

EXECUTIVE ORDER

2016-01

By: ANDREW J. GINTHER, MAYOR

Ethics and Conduct:

Accountability and Integrity for Effective Governance

WHEREAS, America's Opportunity City, the City of Columbus, shall afford its citizens the utmost trust and confidence in the accountability and integrity of their public officials and employees; and

WHEREAS, as public servants and prudent stewards of municipal resources and services, all public officials and employees shall serve in a manner that fosters equity and transparency; and

WHEREAS, the intent of this Executive Order is to establish a set of general principles and guidelines pertaining to ethical comportment, responsibility, and duty; and

WHEREAS, these highest ethical standards shall address conduct and work performance to preclude undue influence, conflicts of interest, favoritism, bias, and the appearance of impropriety; and

WHEREAS, the appointment by the Mayor of a Chief Ethics Officer has been designated to coordinate the requisite ethics policy; and,

WHEREAS, the ethics provisions issued in this policy shall be applicable to all City of Columbus executive branch public officials and employees. These officials and employees shall comply with ethics laws, pursuant to Ohio Revised Code Chapters 102 and 2921, and as interpreted by the Ohio Ethics Commission and Ohio courts; the Columbus City Charter; and, the Columbus City Codes; and

NOW, THEREFORE, I, Andrew J. Ginther, Mayor of the City of Columbus, declare and institute this Executive Order in furtherance of the foregoing ethics and conduct policy ("Policy") to advance best practices and the strictest ethical standards of professional conduct and effective governance, as follows:

Terms –

For purposes of this Policy, unless otherwise clarified, the following terms are defined:

- (1) “Anyone doing business with the city” – includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before the City of Columbus.
- (2) “Anything of value” – anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. “Value” means worth greater than de minimis or nominal.
- (3) "Compensation" – money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.
- (4) “Fair market value” – the lowest price at which a comparable item or benefit could reasonably have been purchased in the same geographical area within the same general period of time and during the same market conditions.
- (5) “Family member” – spouse, parents, siblings, children, grandparents, grandchildren, step-parents, step-children, or stands in loco parentis; any other person related by blood or marriage to the public official or employee, including uncles, aunts, nephews, nieces, cousins, and in-laws, and residing in the same household. For purposes of financial disclosure as pertains to a) a municipal elected office holder, a “family member” is a spouse residing in the same household, and any dependent child, b) non-elected public officials or employees, a “family member” includes a person to whom the official or employee is engaged to be married.
- (6) "Honorarium" – any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official's or employee's office or position of employment.
- (7) "Legislative agent" – any individual, except an elected official or a member of the staff of any elected official, who is engaged during at least five (5) percent of his or her compensated time to actively advocate by promoting, opposing, or otherwise influencing legislation through direct communication with the Mayor or any Director of any department described in the City Charter, or any member of the staff of the Mayor or of a Director, as one of his or her main purposes.
- (8) “Office holder” – a person who is elected or appointed to the Office of Mayor, City Council, City Auditor, or City Attorney.
- (9) "Public official or employee" – any person who is elected or appointed to an office or is an employee of any public body. "Public official or employee" does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention. "Public official or employee" does not include a person who is a teacher,

instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.

(A) Prohibited conduct

- (1) A City of Columbus public official or employee shall not engage in prohibited conduct, which includes, but is not limited to:¹
 - (a) Solicitation or acceptance of anything of value from anyone doing business with the City of Columbus;
 - (b) Solicitation or acceptance of employment from anyone doing business with the City of Columbus, unless the official or employee completely withdraws from City of Columbus' activity regarding the party offering employment, and the official's or employee's appointing authority approves the withdrawal;
 - (c) Use of one's public position to obtain benefits for the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship;
 - (d) Payment or acceptance of any form of compensation for personal services rendered on a matter before any board, commission, or other body of the City of Columbus, unless the official or employee qualifies for the exception, and files the statement, described in Revised Code 102.04(D);
 - (e) Holding or benefitting from a contract with, authorized by, or approved by, the City of Columbus, unless otherwise permitted through a statutory exception; the Ethics Law excepts certain limited stockholdings and contracts objectively shown as the lowest cost services, if all criteria under Revised Code 2921.42 are met;
 - (f) Voting, authorizing, recommending, or in any way using one's position to secure approval of a City of Columbus contract (including employment or personal services) in which an official or employee, a family member, or anyone with whom an official or employee has a business or employment relationship, has an interest;
 - (g) Solicitation or acceptance of honoraria, pursuant to sections 102.01(H) and 102.03(H) of the Revised Code;
 - (h) During public service, and for one year after leaving public service, representing any person or entity, in any manner, before a body of the City of Columbus, including departments, boards, or commissions, with respect to a matter in which the official or employee personally participated while serving with the City of Columbus;
 - (i) Using or disclosing confidential information protected by law, unless appropriately authorized; or,
 - (j) Using, or authorizing the use of, one's title, the name "City of Columbus," or the City of Columbus' acronym or logo in a manner that suggests impropriety, favoritism, or bias by the City of Columbus or the official or employee.

