

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0023

Sponsored by: <b>Greenspan, Schron and Rogers</b>	<b>An Ordinance</b> amending Cuyahoga County's permanent Code of Ethics, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Council enacted a permanent Code of Ethics in Ordinance No. O2011-0008, which was signed by the Cuyahoga County Executive and went into effect on April 8, 2011;

WHEREAS, it is necessary to amend the Code of Ethics to clarify potentially ambiguous provisions therein and to ensure that the Code of Ethics accurately reflects Council's original intent in enacting the Ethics Code; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to continue the usual and daily operation of the County.

### **NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Sections 1, 15, 22, 26, 29, 32, 33, 34, and 35 of Article VII of the Cuyahoga County Code of Ethics, adopted as Ordinance No. O2011-0008, effective April 8, 2011, are hereby amended to read as follows (additions are bolded, deletions are stricken out):

#### *Section 1. Definitions – As Used in this Ordinance*

Administrative Fee	The civil penalty equivalent of a fine, levied by and payable to the Inspector General.
Advice	A written, expert judgment and recommendation by the Inspector General as to whether an issue raised poses ethical problems and how the issue may best be resolved. If the recipient acts in accordance with that advice, s/he is in compliance with the Code of Ethics.
“Anything of Value”	<del>OHIO REVISED CODE (ORC) 1.03—As used in any section of the Ohio Revised Code for the</del>

~~violation of which there is provided a penalty of forfeiture, unless the context otherwise requires,~~  
**As used in Article VII herein, “Anything of Value” means anything, other than a Campaign Contribution,** having a cumulative monetary value in excess of \$75.00 and includes:  
a. Money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority and intended to pass and circulate as money; B. Goods and chattels; C. Promissory notes, bills of exchange, orders, drafts, warrants, checks, or bonds given for the payment of money; D. Receipts given for the payment of money or other property; E. Rights in action; F. Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the servicing and taking away; G. Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interest, beneficial interests, leasehold interests, and any other interest in realty; H. Any promise or future employment; I. Every other thing of value.

Associated

Associated, when used with reference to a business or an organization, includes any business or organization in which a Public Servant Public Official or a Public Servant’s Public Official’s partner in interest is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least five percent of the outstanding equity, or any business or organization in which a Public Servant Public Official or a partner in interest has a personal interest.

Before

A matter is "before" a public agency when it is "being considered by, decided by, or in the presence of or under the official purview of" the agency. Adv. Op. No. 2007-03.

Benefit

1. “Anything of Value” having a cumulative monetary value in excess of \$75.00; 2. Anything, regardless of its monetary value, perceived or

intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a Public Servant in the performance or nonperformance of an official action; or 3. Anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the Public Servant to whom the thing is or may be offered, would recognize as being likely to be intended to influence the Public Servant in the performance or nonperformance of an official action.

The term "benefit" includes, but is not limited to, a valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these things will be conferred in the future. The term "benefit" shall not include food and beverage.

Board	An abbreviation for any authority, board, commission or special district to which County officials appoint at least one member or to which County funds are appropriated.
Business	Business means an activity, association, commercial entity, corporation, enterprise, firm, franchise, holding company, joint stock company, organization, partnership, receivership, self-employed individual, sole proprietorship, trust or other legal entity established to earn or otherwise obtain money, whether for profit or nonprofit, excluding a municipal corporation or governmental entity.
Business Associate or Partner in Interest	A business associate includes any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. Examples of a Public Official's business associates include, but are not limited to, the official's: (1) partners in a partnership; (2) co-owners of a business; (3)

outside employer; and (4) co-members of an LLC. Adv. Op. No. 2009-06.

Business with which a Public Official or Employee is associated

Business with which a Public Official or Employee is associated or associated business means a business in which any of the following applies:

(1) The Public Official or Employee is an owner, partner, director, officer, employee or independent contractor in relation to the business;

(2) A Public Official, Employee's or partner in interest is an owner, partner, director or officer;

(3) The Public Official, Employee or a partner in interest is a stockholder of close corporation stock which is worth at least \$1,000.00 at fair market value or which represents more than a five percent equity interest;

(4) The Public Official, Employee or a partner in interest is a stockholder of publicly traded stock which is worth at least \$5,000.00 at fair market value or which represents more than five percent equity interest, other than publicly traded stock under a trading account if the Public Official or Employee reports the name and address of the stockholder/

Campaign Contribution

Any monetary or non monetary donation to any political campaign committee.

Candidate

Means an individual who is a candidate for an elective County office, as defined in the County Charter, or an applicant for County employment or for an appointive County position.

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. Ohio Revised Code (ORC)102.01

Compensation also means "Anything of Value" that is given for services can be "compensation," whether it is in the form of cash, tangible goods or chattels, or other financial gains or benefits that accrue to the Public Servant. The services

performed by the Public Servant may be provided for the specific benefit of the individual offering the compensation or for the general benefit of the public agency and the citizens served by the agency. Adv. Op. No. 2008-01.

Conflict of Interest	Means not only a personal interest, as defined in this Ordinance, but also a professional or non-pecuniary interest, such as arises when the County attorney is precluded from representing one Public Servant because of the County attorney's preexisting attorney-client relationship with another Public Servant.
Contractor	A person or <b>an entity business</b> , including, but not limited to, service providers, vendors, consultants and their subcontractors, that provides goods or services to the County under terms specified in a binding, officially approved agreement.
County Agency	Means the County Council, any department, division, institution, board, commission, or advisory council, or other instrumentality of the County or any board, commission, or advisory council for which the Cuyahoga County Executive and/or the Cuyahoga County Council appoints one or more of its members.
Day	A calendar day, unless otherwise noted
Decision Maker	Decision maker means any Public Official or Employee or Board, Commission or Advisory Agency of Cuyahoga County empowered to act in a discretionary manner on behalf of the County in any capacity whatsoever, including the making of recommendations. To the extent this Ordinance is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a Public Official or Employee in the performance or nonperformance of an official action. In this Ordinance, the term "decision maker" is used to represent any and every Public Official or Employee who could take any discretionary action regarding a matter in which a Public

	Official or Employee or a partner in interest has or may have a conflict of interest, or as a result of which a Public Official or Employee might receive a personal benefit.
Disclosure	The reporting of financial information, personal or business connections, gifts, activities, campaign contributions or potential conflicts of interest.
Domestic Partner	Any person who shares the same residence with a Public Official or Employee.
Finding	The official decision reached by the Inspector General after thorough investigation or a formal hearing.
Full Family	<p>A Public Official or Employee 's spouse, domestic partner, child children, grandchildren, parents, parents-in-law, grandparents, grandparents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, sons-in-law, daughters-in-law, nieces, nephews, aunts, uncles, or cousins (whether by marriage, lineal descent or adoption);</p> <p>A Public Official or Employee's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the Public Official or Employee or from whom the Public Official or Employee receives, directly or indirectly, more than one-half of his or her support; and</p> <p>An individual claimed by the Public Official or Employee or the Public Official or Employee's spouse as a dependent under the United States Internal Revenue Code.</p>
Immediate Family	A Public Official's spouse, domestic partner, child or children (whether by marriage, lineal descent or adoption).
Gift	Gift means any benefit or thing or act of monetary value of \$75.00 or more which is

conveyed to or performed for the benefit of a Public Servant or a partner in interest, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is commensurate in value at least equal in value to the thing or act conferred or performed.

Interest A prohibited “interest” in a public contract is a definite and direct interest that can be of either a financial or fiduciary nature. Adv. Op. No. 2009-06.

Lobbyist An individual wholly or partially compensated for direct, private communication with County policy-making officials or their staffs, with the purpose of influencing the expenditure of funds in the awarding of a contract or other financial arrangement; or for making direct, private contact with same to promote, advocate or oppose the passage, modification, defeat, approval or veto of any legislation or policy.

Organization “Organization” means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the “Internal Revenue Code of 1986.”

Of such a character as to manifest a substantial and improper influence A thing of value is “of such a character as to manifest a substantial and improper influence” on a Public Official or Employee if it is “of such a quality, nature or kind that it could have a substantial and improper influence on the Public Official or Employee.” Adv. Op. No. 2009-01. The Commission has explained that it is unnecessary that the thing of value actually has a substantial and improper influence on the official or employee provided that it is of such a character that it could have such influences.

Person	Includes “an individual, corporation, business trust, estate, trust, partnership, and association.” R.C. 1.59. Also includes governmental agencies. Adv. Op. No. 2009-01.
Personally rendering services	Includes, but is not limited to, representing, advising, preparing non-ministerial documents for, or consulting with, any person. Adv. Op. No. 2007-03. Examples are: (1) negotiating or discussing matters with agency personnel or contractors; (2) appearing at an agency meeting or hearing; and (3) preparing pleadings or documents to be filed with or submitted to an agency. A person would be personally rendering services if he or she prepared and submitted, to a state agency, any grant or investment proposals, contract bid packages, responses to requests for proposals, or any other submission for financial support for a client or customer.
Position of Profit	<del>”</del> A Public Official occupies a “position of profit” in the prosecution of a public contract when he or she receives some financial gain or benefit that is definitely and directly related to the carrying out and completion of a contract that he or she authorized or that was authorized by a board of which he or she is a member. Adv. Op. No. 2009-05
Prohibited Source	A party that gives or promises an unlawful gift to any Public Official, specifically a party doing or seeking to do business with, regulated by, or interested in matters before the County, its departments, agencies, boards or commissions, including any lobbyist or contractor.
Public Officials and Employees	Any elected or appointed officer, or employee, or volunteer, or agent of the County or board, commission or agency member, whether in a temporary or permanent capacity.” The definition applies regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position.



