDRP recommendation.

II. EDRP Recommendations – Campaign Contribution Regulations and Increasing Transparency and Disclosure

One of the primary concerns extensively discussed and analyzed by the EDRP is the potential for campaign contributions to influence elected official decision-making on legislative approvals

involved in the development process. To address this potential situation, the EDRP recommends two primary actions: (1) an ordinance regulating campaign contributions that would prohibit Councilmembers or the Mayor from soliciting or accepting, or a developer from making, a campaign contribution while an applicable matter is pending in front of Council for approval; and (2) an ordinance instituting heightened campaign contribution disclosure requirements for Councilmembers, the Mayor, and candidates for those offices.

Campaign Contribution Regulation

The EDRP report describes in detail a proposed ordinance regulating campaign contributions, including definitions, scope, and a discussion of considered but ultimately rejected ideas. At this time, multiple Councilmembers have introduced proposals to limit campaign contributions and to promote increased transparency. Councilmember Goodin has introduced a proposal (Item # [202102643](#)) that closely tracks the EDRP's recommendation for limiting Councilmembers and the Mayor from soliciting or accepting contributions while specified items are pending before Council and prior to final resolution.

The primary elements of the proposal as recommended by EDRP are as follows:

- Establish a public “City business list” online specifying the names of financially interested persons associated with development projects coming before City Council.
 - City business means requests or applications for the following items requiring approval by council:
 - (a) development incentives, including loans and tax incentives, with an estimated potential value of \$100,000 or more per year;
 - (b) sales of city property with an estimated fair market value of \$200,000 or more; or
 - (c) zoning changes.
- Prohibit campaigns from accepting contributions from persons listed on the City business list while such persons have legislation pending at Council (from introduction until final legislative action).
- Require campaigns to return or give away within two weeks any contributions prohibited to be accepted under this ordinance.
- Impose civil fines against campaigns that fail to comply.
- Require the City Solicitor’s Office to investigate complaints that a Councilmember has solicited donations in violation of the ordinance and publicly report the Solicitor’s findings to Council.

The Administration recommends that Council adopt Councilmember Goodin’s proposal to implement the EDRP recommendation regarding limits on Councilmember and Mayor. Implementation of the actions required of the Administration in Councilmember Goodin’s ordinance will require an appropriation by Council of additional resources. The Administration will provide a B version of the ordinance containing an amendment to include the necessary appropriation. An estimate of the resources required are discussed in more detail below.

The EDRP also recommends a prohibition against developers *making* campaign contributions while legislation is pending with Council. The Administration recommends, instead, that the City prohibit *acceptance* and *solicitation* of contributions by Council from developers that have legislation under active consideration by City Council. To address developer conduct directly, the Administration recommends implementing the prohibition on developer contributions by including it in the developer code of conduct, as further described below.

Councilmember Landsman has introduced multiple proposals to increase transparency and improve enforcement of campaign contribution requirements. One such proposal proposes to establish a new position of an “ethics and good government counselor” within the City. The EDRP considered recommending an ethics officer but did not recommend one in its report. The panel heard from Paul Nick, the chair of the Ohio Ethics Commission (“OEC”) regarding the functions of the OEC and its broad jurisdiction to investigate and enforce the Ohio ethics laws, as well as the training the OEC provides. Some concern was expressed about reconciling the functions of the City ethics and good government counselor with those of the OEC. The EDRP also recommended additional ethics training across the board for City officials and employees, as discussed at length below. The EDRP did not directly consider whether to recommend additional staff and support for the Cincinnati Elections Commission but did discuss the need for additional funding and staff if their recommendations regarding campaign finance and an active developer list were adopted.

Councilmember Landsman’s proposed ordinance (Item # [202102532](#)) would modify Article III, Section 10 of the Administrative Code and establish the new position of ethics and good government counselor within the Department of Law and provide staffing to support ethics and election and campaign finance efforts. The ordinance would expand the functions of the existing Office of Administrative Hearings to provide ethics and good government support to all City employees and elected officials as well as providing support for the Cincinnati Elections Commission in its administration of Article XIII of the City Charter. The ethics and good government counselor would serve as a dedicated point of contact for elected officials, their staff, and city employees for questions related to ethics and conflicts of interest. The counselor would also serve as a liaison to the Ohio Ethics Commission and provide ethics and conflicts of interest training for elected officials and city employees. Finally, the counselor would review the filings received by the Cincinnati Elections Commission, advise candidates of non-compliance, investigate and present information to the Cincinnati Election Commission regarding non-compliance with campaign contribution and filing requirements, and additional tasks as further detailed in Section VI below.

In conjunction with the adoption of the above-described proposal from Councilmember Goodin, the Administration recommends adopting Councilmember Landsman’s proposal to establish the new position and add staffing capacity to facilitate implementation of the new campaign contribution regulation as well as provided dedicated staffing for ethics, training, and good government functions.

The new position described in Councilmember Landsman’s proposal is made contingent upon an appropriation and maintenance of necessary funding for implementation. The Administration recommends and will provide a B version of the ordinance with an amendment to include an appropriation of resources for implementation. To facilitate immediate implementation, the B version will include an appropriation of necessary resources for the remainder of FY 2022; the Administration estimates the annual resources required to implement Councilmember Goodin’s and Councilmember Landsman’s proposals to be \$500,000, which will fund the counselor position, two support staff positions, and operating costs. To summarize, this funding will provide the ethics and good government officer with support to provide day-to-day ethics advice, expand existing local ethics resources and training, to provide dedicated administrative and enforcement support for the Cincinnati Elections Commission, to create and administer the “active developer list,” as well as various related investigative and enforcement actions, including the whistleblower hotline. The City Solicitor will allocate additional attorney support as needed to by the ethics and good government counselor in performance of these duties, along with City Manager prioritization of other City support required (e.g., for website improvements and database management).

As a final implementation recommendation in this area, the Administration is recommending a restructuring of one function, currently organized under the City Manager’s Office, to be moved under the authority and oversight of the newly created counselor of ethics and good government.

Article II, Section 13 of the Cincinnati Administrative Code (CAC) establishes the Office of Municipal Investigation to investigate and report on allegations of serious misconduct by City employees. The primary investigative functions of the Office of Municipal Investigation (OMI) were taken on by the Citizens Complaint Authority (CCA) upon its creation in 2002. As a result, OMI has not been *directly* staffed or funded as part of the City budget for decades. Instead, OMI's non-CCA functions have been absorbed elsewhere in the City Administration. The Solicitor's Office, which includes the Office of Administrative Hearings, currently handles the bulk of the remaining OMI functions, including investigation of allegations of misconduct by non-police City staff or misconduct by elected officials or their staff.

