

COLUMBUS CITY COUNCIL ETHICS POLICY

I. DEFINITIONS

For purposes of this Policy, unless otherwise clarified, the following terms are defined:

- A. "Anyone doing business with the city" includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before the City of Columbus.¹
- B. "Anything of value" includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. "Value" means worth greater than de minimis or nominal.² "Anything of value" also includes campaign contributions as defined in Ohio Revised Code 3517.01.³
- C. "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.⁴
- D. "Fair market value" means the lowest price to obtain the same or comparable item or service in the same geographical area and same general period of time.⁵
- E. "Family member" means a public official or employee's spouse, parents, siblings, children, grandparents, grandchildren, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law⁶; any other person to whom the public official or employee stands in loco parentis (serves as their parent); and any other person related by blood or marriage to the public official or employee and residing in the same household.
- F. "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public

¹ Ohio Ethics Commission Model Ethics Policy for Local Agencies.

² Ohio Ethics Commission Model Ethics Policy for Local Agencies.

³ Ohio Revised Code 102.01(G).

⁴ Ohio Revised Code 102.01(A).

⁵ Ohio Ethics Commission Advisory Opinions 96-003, p. 8, and 2009-003, p. 5.

⁶ Ohio Ethics Commission Bulletin – Gifts and Entertainment February 21, 2013, p. 2.

official or employee conducting that business was elected or appointed to the public official's or employee's office or position of employment.⁷

- g. "Legislative agent" means any individual, except an elected official or a member of the staff of any elected official, who is engaged during at least five (5) percent his or her compensated time to actively advocate by promoting, opposing, or otherwise influencing legislation through direct communication with a city council member, or any member of the staff of a city council member as one of his or her main purposes.⁸
- h. "Office holder" means a person who is elected or appointed to the office of mayor, city council member, city auditor, or city attorney.⁹
- i. "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency.¹⁰

II. Prohibited conduct

- A. No public official or employee shall engage in prohibited conduct, which includes, but is not limited to:
 - 1. Solicitation or acceptance of anything of value from an improper source, including, but not limited to, any person, corporation, or other party that is conducting, or seeking to conduct business with, regulated by, or has interests before, the City of Columbus;
 - 2. Solicitation or acceptance of employment from an improper source, or anyone conducting or seeking to conduct business with the City of Columbus, unless the exception recognized by the Ohio Ethics Commission is satisfied. The exception requires any public employee who is seeking employment, whether it is a new job or a second job: a) to inform his or her supervisor and obtain permission from the supervisor to completely withdraw from any City of Columbus activity regarding the party; b) the supervisor granting the public employee permission to withdraw from working on any matter related to the party must not impede the public employee from performing the regular duties of his or her job; c) the supervisor granting the public employee permission to withdraw must handle the matter himself or herself or assign it to another public employee not subordinate to the public employee seeking the employment; d) if the public employee is seeking a second job, the second job may not conflict in any way

⁷ Ohio Revised Code 102.01(H).

⁸ Columbus City Codes 2321.54(A)(6).

⁹ Columbus City Codes 2321.56(A)(2).

¹⁰ Ohio Revised Code 102.01(B).

with the public employee's performance of the duties of his or her current job and e) the Chief of Staff to the City Council President or Director of Human Resources for City Council also must approve granting permission for the public employee to withdrawal from working on any matter related to the party;¹¹

3. Use of one's public position to obtain benefits for a public official or employee, a family member, household member, or anyone with whom the public official or employee has a business or employment relationship;
4. Payment or acceptance of any form of compensation for personal services rendered on a matter before any board, commission, or other body of the City of Columbus, unless the public official or employee qualifies for the exception, and files the statement, described in Ohio Revised Code 102.04(D);
5. Holding or benefitting from a contract with, authorized by, or approved by, the City of Columbus, unless otherwise permitted through a statutory exception; the Ohio Ethics Law excepts certain limited stockholdings and contracts objectively shown as the lowest cost services, if all criteria under Ohio Revised Code 2921.42 are met;
6. Voting, authorizing, recommending, or in any way using one's position to secure approval of a City of Columbus contract including employment or personal services in which a public official or employee, a family member, or anyone with whom a public official or employee has a business or employment relationship has an interest;
7. Solicitation or acceptance of an honorarium, pursuant to Ohio Revised Code 102.01(H) and 102.03(H);
8. During public service, and for one year after leaving public service, representing any person or entity, in any manner, before any city department or division, with respect to a matter in which a public official or employee personally participated while serving with the City of Columbus;
9. Using or disclosing confidential information protected by law, unless appropriately authorized by the City Council President; and,

¹¹ Ohio Ethics Commission Information Sheet #4, p. 2.

10. Using, or authorizing the use of, one's title, the City of Columbus, or the city's logo in a manner that suggests impropriety, favoritism, or bias by the City of Columbus official or employee.¹²
- b. In determining whether "anything of value" is of sufficient value to have a substantial and improper influence on a public official or employee, as opposed to nominal or de minimis value, the Ohio Ethics Commission has provided examples as guidance for the purposes of Ohio Ethics law:
 1. Items that the Ohio Ethics Commission has determined to be of sufficient value to have a substantial and improper influence include, but are not limited to, meals at expensive restaurants, entertainment activities such as exclusive golf outings and season tickets to the games of a professional sports team, jewelry, discounts on major consumer items, and travel, meal, and lodging expenses.¹³
 2. Items that the Ohio Ethics Commission has determined to have nominal or de minimis value and not to have a substantial and improper influence include, but are not limited to, small gifts, such as a book, a meal at a family restaurant, a promotional item, and an inexpensive entertainment activity.¹⁴
 3. However, the Ohio Ethics Commission cautions that accepting multiple items of nominal or de minimis value from the same source may result in a sufficient value to have a substantial and improper influence when the cumulative total value is considered.¹⁵
 4. Moreover, accepting an item of nominal or de minimis value may create an appearance of impropriety, even if accepting the gift is not a violation of Ohio Ethics Law.¹⁶
- c. In general, it is the value and source combined that determine whether a gift, meal, ticket, entertainment, or other item is permissible or prohibited.¹⁷
- d. Public officials and employees shall not engage in political activity that is prohibited by Ohio law, the Columbus City Charter, or the Columbus City Code.