Relatives	The definition for Full Family and Relatives shall be interchangeable.
Use Of or Authorization of the Use Of	The authority or influence of one's office or employment: Voting on, recommending, deliberating about, discussing, lobbying, or taking any other formal or informal action within the scope of a Public Official's or employee's public authority is "use of," or "authorization of the use of" the authority or influence of a Public Official's or employee's office or employment. Adv. Op. No. 2010-03.
Whistleblower	A person who reports possible crimes or violations of this Code of Ethics.

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Section 15. Employee Contributions to an Elected Employer.

No Public Official or Employee shall make political contributions **to** or raise funds for their own elected County employer. Exempted from this total prohibition are voluntary employee contributions to candidates for any other Public office.

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Section 22. Disclosure of conflict of interest or potential conflict of interest.

(A) **Unless the Public Official or Employee recuses themselves**, a Public Official or Employee who has or may have a conflict of interest in a matter which requires an official action by any decision maker shall, before the matter is decided, disclose the conflict of interest or the potential or alleged conflict of interest to the Inspector General. If the Inspector General believes that no conflict of interest exists, or that despite any alleged or potential special interest, such Public Official or Employee is nevertheless able to vote and otherwise participate fairly, objectively and in a manner consistent with the Public interest, then the member shall so state in the written disclosure.

(B) If the Public Official or Employee has or may have a conflict of interest in any matter before the County, such Public Official or Employee shall not discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the member has a conflict of interest.

(C) ~~Any Public Official or Employee who has or may have a conflict of interest shall disclose it to the Inspector General.~~ After receiving a **conflict of interest** disclosure, the Inspector General shall:

- (1) Maintain a record of such disclosure; and
- (2) Promptly forward copies of the disclosure to any person named in the disclosure.

(D) Any Public Official or Employee who believes that any other Public Official or Employee has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the Inspector General.

(E) A Public Official or Employee, in addition to disqualifying her/himself from participation in any decision regarding the pecuniary or employment interest of a partner in interest, shall make known the existence of the relationship and the interest by filing with the Inspector General a written disclosure of the relationship and the nature and extent of the conflict of interest involved.

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#### Section 26. Boards, Commissions and Advisory Board Appointments

**Unless such appointment is provided for by statute, the County Charter, County ordinance or otherwise by operation of law, no County appointing authority shall appoint any person** ~~No appointee to~~ a Board, Commission or Advisory Board ~~shall have one or more~~ **who has any** of the following conflicts of interest with the intended Board's objective and impartial operations:

- (A) **An** elected or appointed **employee of employment with** the County during the 12 months immediately preceding the Board appointment **may not be appointed to any Board, Commission or Advisory Board if the Ohio Attorney General's *Index of Compatibility of Public Offices and Positions* provides that such appointment is incompatible with the elected or appointed employee's position with the County. If the Index does not address the appointment, the County appointing authority shall request the opinion of the Inspector General on whether the appointment is incompatible, and the Inspector General or his or her designee in the Inspector General's office shall provide said opinion within five (5) business days of the request;**

(B) One or more full family members or business associates serving on the same Board, Commission or Advisory Board; or

(C) An interest in one or more public contracts of the County or contracts in effect with or under consideration by that Board, Commission or Advisory Board.

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Section 29: Additional Financial Disclosure Requirements

Pursuant to and in addition to the Financial Disclosure Filing procedures in OHIO REVISED CODE (ORC): Section 102.02, all department heads and senior management level staff, including deputy directors shall file with the Ohio Ethics Commission and the Inspector General the disclosure statements described in OHIO REVISED CODE (ORC) Section 102.02 on a form prescribed by the Ohio Ethics Commission **no later than June 30<sup>th</sup> of each year.**

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Section 32. Lobbyist Registration and Reporting

(A) Registry. All lobbyists shall register with **the** Inspector General. The Registry **application** form shall include the entity for which the person is lobbying, the employer's name, type of business and current contact information, **a current list of the contracts or policies they are trying to influence, and a list of campaign contributions to County elected officials.** Registrations shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.

(B) Signed Ethics Statement and Training. Lobbyists shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance and attend Ethics Training within 15 days of approval from the Inspector General.

(C) ~~Applications. All lobbyists shall file an application to the Inspector General every April 15 and October 15 containing the following:~~

1. ~~A current list of the contracts or policies they are trying to influence;~~

2. ~~Campaign contributions to County elected officials.~~

~~(D)~~(C) Penalties. A lobbyist who fails to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County

until they are in compliance. A lobbyist who is found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.

~~(E)~~(D) Authorization. No lobbyist shall engage in any lobbying activity until the registration process has been completed and approved by the Inspector General.

~~(F)~~(E) Registration Date. All lobbyists must register with the Inspector General ~~for~~ annually on or before December 31 for the subsequent year to which they wish to engage in lobbying activities. First time registration may take place at anytime during the calendar year for the year in which lobbying activity is to take place.

~~(G)~~(F) Term. All Lobbyist **registrations term** shall expire on December 31 **of the respective registration year.**

~~(H)~~(G) Transparency. The Inspector General shall make all registrations available for public inspection and shall publish an active Lobbyist Registration List on the County website.

~~(I)~~(H) **Registry Application Fee:** \$100.00

**(I) Implementation Date. Persons engaging in lobbying activities on or after the effective date of this Ordinance must comply with the requirements of this Section beginning July 31, 2011.**

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### Section 33. Prohibited Activities by Lobbyists

Lobbyists are prohibited from:

(A) ~~P~~paying for any food, or beverages, or “Anything of Value” for any Public Officials or Employees; **and,**

(B) ~~M~~making campaign contributions for or **otherwise** on behalf of any elected officials or candidates for public office **for the purpose of influencing the elected official(s) or candidate(s) on any matter of county business.**

(C) **Nothing in this Ordinance shall prohibit lobbyists from making voluntary political contributions to any elected official, candidate, political action committee, political party, or any other political**

**committee so long as such contributions are properly reported in accordance with applicable laws and regulations, including this Ordinance.**

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Section 34. Contractors Registration and Reporting

(A) Registry. All contractors doing or seeking to do business with the County must register with the Inspector General. The registration form shall include, but not be limited to: **the contractor's** corporate name, Federal Tax Identification Number, address, type of business, and names of **the contractor's** principals and contracts with the County during the past four years. Registrations shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.

(B) Signed Ethics Statement and Training. Contractors shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance and attend Ethics Training within 15 days of approval from the Inspector General.

(C) First-time Awards. Registration and the signed ethics statement shall be pre-conditions for the signing of any first-time contract with the County. Contractors must register with the Inspector General before they submit competitive bids.

(D) Penalties. Contractors who fail to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in compliance. Contractors who are found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.

(E) Authorization: No Contractor shall engage in any contracting activity until the registration process has been completed and approved by the Inspector General.

(F) Registration Date: All Contractors must register with the Inspector General for annually on or before December 31 for the subsequent year to which they wish to engage in contracting~~lobbying~~ activities. First time registration may take place at anytime during the calendar year for the year in which contracting activity is to take place.

(G) Term: ~~All Contractor term~~ registrations shall expire on December 31 **for the respective registration year.**

(H) Transparency. The Inspector General shall make all registrations available for public inspection and shall publish an active Contractor Registration List on the County website.

(I) **Registry** Application Fee: \$100.00

(J) **Implementation Date.** Contractors entering into contracts with the County on or after the effective date of this Ordinance must comply with the requirements of this Section beginning July 31, 2011.

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Section 35. Prohibited Activities by Contractors

Contractors are prohibited from:

- (A) ~~P~~aying for any food, or beverages, or “Anything of Value” for any Public Officials or Employees; **and**
- (B) ~~M~~aking campaign contributions for or **otherwise** on behalf of any elected officials or candidates for public office **for the purpose of influencing the elected official(s) or candidate(s) on any matter of county business.**
- (C) **Nothing in this Ordinance shall prohibit contractors from making voluntary political contributions to any elected official, candidate, political action committee, political party, or any other political committee so long as such contributions are properly reported in accordance with applicable laws and regulations, including this Ordinance.**

**SECTION 2.** The Cuyahoga County Code of Ethics, adopted as Ordinance No. O2011-0008, effective April 8, 2011, is hereby further amended to add Article X to read as follows:

**ARTICLE X. CORRECTION OF TYPOGRAPHICAL ERRORS**

**The Clerk of Council may at any time, with the approval of the Director of Law or his/her designee within the Department of Law, correct typographical errors appearing in this Ordinance, but no such change shall in any way affect the substance or meaning of this Ordinance or any part thereof.**

**SECTION 3. Necessity.** It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

**SECTION 4. Open Meetings.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Conwell, seconded by Mr. Greenspan, the foregoing Ordinance was duly enacted.