The Administration recommends modifying Councilmember Landsman's proposal to amend the CAC to designate the investigative functions of the Office of Municipal Investigation as formally under the City Solicitor in the Law Department. It is important to note that the former OMI and the Solicitor's Office have no authority to investigate or prosecute state ethics violations. State law makes any such investigations the exclusive domain of the Ohio Ethics Commission and its attorneys. When there is an allegation of general misconduct in performance of legal duties or work responsibilities, however, the City can and does investigate. As further described below in Section VI, if there are complaints of wrongdoing, the City Solicitor in coordination with the ethics and good government counselor will refer matters to the City Administration (e.g., for disciplinary action), the Cincinnati Elections Commission (for campaign finance violations), or law enforcement officials (for violations of state or federal law). In addition, under CM Goodin's proposed ordinance (prohibiting the solicitation of campaign contributions from financially interested persons), the City Solicitor's Office, in its capacity as staffing for the Cincinnati Elections Commission, will publicly disclose the results of investigations of improper campaign solicitation directly to Council through the Clerk.

Campaign Contribution Transparency

The EDRP report recommends increasing transparency of campaign contributions by (1) recommending passage of an ordinance that will expand disclosure requirements for Councilmembers, the Mayor, and candidates for those offices beyond the current scope of disclosure requirements set forth in Section XIII of the Charter and (2) increasing public accessibility to campaign contributions by having the Administration delineate all campaign contributions disclosed by such elected officials or candidates under the expanded disclosure requirements on the existing public and searchable online database that discloses campaign contributions.

At present, the Administration already maintains a public-facing campaign finance portal that is searchable and clearly lists campaign finance contributions disclosed under existing rules and law. Therefore, the core of the EDRP recommendation is to pass an ordinance expanding upon existing disclosure requirements to include required filing of campaign finance reports for other campaign accounts or committees over which the candidates or sitting officials have control—in effect aggregating campaign financing reporting that is required under other local, state, or federal campaign finance law and associating such reporting with the subject candidate or official. The EDRP recommends this filing happen within 48 hours of when the relevant campaign finance report is required to be filed with the other applicable regulatory body and be enforced by a secondary filing made by the official or candidate that lists comprehensive information about all campaign accounts or committees over which he or she has control.

The EDRP recommends that campaign reports filed with the City for municipal elections be published online within 48 hours of the filing deadline for such report and that the City's campaign reporting website be augmented to allow, for example, for online reporting. The City Administration has implemented this change, though additional staffing and technical resources would improve its functionality. Councilmember Landsman has introduced related legislation (Item # [202102535](#),

“Campaign Finance - Disclosure) related to the EDRP’s recommendations. Specifically, his ordinance calls for development of a public-facing and searchable campaign contribution website for city elected officials (and candidates). Councilmember Landsman’s proposal would also require disclosure of contributions of \$200 dollars or more within three business days following receipt by a campaign. (The EDRP recommendation leaves unchanged the existing disclosure timing requirements under local law.)

Councilmember Landsman further proposes that Councilmembers report all campaign donations online within three business days. If Council determines that three-day disclosure is appropriate but does not fund the ethics and good government counselor recommendations described above, then additional resources will be required to maintain and enforce the three-day reporting system.³ If funded, the ethics and good government administrative staff could maintain and operate such a submission portal as part of their duties in supporting the Cincinnati Election Commission.

The main component of the EDRP recommendation not addressed by a current council proposal is the expansion of existing reporting (and online posting) requirements. The EDRP recommends including public disclosure of filing of all campaign finance reports for other campaign accounts or committees over which the candidates or sitting officials have control and that are required to be filed with other regulatory bodies under existing local, state, or federal law. This recommendation is intended to increase transparency of campaign contributions that the candidate controls but of which local disclosure is not required under current Charter language. To implement this recommendation, the Administration recommends and will develop for Council consideration an ordinance to amend CMC Chapter 117 to require that copies of other campaign reports be filed with the City and added to the City’s online campaign and elections portal. Note that this is already being done for all state filings with the Board of Elections for city elected offices, although the format of the data provided by campaigns to the City and posted by the City online is typically not searchable. If passed by Council, the Administration will adapt the existing campaign finance portal to include the expanded disclosures.

In order to develop more than the minimum website envisioned by the EDRP and Councilmember Landsman, the Administration estimates that upgrades to the portal described in the EDRP report will require a one-time investment of \$75,000, which will be included in the Administration’s B version. This cost would allow for a dedicated ETS staffing plan to develop and implement website upgrades along with exploring potential off-the-shelf software for campaign contribution oversight and reporting. If Council approves the allocation of resources identified above for the good governance and ethics counselor, then no additional *ongoing* resources will be necessary, as the resources to maintain the website will not be substantially more than the resources required for the existing campaign finance portal.

III. EDRP Recommendations – Confidential Whistleblower Hotline

The EDRP recommends enhancements, re-branding, and increased marketing of the Administration’s existing Fraud, Waste, and Abuse hotline that is currently operated by the Internal Audit Division in the City Manager’s Office.

To increase the effectiveness of the hotline and to add additional confidentiality protections, the Administration intends to move the functionality from the Internal Audit Division to the new ethics and good government counselor, assuming approval by Council and appropriation of the above identified resources. By establishing this function in the City Solicitor’s Office, attorney-client

³ Additionally, for consistency the Administration recommends an amendment to Councilmember Landsman’s proposal that will expand the definition of “contributor” to incorporate the definition of “financially interested person” contained in the Goodin proposal.

privilege can be utilized when available to further increase the confidentiality and to encourage increased use of the service. If allegations of financial or operational waste are received, those complaints will still be referred to Internal Audit for further investigation. This change also aligns with moving the defunct OMI to the City Solicitor's Office, as the hotline was formerly a function of that office before being transferred to the Internal Audit Division.

As part of this transition the Administration will work on re-naming, increasing marketing and accessibility of the hotline, and expanding the topical scope, as recommended by the EDRP. Since the ethics and good government counselor is intended to conduct ethics trainings, the hotline can be incorporated into these periodic trainings.

IV. EDRP Recommendations – Codes of Conduct

The EDRP recommends adoption of codes of conduct by City Council and the Mayor, respectively, to govern themselves and their staff.

Council Code of Conduct

Section II of the EDRP report recommends adoption of a code of conduct by Council that achieves the following:

- Recognition of Council's role under the Charter as a legislative body;
- Recognition that if contacted by a private party seeking financial assistance (including sale of city land) or land use approvals from the City that the Councilmember or Council staff should direct that party to the City Manager's Office; and
- 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.

