

EMERGENCY

City of Cincinnati

CMZ

AWB

An Ordinance No. _____ - 2020

MODIFYING the Administrative Code of the City of Cincinnati by amending Article XXVI, "Financial Disclosure Requirements," to require members of Council and the Mayor to disclose gifts, loans, or services totaling \$75 or more on the financial disclosure form filed with the City.

WHEREAS, the citizens' trust and confidence in City Council has been shaken as a result of the conviction and indictments of members of City Council related to allegations of payments in exchange for votes; and

WHEREAS, City Council needs to take action to restore the public's confidence in the integrity of the City's elected officials; and

WHEREAS, Article XXVI of the Administrative Code requires members of Council, as well as certain members of the City's Administration, to file financial disclosure forms that provide information about income in excess of \$5,000, businesses in which the members of Council have an ownership interest of 5% or more, and interests in real estate held by the members of Council, and authorizes the members of Council to comply with those filing requirements by filing a duplicate of the financial disclosure form they are required to file by and with the State of Ohio; and

WHEREAS, the State of Ohio form requires elected officials to disclose sources of gifts over \$75 and identify creditors to whom they owe more than \$1,000 or by whom they are owed more than \$1,000; and

WHEREAS, requiring members of City Council and the Mayor to disclose information annually about gifts, loans, and services provided by one member of Council or the Mayor to another that exceed \$75 individually or in the aggregate will increase transparency and allow the public to verify the financial relationship among the City's elected officials, rebuilding the public's trust and confidence in the City's elected officials; 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 Article XXVI, "Financial Disclosure Requirements," Section 2, "Definitions," Section 3, "Financial Disclosure Statement to Contain Certain Information," and

Section 4, "Statement to be Filed Annually," of the Administrative Code is hereby amended as follows:

Sec. 2. - Definitions.

The term "public officials or employees" for purposes of this Article means any employee of any city appointing authority, including those of independent boards and commissions, at the division head or equivalent level and above, the mayor, and members of council.

The term "public official or employee" shall not include those persons who are members of advisory boards nor those persons who are appointed as members of independent boards and commissions.

Sec. 3. - Financial Disclosure Statement to Contain Certain Information.

The financial disclosure statement required by Sec. 1 of this Article shall contain the following information for the preceding calendar year:

- (a) The name of the public official or employee and the names of each member of his or her immediate family;
- (b) The names under which the public official, employee or immediate family members do business;
- (c) The names of any persons or organizations other than the city by whom the public official or city employee is also employed;
- (d) A list of each source, other than the city from which the public official, employee, spouse or any dependent child received gross income of more than \$5,000.00. Sources of income reportable for Ohio or federal income tax purposes shall be included whether or not such income is derived from outside employment, business operations or investment. The amount of such income beyond the \$5,000.00 threshold shall not be required to be disclosed. For each source of income listed a brief description of the source shall be required. If the source of income is a business or profession it must be identified with a brief description but information identifying individual accounts or customers is not required. Attorneys, doctors or psychologists shall list each outside practice without disclosing the names of their clients or patients;
- (e) A list of each corporation, trust, business trust, partnership or association transacting business in Cincinnati, Ohio in which the public official, employee, spouse or dependent child had an ownership interest of 5 percent or more or in which any of said persons holds an office or has a fiduciary relationship. This subsection does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions or other similar financial institutions; and

- (f) A list of any fee simple, leasehold or any other beneficial interest in real estate other than a personal, primary residence, located in the city that is held by the public official, employee, spouse or dependent child. The list shall identify the type of each of said interests held and the address or other description of the real property.
- (g) A list of all financial transactions between members of council or between members of council and the mayor for any single transaction totaling \$75.00 or more or an aggregate of multiple transactions totaling \$75.00 or more for gifts, loans, or services rendered. The list shall identify the member of council for each transaction with its purpose and amount.

Sec. 4. - Statement to be Filed Annually.

The financial disclosure statement required by Sec. 1 of this Article shall be filed annually by April 15 for the preceding calendar year. Employees below the department head level shall file with the employee's department head. Employees at the department head level and above, the city manager, the mayor, and members of council shall file with the clerk of council. The mayor and members~~Members~~ of council shall file a duplicate of the financial disclosure statement required by and on the date specified by state law. In addition, the mayor and members of council shall file a separate form that complies with the requirements of Section 3(g) of this Article to the extent that information is not on the form required by state law, which additional form shall be available from the clerk of council. Such filing by the mayor and members of council shall constitute compliance with the requirements of this Article. Financial disclosure statements shall remain on file for a period of two years and may thereafter be destroyed. Filing date extensions of up to 60 days for good cause shown may be obtained upon written request to the clerk of council or department head with whom the statement is required to be filed.

Section 2. That existing Section 2, "Definitions," Section 3, "Financial Disclosure Statement to Contain Certain Information," and Section 4, "Statement to be Filed Annually," of Article XXVI, "Financial Disclosure Requirements," of the Administrative Code are hereby repealed.

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

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 promote transparency regarding transactions between and among the City's elected officials to restore the public's confidence in the City's elected officials.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.