

**CITY MANAGER'S  
PROCEDURES, RULES, AND REGULATIONS FOR IMPLEMENTATION  
OF CHAPTER 119 OF THE CINCINNATI MUNICIPAL CODE**

**I. PROCEDURES, RULES AND REGULATIONS**

**Rule 1—Office of Ethics & Good Government's Role**

The Office of Ethics & Good Government (the "Office") is established under the authority of Article III, Section 10, of the Cincinnati Administrative Code. The Office shall maintain and publish the City Business List and the Temporary Prohibition List. The Office shall further accept disclosures from Applicants and evaluate the completeness and veracity of the disclosures. The Office may interview Applicants, Financially Interested Persons, including potentially Financially Interested Persons, regarding their past or current City Business and their past or current campaign contributions to the elected officials of Cincinnati in the course of this evaluation.

**Rule 2—Definition of Applicant**

"Applicant" shall have the same meaning set forth in CMC Section 119-1-A and means a person or entity who requests or applies for City Business. "Applicant" shall include a government entity or a non-profit entity that requests or applies for City Business.

**Rule 3—Definition of City Business**

"City Business" shall have the same meaning set forth in CMC Section 119-1-C2 and includes requests or applications for the following items requiring approval by City Council:

- a. Development incentives, in the form of a loan or grant of City funds or a tax incentive with an estimated potential value of \$100,000 or more per year;
- b. Sales of City property with an estimated fair market value of \$200,000 or more, which shall include certain leases of City property which are for a term of 99 years, renewable forever; and
- c. Zoning changes, which shall include zoning text or map amendments, and any items that are required by Charter or the CMC to go before the City Planning Commission for a recommendation and then to City Council for a final action.

“City Business” shall not include informal fact-finding inquiries, requests for appraisals, requests for coordinated reports, participation in the coordinated site review process, requests for zoning opinions, or other preliminary discussions with City officials in anticipation of making an official request or application for City Business. It shall also not include applications submitted to the Office of Administrative Boards, the Zoning Hearing Examiner, or the Historic Conservation Board, provided these zoning related actions do not require City Council approval.

Requests or applications do not constitute “City Business” if no project-specific City Council approval is required for the City Administration to proceed. For example, the City Administration has sole authority to review proposals and award funding under the NOFA program without a project-specific approval by City Council. An application for funding under the City’s NOFA program would therefore not be “City Business” under this rule.

#### **Rule 4—Definition of Financially Interested Person**

“Financially Interested Person” shall have the same meaning set forth in CMC Section 119-1-F, to wit, a person who has a financial interest in City Business as defined in Chapter 119, including:

- a. If the applicant for City Business is an individual, it means the applicant, the applicant’s spouse and dependent children.
- b. If the applicant for City Business is an entity, such as a limited liability company, corporation, partnership, trust, or unincorporated association, it means:
  1. The entity itself;
  2. The owners, members, or partners of such entity and their spouses and dependent children, provided that such owner, member, or partner owns or controls twenty percent or more of the entity; and
  3. The directors and principal officers of such entity and their spouses.

The definition of “owner” for determining a Financially Interested Person under CMC Section 119-1-F(b)(2) shall include a natural person or entity that owns or controls twenty percent or more of the applying entity (a.k.a., a “secondary owner”), regardless if this ownership or control is direct or indirect through one or more entities. The applicant must submit Financially Interested Persons associated with secondary owners as well as for the primary ownership entity.

Because government employees have no personal financial interest in the applications of their agencies, a government entity that applies for City Business shall include only the name of the government agency as the Financially Interested Person. Financially Interested Person shall not include elected officials or officials of the agency.

A non-profit entity who submits an application for City Business shall only be required to disclose the entity's directors and principal officers and their spouses. "Financially Interested Person" shall not include any uncompensated non-profit board members.