(B) Financial Disclosure Statements filed with the City Clerk

- (1) As designated by the Office of the Mayor, the Mayor's Chief of Staff, Deputy Chiefs of Staff, Department Directors and Deputy Directors, and the Chief Ethics Officer shall be required to file a complete and accurate financial disclosure statement with the City Clerk no later than May 15th of each year.

¹From the Ohio Ethics Commission Model Ethics Policy for Local Agencies

- (2) The Office of the Mayor may further designate other public officials or employees for addition to or deletion from the list of those who are required to file a financial disclosure statement with the City Clerk whose positions in accordance with Revised Code 102.02(B) include, but are not limited to, a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or city, or the execution of other public trusts.
- (3) The City Clerk shall send the public officials or employees written notice of the requirement not less than thirty (30) days before the applicable filing deadline unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety (90) days after appointment.
- (4) All designated officials and employees who shall file financial disclosure statements must also furnish, unless received from a family member or otherwise specified by law (including under a will, by inheritance, intervivos or testamentary trust), a brief description of each gift (or aggregate of gifts from any one source) of over seventy-five (75) dollars received by an official or employee in his or her own name or by any other person for the official's or employee's use or benefit during the preceding calendar year, from the following persons:
 - (a) Any person with whom the official or employee, or official's or employee's immediate family, does business;
 - (b) Any person who is a creditor of over one thousand dollars (\$1,000), or a debtor of over one thousand dollars (\$1,000), of the official or employee;
 - (c) Any person with whom the official or employee has an investment, other than a primary residence or real property held primarily for personal recreation, of over one thousand dollars (\$1,000);
 - (d) Any person that has another fiduciary relationship, such as co-owner or proprietorship of a corporation, trust, business trust, partnership, or association, with an official or employee.
- (5) The City Clerk shall review each filed statement and determine whether the statement contains requisite information. If the City Clerk determines that the statement does not contain the required information or that an official or employee has failed to file a statement, the City Clerk will notify in writing the person who filed the statement regarding the deficiency in the statement or the person who failed to file the statement regarding the failure to file. Any person notified by the City Clerk shall, not later than fifteen (15) days after receiving the notice, file a statement or an amended statement that contains the required information. If any person who receives such notice fails to file a statement or an amended statement within this fifteen (15) day period, the City Clerk will send out a second written notification, and notify the City Attorney of the deficiency in the statement or the failure to file a statement. Any person notified by the City Clerk will, not later than fifteen days after receiving the notice, file a statement or an amended statement that contains the required information. If any person who receives a notice under this section fails to file a statement or an amended statement within this additional fifteen (15) day period, the City Attorney's office will take appropriate action as authorized under section VII.
- (6) The financial disclosure statement filing requirement will take effect and be in force from and after six (6) months from the enactment of the City of Columbus' ethics disclosure law to allow for the City Clerk's administrative preparation and implementation.

(C) Ethics Education and Training

- (1) All public officials and employees who are required to file a financial disclosure statement, and other designated City of Columbus executive branch employees, shall be required to attend ethics education and training, conducted by the Ohio Ethics Commission, on an annual basis. The Office of the Mayor may add employees who will attend annual ethics education and training on the basis of their duties and responsibilities.

(D) Reporting and Administrative Requirements

- (1) The Chief Ethics Officer shall maintain a record of: (a) all officials and employees designated by the Office of the Mayor that must complete annual ethics education and training, and file an annual financial disclosure statement, and (b) compliance with these annual requirements.
- (2) The Chief Ethics Officer shall furnish an annual report of compliance with ethics education and training and financial disclosure to the Mayor.
- (3) Officials and employees shall be required to sign a pledge of ethical conduct upon employment that will be maintained on file in their department's personnel files.
- (4) A copy of ethics laws shall be provided to officials and employees, and receipt acknowledged, as required in section 102.09(D) of the Revised Code.

(E) Guidance

- (1) The City Attorney's Office may provide guidance on ethics questions.
- (2) All public officials and employees may contact the Ohio Ethics Commission for advice and assistance regarding the application of the Ohio Ethics Law and related statutes.

(F) Penalties

- (1) Any City of Columbus official or employee who fails to abide by ethical standards and disclosure requirements in accordance with this Executive Order, nor to comply with the Ethics Law and related statutes, the Columbus City Charter, and Columbus City Codes, may result in disciplinary action, which may include dismissal, as well as any potential civil or criminal sanctions under the law.

(G) Modifications

- (1) The Ethics and Conduct policy shall be reviewed by the Chief Ethics Officer on an annual basis, and revised if necessary, to preserve the highest standards of ethical conduct and to reflect any modifications to the law.

This order shall be in full force and effect after my signature is affixed to this document.

IN WITNESS WHEREOF, I have hereunto set
My hand and caused the Great Seal of the Mayor
of the City of Columbus, Ohio, to be hereto
affixed this 10th day of May, 2016.

Andrew J. Ginther
Mayor