Yeas: Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Connally and Rogers

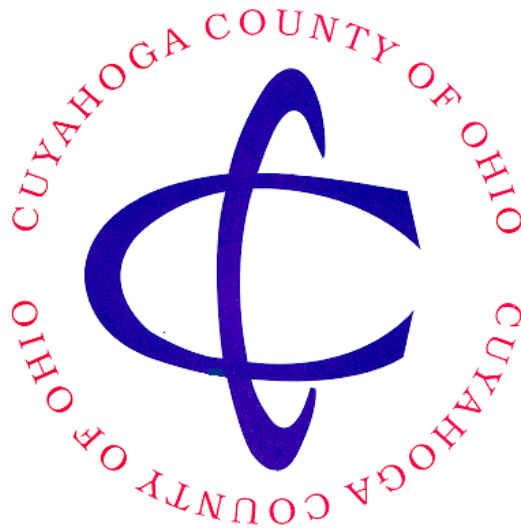
Nays: None

_____	_____
County Council President	Date

_____	_____
County Executive	Date

_____	_____
Clerk of Council	Date

# Cuyahoga County Ethics Ordinance



## Cuyahoga County Council

Rules, Charter Review, Ethics and Council Operations Committee

Dave Greenspan, Chair

Dale Miller, Vice Chair

C. Ellen Connally

Sunny Simon

Dan Brady

Adopted: April 8, 2011

Amended: April 26, 2011



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## **ARTICLE I: PURPOSE AND OVERVIEW OF ORDINANCE**

### *Section 1. Purpose*

This Ordinance, including the definitions, is adopted to:

- (A) Identify the minimum standards of ethical conduct which Public Officials and Employees must meet;
- (B) Educate Public Officials and Employees, in the principles of ethics and all applicable provisions of this Ordinance;
- (C) Encourage Public Officials and Employees to pursue the highest ethical standards;
- (D) Provide a process by which Public Officials and Employees may identify and resolve ethical issues;
- (E) Provide a process to ensure the prompt disclosure by Public Officials and Employees of serious unethical practices, and encourage others to do the same;
- (F) Provide a fair and impartial process by which alleged violations of this Ordinance may be heard;
- (G) Provide for a just and reasonable balance among the rights of all individuals who are directly affected by the operation of this Ordinance; and
- (H) Establish penalties, as appropriate, for Public Officials and Employees who violate the public trust.

### *Section 2. Overview*

The Cuyahoga County Ethics Ordinance contains three components.

1. Articles II, III, IV and V are the Ohio Ethics Laws that pertain to County governments as outlined in the Ohio Revised Code.
2. Article VI includes Other Ohio Revised Code sections that are included in this Ordinance, and
3. Articles VII, VIII and IX contain additional County provisions which are consistent with and strengthen existing state law.

Together, these Articles constitute the minimum standards for ethical behavior for those who represent the County.

## ARTICLE II. THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE

### *Section 1. Definitions*

#### *OHIO REVISED CODE (ORC) 102.01*

As used in this Ordinance:

- (A) “Compensation” means money, thing of value, or financial benefit. “Compensation” does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.
- (B) “Public official or employee” means any person who is elected or appointed to an office or is an employee of any public agency. “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 Ohio 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.
- (C) “Public agency” means the County. “Public agency” does not include a department, division, institution, board, commission, authority, or other instrumentality of the County that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated.
- (D) “Immediate family” means a spouse residing in the person’s household and any dependent child.
- (E) “Income” includes gross income as defined and used in the “Internal Revenue Code of 1986,” 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.
- (F) Section not applicable to County government.
- (G) “Anything of value” has the same meaning as provided in section 1.03 of the Ohio Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Ohio Revised Code.
- (H) “Honorarium” means 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.

- (I) “Employer” means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.
- (J) Section not applicable to County government.
- (K) “Legislation,” “legislative agent,” “financial transaction,” and “actively advocate” have the same meanings as in section 101.70 of the Ohio Revised Code.
- (L) “Expenditure” has the same meaning as in section 101.70 of the Ohio Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Ohio Revised Code when used in relation to activities of an executive agency lobbyist.

## PROHIBITED CONDUCT - GENERAL

### *Section 2. Misuse of Official Position*

#### *OHIO REVISED CODE (ORC) 102.03 (A)*

- (1) No present or former Public Official or Employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the Public Official or Employee personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.
- (2) This Ohio Revised Code (ORC) section not applicable to County government.
- (3) For twenty-four months after the conclusion of employment or service, no former Public Official or Employee who personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Ohio Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Ohio Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the Public Official or Employee personally participated as a Public Official or Employee.
- (4) This Ohio Revised Code (ORC) section not applicable to County government.
- (5) As used in the Ohio Revised Code (ORC) 102.03 (A)(1) and (3), “matter” includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, Ordinances, resolutions, or charter or constitutional amendments. As used in the Ohio Revised Code (ORC) 102.03 (A), “represent” includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

- (6) Nothing contained in the Ohio Revised Code (ORC) 102.03 (A) shall prohibit, during such period, a former Public Official or Employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the Public Official or Employee was employed or on which the Public Official or Employee served.
- (7) The Ohio Revised Code (ORC) 102.03 (A) shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.
- (8) This Ohio Revised Code (ORC) section not applicable to County government.

*Section 3. Misuse of Confidential Information*

*OHIO REVISED CODE (ORC) 102.03 (B)*

No present or former Public Official or Employee shall disclose or use, without appropriate authorization, any information acquired by the Public Official or Employee in the course of the Public Official's or Employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the Public Official or Employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

*Section 4. Rate Making*

*OHIO REVISED CODE (ORC) 102.03 (C)*

No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or ratemaking proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the Public Official or Employee or immediate family owns or controls more than five per cent. No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or rate-making proceeding that directly affects the license or rates of any person to whom the Public Official or Employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the Public Official or Employee or the Public Official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the Public Official or Employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Ohio Revised Code, or patients of persons certified under section 4731.14 of the Ohio Revised Code.

*Section 5. Securing “Anything of Value”*

*OHIO REVISED CODE (ORC) 102.03 (D)*

No Public Official or Employee shall use or authorize the use of the authority or influence of office or employment to secure “Anything of Value” or the promise or offer of “Anything of Value” that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person’s duties.

*Section 6. Soliciting or Accepting “Anything of Value”*

*OHIO REVISED CODE (ORC) 102.03 (E)*

No Public Official or Employee shall solicit or accept “Anything of Value” that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person’s duties.

*Section 7. Giving Gifts to Public Officials and Employees*

*OHIO REVISED CODE (ORC) 102.03 (F)*

No person shall promise or give to a Public Official or Employee “Anything of Value” that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person’s duties.

*Section 8. Receiving Campaign Contributions*

*OHIO REVISED CODE (ORC) 102.03 (G)*

In the absence of bribery or another offense under the Ohio Revised Code (ORC) or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other Public Official or Employee who seeks elective office shall be considered to accrue ordinarily to the Public Official or Employee for the purposes in the Ohio Revised Code (ORC)(D), (E), and (F). As used in this division, “contributions,” “campaign committee,” “political party,” “legislative campaign fund,” “political action committee,” and “political contributing entity” have the same meanings as in section 3517.01 of the Ohio Revised Code.

*Section 9. Receiving Honoraria*

*OHIO REVISED CODE (ORC) 102.03 (H)(1)*

No Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) shall solicit or accept, and no person shall give to that Public Official or Employee, an honorarium.



*Section 10. Receiving Travel, Meals and Lodging Expenses - Exemption*

*OHIO REVISED CODE (ORC) 102.03 (H) and (I)*

- (H)(1) Except as provided in the Ohio Revised Code (ORC) 102.03 (D), (E), and (F) do not prohibit a Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) from accepting and do not prohibit a person from giving to that Public Official or Employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the Public Official or Employee at a meeting at which the Public Official or Employee participates in a panel, seminar, or speaking engagement or provided to the Public Official or Employee at a meeting or convention of a national organization to which any County agency pays membership dues.
- (2) This Ohio Revised Code (ORC) section not applicable to County government.
- (I) A Public Official or Employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Ohio Revised Code.

*Section 11. Membership in Tax Exempt Organization - Exemption*

*OHIO REVISED CODE (ORC) 102.03 (J)*

For purposes of Ohio Revised Code (ORC)102.03(D), (E), and (F) the membership of a Public Official or Employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the Public Official or Employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a Public Official or Employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a Public Official or Employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use his official position with regard to the interests of the organization on the matter if the Public Official or Employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

*OHIO REVISED CODE (ORC) 102.03 (K)*

This Ohio Revised Code (ORC) section not applicable to County government.

*OHIO REVISED CODE (ORC) 102.03 (L)*

This Ohio Revised Code (ORC) section not applicable to County government.