### **Rule 5—Definition of Legislative Review**

"Legislative Review" shall have the same meaning set forth in CMC Section 119-1-L and means the period commencing on the day any ordinance authorizing approval of the City Business is filed with the Clerk of Council and continuing until final legislative action regarding the ordinance is complete. Final legislative action may include a final Council vote, mayoral veto or veto override, indefinite postponement, or failure of an ordinance to advance beyond Council committee. The Legislative Review period shall also conclude if an ordinance is constructively abandoned because a Council committee has failed to advance it and no subsequent versions thereof are still under consideration by Council or the Council Committee. The date of conclusion for the Legislative Review period is a fact-based determination to be made by the Office of Ethics & Good Government in consultation with the City Solicitor.

### **Rule 6—Definition of Campaign**

"Campaign" shall have the same meaning set forth in CMC Section 119-1-C1 and means the Mayor, each member of City Council, and their agents, including their campaign committees and associated political action committees. It includes the campaigns of current City of Cincinnati elected officials that are running for non-City of Cincinnati elected offices.

### **Rule 7—Definition of City Business List**

"City Business List" shall have the same meaning set forth in CMC Section 119-1-C3 and means the list or data set published online by the City administration for the convenience of campaigns and the public specifying the names of Financially Interested Persons for all City Business without regard to whether such City Business is under Legislative Review by City Council. Financially Interested Persons shall be added to the City Business List at the time an Applicant applies for City

Business, and they shall be removed from the City Business List six months after the conclusion of Legislative Review.

**Rule 8—Definition of Temporary Prohibition List**

“Temporary Prohibition List” shall have the same meaning set forth in CMC Section 119-1-T and means the list or data set published online by the City administration identifying known Financially Interested Persons associated with any ordinance currently under Legislative Review.

**Rule 9—Disclosure of Financially Interested Persons**

All Applicants are required to disclose their Financially Interested Persons to the Office in the form prescribed by the Office. This disclosure is required before a relevant matter may be approved or recommended for approval by the Department of City Planning and Engagement, the Department of Community & Economic Development, the Law Department’s Real Estate Division, or any other City department or agency that reviews applications or requests for City Business. This disclosure shall include the names of natural persons, their contact information, and any known contributions to Campaigns of current City of Cincinnati elected officials.

**Rule 10—Duty of City Departments to Require Disclosure and Report Violations**

All City departments and agencies, including the Department of City Planning and Engagement, the Department of Community & Economic Development, the Law Department’s Real Estate Division, or any other City department or agency that reviews applications or requests for City Business, shall:

- a. Update their applications, request forms, and contracts to require compliance with CMC Chapter 119 and completion of the Office disclosure form;
- b. Require Applicants to complete the disclosure form provided by the Office upon receipt of an application or request for City Business, which application or request may not be deemed complete until receipt of the completed disclosure form;
- c. Have an ongoing duty to report to the Office the known failure of a Financially Interested Person to complete a required disclosure or the discovery of a material omission or misrepresentation in connection with the disclosure; and

- d. Within a reasonable period of time, not to exceed 90 days following the receipt of a complete application or request, determine whether the application or request meets the definition of City Business set out in Rule 3 above. Each City department shall use recognized methods and assumptions to arrive at its value estimates for this determination, and each City department shall err on the side of requiring disclosure if an estimated value is at or near the applicable thresholds.

### **Rule 11—Method of Disclosure**

The Office shall provide the option of an online disclosure form and a paper disclosure form to all Applicants who apply for or request City Business. One disclosure form may include all of the known Financially Interested Persons. The Office shall accept supplemental or updated disclosures until City Council has concluded the Legislative Review. The Office shall provide each Applicant with verification of receipt of a disclosure form, including a verification code, which may be presented to the Department of City Planning and Engagement, the Department of Community & Economic Development, the Law Department's Real Estate Division, or any other City department or agency that reviews applications or requests for City Business.

### **Rule 12—Duty to Update Disclosure**

All Applicants are required to update their initial disclosure with the Office if additional Financially Interested Persons become known to them prior to and during the Legislative Review period. All Applicants shall further advise the Office of their intention to withdraw previously disclosed City Business.

