

202103005

Date: October 15, 2021

To: Councilmember Greg Landsman
From: Andrew Garth, City Solicitor *AWG/EBW*
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

Street Parking Lot in the Northside neighborhood for up to 20 years.

Recommendation PASS

Sponsors: City Manager

18. [202103001](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 10/20/2021, **AUTHORIZING** the City Manager to execute a *Property Transfer Agreement* with Cincinnati Zoo Properties, LLC, pursuant to which the City will vacate and convey portions of certain real property designated as public right-of-way known as Louis Avenue, Euclid Avenue, and an unnamed alley; release and terminate portions of public right-of-way easements located at the intersection of Vine Street and Louis Avenue; and grant and convey encroachment easements on, under, over, and across Erkenbrecher Avenue to facilitate the construction of a new surface parking lot and aerial pedestrian bridge for the benefit of the Cincinnati Zoo and Botanical Garden in the Avondale neighborhood.

Recommendation PASS EMERGENCY

Sponsors: City Manager

19. [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.

Recommendation

PASS EMERGENCY

Sponsors: Landsman

20. [202103006](#) **MOTION**, submitted by Councilmember Goodin, As we emerge from the

EMERGENCY

City of Cincinnati

CMZ/B

AWG/EEW

An Ordinance No. _____

- 2021

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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.

EMERGENCY

City of Cincinnati

CMZ/B

AWG/EEW

An Ordinance No. 413

- 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.

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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

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(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.

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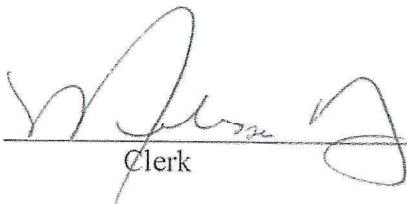
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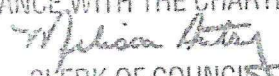
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Section 8. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 through 7 hereof.

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: October 27, 2021

Attest: 
Clerk


John Cranley, Mayor
I HEREBY CERTIFY THAT ORDINANCE NO. 413-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 11.9.2021

CLERK OF COUNCIL

New language is underscored. Deleted language is struck through.