¹² Ohio Ethics Commission Model Ethics Policy for Local Agencies.

¹³ Ohio Ethics Commission Information Sheet #7, p. 2.

¹⁴ Ohio Ethics Commission Information Sheet #7, p. 2.

¹⁵ Ohio Ethics Commission Information Sheet #7, p. 2.

¹⁶ Ohio Ethics Commission Information Sheet #7, p. 2.

¹⁷ Ohio Ethics Commission Information Sheet #7, p. 2.

III. Financial Disclosure Statements filed with the City Clerk

- A. Office holders shall file the financial disclosure statements required by Ohio Revised Code 102.02 and Columbus City Codes 2321.56.
- B. In addition to office holders, the City Clerk, City Treasurer, and Chief of Staff to the City Council President are required to file a complete and accurate financial disclosure statement with the City Clerk no later than May 15th of each year. The period covered for financial disclosure for these designated employees shall be from January 1 through December 31 of the previous year.
- C. The City Council President and City Council Members may designate other employees of City Council whose duties include substantial administrative, audit, contractual, financial, or policy decision-making responsibilities to file financial disclosure statements with the City Clerk.
- D. The City Clerk shall send the office holders and designated employees notice in writing and by email of the requirement to file a financial disclosure statement not less than thirty (30) days before the applicable filing deadline unless the office holder or designated employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety (90) days after appointment.
- E. All office holders and designated employees who file financial disclosure statements must also furnish, unless received from a family member or otherwise specified by law (including under a will, by inheritance, inter vivos or testamentary trust), a brief description of each gift (or aggregate of gifts from any one source) of over seventy-five (75) dollars received by the office holder or designated employee in his or her own name or by any other person for the office holder's or designated employee's use or benefit during the preceding calendar year, from the following persons:
 - 1. Any person with whom the office holder or designated employee, or office holder's or designated employee's immediate family, does business;
 - 2. Any person who is a creditor of over one thousand dollars (\$1,000), or a debtor of over one thousand dollars (\$1,000), of the office holder or designated employee;
 - 3. Any person with whom the office holder or designated employee has an investment, other than a primary residence or real property held primarily for personal recreation, of over one thousand dollars (\$1,000);

4. Any person that has another fiduciary relationship, such as co-owner or proprietorship of a corporation, trust, business trust, partnership, or association, with an office holder or designated employee.¹⁸

f. The City Clerk shall be responsible for reviewing each filed statement and for determining whether the statement contains the required information. If the City Clerk determines that the statement does not contain the required information or that an office holder or designated employee has failed to file a statement, the City Clerk shall notify the person who filed the statement in writing and by email regarding the deficiency in the statement or the person who failed to file the statement regarding the failure. Any person notified by the City Clerk shall, not later than fifteen (15) days after receiving the notice, file a statement or an amended statement that contains the required information. If any person who receives such notice fails to file a statement or an amended statement within this fifteen (15)-day period, the City Clerk shall send out a second written notification, and notify the Director of Human Resources for City Council and City Attorney of the deficiency in the statement or the failure to file a statement. Any person notified by the City Clerk shall, not later than fifteen days after receiving the notice, file a statement or an amended statement that contains the required information. If any person who receives a notice under this section fails to file a statement or an amended statement within this additional fifteen (15)-day period, the City Attorney's office will take appropriate action as authorized under section VII of this policy.

IV. Ethics Education and Training

A. All public officials and employees of City Council shall be required to attend ethics education and training within ninety days of hire and annually thereafter.

V. Reporting and Administrative Requirements

A. The Director of Human Resources for City Council shall be the coordinator of the ethics policy for City Council.

B. The Director of Human Resources for City Council shall maintain a record of all public officials and employees of City Council who must annually complete requisite ethics education and training, those who must complete and file a financial disclosure statement, and their compliance with these annual requirements.

C. All public officials and employees of City Council shall be required to sign a pledge of ethical conduct at the start of their employment that will be maintained on file in the

¹⁸ Columbus City Codes 2321.56(B)(1).

human resources department. Public officials also shall be required to sign a pledge of ethical conduct at the start of each term of office.

- D. A copy of Ohio ethics laws and this policy shall be provided by the Human Resources Department to all public officials and employees of City Council, and receipt acknowledged, as required in section 102.09(D) of the Revised Code.

VI. Guidance

- A. Employees of City Council should consult with the Director of Human Resources for City Council for guidance on ethics matters. The City Attorney's office may also provide guidance on ethics questions.
- B. All public officials and employees may contact the Ohio Ethics Commission at 614-466-7090 for advice and assistance regarding the application of the Ohio Ethics Law and related statutes. The Commission's website address is: www.ethics.ohio.gov.

VII. Penalties

- A. Any public official or employee who fails to abide by ethical standards and disclosure requirements in accordance with this policy, or to comply with the Ohio Ethics Law and related statutes, the Columbus City Charter, and the Columbus City Codes, may result in disciplinary action, which may include dismissal, as well as any potential civil or criminal sanctions under the law.

VIII. Modifications

- A. This ethics policy shall be reviewed by the Director of Human Resources for City Council on an annual basis and may be revised, if necessary, to preserve the highest standards of ethical conduct and to reflect any modifications to the law.