*OHIO REVISED CODE (ORC) 102.03 (M)*

This Ohio Revised Code (ORC) section not applicable to County government.

*OHIO REVISED CODE (ORC) 102.031*

This Ohio Revised Code (ORC) section not applicable to County government.

*OHIO REVISED CODE (ORC) 102.04 (A)*

This Ohio Revised Code (ORC) section not applicable to County government.

*OHIO REVISED CODE (ORC) 102.04 (B)*

This Ohio Revised Code (ORC) section not applicable to County government.

*Section 12. Representation and Influence Peddling*

*OHIO REVISED CODE (ORC) 102.04 (C) and (D)*

- (C) Except as provided in the Ohio Revised Code (ORC) 102.04(D), no person who is elected or appointed to an office of or employed by the County or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.
- (D) A Public Official who is appointed to a non-elective office or a public employee shall be exempted from the Ohio Revised Code (ORC) 102(C) if both of the following apply:
  - (1) The agency before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;
  - (2) Prior to rendering the personal services one must file a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending, and a brief description of the ending matter and of the personal services to be rendered. The statement shall also contain the Public Official's or employee's declaration that he disqualifies himself for a period of two

years from any participation as such Public Official or Employee in any matter involving any Public Official or Employee of the agency before which the present matter is pending. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

*Section 13. Failure to Recuse*

*OHIO REVISED CODE (ORC) 102.04 (E) and (F)*

- (E) No Public Official or Employee who files a statement or is required to file a statement under the Ohio Revised Code (ORC) 102.04 (D) shall knowingly fail to disqualify himself from any participation as a Public Official or Employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending.
- (F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

See Article VII, Section 24 – Cuyahoga County Provisions for additional conditions.

*OHIO REVISED CODE (ORC) 102.05*

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

*OHIO REVISED CODE (ORC) 102.06*

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

*OHIO REVISED CODE (ORC) 102.07*

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

*OHIO REVISED CODE (ORC) 102.08*

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

*OHIO REVISED CODE (ORC) 102.09 (A)*

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

*OHIO REVISED CODE (ORC) 102.09 (B)*

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

*OHIO REVISED CODE (ORC) 102.09 (C)*

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

*Section 14. Acknowledgment of Copy of Law*

*OHIO REVISED CODE (ORC) 102.09(D)*

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

See Article VII, Section 3 – Cuyahoga County Provisions for additional conditions.

*Section 15. Penalties*

*OHIO REVISED CODE (ORC) 102.99*

- (A) Whoever violates division (C) of section 102.031 of the Ohio Revised Code is guilty of a misdemeanor of the fourth degree.
- (B) Whoever violates section 102.03 or 102.04 of the Ohio Revised Code is guilty of a misdemeanor of the first degree.

**ARTICLE III. THE OHIO ETHICS LAW: CHAPTER 2921 OF THE OHIO REVISED CODE**

*Section 1. Definitions*

As used in this Ordinance:

- (A) “Public Official” means any elected or appointed officer, or employee, or agent of the County, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.
- (B) “Public Servant” means any of the following:
  - (1) Any Public Official;

- (2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;
  - (3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.
- (C) Section not applicable to County government.
  - (D) Section not applicable to County government.
  - (E) Section not applicable to County government.
  - (F) Section not applicable to County government.
  - (G) Section not applicable to County government.
  - (H) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party," and "political contributing entity" have the same meanings as in section 3517.01 of the Ohio Revised Code.
  - (I) "Public contract" means any of the following:
    - (a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;
    - (b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

**ARTICLE IV. THE OHIO ETHICS LAW: CHAPTER 2921.42 OF THE OHIO REVISED CODE**

**PROHIBITED CONDUCT – PUBLIC CONTRACTS**

*Section 1. Nepotism*

*OHIO REVISED CODE (ORC) 2921.42 (A)(1)*

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure authorization of any public contract in which the Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest.

*Section 2. County Investments*

*OHIO REVISED CODE (ORC) 2921.42 (A)(2)*

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the Public Official, a member of the Public Official's family, or any of the Public Official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees.

*Section 3. Subsequent Employment*

*OHIO REVISED CODE (ORC) 2921.42 (A)(3)*

No Public Official shall knowingly:

During the Public Official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the Public Official or by a legislative body, commission, or board of which the Public Official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder.

*Section 4. Profit or Gain from County Contracts*

*OHIO REVISED CODE (ORC) 2921.42 (A)(4)(5)*

No Public Official shall knowingly do any of the following:

- (4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the Public Official is connected;

- (5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

*Section 5. Exemptions from Prohibited Conflict of Interest in Public Contracts*

*OHIO REVISED CODE (ORC) 2921.42 (B), (C) and (D)*

In the absence of bribery or a purpose to defraud, a Public Official, member of a Public Official's family, or any of a Public Official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

- (1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
  - (2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;
  - (3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.
- (C) This section does not apply to a public contract in which a Public Official, member of a Public Official's family, or one of a Public Official's business associates has an interest, when all of the following apply:
- (1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;
  - (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the Public Official's becoming associated with the political subdivision or governmental agency or instrumentality involved;
  - (3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the Public Official, member of the Public Official's family, or business associate, and the Public Official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) The Ohio Revised Code (ORC) 2921.42(A)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

*Section 6. Penalties*

*OHIO REVISED CODE (ORC) 2921.42 (E)*

Whoever violates the Ohio Revised Code (ORC) 2921.42 is guilty of having an unlawful interest in a public contract. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(1) or (2) is a felony of the fourth degree. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(3), (4), or (5) is a misdemeanor of the first degree.

*OHIO REVISED CODE (ORC) 2921.42 (F)*

This Ohio Revised Code (ORC) section not applicable to County government.

*OHIO REVISED CODE (ORC) 2921.42 (G)*

This Ohio Revised Code (ORC) section not applicable to County government.

*Section 7. Voiding of Tainted Contracts or Investments*

*OHIO REVISED CODE (ORC) 2921.42 (H)*

Any public contract in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of the Ohio Revised Code (ORC) 2921.42 is void and unenforceable.



## ARTICLE V. THE OHIO ETHICS LAW: CHAPTER 2921.43 OF THE OHIO REVISED CODE

### IMPROPER COMPENSATION

#### *Section 1. Gratuities for Regular Duties and Internal Favors*

##### *OHIO REVISED CODE (ORC) 2921.43 (A)*

No Public Servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a Public Servant, either of the following:

- (1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Ohio Revised Code (ORC) or other provisions of law, to perform the Public Servant's official duties, to perform any other act or service in the Public Servant's public capacity, for the general performance of the duties of the Public Servant's public office or public employment, or as a supplement to the Public Servant's public compensation;
- (2) Additional or greater fees or costs than are allowed by law to perform the Public Servant's official duties.

#### *Section 2. Gratuities for Employment Favors*

##### *OHIO REVISED CODE (ORC) 2921.43 (B)*

No Public Servant for the Public Servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a Public Servant or party official, shall solicit or accept "Anything of Value" in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

#### *Section 3. Political Contributions made for Consideration*

##### *OHIO REVISED CODE (ORC) 2921.43 (C)*

No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

*Section 4. Penalties*

*OHIO REVISED CODE (ORC) 2921.43(D) and (E)*

- (D) Whoever violates the Ohio Revised Code (ORC) 2921.43 is guilty of soliciting improper compensation, a misdemeanor of the first degree.
- (E) A Public Servant who is convicted of a violation of the Ohio Revised Code (ORC) 2921.43 is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

*Section 5. Exemptions – Making or Receiving Voluntary Contributions*

*OHIO REVISED CODE (ORC) 2921.43(F)*

The Ohio Revised Code (ORC) 2921.43(A), (B), and (C) do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, from accepting voluntary contributions.

**ARTICLE VI. OTHER OHIO REVISED CODE INCLUDED IN ORDINANCE**

*Section 1. Abuse of political authority or influence*

*OHIO REVISED CODE (ORC) 124.61*

No person who holds any Public office, or who has been nominated for, or who seeks a nomination or appointment to any Public office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself or another any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service. Nor shall any person, by means of threats or coercion, induce or seek to induce anyone in the classified service to resign his position or to waive his right to certification, appointment, or promotion.

See Article VII, Section 28– Cuyahoga County Provisions for additional conditions.

*Section 2. Abuse of power for political reasons*

*OHIO REVISED CODE (ORC) 124.60*

No Public Official, shall appoint, promote, reduce, suspend, lay off, discharge, or in any manner change the official rank or compensation of any officer or employee in the classified service, or promise or threaten to do so, or harass, discipline, or coerce any such officer or employee, for giving, withholding, or refusing to support any party.

*Section 3. Payment for appointment or promotion*

*OHIO REVISED CODE (ORC) 124.59*

No applicant for appointment or promotion in the classified or unclassified service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he ask or receive any recommendation or assistance from any person, upon the consideration of any political service to be rendered, for or on account of his appointment or promotion, or proposed appointment or promotion.

*Section 4. Gratuities for Performance of Regular Duties*

Enacts OHIO REVISED CODE (ORC) 102.04 (A) (B) for County purposes.