Additionally, in Section VI of the report, the EDRP recommends that, in addition to the items above, the code of conduct cover the following items:

- Restriction of Council involvement in development projects and interactions with developers, including with respect to campaign contributions;
- Required reporting on a hotline or otherwise of wrongdoing, including required reporting of an offer of something of value in connection with a development project or public contract;
- Articulation of rules to maintain a level playing field, deter inappropriate behavior, reinforce proper behavior, and re-earn public confidence;
- Preclude the involvement of Councilmembers in contract negotiations, especially with respect to economic development deals; and
- Recognize the right and obligations of City employees to report conflicts of interest or violations of law.

The EDRP recommends that this code of conduct be adopted in an ordinance by Council and that elected officials should acknowledge in writing receipt of the code of conduct at or before the first meeting of Council at which they are seated.

In order to facilitate implementation of this recommendation, the Administration has produced draft legislation (two ordinances)—attached as Exhibit A and Exhibit B to this report. As proposed, the first ordinance would amend Section 101 of the CMC to establish baseline requirements for a code of conduct to be adopted by Council, require compliance by Councilmembers to their adopted code of conduct, and requires written acknowledgement by Councilmembers of the code of conduct, in accordance with the EDRP's recommendation. The second ordinance would formally adopt a code

of conduct for Council that satisfies the basic requirements set out in the amended CMC provision and follows the recommendations in the EDRP report. The Administration recommends that each subsequent Council affirmatively adopt its own code of conduct. This will help to educate and inform members of Council and, based on testimony at the EDRP by the director of the Ohio Ethics Commission, regular public discussions about ethics and conflicts expectations generally promote good government.

Councilmember Mann has agreed to introduce the proposed legislation for consideration by Council so that, to the extent amendments from the draft are required, Council can take up such debate within committee to determine the appropriate changes and allow for public discussion and vetting.

Mayor Code of Conduct

Similar to the recommendation regarding Council, the EDRP recommended that the Mayor adopt a code of conduct covering the same items detailed above for Council. As reflected in Section II.D. of the EDRP report and as previously articulated in the City Solicitor's January 26, 2021 opinion, the Mayor's role is unique under the Charter—as the Mayor has a blend of legislative and administrative powers. In this context, the City Administration is recommending that a distinct code of conduct be developed for the role of the Mayor. Language in the proposed ordinance attached in Exhibit A will amend Section 100 of the CMC to accomplish the EDRP recommendations. The proposed ordinance was drafted to ensure compliance with the Charter, so proposed changes by Councilmembers should be reviewed by the Solicitor's Office. Similar to Council, the Administration has produced a suggested code of conduct for adoption by the Mayor, which is attached as Exhibit C.

City Staff Code of Conduct

As described in the EDRP Report, the Administration already maintains a Conflicts of Interest and Contracting Ethics policy in Administrative Regulation No. 68, as well as in the City employee handbook, Personnel Policies and Procedures. As mentioned above, the City Manager has already created the Office of Constituent Affairs and issued Administrative Regulation No. 79, which generally directs staff on how to appropriately respond to direct inquiries from elected officials and provides for notification of the Office of Constituent Affairs.

The EDRP recommends that the Administration further develop and enhance the already existing rules and policies to clearly address (i) position or department specific guidelines, (ii) training for staff on the requirements, (iii) required reporting of violations of the code of conduct or unethical or illegal behavior, and (iv) reinforce obligations of city staff not to improperly influence quasi-judicial hearings.

To implement this recommendation, the Administration will be developing a comprehensive code of conduct that will incorporate the EDRP recommendations and will be promulgated in the City's Personnel Policies and Procedures. To address the particular issues arising from the development process, specific provisions will address those City staff that engage in this process—primarily staff from DCED, the Department of City Planning and Engagement, and the Department of Buildings and Inspections.

An acknowledgement of this new code will be required by all existing City staff and for new staff upon hiring. As described above, training on this new code will be incorporated into onboarding materials for new staff and into periodic trainings for all staff, as further described below.

Appointees Code of Conduct

In addition, the City Staff, the EDRP report recommends a code of conduct be adopted for City appointees to Mayor-appointed and Manager-appointed boards and commissions. The Administration recommends that this recommendation be implemented through an amendment to CMC to add a new chapter to Title II. The Administration will produce and introduce to Council a proposed ordinance for consideration.

Developer Code of Conduct

The EDRP also recommends establishing a code of conduct for private developer parties that are engaging with the City of Cincinnati to do business. The recommendation is that this code of conduct be established and enforced by the City Manager or her designee and include the following:

- Applicable legal and administrative requirements
- Behavioral expectations
- Available training
- Regulation around campaign contributions to City elected officials
- Reporting requirements for violations of City law or policies

In accordance with the EDRP recommendation, the City Manager will develop a proposed Developer code of conduct and share that proposal with Council for feedback and public vetting. As described above, this proposed code of conduct will address campaign contributions while items are pending before Council.

Regarding implementation once finalized, the EDRP recommends that this code of conduct be acknowledged in writing by developers.

As discussed in detail in Section V of the EDRP report regarding campaign contributions, the terms “economic development” and “developers” are incredibly broad and can incorporate a large range of activities and individuals—from the large developer of a multi-million dollar project to a homeowner who is seeking a permit to update a single-family residence.

Effective implementation of a code of conduct for developers must acknowledge and account for this broad array of actors and situations. Therefore, the Administration recommends utilizing the distinctions utilized under the proposed campaign contribution regulatory framework to clarify how the code of conduct will be implemented.

The Administration recommends that if a developer party falls into the category of a private party pursuing a “qualifying matter” (as defined in Section V.A. of the EDRP report)⁴, then that developer must acknowledge in writing the developer code of conduct. This acknowledgement should happen at the earliest feasible date, so the Administration will implement changes to the application processes for the three categories of action for qualifying matters to require written acknowledgement of receipt at that time.

If a developer does not fall into the category of pursuing a qualifying matter, the Administration does not recommend required written acknowledgement but instead public posting of the code of conduct—both online and in-person on the website and in the offices of the Department of City Planning and Engagement, DCED, and the Department of Buildings and Inspections. Additionally,

⁴ Such party is characterized as an “applicant” for “city business” under the proposal from Councilmember Goodin, discussed above.

information about the code of conduct will be provided in application materials for various development processes.

The Administration is able to absorb the resources needed for implementation of this recommendation, so the Administration will proceed with developing the proposed code of conduct for introduction to Council for public vetting and approval.

