

## **7.13.21 EDRP Training Recommendations**

### **III. Training**

As discussed more fully below, the EDRP identified ethics/good government training as essential to addressing the lack of public trust resulting from recent criminal indictments of Council members. After reviewing materials regarding best practices in government, consulting with experts, and engaging with the public in hearings, the EDRP has determined that training for government officials, employees, and developers, among others, will help create an ethical culture by providing the necessary knowledge to avoid running afoul of rules and identify breaches of them, and enforce clear lines of authority and appropriate behavior. In this connection, as discussed below, the EDRP recommends training that exceeds that which presently is available in City Hall in terms of framework and target audience.

Pursuant to a recent Charter Amendment, public officials and “relevant city staff” must be trained in ethics and good government policies within the first 60 days after taking office. This provision also authorizes publicizing the names of those persons failing to comply. Thereafter, the City Manager’s office provides voluntary training on ethics and charter responsibilities four to six times a year. As the following details, the EDRP recommends mandatory, regular training in ethics for city employees, elected officials, contract officials, lobbyists, and developers.

#### **City Manager’s Responsibility**

The City Manager should build upon current practices promoting ethical behavior. At present, the City Manager maintains a code of ethics that applies to city employees. The EDRP recommends that the City Manager expand the Code of Conduct to apply to all employees, appointees, contract officials, lobbyists, and developers. Persons to whom this requirement would apply include the following: Mayor and staff, City Manager and staff, Community and Economic Development, Department of Public Services, Contract Compliance, City Council and Council employees, Recreation Commission, Park Board, and Buildings and Inspections. Additionally, the City Manager should maintain existing personnel policies and existing ethics expectations for city employees.

The City Manager’s Office further should review and identify means of publicizing City rules and conduct expectations for developers, contractors, and lobbyists, and those who act on their behalf. That office should reinforce and regularly articulate behavioral, legal, and administrative expectations in written form. Finally, it should provide training and education about conduct expectations, as well as information about reporting improper behavior and whistleblower protection. The City Manager or their designee would review and enforce provisions implanting such rules.

**Training for City Employees.** The EDRP recommends that all city employees receive annual training in ethics and “good government” practices provided by the City Manager’s Office. Training should include, as applicable:

- All relevant requirements, laws, regulations, and expectations
- Best practices
- Ethics and benefits of ethical behavior
- Contact information for questions

**Training for Elected Officials.** The EDRP recommends that City Council and the Mayor adopt rules requiring them and their staff to attend annual ethics and “good government” training and education.

At present City council members must receive training within 60 days<sup>1</sup> of taking the oath of office. The EDRP recommends building upon that requirement in several key areas. First, relevant training and education materials should be provided candidates (be included in a candidates’ packet when they take out a petition to run, or when alerted of their requirements to file their campaign finance reports); candidates also should be required to sign an acknowledgement of receipt of these materials. Compliance with the training requirement will be made publicly available and promulgated. Such training shall periodically include, as applicable:

- Ethics
- All legal and administrative requirements with respect to campaign contributions and disclosure
- Interaction with developers and constituents
- Role of Council members and the Mayor in development

**Training for Developers, Contractors, and Lobbyists.** The EDRP recommends that the City Manager’s office maintain conduct expectations, consistent with the Code of Conduct discussed above for developers, contractors, and lobbyists, as well as those who act on their behalf. That office also should provide regular training and information about those expectations. The City Manager or their designee should review and enforce compliance with such a requirement.

The training should be available for both new and experienced developers who are local or out-of-city/state as well as their staff and the City’s legislative staff, marketed by the City, and be available online, to maximize accessibility. *Allow*

---

<sup>1</sup> The charter amendment requires the ethics course to be approved by the OEC, or if no such course is available within the 60 days, and an alternative course may be provided by the City Solicitor.

*agencies to know this is available and provide opportunities to participate.*  
[unclear what we meant by this sentence] Training shall include such topics as:

- Applicable/relevant legal, regulatory, and administrative requirements
- Behavioral expectations
- Appropriate/inappropriate contact with legislators and the importance to understand Cincinnati's City Manager form of government
- Development processes including planning and zoning.
- Updates

*Should there be a consequence for failure to  train?*

### **Explanation**

The EDRP recommends requiring training in ethics and good government practices for all city employees, elected officials, and to certain developers. The subjects covered would be consistent with those required under the recent Charter amendment, but the Panel recommends that such training be mandatory and be updated at regular intervals—e.g., yearly, biannually, biennially. In addition, information about ethics, the code of conduct, and other important rules should be easily accessible to employees so they can get assistance whenever they need it .

When Paul Nick, Executive Director of the Ohio Ethics Commission addressed the EDRP on March 26, 2021, he identified five jurisdictions engaging in model practices regarding ethics. Three required training: Chicago, Illinois; Philadelphia, Pennsylvania; and Cuyahoga County, Ohio. In Chicago, a broad range of persons must complete regular training annually and/or quadrennially: elected officials, city employees, registered lobbyists. A fine of at least \$200 may follow failure to comply. [Paul Nick March 20, 2021 memo](#) at 2. Philadelphia requires annual training for “all elected City officers, all cabinet members, all City department heads, and all board and commission members, and their respective staff members.” [Philadelphia Board of Ethics, Regulation No. 7: Annual and Routine Ethics Training](#) (2009), 2. The substance of the training depends upon the position. The regulation encourages other city employees to attend voluntarily and authorizes supervisors to require certain members of their staffs to participate. *Id.* Cuyahoga County requires training for all elected officials, employees, and board members within their first 30 days at work, and annually thereafter. Cuyahoga County Code Section 403.01. The County Department of Human Resources provides the necessary instruction.

Cincinnati Law third-year student Evan Goldenblatt discussed the importance of ethics training and education in his April 23, 2021, remarks to the EDRP.

Gildenblatt earned his MPA from Kent State University, where he conducted research regarding political corruption and public sector ethics. According to Gildenblatt in-house, “manager-led training” was important demonstrate and “emphasize [institutional] support for the program.” [Prof. Chris Bryant and Evan Gildenblatt, \*Combating Corruption: Campaign Finance, the First Amendment, and Restoring the Public Trust\*](#), slide 41. Discussing best practices for government, Gildenblatt noted that such training presents a “strategic opportunity to aid general decision-making and transform organizational culture,” as well as “reestablish[ing] public trust in institutions of government.” *Id.* He observed that a robust training regime includes materials designed to address the different needs of groups with different responsibilities – in other words, materials meant for employees would cover different issues and rules than those targeting elected officials or board appointees. *Id.* at slide 42. In addition, he recommended developing supplemental materials employees can reference when confronting ambiguous situations, as well as identifying persons on staff or within the organization who can answer questions. *Id.* “The more ethics education that public employees receive, the more likely they are to think themselves able to identify unethical behavior and have the courage to report it.” *Id.* at slide 41. In this regard, regularized training and education are critical to creating an ethical culture and empowering all employees to contribute to its maintenance.

Finally, the EDRP heard in public hearings about the complexity of the development process, which was a barrier to new developers, as well as diverse developers the City seeks to encourage. Such concerns reflect a lack of transparency, among other things, which can facilitate unethical behavior. Training developers about the process will obviate the need for them to contact Council members, removing one opportunity for unethical conduct to occur. Moreover, educating developers will help level the playing ground for developers who are new to the City or the process. *Question: Is it mandatory? Should we recommend annual training – i.e., updates? Development of materials*