- (A) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the County, excluding the courts.
- (B) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall sell or agree to sell, except through competitive bidding, any goods or services to the County, excluding the courts.

*Section 5. Prohibited Political Activity*

*OHIO REVISED CODE (ORC) 124.57*

- (A) No Public Official in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for Public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting, any such assessment, contribution, or payment from any officer or employee in the classified service of the state, the several counties, cities, or city school districts of the state, or the civil service townships of the state; nor shall any officer or employee in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state be an officer in any political organization or take part in politics other than to

vote as the officer or employee pleases and to express freely political opinions.

- (B) (1) Nothing in division (A) of this section prohibits an officer or employee described in that division from serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (2) Nothing in division (A) of this section prohibits an employee of the Ohio cooperative extension service whose position is transferred from the unclassified civil service to the classified civil service and who also holds the office of president of a city legislative authority from completing the existing term of office as president.

*Section 6. Prohibited Political Activity*

*OHIO ADMINISTRATIVE CODE - OAC123:1-46-02*

- (A) The purpose of this rule is to provide appointing authorities, personnel officers, and others with guidelines concerning political activity. Employees in the classified service are prohibited by section 124.57 of the Ohio Revised Code from engaging in political activity.
  - (1) “Classified service” means all persons in active pay status serving in the competitive classified civil service of the state, the counties, or the general health districts. Unless specifically exempted from the classified service in accordance with the Ohio Revised Code and these rules, an employee shall be considered to be in the classified service for purposes of this rule.
  - (2) “Political activity” and “politics” refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- (B) The following are examples of permissible activities for employees in the classified service:
  - (1) Registration and voting;
  - (2) Expression of opinions, either oral or written;
  - (3) Voluntary financial contributions to political candidates or organizations;
  - (4) Circulation of nonpartisan petitions or petitions stating views on legislation;
  - (5) Attendance at political rallies;
  - (6) Signing nominating petitions in support of individuals;
  - (7) Display of political materials in the employee’s home or on the employee’s property;

- (8) Wearing political badges or buttons, or the display of political stickers on private vehicles; and
  - (9) Serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (C) The following activities are prohibited to employees in the classified service:
- (1) Candidacy for Public office in a partisan election;
  - (2) Candidacy for Public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
  - (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
  - (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
  - (5) Service in an elected or appointed office in any partisan political organization;
  - (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
  - (7) Campaigning by writing for Publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
  - (8) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
  - (9) Solicitation of the sale, or actual sale, of political party tickets;
  - (10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
  - (11) Service as, witness or challenger, for any party or partisan committee;
  - (12) Participation in political caucuses of a partisan nature; and
  - (13) Participation in a political action committee which supports partisan activity.
- (D) An employee in the classified service who engages in any of the activities listed in paragraphs (C)(1) to (C)(13) of this rule is subject to removal from his or her position in the classified service. The appointing authority may initiate such removal action in accordance with the procedures in section 124.34 of the Ohio Revised Code. The director may also institute an investigation or action in case of a violation.

- (E) Employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.
- (F) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.
- (G) If any person holding Public office or employment is convicted of violating the Ohio Revised Code provisions prohibiting abuse of political influence, such office or position shall thereby be rendered vacant.

*Section 7. Whistleblower*

*OHIO REVISED CODE (ORC) 124.341(A)*

*Rights*

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section [126.45](#) of the Ohio Revised Code.

See Article VII, Section 18– Cuyahoga County Provisions for additional conditions.

*Responsibilities*

If the Public Official or Employee reasonably believes that a violation or misuse of public resources is a criminal offense, the Public Official or Employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section [2935.01](#) of the Ohio Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section [121.46](#) of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102, section [2921.42](#), or section [2921.43](#) of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

See Article VII, Section 18– Cuyahoga County Provisions for additional conditions.

*OHIO REVISED CODE (ORC) 124.341(B)*

*Protections and Prohibitions*

Except as otherwise provided in division (C) of this section, no Public Official or Employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report authorized by division (A) of this section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.

*OHIO REVISED CODE (ORC) 124.341(C)*

A Public Official or Employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The Public Official or Employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section.

*OHIO REVISED CODE (ORC) 124.341(D)*

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119 of the Ohio Revised Code.

See Article VII, Section 19 – Cuyahoga County Provisions for additional conditions.

# ARTICLE VII: CUYAHOGA COUNTY PROVISIONS

## *Section 1. Definitions*

As used in this Ordinance:

Administrative Fee	The civil penalty equivalent of a fine, levied by and payable to the Inspector General.
Advice	A written, expert judgment and recommendation by the Inspector General as to whether an issue raised poses ethical problems and how the issue may best be resolved. If the recipient acts in accordance with that advice, s/he is in compliance with the Code of Ethics.
“Anything of Value”	As used in Article VII herein, “Anything of Value” means anything, other than a Campaign Contribution, having a cumulative monetary value in excess of \$75.00 includes: a. Money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority and intended to pass and circulate as money; B. Goods and chattels; C. Promissory notes, bills of exchange, orders, drafts, warrants, checks, or bonds given for the payment of money; D. Receipts given for the payment of money or other property; E. Rights in action; F. Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the servicing and taking away; G. Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interest, beneficial interests, leasehold interests, and any other interest in realty; H. Any promise or future employment; I. Every other thing of value.
Associated	Associated, when used with reference to a business or an organization, includes any business or organization in which a Public Servant Public Official or a Public Servant’s Public Official’s partner in interest is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least five percent of the outstanding equity, or any business or organization in which a Public Servant Public Official or a partner in interest has a personal interest.
Before	A matter is "before" a public agency when it is "being considered by, decided by, or in the presence of or under the official purview of" the agency. Adv. Op. No. 2007-03.
Benefit	1. “Anything of Value” having a cumulative monetary value in excess of \$75.00; 2. Anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a Public Servant in the performance or nonperformance of an official action; or 3. Anything, regardless of its monetary value, which,



under the circumstances, a reasonably prudent person in the position of the Public Servant to whom the thing is or may be offered, would recognize as being likely to be intended to influence the Public Servant in the performance or nonperformance of an official action.

The term "benefit" includes, but is not limited to, a valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these things will be conferred in the future. The term "benefit" shall not include food and beverage.

**Board** An abbreviation for any authority, board, commission or special district to which County officials appoint at least one member or to which County funds are appropriated.

**Business** Business means an activity, association, commercial entity, corporation, enterprise, firm, franchise, holding company, joint stock company, organization, partnership, receivership, self-employed individual, sole proprietorship, trust or other legal entity established to earn or otherwise obtain money, whether for profit or nonprofit, excluding a municipal corporation or governmental entity.

**Business Associate or Partner in Interest** A business associate includes any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. Examples of a Public Official's business associates include, but are not limited to, the official's: (1) partners in a partnership; (2) co-owners of a business; (3) outside employer; and (4) co-members of an LLC. Adv. Op. No. 2009-06.

**Business with which a Public Official or Employee is associated** Business with which a Public Official or Employee is associated or associated business means a business in which any of the following applies:

(1) The Public Official or Employee is an owner, partner, director, officer, employee or independent contractor in relation to the business;

(2) A Public Official, Employee's or partner in interest is an owner, partner, director or officer;

(3) The Public Official, Employee or a partner in interest is a stockholder of close corporation stock which is worth at least \$1,000.00 at fair market value or which represents more than a five percent equity interest;

(4) The Public Official, Employee or a partner in interest is a stockholder of publicly traded stock which is worth at least \$5,000.00 at fair market value or which represents more than five percent equity interest, other than publicly traded stock under a

	trading account if the Public Official or Employee reports the name and address of the stockholder.
Campaign Contribution	Any monetary or non-monetary donation to any political campaign committee.
Candidate	Means an individual who is a candidate for an elective County office, as defined in the County Charter, or an applicant for County employment or for an appointive County position.
Compensation	<p>Money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties. Ohio Revised Code (ORC)102.01</p> <p>Compensation also means "Anything of Value" that is given for services can be "compensation," whether it is in the form of cash, tangible goods or chattels, or other financial gains or benefits that accrue to the Public Servant. The services performed by the Public Servant may be provided for the specific benefit of the individual offering the compensation or for the general benefit of the public agency and the citizens served by the agency. Adv. Op. No. 2008-01.</p>
Conflict of Interest	Means not only a personal interest, as defined in this Ordinance, but also a professional or non-pecuniary interest, such as arises when the County attorney is precluded from representing one Public Servant because of the County attorney's preexisting attorney-client relationship with another Public Servant.
Contractor	A person or an entity – including but not limited to service providers, vendors, consultants and their subcontractors – that provides goods or services to the County under terms specified in a binding, officially approved agreement.
County Agency	Means the County Council, any department, division, institution, board, commission, or advisory council, or other instrumentality of the County or any board, commission, or advisory council for which the Cuyahoga County Executive and/or the Cuyahoga County Council appoints one or more of its members.
Day	A calendar day, unless otherwise noted.
Decision Maker	Decision maker means any Public Official or Employee or Board, Commission or Advisory Agency of Cuyahoga County empowered to act in a discretionary manner on behalf of the County in any capacity whatsoever, including the making of recommendations. To the extent this Ordinance is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a Public Official or Employee in the performance or nonperformance of an official action. In this Ordinance, the term "decision maker" is used to represent any and every Public Official or Employee who could take any discretionary action regarding a matter in which a Public Official or Employee or a