V. EDRP Recommendations – Training

Elected Official and Staff Training

The EDRP recommends that Council and the Mayor adopt rules to require annual ethics and good government training and education. The report notes that in May of 2021, the City electorate passed a charter amendment, originally proposed by Councilmember Sundermann, that requires elected officials to complete an Ohio Ethics Commission training within 60 days of taking office; however, the EDRP recommends that requirements are established that go beyond this minimum training. Specifically, the EDRP recommends (1) that candidates for elected office receive and acknowledge receipt of relevant training and education materials, (2) that compliance of elected officials and candidates with training requirements be publicly available, and (3) periodic trainings are conducted by the Administration that cover at minimum the following:

- Ethics
- Legal and administrative requirements regarding campaign contributions
- Interaction with developers
- Interaction with constituents
- Role of Councilmembers and the Mayor in development projects

Finally, the EDRP recommends that elected officials and staff be required to at minimum attend an ethics training annually and that non-compliance would result in a loss of legislative privileges for elected officials.

As discussed above, the Administration has not been passive since the indictments and has already greatly increased training opportunities for elected officials and their staff. At present, the City Manager's Office provides elected officials and their staff the following opportunities to receive ethics training: (1) New Council Orientation; (2) periodic City Council, Boards, and Commissions Virtual Academy; and (3) periodic Ohio Ethics Commission Trainings.

In February 2021, the City Manager's Office developed an enhanced curriculum component for the New Council Orientation that focuses on Ohio Ethics Law and the Structure of our Municipal Government, explaining the functional structure established under the City's Charter. Based on the EDRP report, the Administration will rename this curriculum the Elected Official Orientation and further enhance this curriculum component to cover all of the recommended topics identified by the EDRP. Additionally, if adopted by Council and the Mayor, this curriculum will be expanded to include an in-depth explanation of the codes of conduct for elected officials. Elected Official Orientation has already been scheduled for February 2022, and the Administration will include the above-described materials in that training.

Since the fall of 2020, the City Manager's Office has hosted a Council, Boards, and Commission Virtual Academy. This training was offered three times in the Spring of 2021 and is being offered three times this fall. It was designed to provide City elected officials, their staff, and volunteer board members with essential training on ethics and City budget, finance, and procurement policies. As of the fall of 2021, the availability of this training has been expanded to include candidates for elected office. Notice of this opportunity has been mailed to all 2021 General Election City Council

Candidates, as posted by the Board of Elections on September 1, 2021. The Administration recommends expanding the ethics curriculum to include the items recommended by the EDRP and applicable codes of conduct, if adopted.

Elected officials and their staff are also invited to participate in the Ohio Ethics Commission trainings that are periodically scheduled for City staff by the City's Department of Human Resources. This training is instructed by the Ohio Ethics Commission and is a required course for all City employees regardless of level and classification. This training is available either on-demand, during New Employee Orientation, or in-person as hosted in City Hall every 2 years.

Regarding the EDRP recommendation for implementation of a mandatory annual participation requirement for elected officials and staff, the Administration recommends that annual participation by officials and their staff in either Elected Official Orientation or a Council, Boards, and Commission Virtual Academy session should be made a component of the elected official codes of conduct, as further described above in Section IV of this report.

Further, if approved by Council and the necessary resources appropriated, the new ethics and good government counselor, with the support of staff, will be responsible for completing, periodically updating, and teaching the curriculum described above and will further act as resource for addressing questions on the materials. Tracking of compliance with the participation requirement can also be completed by the ethics and good government counselor and made publicly available.

City Staff Training

As the EDRP recognizes, all City staff, regardless of position or classification, are currently required to attend an Ohio Ethics and Ohio Fraud Reporting training. This training is required of all new employees as part of their New Employee Orientation and is mandatory within the first 30 days of employment. City staff are also required to complete a refresher course every 2 years. City staff are also required to sign an acknowledgement form regarding required reporting of suspected fraud to the Ohio Auditor of States Office.

The EDRP recommends that staff training be required annually and cover specific ethics and "good government" practices, including job-specific issues particularly for those staff involved in the development process.

To implement this requirement, the Administration will maintain the existing system of biennial Ohio Ethics and Ohio Fraud Reporting training for employees, but that the City Manager will also require on a staggered biennial basis a new focused training that covers the City-specific items identified by the EDRP and other applicable materials, such as relevant administrative regulations, proper reporting procedures, and codes of conduct. The information from this training will also be incorporated into New Employee Orientation.

Developer Training

Finally, the EDRP recommends that the Administration offer voluntary developer training on specified items. The Administration recommends that acknowledgement of this training be incorporated into the proposed developer code of conduct and be developed so that it can be accessed virtually and on an ad-hoc basis. Through this method, the EDRP-recommended written acknowledgment of the training will be incorporated into acknowledgement of the developer code of conduct, as further described above. Further, the Administration recommends and will pursue updating the applications for "qualifying matters" (referred to as "City business" in the Goodin proposal) to include a representation as to if the training has been completed by the applicant.

VI. Additional Administration Recommendations on Implementation

The EDRP recommendations span several complex subject areas including campaign finance laws; ethics policies and laws; and codes of conduct for elected officials, developers, and staff. A key component of ensuring the effectiveness of these recommendations is establishing the appropriate enforcement mechanisms to facilitate complaints, analysis and investigation, and reporting of violations of applicable law and policies. As discussed above, the Administration recommends the creation of the ethics and good government counselor proposed by Councilmember Landsman in Item # 202102532. The Administration further recommends that the ethics and good government counselor function as a central clearinghouse to receive relevant complaints and then refer such complaints to the appropriate authorities for proper enforcement. Given the scope of the subject matter and the variations in jurisdiction for enforcement, the Administration is recommending that Item # 202102532 be amended to specifically delineate how the ethics and good government counselor will handle and refer received complaints. Attached as Exhibit D is a diagram illustrating the Administration's recommendation. The above discussed B Version of this ordinance will incorporate this recommendation.

Conclusion

The events leading to the establishment of the EDRP caused a breach of public trust in our local government. Recommending steps to restore that trust and ensure ongoing transparency and accountability in our government functions was the critical mission of the EDRP. With diligence and deliberation, the EDRP produced a well-executed report that is narrowly tailored to address the issues, is cognizant of the current landscape, and recommends steps that are achievable in a timely manner. Even in the face of challenging circumstances and time constraints, the EDRP report is a detailed blueprint of proposed reforms to improve local government systems and processes and to ensure that we are never again faced with a similar crisis of public trust. This report summarizes the Administration's recommendations on how to take that blueprint and integrate and enshrine these reforms into City policies, practices, and law.

Exhibit A
Proposed Ordinance Amending the CMC to Require a Council Code of Conduct and a Mayor Code of Conduct

[Attached]

Exhibit B
Proposed Ordinance for Council to Adopt a Code of Conduct
[Attached]

Exhibit C
Proposed Mayor Code of Conduct
[Attached]

Exhibit D
Enforcement Flow Chart for Complaint to
Ethics & Good Government Counselor

[Attached]

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

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.

