

CHAPTER 155
Code of Ethics

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CROSS REFERENCE

Conflict of interest - see CHTR. Art. X, Sec. 1; Ohio R.C. 2921.42 and 2921.43, GEN.OFF. Sec 525.10

155.01 DECLARATION OF POLICY.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions of policy be made in proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this Code is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City.

The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City.
(Ord. 150-66. Passed 3-27-67.)

155.02 RESPONSIBILITIES OF PUBLIC OFFICE.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States, the Constitution of the State of Ohio and the Charter and laws of the City; and to carry out impartially the laws of the nation, the State and the City and thus to foster respect for all government. They are bound to observe in their official acts, highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and their private affairs should be above reproach.
(Ord. 150-66. Passed 3-27-67.)

155.03 DEDICATED SERVICE.

All officials and employees of the City should be loyal to the political objectives expressed by the electorate and the programs developed to maintain those objectives. Appointed officials and employees should adhere to the rules of work and performance established for their positions by the appropriate authority.

Officials and employees should not exceed their authority, or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work. (Ord. 150-66. Passed 3-27-67.)

155.04 FAIR AND EQUAL TREATMENT.

It shall be prohibited to canvass members of Council, either directly or indirectly, in order to obtain preferential treatment in connection with any appointment except with reference to positions filled by appointment by Council.

No official or employee shall request or permit the use of City owned vehicles, equipment, materials or property for personal convenience or profit except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. (Ord. 150-66. Passed 3-27-67.)

155.05 CONFLICT OF INTEREST.

No official or employee, whether paid or unpaid, shall engage in any business or transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties without first making a public disclosure thereof and then abstaining from voting thereon. Personal, as distinguished from financial interest, includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of officials and employees:

SPECIFIC CONFLICTS OF INTEREST

- (a) Holding a position in addition to a public position which interferes, or may interfere, with the proper discharge of the public duty.
- (b) Use of confidential information, obtained as a result of public position, for personal gain.

- (c) Acceptance of or soliciting of gifts and/or favors by a public official or employee.
- (d) Any use of official position for personal gain.
- (e) Holding (possession) investments which interfere, or tend to interfere, with proper discharge of public duty.
- (f) Representation by public officials or employees of private interests before government agencies, courts or legislative bodies, and participation in the profits from such representation.
- (g) Participation in transactions as a public representative with a business entity in which the public official or employee has a direct or indirect financial or other personal interest.
- (h) Personal interest in legislation to the extent that private interest takes precedence over public interest or duty.
- (i) Entry into contracts or other conduct of business for profit by a business in which a public official or employee has a substantial or controlling interest, especially when the public official or employee can influence such contract or business because of his public position.
- (j) Soliciting or obtaining future employment with a business doing business with the City over which the public official or employee has some control in his official capacity at the time of the transaction.

(Ord. 150-66. Passed 3-27-67.)

155.06 INCOMPATIBLE EMPLOYMENT.

No official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties. (Ord. 150-66. Passed 3-27-67.)

155.07 CONFIDENTIAL INFORMATION.

No official or employee of the City shall, without proper legal authorization, disclose confidential information concerning the property, the government or the affairs of the City, nor shall he use such information to advance the financial or other private interests of himself or others. (Ord. 150-66. Passed 3-27-67.)

155.08 GIFTS; FAVORS.

No official or employee of the City shall accept any valuable gift, favor or thing of value that may tend to influence him in the proper discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value.

(Ord. 150-66. Passed 3-27-67.)

155.09 REPRESENTING PRIVATE INTERESTS BEFORE CITY AGENCIES OR COURTS.

No official or employee of the City whose salary is paid in whole or in part by the City, shall appear in behalf of private interests before any agency of the City. He shall not represent any private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party.

A Councilman may appear before City agencies on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligation. However, no official or employee of the City shall accept a retainer or compensation that is contingent on a specific action by a City agency. (Ord. 150-66. Passed 3-27-67.)

155.10 CONTRACTS WITH THE CITY.

An official or employee of the City who has a controlling or other substantial interest in any business entity, transaction or contract with the City, or in the sale of materials, real estate, supplies or services to the City, shall make known to the proper authorities such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon or otherwise participating in the transaction or making such contract or sale.

An official or employee of the City shall not be deemed interested in any contract or purchase of land or other thing of value unless such contract or sale is approved, awarded, entered into or authorized by him in his official capacity.

Any official or employee of the City who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied, of the person or corporation with or making a sale to the City shall render the contract voidable by Council.

(Ord. 150-66. Passed 3-27-67.)

155.11 DISCLOSURE OF INTEREST IN LEGISLATION.

A Councilman who has a financial or other private interest in any legislation shall disclose on the records of Council, the nature and extent of such interest and shall abstain from voting thereon.

Any other official or employee of the City who has a financial or private interest, and who participates in discussion with or gives an official opinion to the Council, shall disclose on the records of Council the nature and extent of such interest.

(Ord. 150-66. Passed 3-27-67.)

155.12 POLITICAL ACTIVITY.

No appointive official or employee in the administrative service of the City shall use the prestige of his position on behalf of any political party.

No appointive official or employee in the administrative service of the City shall orally, or by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution to any political party, nor shall he be a party to such solicitation by others. Such appointive officials and employees shall not take an active part in political campaigns for candidates.

No official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity.

(Ord 150-66. Passed 3-27-67.)

155.13 APPLICABILITY.

Violation of any of the provisions of this Code should raise conscientious questions for the Councilman, official or employee of the City concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the City. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

(Ord. 150-66. Passed 3-27-67.)