	partner in interest has or may have a conflict of interest, or as a result of which a Public Official or Employee might receive a personal benefit.
Disclosure	The reporting of financial information, personal or business connections, gifts, activities, campaign contributions or potential conflicts of interest.
Domestic Partner	Any person who shares the same residence with a Public Official or Employee.
Finding	The official decision reached by the Inspector General after thorough investigation or a formal hearing.
Full Family	<p>A Public Official or Employee 's spouse, domestic partner, child children, grandchildren, parents, parents-in-law, grandparents, grandparents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, sons-in-law, daughters-in-law, nieces, nephews, aunts, uncles, or cousins (whether by marriage, lineal descent or adoption);</p> <p>A Public Official or Employee's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the Public Official or Employee or from whom the Public Official or Employee receives, directly or indirectly, more than one-half of his or her support; and</p> <p>An individual claimed by the Public Official or Employee or the Public Official or Employee's spouse as a dependent under the United States Internal Revenue Code.</p>
Immediate Family	A Public Official's spouse, domestic partner, child or children (whether by marriage, lineal descent or adoption).
Gift	Gift means any benefit or thing or act of monetary value of \$75.00 or more which is conveyed to or performed for the benefit of a Public Servant or a partner in interest, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is commensurate in value at least equal in value to the thing or act conferred or performed.
Interest	A prohibited "interest" in a public contract is a definite and direct interest that can be of either a financial or fiduciary nature. Adv. Op. No. 2009-06.
Lobbyist	An individual wholly or partially compensated for direct, private communication with County policy-making officials or their staffs, with the purpose of influencing the expenditure of funds in the awarding of a contract or other financial arrangement; or for making direct, private contact with same to promote, advocate or

oppose the passage, modification, defeat, approval or veto of any legislation or policy.

Organization

“organization” means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the “Internal Revenue Code of 1986.”

Of such a character as to manifest a substantial and improper influence

A thing of value is “of such a character as to manifest a substantial and improper influence” on a Public Official or Employee if it is “of such a quality, nature or kind that it could have a substantial and improper influence on the Public Official or Employee.” Adv. Op. No. 2009-01. The Commission has explained that it is unnecessary that the thing of value actually has a substantial and improper influence on the official or employee provided that it is of such a character that it could have such influences.

Person

Includes “an individual, corporation, business trust, estate, trust, partnership, and association.” R.C. 1.59. Also includes governmental agencies. Adv. Op. No. 2009-01.

Personally rendering services

Includes, but is not limited to, representing, advising, preparing non-ministerial documents for, or consulting with, any person. Adv. Op. No. 2007-03. Examples are: (1) negotiating or discussing matters with agency personnel or contractors; (2) appearing at an agency meeting or hearing; and (3) preparing pleadings or documents to be filed with or submitted to an agency. A person would be personally rendering services if he or she prepared and submitted, to a state agency, any grant or investment proposals, contract bid packages, responses to requests for proposals, or any other submission for financial support for a client or customer.

Position of Profit

A Public Official occupies a “position of profit” in the prosecution of a public contract when he or she receives some financial gain or benefit that is definitely and directly related to the carrying out and completion of a contract that he or she authorized or that was authorized by a board of which he or she is a member. Adv. Op. No. 2009-05.

Prohibited Source

A party that gives or promises an unlawful gift to any Public Official, specifically a party doing or seeking to do business with, regulated by, or interested in matters before the County, its departments, agencies, boards or commissions, including any lobbyist or contractor.

Public Officials and Employees

Any elected or appointed officer, or employee, or volunteer, or agent of the County or board, commission or agency member, whether in a temporary or permanent capacity.” The definition applies regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position.

Relatives	The definition for Full Family and Relatives shall be interchangeable.
Use Of or Authorization of the Use Of	The authority or influence of one's office or employment: Voting on, recommending, deliberating about, discussing, lobbying, or taking any other formal or informal action within the scope of a Public Official's or employee's public authority is "use of," or "authorization of the use of" the authority or influence of a Public Official's or employee's office or employment. Adv. Op. No. 2010-03.
Whistleblower	A person who reports possible crimes or violations of this Code of Ethics.

(Amd: 4/26/11)

*Section 2. Full Family definition Included*

Throughout this Ordinance, where ever Family is referenced the definition of Full Family shall apply.

*Section 3. Acknowledgement of Copy of Law*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 102.09(D)*

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

The following added provisions pertain to Cuyahoga County

- (A) Shall also apply to all Public Officials and Employees, Lobbyist's and Contractors upon their reappointment, reelection, rehire or re-registration, whichever is applicable.

*Section 4. Education and Training - Initial and Annual Ethics Education and Training*

Within fifteen days of a Public Official's or Employee's, Lobbyists' and Contractor's initial date of service, reappointment, reelection, rehire or re-registration, whichever is applicable and annually the Human Resource Commission shall furnish the Public Official or Employee with a copy of the current Cuyahoga County Ethics Ordinance, Ethics Policies, Ethics Manuals, and all Public Officials and Employees shall personally attend Ethics Training Programs and Classes. The Human Resource Commission may furnish such other materials as are appropriate.

*Section 5. Acknowledgment of Initial and Annual Ethics Education and Training*

The Public Official or Employee shall sign an ethics statement indicating that they have read, understood and agreed to this Ordinance and acknowledge their receipt of materials and attendance to all Programs and Classes in writing to the Human Resource Commission.

*Section 6. Relationship to Ohio Law*

Compliance with Ohio Ethics Laws

Public Officials and Employees are required to abide by the State of Ohio's ethics laws, as found in the Ohio Revised Code and as interpreted by the Ohio Ethics Commission and Ohio courts.

*Section 7. Minimum Standard*

This Ordinance shall constitute a minimum standard for ethical conduct and practices in Cuyahoga County government. If the provisions of this Ordinance conflict with any other County Ordinance, regulation or rule, this Ordinance shall control.

*Section 8. Liberal Construction of Ordinance.*

The provisions of this Ordinance are to be construed liberally, to the end that the public interest be fully protected, and shall be construed in a manner consistent with all applicable federal and state laws and applicable provisions of the County Charter.

*Section 9. Severability*

The various provisions of this Ordinance are intended to be severable, and the validity or invalidity of one or more such provisions shall not affect the validity of the remaining provisions.

*Section 10. Applicability of Ordinance*

This Ordinance applies to all Public Officials and Employees, as the term is defined in this Ordinance.

*Section 11. Duties of Public Officials and Employees to Cooperate with Investigations and Inquiries*

Public officials and Employees shall be required to cooperate fully and truthfully with any investigation that is initiated by the Inspector General, the Department of Human Resources, or the Human Resources Commission regarding an alleged or potential violation of this Ordinance to the extent that the fifth amendment of the United States Constitution rights of those accused of violating this Ordinance are not violated. Public officials and Employees shall locate, compile and produce any such information as is requested by the investigating authority, unless the information is exempt from disclosure under this Ordinance or applicable law.

*Section 12. Misuse of County Resources*

No Public Official shall use, request, or permit the private use of County resources, including but not limited to motor vehicles, equipment and supplies. Printing, mailing or electronic communicating of personal or political material using County resources is likewise prohibited.

*Section 13. Discrimination*

No Public Official, operations or entities of Cuyahoga County Government shall favor or discriminate against anyone because of race, religion, age, ethnicity, gender, sexual orientation, disability or political affiliation, pursuant to U.S. Law [Civil Rights Act of 1964, 43 U.S.C. §2000e et. seq.] and the Cuyahoga County Charter.

*Section 14. Sexual Harassment*

No Public Official shall harass or otherwise make unwelcome sexual advances that interfere with job performance, create a hostile work environment, or attempt to make a person's submission or rejection of sexual advances a condition of his/her employment or appointment status. [Section 703 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.]

*Section 15. Employee Contributions to an Elected Employer*

No Public Official or Employee shall make political contributions to or raise funds for their own elected County employer. Exempted from this total prohibition are voluntary employee contributions to candidates for any other Public office.