MAYOR OF CINCINNATI

CODE OF CONDUCT

This code of conduct contains both required and aspirational principles and shall guide the conduct of the City's Mayor and all mayoral staff. Within forty-five days of becoming Mayor, whether by election or appointment, the Mayor shall sign a commitment to follow the Mayor's Code of Conduct set forth in this document. Within forty-five days of being hired as a staff member for the Mayor, every staff member shall sign a commitment to follow the Mayor'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 the Mayor and each mayoral staff member.

Pursuant to Section 100-13 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.

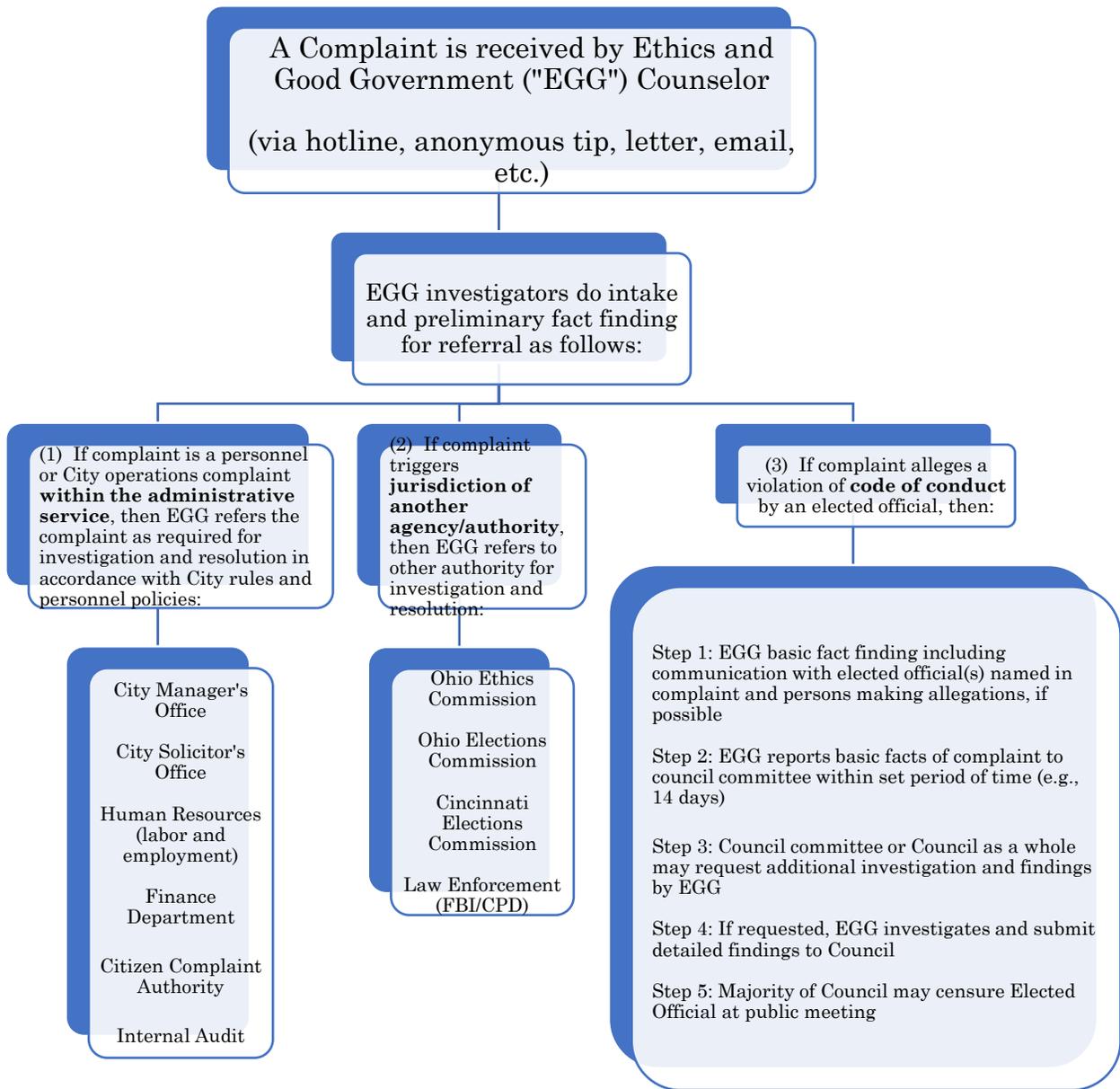
The Mayor and all Mayoral staff shall:

- 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, refrain from discussions of financial assistance or land use approvals with private parties without the involvement of the City Manager or her designee and from privately interfering 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 inquires 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 Chapter102 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) Not discuss fundraising or campaign activities while conducting City business.
- 13) 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.
- 14) 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.
- 15) 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.



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/(Ink)
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.

202103002

Date: October 15, 2021

To: Councilmember David Mann
From: Andrew W. Garth, City Solicitor *AWG/ESW*
Subject: **Emergency Ordinance – Modifying CMC Chapters 100 and 101 Council Code of Conduct**

Transmitted herewith is an emergency ordinance captioned as follows:

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 384-2020.

AWG/AKS/(lnk)
Attachment
348628

EMERGENCY

City of Cincinnati

An Ordinance No. _____

AKS
AWG/
EBSW
-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 384-2020.

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 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) Cultivating 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 attend training at least annually on Ohio ethics laws and other state and local laws pertinent to the role of the mayor;
- (6) Commitment to never use city resources or personnel for political activity;
- (7) Recognition of the limitations on the mayor's ability to negotiate economic development deals without the involvement and approval of the city manager; and
- (8) 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 council.

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) Commitment to attend training at least annually on Ohio ethics laws and other state and local laws pertinent to the role of council;
- (6) 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;
- (7) Commitment to never use city resources or personnel for political activity; and
- (8) 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 member of city council, whether by election or appointment, or being hired by a member of city council.
- (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 council.

Section 3. That the Mayor and City Council, respectively, shall within 45 days of the effective date of this ordinance adopt a code of conduct and meet requirements applicable to a newly elected Mayor and City Council under Cincinnati Municipal Code Sections 100-13 and 101-45.

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 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

202103003

Date: October 15, 2021

To: Councilmember David Mann
From: Andrew W. Garth, City Solicitor *AWG / EESW*
Subject: **Emergency Ordinance – Adopting Council Code of Conduct**

Transmitted herewith is an emergency ordinance captioned as follows:

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.

