

EDRP Reorganized Member Recommendations TO DISCUSS

Note: referenced applicability to those involved in the Development Process

III. Training

A. Employees. The City shall *maintain and* require at least annual ethics and “good government” training and education for all employees *involved in the development process as well as elected officials and their staff.* Such training shall periodically include, as applicable:

- a. All relevant requirements, laws, regulations and expectations
- b. Best practices
- c. Benefits of ethical behavior
- d. Ethics

B. Elected Officials. City Council *and the Mayor* shall *maintain, require and attend at least annual ethics and “good government” training and education with respect to the development process*

- a. Candidates for public office must also take this training
- b. Training for elected officials should be within 30 days of being elected.
- c. Such training shall periodically include, as applicable:
 - i. Ethics
 - ii. All legal and administrative requirement with respect to campaign contributions and disclosure
 - iii. Interaction with developers and constituents
 - iv. Reporting of compliance with training requirements
 - v. Role of Council in development and Managers January 26, 2021 memo “Charter Analysis and Updated City Administration Policies
 - vi. Role of Council in development

C. Developers. The City shall offer training for developers. It should:

- a. Be required/available for both new and experienced developers as well as legislative staff.
- b. Be marketed by the City.
- c. Allow agencies to know this is available and provide opportunities to participate.
- d. Include topics such as:
 - i. Applicable/relevant Legal, regulatory and administrative requirements
 - ii. Behavioral Expectations
 - iii. Appropriate/inappropriate contact with legislators and the importance to understand Cincinnati’s City Manager form of government
 - iv. Development processes includes planning and zoning.
 - v. Updates

IV. Campaign Contributions

A. Receipt of Campaign Contributions

1. From Whom

- a. Developers
- b. Those employed by or closely associated with a developer
- c. Active Developers as defined by the City (note: see 6.13 EDRP panel suggestions for criteria and process (Rec: "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
 1. List should be Publicly Available list on the city's website and when someone rolls off the "active" developer list, the developer should be placed on a separate "archive" section.
 2. Council should work with the administration to:
 - a. 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
 - b. set up the parameters for how long after "official" legislative action is taken (i.e. vote
 3. 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?)

2. Timing.

- a. Contributions should not be allowed:
 1. never from developers
 2. during the pendency of a proposal by the city, or within the previous two years.
 3. While doing business with the city
 4. Developers who contributed to council candidates within the prior 24 months are prohibited from receiving contract awards.
 5. if an elected official is voting on a development deal.
 - a. on incentives or zoning change) the "active" status remains
 - b. City council should enact an ordinance modeled after Ohio Rev. Code 3517.13 ("Pay to Play") to provide similar restrictions on the award of contracts where approvals, such as development incentives, zoning changes, etc. leading to a contract award, must be voted on by council, notwithstanding that council may not have authority to award the contract.

3. Monetary Limits (Does anyone want to discuss?)

4. Solicitation of Campaign Contributions

- a. City Councilmembers and the Mayor should not be allowed to solicit any type of campaign contribution from anyone on the active developer list.
- b. INCORPORATE AS APPROPRIATE/DECIDED FROM ABOVE

B. Disclosure/Reporting of Campaign contributions

By Elected Officials/ Candidates and Developers (NOTE: combined here for discussion; can be addressed separately; campaign contributions to entities as determined above)

1. during the pendency of a proposal by the city, or within the previous two years.
2. if an elected official is voting on a development deal.
3. immediate disclosure of contributions from anyone with business before the City if not otherwise restricted from doing business.
4. donations should be recorded and accessible in real time
5. between statutorily required filing dates
6. to be posted
 - i. on the City's searchable web site on which their council or mayoral accounts are also posted
 - ii. wherever else they may be required to file.
7. Developers should be required to report contributions to elected officials/ candidates for city office, or any of the political accounts they control which contributions reports shall be kept in a local, searchable separate data base.
8. As developers reach out to the City to begin a project, contributions could be researched by the Economic Development office. The application for the project should ask these questions

NOTE: All of the following is cut and pasted from the 6.13 document without deletions; one, re an audit, was moved to Reformulated Recommendations as Council has addressed issue.

Economic development process:

- The process should be streamlined and additional bureaucracy should be avoided. Changes should be made to:
 - Encourage new developers
 - Educate developers and public officials and staff on the process
 - Avoid confusing of developers

- Have City Administration providing reports from request that go to Economic Development, who provides reporting to City Council.
- Provide a contact person from Economic Development staff that developers can contact rather than calling elected officials.
- Council should not be involved in negotiating or brokering development deals. We should endorse Dave Mann's December 2020 motion calling for the separation of council from the negotiation of development agreements.
- We should endorse the Manager's recommendations for a "Constituent Affairs Function" as described in her January 26, 2021 memo. (Guy)
- As we discussed last Thursday the City already has a wealth of data about development incentives. Once the new census data is available, broken out by census tracts and blocks, both sets of data should be merged and analyzed. Some of that can be done by city staff but having an outside independent review would be valuable. Where and how many did the incentives produce new housing units of any type? Where and how many did the incentives produce low income units? Do each set of incentives have a goal that can be articulated? It may be that Andrew Garth mentioned was done that helped to reach the latest agreement with the Board of Education regarding property tax abatements provides a good start on this. It would be interesting to see that.

**Re. City Charter and Development Contracts: The City shall review and report
Implement a charter review of the branches of government**

(b)(c) The City shall review the efficacy of development incentives, real property tax exemptions for accomplishing the city's goals, and establish an objective basis for evaluating developments and setting council policy.

- I think b. and c. are beyond the expertise and resources of the panel. These issues are probably best undertaken by academic or professional economists who have the appropriate expertise and resources. See, for example, the attached study by the Metropolitan Policy Program entitled "Examining the Local Value of Economic Development Incentives." This study was released in 2018 and includes Cincinnati. (Guy)