

6.25.21 Code of Conduct, Hotline and Audit Recommendations

I. Re. Code of Conduct:

A. City employees and appointees.

The City Manager's office should maintain conduct expectations for all city employees and appointees, and regularly provide training and information about these expectations, together with applicable legal and administrative requirements. These guidelines should:

- State expected behavior for all city employees and appointees
- Require participation in training with respect to expected behavior
- Require employees and appointees promptly to report violations of the Code of Conduct or unethical or illegal behavior to the City Manager, the Ohio Ethics Commission, law enforcement a designated hotline, or other appropriate designee, and provide contact information for making this contact.
- Inform what means of reporting improper behavior (e.g., hotlines, designated City Manager representative)
- Advise of whistleblower protections
- Prohibit attempts to privately influence decision makers who will be conducting quasi-judicial hearings and making decisions based on those hearings

B. Developers, Contractors and Lobbyists. The City Manager's office should maintain conduct expectations for developers, contractors and lobbyists, as well as those who act on their behalf, and regularly provide training and information about these expectations. Review and enforcement shall be by the City Manager or the City Manager's designee. These guidelines should:

- State expected behavior on the part of developers and consequences for not meeting this standard
- Applicable legal and administrative requirements.
- Require the developer/contractor/lobbyist to acknowledge in writing receipt of requirements regarding expected behavior and their agreement to abide by an ethics and/or code of conduct.
- Require Developers to report breaches of the Code of Conduct to the City Manager
- Prohibit attempts to privately influence decision makers who will be conducting quasi-judicial hearings and making decisions based on those hearings
- Require them promptly to report violations of the conduct expectations or illegal behavior to the City Manager, law enforcement, a designated hotline, or other appropriate designee.

C. City Council and the Mayor should establish rules/ expectations that govern their interaction, and those of their staff, with city administration, city employees and with lobbyists/developers/city contractors and those who act on their behalf.

These rules should:

- Require a council member or staff to report an offer of something of value in connection with a development project or public contract
- Require that elected officials sign a pledge of behavior/code of ethics at their first meeting.
- Remind officials that it is improper for elected officials or their staff (or anyone else for that matter) to attempt to privately influence the decision makers who will be conducting quasi-judicial hearings and making decisions based on those hearings.
- Address how an elected official/staff interacts with Boards and Commissions involved in development issues.
- *Address involvement of council members with respect to development projects and contract negotiations related to them.*
 - *NOTE: to discuss when we get to this topic under development*

II. Confidential Whistleblower Hotline: The City should maintain a confidential whistleblower hotline for any person to report any unethical or illegal conduct, conduct, violations of city of council behavioral or administrative codes and any inappropriate request or demand from any public servant, elected or otherwise.

The EDRP recommends that:

- A. The city should change the name of the current “Fraud, Waste and Abuse Hotline” to one that reflects the scope of the reports it is available to receive and so as to encourage reporting.
- B. The city should address how to allow confidentiality for those who want it and where it is available under Ohio Open Records laws.
- C. *The City will examine applicable best practices for whistleblower protection and recommend Council include them in the municipal code.* The City should make clear to callers the applicability of city and state whistleblower protections afforded them.
- D. The existence and availability of the hotline should be promoted, encouraged and well publicized.
- E. The city manager’s office shall operate the hotline, will take action on the information provided and where appropriate report back to the caller on action taken.

III. Link between campaign contributions and development projects. Ordinance No. 216-201 approved funding for a forensic audit of City Council ordinances that passed related to economic development between January 1, 2018 and December 31, 2020. After the approved forensic audit of three years of development project is completed, City Council should

examine whether any additional review is needed to study possible links between campaign contributions and development contracts and budget accordingly.