

**NOTICE OF WORK SESSION  
DELAWARE CITY COUNCIL  
MEETING TO BE HELD VIRTUALLY VIA CISCO Webex \*\*  
MONDAY, JANUARY 4, 2021  
6:30 P.M.**

**AGENDA**

1. ROLL CALL
2. LEGAL UPDATE PRESENTATION AND DISCUSSION of OHIO'S SUNSHINE and ETHICS LAWS
3. NEXT WORK SESSION DATE: February 1, 2021
  - A. Proposed Topic: 2021 Goals
4. ADJOURNMENT

\*\* This meeting will be a virtual meeting. Residents are encouraged to view online through the City of Delaware Facebook page. To comply with the CDC recommendation prohibiting group meetings, no in person attendance by Council, staff, or the public will be available.



TO: Delaware City Council

CC: Kyle Kridler, Assistant City Manager

FROM: R. Thomas Homan, City Manager and Natalia S. Harris, City Attorney

SUBJECT: January 4, 2021 Council Work Session

DATE: December 30, 2020

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Greetings Council,

We hope everyone has had an enjoyable holiday season thus far!

We wanted to provide you with some background and an overview of our presentation for your upcoming work session next Monday.

As you're aware, the City has frequently provided information and training to Council concerning Ohio's sunshine and ethics laws to assist Council in the performance of its duties. Under former City Attorney Shulman, different trainings were offered to Council, as a group, in 2016 (Public Records/Social Media), 2018 and 2019 (Ethics). No training was offered in 2020; this fact combined with the recent change in the City's attorney, questions that arose during the transition, and the onset of the new year provides a good opportunity to offer updated information and training.

To this end, we have put together a presentation that will include a review of Ohio's open meetings laws and executive session procedures, Ohio's public records laws as they apply to social media and digital communication, and Ohio's ethics laws and the City's ethics policy. Enclosed are the City of Delaware's current Ethics Policy (2012) and the City's Code of Conduct for Appointed Officials that will be referenced during the presentation.

Goal setting was initially going to be included in this work session; however, in the interest of time, Council's goals for 2021 will be discussed during the February 2021 work session.

We look forward to an engaging discussion.

Happy New Year!

RESOLUTION NO. 12-29

A RESOLUTION ADOPTING A COUNCIL RELATIONS  
POLICY AND CODE OF ETHICS FOR THE DELAWARE  
CITY COUNCIL.

WHEREAS, in Resolution No. 99-92, the Delaware City Council adopted a Council Relations Policy and Code of Ethics; and

WHEREAS, The Delaware City Council desires to adopt a revised Code of Ethics governing its conduct and the conduct of city employees and members of city boards and commissions,

NOW THEREFORE, Be It Resolved by the Council of the City of Delaware, Ohio that:

SECTION 1. There is hereby adopted the City of Delaware Ethics Policy which is attached hereto and incorporated herein.

SECTION 2. The City of Delaware Ethics Policy replaces the Council Relations Policy and Code of Ethics passed by Council in 1999.

SECTION 3. That this resolution shall be in full force and effect immediately after its passage.

PASSED: 7/9, 2012

YEAS 7 NAYS 0  
ABSTAIN 0

ATTEST: Christine Shaw  
CITY CLERK

[Signature]  
MAYOR

## City of Delaware Ethics Policy

### Policy Statement

It is policy of the City of Delaware to carry out its mission in accordance with the strictest ethical guidelines and to ensure that City Council members, Boards and Commissions members, and city employees (collectively, "city officials") conduct themselves in a manner that fosters public confidence in the integrity of the city and its processes.

### General Standards of Ethical Conduct

City officials must, at all times, abide by protections to the public embodied in Ohio's ethics laws, as found in Chapters 102 and 2921 of the Ohio Revised Code, and as interpreted by the Ohio Ethics Commission and Ohio courts. In addition, City Council members must abide by Delaware Charter Section 52.

City officials must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

A general summary of the restraints upon the conduct of all officials and employees includes, but is not limited to, those listed below. No city official shall:

- Solicit or accept anything of value from anyone doing business with the city;
- Solicit or accept employment from anyone doing business with the city, unless the board member, commission member, or employee completely withdraws from city activity regarding the party offering employment, and the city manager approves the withdrawal. In order for a City Council member to withdraw, the member must notify the remaining City Council members in writing;
- Use his or her public position to obtain anything of value for the official, a family member, or anyone with whom the official or employee has a business or employment relationship. This includes, but is not limited to obtaining a job (see definition of "Anything of value" provided below);
- Be paid or accept any form of compensation for personal services rendered on a matter before any board, commission, or other body of the City, unless the official qualifies for the exception, and files the statement, described in R.C. 102.04(D);
- Hold or benefit from a contract with, authorized by, or approved by, the City, (the Ethics Law does except some limited stockholdings, and some contracts objectively shown as the lowest cost services, where *all* criteria under R.C. 2921.42 are met);
- Vote, authorize, recommend, or in any other way use his or her position to secure approval of an city contract (including employment or personal services) in which the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship, has an interest;
- Solicit or accept honoraria (see R.C. 102.01(H) and 102.03(H)) ;
- During public service, and for one year after leaving public service, represent any person, in any fashion, before *any* public agency, with respect to a matter in which the official or employee personally participated while serving with the city;

- Use or disclose confidential information protected by law, unless appropriately authorized; or
- Use, or authorize the use of, his or her title, the name “City of Delaware,” or the City’s logo in a manner that suggests impropriety, favoritism, or bias by the City or the official or employee. This includes, but is not limited to using use of title, “City of Delaware” or the logo to obtain outside consulting work;

For purposes of this policy:

- “Anything of value” includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. “Value” means worth greater than de minimis or nominal, which is greater than \$75 a year. This amount is cumulative, so each gift given throughout the year is added to the total, which must fall under the \$75 annual limit
- “Anyone doing business with the City” includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before City.

### **Financial Disclosure**

Every City Council member required to file a financial disclosure statement must file a complete and accurate statement with the Ethics Commission by April 15 of each year. An official or employee elected, appointed, or employed to a filing position after February 15 must file a statement within ninety days of appointment or employment.

### **Ethics Education**

A copy of the Ethics laws are provided to each City Council member when he or she begins the performance of official duties. Receipt of these laws are acknowledged as required in R.C. 102.09(D).

Between the election and the third meeting of the new City Council, the entire council will receive ethics training. If a member misses the training, it is the member’s responsibility to schedule a make up session. Within 4 months of the swearing in of City Council, Council will attend public records and open meetings training.

### **Assistance**

The City Attorney and Ethics Commission are available to provide advice and assistance regarding the application of the Ethics Law and related statutes. The City Attorney is available to answer questions involving this policy. The Commission can be contacted at (614) 466-7090. The Commission’s web site address is: [www.ethics.ohio.gov](http://www.ethics.ohio.gov).

### **Conducting City Council Meetings**

The City adopts Robert’s Rules of Order as a tool to use as necessary to run City Council Meetings.

### **Meeting Attendance**

Every effort will be made to schedule vacations outside of city council meetings. If a member cannot make it to a meeting, agenda items will not be moved to accommodate the absence.

### **Penalties**

Failure of any City Official or city employee to abide by this Ethics policy, or to comply with the Ethics Law and related statutes could result in civil or criminal sanctions under the law. City Council

members who violate Section 52 of the Charter are subject to removal under Section 12 of the Charter. In addition, a violation by a city employee will result in discipline, which could include termination.

**Changes**

This policy may be changed only by majority vote of the City Council.

Effective date:



**City of Delaware**

**Code of Conduct  
For  
Appointed Officials**





## **A. Policy Purpose**

The Delaware City Council adopts this Code Conduct to assure that all appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of City government. This Policy is intended to be used in conjunction with the Delaware Ethics Policy, adopted on July 9, 2012 (Resolution No. 12-29).

## **A. General Conduct Guidelines**

Therefore, members of the City's Boards, Committees and Commissions (Members) shall conduct themselves in accordance with the following standards:

1. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
2. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
3. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
4. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
5. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for Members, City employees, and for citizens and businesses dealing with the City.
6. **Practice civility and decorum in discussions and debate.** Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments.

## **B. Improper Conduct**

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy.

Prior to removing a Board, Committee, or Commission member for improper conduct under these guidelines, City Council shall convene a Member Conduct Committee comprised of a citizen member of the Planning Commission, Airport Commission, Historic Preservation Commission, and Board of Zoning

Appeals. The City Attorney will chair the meeting, but shall not have a vote.

The Member Conduct Committee will review the conduct alleged to be in violation of this policy and make a recommendation to City Council. The mayor may temporarily suspend the citizen member from their appointment during the member conduct committee review. The member charged with inappropriate conduct will have the opportunity to attend the meeting, bring legal counsel, and provide a statement and/or present evidence and witness testimony in his/her favor.

The City Council may adopt, amend, or reject the recommendation of the Committee by a majority vote at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

**C. Distribution**

This policy will be provided to all boards, commission, and committee members. It is the responsibility of the member to review this policy.