



Legislation Text

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BACKGROUND

The purpose of this ordinance is to enact new Section 2321.56 in Chapter 2321 of the Columbus City Codes. This new section will pertain to the ethics and financial disclosure requirements of municipal office holders, and candidates for municipal office, in the City of Columbus, and establish penalties for violations of the requirements.

The ethics laws established by the Ohio Revised Code are comprehensive in many respects. However, this legislation will strengthen these laws for City officials. The City of Columbus has already strengthened ethics laws in other respects. In 2014, Columbus residents passed a series of reforms to the City Charter. Columbus City Council has established prohibited uses of public funds, as well as enhanced transparency for contracts and legislation.

With this ordinance, City Council will take further steps in the domain of ethics disclosure. In addition to other state requirements, office holders and candidates will now be required to provide a brief description of gifts received by designated sources. Each office holder must also establish an ethics policy, and designate a member of the office to coordinate ethics issues and policy within that office. This ordinance will also increase penalties for violations of financial disclosure laws.

Building on Council's past efforts to toughen ethics laws, these additional safeguards further Council's efforts to increase disclosure of City office holders' finances, as well as to increase the awareness of ethics policies throughout City government.

To enact new Section 2321.56 of the Columbus City Codes to strengthen ethics and financial disclosure requirements.

WHEREAS, the general laws of the State of Ohio, specifically Ohio Revised Code §102.02, provides comprehensive requirements for municipal officeholders and candidates in the domain of ethics and financial disclosure; and

WHEREAS, this Council has taken several steps to strengthen ethics requirements in the City Charter and the City Code, including establishing prohibited uses of public funds, as well as enhancing transparency for contracts and legislation; and

WHEREAS, this Council has determined that it is necessary to further strengthen ethics disclosure by enacting new section 2321.56 of chapter 2321 of the Columbus City Codes, which pertains to law enforcement and public office; and

WHEREAS, this ordinance will require office holders to provide a description of all gifts over seventy-five dollars received while in office from designated sources; and

WHEREAS, this ordinance will also require that each municipal office establish an ethics policy, and designate a member of that office to coordinate ethics issues and policy for that office; and

WHEREAS, this ordinance will also establish penalties for violations of new Section 2321.56 that represent an increase over current penalties established by the Ohio Revised Code; and

WHEREAS, this ordinance furthers Council's efforts to increase the financial disclosure of office holders and candidates for municipal office, as well as to increase the awareness of ethics policies throughout local government; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That new Section 2321.56 of the Columbus City Codes is hereby enacted, reading as follows:

2321.56 - Ethics Disclosure.

(A) Definitions. As used in this section:

- (1) "Municipal office" means the offices of mayor, city council member, city auditor, or city attorney.
- (2) "Office holder" means a person who is elected or appointed to the office of mayor, city council member, city auditor, or city attorney.
- (3) "Candidate" means any candidate in an election for nomination or election to office for mayor, city council member, city auditor, or city attorney.
- (4) The definitions set forth in section 102.01 of the Ohio Revised Code shall apply to this section except to the extent modified in this section.

(B) Financial Disclosure Statement filed with Ohio Ethics Commission

Every person who is an office holder, or a candidate, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office, shall file with the Ohio Ethics Commission the disclosure statement described in this division on a form prescribed by the Commission, according to the section 102.02 of the Ohio Revised Code.

In addition to the information required by division (A)(2) of section 102.02 of the Ohio Revised Code, other than exceptions provided in that same division, the disclosure statement shall include the following:

(1) As provided in division (A)(2)(g)-(i) of section 102.02 of the Ohio Revised Code, including a brief description of each gift, or aggregate of gifts from any one source, of over seventy-five (75) dollars, received by the officeholder or candidate, in the officer holder or candidate's own name, or by any other person for the office holder or candidate's use or benefit during the preceding calendar year, from the following persons:

(a) Any person with whom the officer holder or candidate, or office holder's or candidate's immediate family, does business;

(b) Any person who is a creditor of over one thousand dollars (\$1,000) of, or a debtor of over one thousand dollars (\$1,000) to, the office holder or candidate;

(c) Any person with whom the office holder or candidate has an investment, other than a primary residence or real property held primarily for personal recreation, of over one thousand dollars (\$1,000);

(d) 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 candidate.

(C) Financial Disclosure Statements filed with the City Clerk

(1) Every officer holder or candidate, and every person who is appointed to fill a vacancy for an unexpired term in such

an elective office, shall file a financial disclosure statement, mandated by division (B) of this section, with the city clerk.

(2) The same filing deadlines as provided in division (A)(4) of section 102.02 of the Ohio Revised Code shall apply to the financial disclosure statements required to be filed with the city clerk pursuant to this division.

In addition, every person required to file a financial disclosure statement with the city clerk pursuant to this division shall file an additional, semiannual financial disclosure statement with the city clerk, not later than the fifteenth (15th) day of November each year. This statement shall contain the same information required by division (B) of this section for the period between the first day of January of the current calendar year and the last day of June of the current calendar year.

(3) A person may file the duplicate annual statement and original semiannual statement required by this division in person or by mail.

(4) The city clerk shall be responsible for reviewing each statement filed under this division and for determining whether the statement contains all of the information required by this division. If the city clerk determines that the statement does not contain all of the required information or that an office holder or candidate has failed to file a statement, the city clerk shall notify, in writing, the person who filed the statement regarding the deficiency in the statement or the person who failed to file the statement regarding the failure. Any person so 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 all of the information required by this section. If any person who receives a notice under this section fails to file a statement or an amended statement within this fifteen (15)-day period, the city clerk will send out a second written notification to that person and notify the city attorney of the deficiency in the statement or the failure to file a statement. Any person so 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 all of the information required by this section. 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 this section.

(5) The city clerk may adopt rules as necessary to implement this section.

(6) The city clerk shall exercise the powers and duties prescribed under this section.

(D) Authority of the City Attorney

The city attorney may investigate compliance with the filing requirements of this section in accordance with division (C) or upon a written complaint filed with the city attorney's office.

(E) Ethics Policy

For each municipal office, the office holder shall establish an ethics policy for that office within six (6) months of election, including annual ethics training for those persons in the office that the office holder designates. Each office holder shall also designate a person in the office who will coordinate the ethics policy within that office.

(1) For the purposes of this division, the president of city council shall retain the responsibility to establish an ethics policy for all city council offices, as well as to designate a person in the city council president's office who will coordinate ethics issues and policy.

(2) To the extent practicable, municipal offices shall collaborate toward uniformity in their respective ethics policies.

(F) Penalties

(1) No person shall knowingly fail to file the financial disclosure statement, on or before the applicable filing deadlines, required under this section. A violation of this subsection is a misdemeanor of the third degree.

(2) No person shall knowingly file a false financial disclosure statement required under this section. A violation of this subsection is a misdemeanor of the first degree.

SECTION 2. That the city clerk be and hereby is authorized and directed to forthwith accept duplicate copies of the ethics disclosure forms required pursuant to this ordinance.

SECTION 3. That to allow the city clerk sufficient opportunity to prepare and execute the new requirements, this ordinance shall take effect and be in force from and after six (6) months following its enactment.