(Amd: 4/26/11)

*Section 16. Misuse of Official Position*

Prohibited conduct, and other abuses or misuses of position

- (A) Public Officials or Employees of the County shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the Public interest. Prohibited conduct of each such Public Official or Employee shall include, but not be limited to, the following:
- (1) Ordering any goods and services for the County without prior official authorization for such an expenditure;
  - (2) Using his or her superior position to request or require an employee to:
    - (i) Do clerical work on behalf of the Public Official or Employee's family, business, social, church or fraternal interest when such work is not furthering a County interest;
    - (ii) Perform any work outside the employee's normal course of County employment;

- (iii) Purchase goods and services for personal, business, or political purposes; or
  - (iv) Work for him or her personally without offering just compensation.
- (3) Drawing per diem or expense monies from the County to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the County.
- (B) No Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County. This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their offices or in running for election to office.
- (C) No Public Official or Employee shall suppress any Public document, record, report or any other Public information.
- (D) When a Public Official or Employee, in the course of carrying out his or her duties, has been offered or is discussing future employment with a business that is presently dealing with the County concerning matters within the Public Official or Employee's current official duties, that person shall comply with all requirements in the Ethics Law and related statutes regarding future employment and disclose such possible future employment to the Inspector General.
- (E) In addition to being a violation of other laws, it is also a violation of this Ordinance for any Public Official or Employees to:
  - (1) Be found liable of violating any federal, state, County or municipal law prohibiting discrimination or sexual harassment;
  - (2) Be found liable of violating any state laws governing lobbying activities or regulating political activity.

*Section 17. Whistleblower - Rights*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 124.341(A)*

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section [126.45](#) of the Ohio Revised Code.



The following added provisions pertain to Cuyahoga County

- A. Shall be extended to include the General Public.
- B. Shall also allow a Public Official, Employee or a Member of the General Public who reasonably believes that a violation or misuse of this Ordinance exists to speak freely to and to notify the County Inspector General either in writing or via a Whistleblower Hotline.

*Section 18. Whistleblower - Responsibilities*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 124.341(A)*

If the Public Official or Employee reasonably believes that a violation or misuse of public resources is a criminal offense, the Public Official or Employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section [2935.01](#) of the Ohio Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section [121.46](#) of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102, section [2921.42](#), or section [2921.43](#) of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

The following added provisions pertain to Cuyahoga County

- A. Within 5 business days of the event in question, all Public Officials or Employees shall report a violation of this Ordinance of which they have knowledge to the Inspector General.
- B. Public Officials and Employees are not, however, required to report a violation that has already been reported.

*Section 19. Whistleblower – Protections and Prohibitions*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 124.341(D)*

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any

other order as is appropriate. The order of the board is appealable in accordance with Chapter 119 of the Ohio Revised Code.

The following added provisions pertain to Cuyahoga County

- (A) Shall be heard by the Human Resource Commission.

*Section 20. Whistleblower – False Filings and Frivolous Complaints*

- (A) No person shall knowingly file false information.
- (B) No person shall file a complaint which is frivolous or malicious in nature, or which is not in good faith.

*Section 21. Whistleblower – Posting of Policy*

The Human Resource Commission shall post the Whistleblower provisions of this Ordinance in a manner consistent with its current disclosure and posting of other human resource materials including but not limited to the County Website.

*Section 22. Disclosure of conflict of interest or potential conflict of interest*

- (A) Unless the Public Official or Employee recuses themselves, a Public Official or Employee who has or may have a conflict of interest in a matter which requires an official action by any decision maker shall, before the matter is decided, disclose the conflict of interest or the potential or alleged conflict of interest to the Inspector General. If the Inspector General believes that no conflict of interest exists, or that despite any alleged or potential special interest, such Public Official or Employee is nevertheless able to vote and otherwise participate fairly, objectively and in a manner consistent with the Public interest, then the member shall so state in the written disclosure.
- (B) If the Public Official or Employee has or may have a conflict of interest in any matter before the County, then such Public Official or Employee shall not discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the member has a conflict of interest.
- (C) After receiving a conflict of interest disclosure, the Inspector General shall:
  - (1) Maintain a record of such disclosure; and
  - (2) Promptly forward copies of the disclosure to any person named in the disclosure and the Inspector General.
- (D) Any Public Official or Employee who believes that any other Public Official or Employee has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the Inspector General,

- (E) A Public Official or Employee, in addition to disqualifying her/himself from participation in any decision regarding the pecuniary or employment interest of a partner in interest, shall make known the existence of the relationship and the interest by filing with the Inspector General a written disclosure of the relationship and the nature and extent of the conflict of interest involved.

(Amd: 4/26/11)

*Section 23. Penalties*

Any violations of this Ordinance shall be punishable to the maximum extent permitted by law. Any disciplinary action shall be carried out in accordance with the provisions of this Ordinance, as well as any other laws, policies and procedures applicable to the position of the offender and the gravity of the offense. The Inspector General is permitted to take any action which it is otherwise lawfully permitted to take, including, but not limited to, any one or combination of the following which the Inspector General deems appropriate under the circumstances:

- (A) *Letter of Notification.* The Inspector General may issue a letter of notification when it finds that a violation of this Ordinance was clearly unintentional or inadvertent. The letter may advise the Respondent of any steps to be taken to avoid future violations.
- (B) *Letter of Admonition.* The Inspector General may issue a letter of admonition when it finds that the violation of this Ordinance was minor and/or may have been unintentional or inadvertent.
- (C) *Letter of Censure.* The Inspector General may issue a letter of censure when it finds that the Respondent has intentionally or knowingly violated this Ordinance.
- (D) *Recommendations to the County Executive.* When the Inspector General finds that the Respondent has intentionally or knowingly violated this Ordinance, the Inspector General may make a recommendation to the County Executive or County Council (depending on the appointing authority), including but not limited to a recommendation for suspension, forfeiture of office or removal from office, and/or banning or temporarily suspending the Respondent's (or Respondent's associated businesses or organizations') right to solicit, bid on or obtain a contract with or from the County, as allowed by applicable law.
- (E) *Notice to the Ohio Ethics Commission.* When the Inspector General finds that a Public Official or Employee has recklessly or knowingly violated Ohio Provisions of this Ordinance, the Inspector General shall consult with the Ohio Ethics Commission to determine whether the matter should be referred to the Ethics Commission.
- (F) *Referral to Additional Ethics Training.* Upon finding of violation of this Ordinance, the Inspector General may require that the Respondent undergo ethics training in addition to or in lieu of any other penalties imposed upon the Respondent.

- (G) *Referral to External Enforcement.* The Inspector General shall refer possible violation(s) of any state, federal, or local law, or rule, regulation or policy to the appropriate civil, criminal or administrative agencies charged with enforcement of said violation.

*Section 24. Penalties Cumulative*

The penalties prescribed in this Ordinance shall be cumulative and not exclusive of each other or of any other penalties which may be imposed pursuant to any other laws or policies.

*Section 25. Secondary Employment*

No Public Official or Employee of the County shall engage in secondary employment if that employment is incompatible with the proper discharge of official County duties or might impair objectivity or independent judgment on the job. This includes elective or appointed office in another jurisdiction or in a political party.

- (A) All Public Officials or Employees shall disclose secondary employment in writing to the Human Resources Department and to the Inspector General on an official form approved by the latter, updating this information whenever it changes.
- (B) Prior to accepting an additional job, such persons shall obtain official advice from the Inspector General, which must respond within (5) five business days of the request. The Inspector General in its discretion may limit the type of classifications of secondary employment that require disclosure and/or prior approval.
- (C) In situations pre-dating the adoption of this Ordinance, the covered person shall seek official advice from the Inspector General, within sixty days of the effective date of this Code.
- (D) The employee's outside employment does not place the employee in violation of the County's Ordinance including, but not limited to, creation of a conflict of interests.
- (E). *Penalty.* If the secondary employment is ruled a conflict of interest, the covered person shall either terminate that employment or face dismissal from County service, in compliance with existing personnel practices. If an Elected Official is engaged in secondary employment, and that secondary employment presents the appearance of or in fact a conflict of interest, then that Elected Official shall be precluded from deliberating on matters that impact the conflict of interest.

*Section 26. Boards, Commissions and Advisory Board Appointments*

Unless such appointment is provided for by statute, the County Charter, County ordinance or otherwise by operation of law, no County appointing authority shall appoint any person to a Board, Commission or Advisory Board who has any of the following conflicts of interest with the intended Board's objective and impartial operations:

- (A) An elected or appointed employee of the County during the 12 months immediately preceding the Board appointment may not be appointed to any Board, Commission or Advisory Board if the Ohio Attorney General's *Index of Compatibility of Public Offices and Positions* provides that such appointment is incompatible with the elected or appointed employee's position with the County. If the Index does not address the appointment, the County appointing authority shall request the opinion of the Inspector General on whether the appointment is incompatible, and the Inspector General or his or her designee in the Inspector General's office shall provide said opinion within five (5) business days of the request;
- (B) One or more full family members or business associates serving on the same Board, Commission or Advisory Board; or
- (C) An interest in one or more public contracts of the County or contracts in effect with or under consideration by that Board, Commission or Advisory Board.

(Amd: 4/26/11)

*Section 27. Duty to Recuse or Leave Meeting*

- (A) To avoid the appearance of impropriety, after any Public Official or Employee is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the Public Official or Employee shall immediately leave the meeting room, except that if the matter is being considered at a Public meeting, the Public Official may remain in the area of the room occupied by the general Public.
- (B) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a consent agenda on which there is no deliberation, the Public Official's or Employees conflict has been disclosed, and the Public Official or Employee abstains from voting on the item.