AWG/AKS/(lnk)
Attachment
349674

EMERGENCY

AKS

AWG/EEB

-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 384-2020, 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 Codes of Conduct setting out expected behaviors for elected officials particularly in relation to the development process; and

WHEREAS, on October ___, 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 EDRP; and

WHEREAS, Council wishes to adopt the attached Code of Conduct for members of Council 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 members of Council 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

ATTACHMENT A

CINCINNATI CITY COUNCIL

CODE OF CONDUCT

This code of conduct contains both required and aspirational principles and shall guide the conduct of members of City Council and their staff. Within forty-five days of becoming a member of City Council, whether by election or appointment, every member of City Council 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 member of City Council, 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 member of Council 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 member of Council subject to possible censure.

All members of Council and their staff shall:

- 1) Remember that they are public servants who 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, to 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), members of Council 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, members of Council play an important role in receiving and relaying constituent inquiries and community feedback to the City administration, but under the Charter members of Council 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 the City Manager's 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 members of Council 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) Participate in at least one training session each year that covers Ohio ethics laws and other state and local laws pertinent to members of Council and their staff.
- 11) 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.
- 12) 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.
- 13) Recuse themselves in matters coming before Council when there is an appearance of impropriety even if there is not a legal conflict of interest.
- 14) Not discuss fundraising or campaign activities while conducting City business.
- 15) 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 member of Council or Council staff 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.
- 16) 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.
- 17) 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.

202103004

Date: October 15, 2021

To: Councilmember Steven Goodin
From: Andrew W. Garth, City Solicitor *AWG/ERSW*
Subject: **Ordinance – Prohibition of Campaign Contributions from Persons
Financially Interested in City Business (B VERSION)**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING Title I, “Council and Corporation Miscellany,” by enacting new Chapter 119, “Prohibition on the Solicitation or Acceptance of Campaign Contributions from Persons with a Financial Interest in City Business,” of the Cincinnati Municipal Code to restore public trust in elected officials by prohibiting the solicitation or acceptance of campaign contributions from persons having a financial interest in City business while it is pending before Council; and **MODIFYING** Section 1501-8, “Class C-1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code to establish penalties for certain violations of Chapter 119.

AWG/MSS/(Ink)
Attachment
337192v32

City of Cincinnati
An Ordinance No. _____

MSS/B
ANG/BSW
-2021

MODIFYING Title I, “Council and Corporation Miscellany,” by enacting new Chapter 119, “Prohibition on the Solicitation or Acceptance of Campaign Contributions from Persons with a Financial Interest in City Business,” of the Cincinnati Municipal Code to restore public trust in elected officials by prohibiting the solicitation or acceptance of campaign contributions from persons having a financial interest in City business while it is pending before Council; and **MODIFYING** Section 1501-8, “Class C-1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code to establish penalties for certain violations of Chapter 119.

WHEREAS, recent allegations of corruption against some members of Council have diminished public trust in elected officials; and

WHEREAS, following allegations of pay-to-play schemes, the Mayor and Council passed Ordinance No. 384-2020, which created an Economic Development Reform Panel (“EDRP”) and charged it with making recommendations regarding best practices and ways to improve the development process and better insulate it from political influence and cronyism, to help restore public trust in City elected officials; and

WHEREAS, the EDRP found that “[e]lected officials soliciting for or receiving campaign contributions from a developer while that developer has business on the City Council calendar pose great risk for corruption and undue influence”; and

WHEREAS, the EDRP also found that “allowing elected officials to solicit or receive contributions from developers during the time period that the developer’s project is officially before them increases the risk that the developer may be asked or offer to make a campaign contribution in exchange for the elected official taking that official action”; and

WHEREAS, the EDRP concluded that “[m]any economic development projects take months or years working with the City administration, the community, and other external parties to put all of the pieces together,” and that the prohibition on campaign contributions should not extend beyond the time developers have business before the Council; and

WHEREAS, the EDRP therefore recommended that the period of prohibition for elected officials accepting campaign contributions extend “from the time a matter involving the developer is transmitted to the Clerk of Council until the matter is disposed of by final action of Council and the Mayor”; and

WHEREAS, the EDRP also expressed concern that the City not create barriers to entry or unintended legal consequences for individuals who are developing their own homes, a single small

project, or small neighborhood projects, especially given the low risk of corruption that such projects pose; and

WHEREAS, making a list of persons and businesses subject to the regulations enacted herein publicly available will promote transparency in campaign finance; and

WHEREAS, prohibiting the acceptance of campaign contributions from such persons and businesses will help ensure that Council decisions regarding development projects are not influenced by campaign contributions; and

WHEREAS, Council intends that the requirements of this new Chapter 119 shall take effect only after Council has appropriated funding for this purpose, after the City Administration has established the required enforcement structure, and after the City Manager has promulgated regulations required under this Chapter; now, therefore,

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

Section 1. That new Chapter 119, “Prohibition on the Solicitation or Acceptance of Campaign Contributions from Persons with a Financial Interest in City Business,” of Title I, “Council and Corporation Miscellany,” of the Cincinnati Municipal Code, is hereby enacted as follows:

Sec. 119-1. - Definitions.

For purposes of this chapter, the words and phrases shall have the meanings ascribed to them in Title 35, Elections, of the Ohio Revised Code, unless another meaning is ascribed to them in this chapter.

Sec. 119-1-A. - Applicant

“Applicant” means a person or entity who requests or applies for city business.

Sec. 119-1-C1. - Campaign.

“Campaign” means the mayor, each member of council, and their agents, including their campaign committees and associated political action committees.

Sec. 119-1-C2. - City Business.

“City business” means requests or applications for the following items requiring approval by council:

- (a) development incentives, including loans and tax incentives, with an estimated potential value of \$100,000 or more per year;
- (b) sales of city property with an estimated fair market value of \$200,000 or more;
- (c) zoning changes;

Sec. 119-1-C3. - City Business List.

“City business list” means the list or data set published online by the administration specifying the names of the financially interested persons from whom campaigns may not accept campaign contributions under this chapter.

Sec. 119-1-F. - Financially Interested Person.

“Financially interested person” means a person who has a financial interest in city business as defined by this section.

- (a) If the applicant for city business is an individual, it means the applicant and the spouse of the applicant.
- (b) If the applicant for city business is an entity, such as a limited liability company, corporation, partnership, trust, or unincorporated association, it means
 - (1) the entity itself;
 - (2) the owners, members, or partners of such entity and their spouses, provided that such owner, member, or partner owns or controls twenty percent or more of the entity; and
 - (3) the directors and principal officers of such entity and their spouses.

Sec. 119-1-S. - Solicit.

“Solicit” means to ask for, request, seek, or try to obtain something of value from another, whether directly or indirectly. For the purposes of this chapter, it does not include mass communications or speeches, so long as such communications or speeches are to fifty or more people.

