

### **7.2.21 Campaign Contributions, Reporting and Development to discuss**

To Do: Review: Campaign Contribution and Disclosure updates. Consider note re. 3 year audit results

Define Developer and active developer for purposes of this section.

## **V. Campaign Contribution Restrictions**

*To review:*

- A. The EDRP recommends that City Council adopt an ordinance that prohibits the mayor and councilmembers from soliciting or accepting, and a developer from making, any contributions from the time a matter involving the developer is transmitted to the Clerk of Council until the matter is disposed of by final action of Council and the Mayor. Final action will vary with the circumstances, but generally occurs upon the end of the exercise of Council and mayoral authority over the legislative matter (e.g., upon passage of legislation by Council signed by the Mayor, upon conclusion the veto process, or upon failure of an item in Council).
- B. The EDRP does not recommend that developers who contribute to elected officials be barred from receiving contracts with the city for 24 months.

*To consider:*

If the 3-year impending audit shows a correlation between contributions from developers or others related to development issues (e.g. incentives) and approvals, the EDRP recommends that City Council and the Mayor should consider further inquiry, and consider passing a rule/policy/ordinance further restricting their receipt of contributions from developers and other appropriate steps.

## **Campaign Contributions Disclosure**

The EDRP recommends that:

City Council adopt an ordinance that requires the Mayor, Councilmembers and candidates for those offices must file with the Cincinnati Elections Commission copies of all campaign finance reports of other campaign accounts or committees over which they have control. This is in addition to the requirements of Article XIII of the City Charter. They shall provide such reports to the Commission within 48 hours of their filing with whatever body with which they were otherwise required to be filed. Compliance with this requirement may be satisfied by the officer holder or candidate providing a statement to the Commission that identifies all other campaign accounts or committees which they

control in addition to their Mayoral or Council Campaign Committee by providing the name of any such account or committee, the name of its treasurer, the location where the original reports of such account or committee are filed and an internet link to those reports on a searchable data base. If no such internet link is available, the candidate or office holder shall fill a complete copy of such filings to the Commission. The City shall post such information on its website along with the filings of each office holder or candidates required by Article XIII of the City Charter.



#### **Definition of Candidate for purposes of this section:**

CEC incorporates the ORC 3501 H. A candidate, generally, is someone that has been approved by the Hamilton County Board of Elections as a candidate for mayor or member of council.

#### **Definition of Developers for purposes of this section:**

##### **Developers**

For Purposes of this section, the EDRP recommends that:

- a. the City defines what constitutes a “developer” for purposes of the various EDRP recommendations, and in doing so looks to best practices and consider including entities below.
- b. The definition of “developer” goes beyond the individual person/entity and extend to:
  - i. Staff/ employees
  - ii. Individual/ corporate entities under which operates
  - iii. Business partners and associates
  - iv. Personal relations (see “pay to play” statute)
- c. Other? E.g., project size, dollar amount of contract

##### **Active Developers**

The EDRP recommends that:

- a. the City create an “active developer” list in coordination with the Economic Development and Planning Departments which would maintain those lists. This would include subcontractors and development partners.
- b. the city would develop the criteria for the triggers that make someone an “active” developer. For example, after the initial application for incentives/when entering into negotiations with an administrative official about incentives or when applying for a rezoning of property under the zoning code.
- c. council work with the administration to set up the parameters for how long after “official” legislative action is taken (*i.e* a vote) a developer remains “active.”

- d. the list of active developers be publicly available on the city's website. When a developer rolls off the "active" developer list, the developer should be placed on a separate "archive" section.

From Bobbi: Create an "active developer" list in coordination with the Economic Development and Planning Departments. The list would be maintained by those departments.

- Council should work with the administration to develop the criteria for the triggers that make someone an "active" developer. For example, after the initial application for incentives/when entering into negotiations with an administrative official about incentives or when applying for a use variance in the zoning code
  - o The administration should also look to best practices from around the country to find the most commonly used parameters for who counts as a "developer" for this purpose (i.e. the CEO?, any C-Suite execs?, spouses?)
  - o This should include subcontractors and development partners, not just the primary
- City Councilmembers and the Mayor should not be allowed to solicit any type of campaign contribution from anyone on the active developer list
- Upon entering the "active developer" list, developers should be given a Dos/Don'ts document for interacting with elected officials that they must sign off on
- Council should work with the administration to set up the parameters for how long after "official" legislative action is taken (i.e. vote on incentives or zoning change) the "active" status remains
- This list should be publicly available on the city's website and when someone rolls off the "active" developer list, the developer should be placed on a separate "archive" section. This paired with a searchable database of political contributions should provide the public with a significant amount of disclosure.