*Section 28. Employment of Relatives*

An employee will not participate in the decisions involving a direct benefit to relatives such as employment, retention, appraisal, promotion, salary, and leave of absence. To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a full family member is an applicant. In addition, an individual may not be assigned or accept employment in a department in which a supervisory authority and/or responsibility directly affecting that department is provided by a full family member of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another work unit.

Relationship to another individual employed by the County will not constitute a bar to initial employment unless the hiring authority for the position is a full family member of the applicant. The County extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a fully family relationship exists with another County Employee.

*Section 29. Additional Financial Disclosure Requirements*

Pursuant to and in addition to the Financial Disclosure Filing procedures in OHIO REVISED CODE (ORC): Section 102.02, all department heads and senior management level staff, including deputy directors shall file with the Ohio Ethics Commission and the Inspector General the disclosure statements described in OHIO REVISED CODE (ORC) Section 102.02 on a form prescribed by the Ohio Ethics Commission no later than June 30<sup>th</sup> of each year.

(Amd: 4/26/11)

*Section 30. Financial Disclosure Statements and Campaign Finance Report Disclosure*

The Inspector General shall obtain from the Ohio Ethics Commission and the County Board of Elections the Financial Disclosure Statements and Campaign Finance Reports and any other reports publicly available for all candidates for election or re-election to any County office as well as those required to file Financial Disclosure Statements listed in Article VIII, Section 1 of this Ordinance.

*Section 31. Financial Disclosure Statements Filed Before Taking Office*

- (A) No Head of any Department, Deputy Director, Chief of Staff or other member of the County Executive's and County Council senior management team shall take the oath of office or enter or continue upon his or her duties, nor shall that person receive compensation from the County, unless that person has filed a Financial Disclosure Statement with the Ohio Ethics Commission and the Inspector General.
- (B) Failure to comply with this section may result in referral to the Inspector General.

*Section 32. Lobbyist Registration and Reporting*

- (A) *Registry.* All lobbyists shall register with the Inspector General. The Registry application form shall include the entity for which the person is lobbying, the employer's name, type of business and current contact information, a current list of the contracts or policies they are trying to influence, and a list of campaign contributions to County elected officials. Registration shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.
- (B) *Signed Ethics Statement and Training.* Lobbyist shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance and attend Ethics Training within 15 days of approval from the Inspector General.
- (C) *Penalties.* A lobbyist who fails to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in compliance. A lobbyist who is found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts

with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.

- (D) *Authorization.* No lobbyist shall engage in any lobbying activity until the registration process has been completed and approved by the Inspector General.
- (E) *Registration Date.* All lobbyists must register with the Inspector General for annually on or before December 31 for the subsequent year to which they wish to engage in lobbying activities. First time registration may take place at anytime during the calendar year for the year in which lobbying activity is to take place.
- (F) *Term.* Lobbyist registrations shall expire on December 31 of the respective registration year.
- (G) *Transparency.* The Inspector General shall make all registrations available for public inspection and shall publish an active Lobbyist Registration List on the County website.
- (H) *Registry Application Fee:* \$100.00.
- (I) *Implementation Date.* Persons engaging in lobbying activities on or after the effective date of this Ordinance must comply with the requirements of this Section beginning July 31, 2011.

(Amd: 4/26/11)

*Section 33. Prohibited Activities by Lobbyists*

Lobbyists are prohibited from:

- (A) paying for “Anything of Value” for any Public Officials or Employees; and,
- (B) making campaign contributions for or otherwise on the behalf of any elected officials or candidates for public office for the purpose of influencing the elected official(s) or candidate(s) on any matter of county business.
- (C) Nothing in this Ordinance shall prohibit lobbyists from making voluntary political contributions to any elected official, candidate, political action committee, political party, or any other political committee so long as such contributions are properly reported in accordance with applicable laws and regulations, including this Ordinance.

(Amd: 4/26/11)

*Section 34. Contractors Registration and Reporting*

- (A) *Registry.* All contractors doing or seeking to do business with the County must register with the Inspector General. The registration form shall include but not be limited to: the contractor’s corporate name, Federal Tax Identification Number, address, type of business and names of the contractor’s principals and contracts with the County during the past four

years. Registration shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.

- (B) *Signed Ethics Statement and Training.* Contractors shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance and attend Ethics Training within 15 days of approval from the Inspector General.
- (C) *First-time Awards.* Registration and the signed ethics statement shall be pre-conditions for the signing of any first-time contract with the County. Contractors must register with the Inspector General before they submit competitive bids.
- (D) *Penalties.* Contractors who fail to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in compliance. Contractors who are found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.
- (E) *Authorization.* No Contractor shall engage in any contracting activity until the registration process has been completed and approved by the Inspector General.
- (F) *Registration Date.* All Contractors must register with the Inspector General for annually on or before December 31 for the subsequent year to which they wish to engage in lobbying activities. First time registration may take place at any time during the calendar year for the year in which contracting activity is to take place.
- (G) *Term.* Contractor registrations shall expire on December 31 for the respective registration year.
- (H) *Transparency.* The Inspector General shall make all registrations available for public inspection and shall publish an active Contractor Registration List on the County website.
- (I) *Registry Application Fee:* \$100.00.
- (J) *Implementation Date.* Contractors entering into contracts with the County on or after the effective date of this Ordinance must comply with the requirements of this Section beginning July 31, 2011.

(Amd: 4/26/11)

*Section 35. Prohibited Activities by Contractors*

Contractors are prohibited from:

- (A) paying for “Anything of Value” for any Public Officials or Employees; and



- (B) making campaign contributions for or otherwise on the behalf of any elected officials or candidates for public office for the purpose of influencing the elected official(s) or candidate(s) on any matter of county business.
- (C) Nothing in this Ordinance shall prohibit contractors from making voluntary political contributions to any elected official, candidate, political action committee, political party, or any other political committee so long as such contributions are properly reported in accordance with applicable laws and regulations, including this Ordinance.

(Amd: 4/26/11)

*Section 36. County Procurement Card*

The County procurement card is a credit card issued by the County to use for certain work related purchases. The procurement card is provided to enable County Departments to become more productive by improving efficiency in procurement and expediting payments to vendors. Each County employee who is assigned a procurement card shall be required to sign a "Cuyahoga County Procurement Card Program Cardholder Acknowledgement" form. By signing the form and accepting the procurement card, the employee agrees to comply with the following responsibilities:

- (A) The procurement card is to be used for individual County-approved purchases of under \$500 and within otherwise established limits.
- (B) The procurement card shall not be used for personal purchases. All charges will be billed directly to and paid directly by the County. The bank cannot accept any monies from employees directly. Therefore, any personal charges billed to the County could be considered misappropriation of County funds.
- (C) The card is issued in the employee's name. Therefore, the employee is responsible for keeping the card in a secure location and for assuring that no other person uses the card. The employee is accountable for any and all charges against the card.
- (D) If the card is lost or stolen, the employee shall immediately notify the card issuer by telephone. The employee shall then provide written notification to the program administrator and their Department coordinator.
- (E) The card is County property. As such, the employee is required to comply with internal control procedures designed to protect County assets. This may include being asked to produce the card to validate its existence and account number.
- (F) The employee shall record all transactions on the procurement card log, attaching the related receipts for each purchase. The employee shall cooperate with their agency coordinator to reconcile all purchasing activity by reconciling the purchasing log with the monthly statements during statement periods. The employee shall resolve any discrepancies by contacting the vendor first and will involve the program administrator when necessary.

- (G) The card may be revoked at any time in the sole discretion of the County. The employee must surrender the card immediately upon termination of employment.

## **ARTICLE VIII. HUMAN RESOURCES COMMISSION**

### *Section 1. General Responsibility*

The Human Resource Commission shall be the ethics compliance and training for the County pertaining to this Ordinance.

### *Section 2. Additional Responsibilities*

- (1) Provide copies to all employees of Ohio and County laws relating to ethics and related policies and manuals in accordance with Article 2, Section 14 and Article 7, Section 3 of this Ordinance;
- (2) Insure that employees acknowledge in writing that they have received the materials provided for in Subsection 1 of this section;
- (3) Conduct ethics training programs and classes for County employees, lobbyists, and contractors;
- (4) Post the Whistleblower Policy at County offices as provided for in Article 7, Section 21 of this Ordinance;
- (5) Write and send letters of notification, admonition, and censure regarding ethics law violations, when applicable; and
- (6) Take other actions necessary to perform its responsibility for ethics compliance and training for the County pertaining to this Ordinance, except for actions specifically assigned to another unit of Cuyahoga County government.

## **ARTICLE IX. INSPECTOR GENERAL**

### *Section 1. General Responsibility*

The Office of the Inspector General shall be the ethics investigative officer for the County and shall conduct all investigations pertaining to this Ordinance.

**ARTICLE X. CORRECTION OF TYPOGRAPHICAL ERRORS**

The Clerk of Council may at any time, with the approval of the Director of Law or his/her designee within the Department of Law, correct typographical errors appearing in this Ordinance, but no such change shall in any way affect the substance or meaning of this Ordinance or any part thereof.

(Amd: 4/26/11)