Sec. 119-3. - Prohibition on Solicitation or Acceptance of Campaign Contributions.

- (a) Campaigns are prohibited from accepting a campaign contribution made by a financially interested person during the period prescribed in section 119-3(c). For

purposes of this section a campaign contribution has not been accepted if it is disposed of in accordance with the requirements of section 119-5.

- (b) Campaigns are prohibited from soliciting a campaign contribution from a financially interested person during the period prescribed in section 119-3(c).
- (c) The prohibition on solicitation or acceptance of a campaign contribution from a financially interested person shall commence on the day any ordinance regarding the city business is filed with the clerk of council and shall continue until final legislative action regarding the ordinance is complete, such as by a final vote or veto.

Sec. 119-5. - Timing and Manner of Disposal of Prohibited Contributions.

- (a) A campaign shall dispose of a prohibited campaign contribution from a financially interested person within the following time period:
 - (1) If the financially interested person was on the city business list at the time the campaign received the campaign contribution, then the campaign must dispose of the prohibited contribution no later than two calendar weeks from the day on which the contribution was received, excluding the day on which it was received.
 - (2) If the financially interested person was not on the city business list at the time the campaign received the campaign contribution, then the campaign must dispose of the prohibited contribution no later than two calendar weeks, excluding the day on which it was received, from the sooner of:
 - (A) the day the financially interested person is subsequently placed on the city business list; or
 - (B) the day the campaign receives notice from the administration that the contributor is a financially interested person under this chapter.
- (b) To dispose of a prohibited campaign contribution, the campaign shall first attempt to return or refund the contribution to the financially interested person. If the financially interested person does not accept the refund or return or if the contributor does not respond to the campaign, then the campaign shall dispose of the prohibited contribution by donating an amount equal to the contribution to a corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code. The campaign shall report all campaign contributions required to be disposed of under this section in its next campaign finance report that is required by Article XIII, Section 2.a of the charter.

Sec. 119-7. - Reporting of Financially Interested Persons.

- (a) Upon application for city business, an applicant must furnish accurate, truthful, and complete information to the city administration, in a form required by the city administration, identifying the financially interested persons associated with the application or request for city business. Applicants shall promptly update such information if it changes during the period prescribed by section 119-3(c).
- (b) The city administration shall make available to the public a list of financially interested persons through publication of the city business list on the city's website, to be updated at least weekly in accordance with section 119-3(c).
- (c) The city manager is authorized to establish procedures, rules, and regulations to implement the requirements of this section.

Sec. 119-9. - Enforcement.

- (a) The Cincinnati elections commission shall receive and investigate any complaints alleging violations of this chapter and may refer such complaints to the ethics and good government counselor in the city solicitor's office for investigation.
- (b) Upon finding a violation of Section 119-3(a), the Cincinnati elections commission is authorized to impose a civil fine upon prior notice to the campaign and an opportunity to be heard regarding the violation. The commission shall refer such civil fines to the appropriate city agency for collection. Upon finding a violation of Section 119-3(b), the Cincinnati elections commission shall file a communication with the clerk of council setting forth the findings of the investigation.

Sec. 119-11. – Start of Implementation; Appropriations.

The requirements and prohibitions of this chapter shall not take effect until council appropriates funding for the purpose of establishing the administrative staffing and enforcement needs imposed by this chapter. After such appropriation, and upon setting up the administrative processes necessary to implement this chapter, the city manager is authorized to establish the starting date for enforcement of the prohibitions established in this chapter, which date shall be no sooner than 30 days after the city manager promulgates the procedures and rules authorized under section 119-7(c). A copy of the procedures and rules shall be provided to council upon promulgation and, again, at such time as the rules may be amended.

Sec. 119-99. - Penalties.

- (a) Violation of section 119-3(a) or 119-7(a) is a Class C-1 civil offense.

Section 2. That Section 1501-8, "Class C-1 Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 1501-8. - Class C1 Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in Section 1501-99 for a Class C1 Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with Section 1501-15 that the violation has been corrected. Except that, for occupied property that is in violation of Section 731-3(a), the otherwise applicable civil fine is reduced by 100% if the owner charged shows in accordance with Section 1501-15 that the violation has been corrected and that the owner has not previously received notice of a violation under Section 731-3 at the occupied property. If the provision is listed under paragraphs (a), (b), or (c) below, and if a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year, that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in Section 1501-99 and is not subject to reduction for correction of the violation. If the provision is listed under paragraph (d) below, and if a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within two years, that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in Section 1501-99 and is not subject to reduction for correction of the violation. If the provision is listed under paragraph (e) below, the otherwise applicable civil fine is reduced by 100% if the person charged shows in accordance with Section 1501-15 and the rules and regulations of the board of health that the violation has been corrected and that the owner has not previously received notice of a violation under Section 609-9. If the provision is listed under paragraph (e) below, and if a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within two years, that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in Section 1501-99 and is not subject to reduction for correction of the violation.

(a) Class C1 Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 714-11	Duty to Keep Sidewalks Free of Litter	Class D
(2)	§ 714-35	Litter on Occupied or Unoccupied Private Property	Class C1
(3)	§ 714-37	Owner or Person in Control to Maintain Premises Free of Litter	Class C1
(4)	§ 714-39	Litter on Vacant Lots	Class C1
(5)	§ 731-3	Height Restrictions on Unoccupied Private Property (grass and weed control)	Class C1

(6)	Chapter 313	Outdoor Advertising Sign Excise Tax	Class C1
(7)	Chapter 315	Short Term Rental Excise Tax	Class C1

(b) Class C1 Civil Offenses With Civil Fines Subject to 100% Reduction for Correction of Violation and a One-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
(1)	§ 731-3	Height Restrictions on Occupied Private Property (grass and weed control; reduction for first-time offenders only)	Class C1

(c) Class C1 Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation and a One-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
(1)	§ 714-15	Truck and Vehicle Loads Causing Litter or Scattering Debris	Class D
(2)	<u>§ 119-3(a)</u>	<u>Acceptance or Retention of a Contribution from a Financially Interested Person with City Business</u>	<u>Class C-1</u>
(3)	<u>§ 119-7(a)</u>	<u>Failure to Report Financially Interested Persons</u>	<u>Class C-1</u>

(d) Class C1 Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation, and a Two-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
(1)	§ 609-3	Sale of Tobacco Products to Those Under Twenty-One Years of Age Prohibited	Class E
(2)	§ 1601-57	Enforcement of Emergency Orders	Class D
(3)	§ 1601-59	Enforcement of Health Orders	Class D

(e) Class C1 Civil Offenses With Civil Fines Subject to 100% Reduction for Correction of Violation, and a Two-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
(1)	§ 609-9	Tobacco Retailer Licensing (reduction for first-time offenders only)	Class E

Section 3. That existing Section 1501-8, "Class C-1 Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code is hereby repealed.

