

EDRP Background Section

On December 16, 2020, City Council passed ordinance number 384-2020, (“the ordinance”) establishing the Economic Development Reform Panel. (“Panel” or “EDRP”) to address the loss of public trust and confidence in City Council after the indictment of several members of City Council relating to allegations of payments from developers in exchange for votes supporting certain economic development projects. The panel’s mission is to study the City’s development process and make recommendations regarding best practices and ways to improve the process to better insulate it from political influence and cronyism. Council charged it to present recommendations to the Cincinnati citizens, the Mayor and City Council City Council charged the panel with submitting its recommendations by August 1, 2021.¹

Council approved the appointment of the nine panel members Panel Members. As Council proscribed, the panel members include academic and business leaders as well as members with expertise in managing ethics issues. They are:

1. Ann Marie Tracey (Chair): Retired Hamilton County Court of Common Pleas judge; professor emeritus, Xavier University; former Assistant U.S. Attorney for the Southern District of Ohio; former Chair, Ohio Ethics Commission
2. Alicia Bond-Lewis: Partner, Dinsmore & Shohl LLP;
3. Tim Burke: President, Manley Burke LPA; former Chairman, Hamilton County Democratic Party;
4. Bobbi Dillon Senior Manager, State Government Relations, Proctor & Gamble Company;
5. Guy Guckenberger: Retired Hamilton County Common Pleas and First District Appellate judge; former Cincinnati City Council member; former Hamilton County Commissioner;
6. Dan Schimberg: President, Uptown Rental Properties, LLC;
7. KZ Smith: Senior Pastor, Corinthian Baptist Church;
8. Bernadette Watson: Retired City of Cincinnati Public Information officer, Cincinnati Health Department; former Chief of Staff for Mayor Charlie Luken; and
9. Verna Williams: Dean and Nippert Professor of Law, University of Cincinnati College of Law

The ordinance directs that the panel engage in the following:

- a. consult municipal finance, development, and campaign contribution experts;
- b. review and evaluate the City’s use of public incentives for development, including direct award, loans, and tax abatements;
- c. determine how well and with what clarity the City establishes and then achieves its goals in providing public incentives to development projects without allowing

¹ Ordinance No. 384-2020 initially set a due date of May 1, 2021, however Ordinance No. 31-2021 revised the due date to August 1, 2021.

developers to benefit at a higher level than justified by the public benefit to the City;

- d. review best practices in other cities across the country;
- e. study possible links between campaign contributions and the award of development contracts and/or significant changes in the final form of a development contract;
- f. propose ways in which the City could track connections between campaign contributions and the award of public incentives to development projects
- g. propose a Code of Conduct for the City's elected officials and developers, which Code should require developers to report inappropriate requests from the City's elected officials;
- h. recommend whether contract awards should be prohibited to developers who made campaign contributions to council candidates within the prior twenty-four months; and
- i. recommend whether the City should establish a hotline by which any citizen, including developers, can report in confidence any in appropriate request or demand from any public servant, elected or otherwise.

The panel began meeting bi-weekly on February 12, 2021 and starting in mid-June through July met weekly. The panel heard from various speakers on a range of topics,² Several key players in the city provided important background information to the panel. City Manager, Paula Boggs Muething, spoke to the panel on the charter roles of the Mayor, City Manager, and Council. She also discussed the new initiatives of her office including the creation of an Office of Constituent Affairs (OCA) and the restructuring of the Department of Community and Economic Development. Markiea Carter, the City's Director of the Department of Community and Economic Development, spoke about the breadth of the work done by her department, the City's Development process, the types of financial incentives available to developers and interactions with both developers and elected officials. The panel also heard from the interim director of the City's Office of Data and Performance Analytics, Kelly LaFrankie, regarding the new open data platform being created for the Cincinnati Elections Commission and the ability of the City to provide timely public access to reports of campaign contributions and other data submitted by candidates and elected officials.

Outside experts also assisted the panel with its work. Phil Richter, Executive Director of the Ohio Elections Commission spoke about Ohio elections law, required campaign filings and campaign contribution limits. Chris Bryant, the Rufus King Professor of Constitutional Law at University of Cincinnati Law School, and Evan Gildenblatt, a third-year law student spoke about constitutional first amendment issues related to restrictions on campaign contributions, pay to play laws, and restoring public trust after

² The presentations from the various speakers can be found in the meeting packets posted on the [panel's webpage](#).

experiencing corruption. Paul Nick, Executive Director of the Ohio Ethics Commission, spoke to the panel on Ohio ethics laws, restrictions on the acceptance of gifts by public officials, and required financial disclosures. Mr. Nick gave the pane; a national perspective of best practices being adopted by municipalities throughout the country, as well as in Ohio. These efforts included the drafting of Codes of Conduct, creating ethics officers and commissions, placing requirements on those doing business with a city, such as developers, and approaches with respect to training and whistleblower hotlines.

The panel also held two public meetings, on April 9, 2021 and July 9, 2021 in order to solicit input from the public. Prior to the July 9th public meeting, the panel released a summary of its proposed recommendations to the public to allow the public to review and comment on the proposed recommendations. After considering the information from the speakers, the public, and the panelists, this report details the recommendations from the panel.