### **Rule 13—Notice of Inclusion on the City Business List**

The Office shall notify all of the Financially Interested Persons who have been added to the City Business List of their inclusion on the List. This notification shall include an explanation of the City Business List and the Temporary Prohibition List. It shall also include information on how Financially Interested Persons can check their status. The inclusion and removal of Financially Interested Persons from either list shall be consistent with CMC Sections 119-1-C3 and 119-1-T.

### **Rule 14—Notice Requirements**

All initial notices required by these rules shall be sent to the relevant individuals or entities via electronic mail, except when no electronic mail address is provided, the notice shall be sent via regular mail to the address provided on the disclosure form.

A notice of an open investigation, a notice of violation, and a notice of a civil offense shall always be sent via electronic mail and regular mail to the addresses provided on the disclosure form.

### **Rule 15—Alleged Violations of CMC Chapter 119**

The Office shall coordinate with the Cincinnati Elections Commission to promulgate rules pertaining to alleged violations of CMC Chapter 119. The Cincinnati Elections Commission has authority to investigate and adjudicate alleged violations of CMC Section 119-3(a) (acceptance of a campaign contribution from a Financially Interested Person on the Temporary Prohibition List); CMC Section 119-3(b) (acceptance of a campaign contribution from a Financially Interested Person that should have been on the Temporary Prohibition List); or CMC Section 119-7(a) (failure to furnish accurate, truthful, and complete information).

### **Rule 16—Effect of a Pending Administrative Hearing**

The Office shall provide the Clerk of Council with notice of any administrative hearing or decision issued by the Cincinnati Elections Commission regarding City Business or an alleged violation of CMC Chapter 119. In its discretion, City Council may continue or complete its Legislative Review regardless of a pending administrative hearing. City Council may also table any discussion pending a formal written decision of the Cincinnati Elections Commission.

### **Rule 17—Limited, Temporary Non-Disclosure of Confidential City Business**

The City Manager, following consultation with the City Solicitor and the Director of Community and Economic Development, may temporarily designate an application as confidential for purposes of the City Business List (but not for the Temporary Prohibition List) if public disclosure of associated information would hinder the City's ability to negotiate deals or to cooperate with other public partners on confidential projects. Upon notification of such a designation, the Office shall keep confidential information from the publicly facing online City Business List. The City Manager shall strive to minimize the time during which any information is kept off the City Business List. All City Business shall be disclosed on the Temporary Prohibition List at the start of Legislative Review irrespective of the sensitive or confidential nature of the underlying applications. Materials subject to confidential designation remain subject to Ohio public records laws.

### **Rule 18—Redaction of Dependent Children's Names and their Personally Identifiable Information**

The Office shall redact the names of all dependent children and their personally identifiable information from the City Business List and the Temporary Prohibition List which is available online to the public. Redaction of the information from the City Business List and the Temporary Prohibition List shall not relieve an Applicant from complying with any other requirements of CMC Chapter 119.

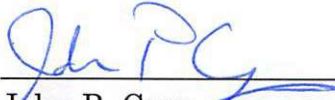
**Rule 19—Record Retention Policy**

All records of the Office and the Office of Administrative Hearings pertaining to a matter that is included on the City Business List or the Temporary Prohibition List shall be maintained for two years after the matter is removed from both lists. Nothing about this requirement shall alter any other record retention policy of the City of Cincinnati Law Department.

**Rule 20—Absence of a Rule**

In the absence of a rule governing a question regarding the maintenance and publication of the City Business List and the Temporary Prohibition List, the Office shall confer with the City Solicitor and the City Manager to determine an appropriate course of action.

Adopted by the City of Cincinnati Interim City Manager on the 26th day of April, 2022, to be effective on the 26th day of May, 2022.

  
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John P. Curp  
Interim City Manager  
City of Cincinnati