Section 4. That the City Manager is hereby authorized to take all action necessary to implement and develop regulations necessary to carry out the purposes of this ordinance.

Section 5. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 4 hereof.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law, provided, however, that the prohibitions set forth in newly ordained Chapter 119 become binding only upon satisfaction of the requirements of section 119-11, "Start of Implementation; Appropriations."

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

New language underscored.

202103005

Date: October 15, 2021

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

Transmitted herewith is an emergency ordinance captioned as follows:

AMENDING Section 10, “Code Compliance and Administrative Hearings,” of Article III, “Department of Law,” 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, election, and campaign finance efforts; **AUTHORIZING** the transfer of \$375,000 from the General Fund balance sheet reserve account no. 050x2580, “Reserve for Weather Related Events, Other Emergency and One-Time Needs,” to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of \$200,000 from the unappropriated surplus of General Fund 050 to the Law Department General Fund personnel operating budget account no. 050x111x7100 for the purpose of providing funding for the new position of ethics and good government counselor and support staff; **AUTHORIZING** the transfer and appropriation of \$100,000 from the unappropriated surplus of General Fund 050 to the Law Department General Fund non-personnel operating budget account no. 050x111x7200 for the purpose of providing funding to support the operations of the ethics and good government counselor and support staff; **AUTHORIZING** the transfer and appropriation of \$75,000 from the unappropriated surplus of General Fund 050 to the Enterprise Software and Licenses non-departmental General Fund non-personnel operating budget account no. 050x952x7400 for the purpose of providing funding to implement a campaign finance transparency system; and **REPEALING** Section 13, “Office of Municipal Investigation,” of Article II, “City Manager,” of the Administrative Code to remove obsolete language regarding the Office of Municipal Investigation.

AWG/CMZ/(lnk)
Attachment
337986v19

EMERGENCY

City of Cincinnati

CMZ/B
AWG/EEW

An Ordinance No. _____

- 2021

AMENDING Section 10, “Code Compliance and Administrative Hearings,” of Article III, “Department of Law,” 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, election, and campaign finance efforts; **AUTHORIZING** the transfer of \$375,000 from the General Fund balance sheet reserve account no. 050x2580, “Reserve for Weather Related Events, Other Emergency and One-Time Needs,” to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of \$200,000 from the unappropriated surplus of General Fund 050 to the Law Department General Fund personnel operating budget account no. 050x111x7100 for the purpose of providing funding for the new position of ethics and good government counselor and support staff; **AUTHORIZING** the transfer and appropriation of \$100,000 from the unappropriated surplus of General Fund 050 to the Law Department General Fund non-personnel operating budget account no. 050x111x7200 for the purpose of providing funding to support the operations of the ethics and good government counselor and support staff; **AUTHORIZING** the transfer and appropriation of \$75,000 from the unappropriated surplus of General Fund 050 to the Enterprise Software and Licenses non-departmental General Fund non-personnel operating budget account no. 050x952x7400 for the purpose of providing funding to implement a campaign finance transparency system; and **REPEALING** Section 13, “Office of Municipal Investigation,” of Article II, “City Manager,” of the Administrative Code to remove obsolete language regarding the Office of Municipal Investigation.

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, one-time appropriations are required to provide funding for the new ethics and good government counselor and staff for the remainder of Fiscal Year 2022, but the continuation of this function in the Solicitor's Office is dependent upon continuing appropriations in the annual General Fund operating budget; and

WHEREAS, implementing this change requires amending Article III of the Administrative Code; and

WHEREAS, the Office of Municipal Investigation within the City Manager's Office will become obsolete because some of its functions currently are being performed by other City departments and any remaining functions will be absorbed by the newly created ethics and good government counselor; 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 that has the following responsibilities within the city solicitor's office:

(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) Receive and investigate all complaints from elected officials, city staff, and the public alleging violations of ethics and conflict-of-interest laws, including referral of matters to appropriate city departments or to third-party authorities as necessary.

(E) 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) Fraud, Waste, and Abuse

(A) Receive and investigate all complaints from elected officials, city staff, and the public alleging fraud, waste, and abuse in city government, including referral of matters to appropriate city departments or third-party authorities as necessary.

(4) City Codes of Conduct

(A) If the ethics and good government counselor receives a complaint alleging that an elected official has violated a city code of conduct, the ethics and good government counselor shall report the complaint to the relevant council committee, which report shall include basic factual information gathered using standardized protocols established by the ethics and good government counselor in consultation with the solicitor and city administration. A written response from the elected official named in the complaint shall be included in the report at the option of such official.

(B) After review of a complaint under this section, council may request additional fact-finding by the ethics and good government counselor. Upon such request, the ethics and good government counselor shall investigate further and report additional, detailed factual findings to council.

- (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.
- (c) The city solicitor may hire such consultants or investigators as are necessary to fulfill the responsibilities provided in this section.
- (d) Nothing in this Chapter shall require the ethics and good government officer to take action that would interfere in an ongoing, lawful investigation.
- (e) Code Compliance and Administrative Hearings

(1) The city solicitor shall designate a member of the solicitor's office to be responsible for oversight of:

(A) 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) 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.

Section 2. That Section 10, "Code Compliance and Administrative Hearings," of Article III, "Department of Law," and Section 13, "Office of Municipal Investigation," of Article II, "City Manager," of the Administrative Code are 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 maintenance of corresponding funding by City Council.

Section 4. That the transfer of \$375,000 from the General Fund balance sheet reserve account no. 050x2580, "Reserve for Weather Related Events, Other Emergency and One-Time Needs," to the unappropriated surplus of General Fund 050 is hereby authorized.

Section 5. That the transfer and appropriation of \$200,000 from the unappropriated surplus of General Fund 050 to the Law Department General Fund personnel operating budget account no.

050x111x7100 is hereby authorized for the purpose of providing funding for the new positions of ethics and good government counselor and support staff.

Section 6. That the transfer and appropriation of \$100,000 from the unappropriated surplus of General Fund 050 to the Law Department General Fund non-personnel operating budget account no. 050x111x7200 is hereby authorized for the purpose of providing funding to support the operations of the ethics and good government counselor and support staff.

Section 7. That the transfer and appropriation of \$75,000 from the unappropriated surplus of General Fund 050 to the Enterprise Software and Licenses non-departmental General Fund non-personnel operating budget account no. 050x952x7400 is hereby authorized for the purpose of providing funding to implement a campaign finance transparency system.

Section 8. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 through 7 hereof.

Section 9. 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.