



TROY CITY COUNCIL WORKSHOP

Monday, February 26, 2024, 5:30 p.m. (following Committee Meetings)
Troy City Council Chambers

AGENDA

- | | | |
|------|--|-----------------------|
| I. | Welcome | B. Rozell |
| II. | Ohio Revised Code Provisions | G. Kerber |
| | a. Ethics (ref: www.ethics.ohio.gov) | |
| | i. Advice & Immunity | |
| | ii. Gifts and Meals | |
| | iii. Nepotism | |
| | iv. Public Records (ref: codes.ohio.gov/orc/149.43) | |
| | v. Sunshine (ref: www.ohioattorneygeneral.gov/Legal/Sunshine-Laws) | |
| | b. Conflicts of Interest (ref: Section I.a.i. of www.ethics.ohio.gov) | |
| III. | Council Operating Legislation | B. Phillips/T. Severt |
| | a. Rules for Procedure | |
| | b. City Council Regular Meetings: Time, Dates, and Cancellations | |
| | c. Elected Official Compensation | |
| IV. | General Administration | P. Titterington |
| | a. Administrative v Legislative Roles | |
| | b. Operational point of contact | |
| | c. Organization Chart (handout) | |
| | d. Council roles in EOP (handout) | |
| V. | 2024 Project List (handout) | P. Titterington |
| VI. | Closing Questions / Comments | All |



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Advice

One of the core functions of the Ohio Ethics Commission is to “render advisory opinions with regard to questions concerning” the Ohio Ethics Law for the public officials and employees under its jurisdiction. The Commission also provides general guidance about the law through telephone calls and e-mail. This section handles those responsibilities.

Advisory Opinions

Anyone can call or e-mail the Ethics Commission with questions about the law or opinions of the Commission. Staff cannot provide advisory opinions over the telephone or in response to an e-mail but it can provide general information or guidance. Staff can also direct callers or e-mail requesters to relevant advisory opinions, information sheets, or other helpful resources.

If you would like to review an Overview of the Law, with information sheets and other useful tools, you can go to the [Ethics Education](#) Section of this Web site.

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[Opinion Types](#)

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[Immunity](#)

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Frequently Asked Questions

[Does my situation fall under the Ethics Law?](#)

We have a number of resources to help you understand how the Ethics Law relates to you. [The Ohio Ethics Law Overview](#) is a great place to start as it explains and describes the law in layperson easy-to-understand terms. Other helpful fact sheets include:

[General Information on the Ethics Law and Ethics Commission](#)

A brief overview of the purpose and value of the Ohio Ethics Law.

[The Ohio Ethics Law Outline](#)

A brief outline of the major provisions of the Ohio Ethics Law.

[Full Outline of the Ohio Ethics Law](#)

A more extensive outline of the entire Ethics Law.

[Authority of the Ohio Ethics Commission](#)

An outline that includes information on alternative agencies to contact if your situation falls outside of Ethics Law considerations.

Is having a conflict of interest illegal?

Having a conflict of interest is not illegal. In fact, conflicts are normal because public servants have families and friends, and may have businesses, professions, investments, property interests, and other connections to their communities. Any of these connections could result in a conflict of interest for the official. The issue is how the public servant responds to his or her conflict of interest. [Conflicts of Interest: What Should I Know?](#) explores our responsibility when faced with a conflict of interest.

Are there any limits on a public official or employee who is seeking a new job?

Yes, there are a number of restrictions that apply, regardless of whether the official is seeking a job with a private corporation, a non-profit organization, or another public agency. [Seeking New or Outside Employment \(Information Sheet #4\)](#) explores limits on job seeking.

Can public officials act on matters that affect property owned by themselves or family members?

No. A public official cannot act on matters that affect property the official owns.

This [Property Matters Information Sheet](#) and [Advisory Opinion No. 92-019](#) more fully explain the restrictions on a public official when a matter before his or her agency affects the official's own property. For information regarding property owned by a public official's family, review [Property Matter Affecting Family Members \(Information Sheet #13\)](#).

How does the Ethics Law apply when a public official serves an agency that regulates their business?

The Ethics Law generally prohibits public officials from participating in a regulatory matter that would result in a definite and direct economic benefit or detriment to them. To further explore this issue and restriction please review [Regulatory Matter Affecting a Public Official or Employee \(Information Sheet #14\)](#).

I have more than one public position; do I have any special considerations?

Yes. Even if an official can serve in more than one position, the Law will restrict some actions in the public positions. [Person Serving in Multiple Public Positions \(Information Sheet #12\)](#) explains the Law as it applies to any person who wants to hold more than one public position at the same time.

Can I accept a gift?

Not if the gift is substantial in value and is from a source that is doing or seeking to do business with, regulated by, or interested in matters before the public agency you serve. For more information, please see this [Accepting Gifts, Meals or Entertainment Information Sheet](#) or the [Gift and Entertainment Bulletin](#).

Are public school officials and employees subject to the Ethics Law?

Yes. All public school officials and employees are subject to the public contract and supplemental compensation restrictions. Teachers who do not perform administrative or supervisory functions are exempt from the conflict of interest, gift, and post-employment restrictions, though all other school officials, administrators and staff are subject to these provisions. Examples of teachers who perform, or have the authority to perform, administrative or supervisory functions include academic department heads, athletic directors, and coaches. For more information reference [The Ohio Ethics Law 101: The Ethics Toolkit for Public School Districts](#).

Can I accept complimentary conference registration?

In general, the Ohio Ethics Law prohibits public officials and employees from accepting or soliciting complimentary conference registration from improper sources. Circumstances may be different if, as part of your official duties, you are a speaker at the conference. This and other conference questions are explored in depth in the [Conferences and the Ohio Ethics Law Fact Sheet](#).

Can I keep the door prize I won at a conference?

No. When public officials or employees attend conferences in their official capacity, the Ethics Law prohibits them from accepting door prizes won at the conference, even if the drawing was random and all attendees were automatically entered. Should a public official or employee “win” such a drawing, the door prize belongs to the official or employee’s public agency. The agency may simply decline to accept the gift or may also choose to use it for an appropriate public purpose. This is a potential choice since the Ethics Law does not prohibit a public agency from accepting a donation from a private party as long as no official or employee benefits personally from the donation and the donation is voluntary. This and other conference questions are explored in depth in the [Conferences and the Ohio Ethics Law Fact Sheet](#)

Can private companies donate goods or equipment to public entities?

Yes. The law does not prohibit voluntary donations to a public agency, as long as no individual official benefits personally. For more information, please review the [When is a Gift a Donation? Fact Sheet](#) and [Public-Private Partnerships \(Information Sheet #11\)](#).

If I leave public employment for the private sector can I help my new employer get a public contract?

You can certainly discuss or share non-confidential information with your new colleagues, but you are prohibited from representing any person (including a company, nonprofit organization, or public agency) on any matter in which you personally participated for one year after leaving public service (some officials have a two-year bar.)

The [Post-Employment and Revolving Door Worksheet](#) and the [Post-Employment Information Sheet](#) address representation and will help you determine what restrictions affect your new job.

Can I help a client apply for a public contract with my agency if I abstain from voting on the contract?

No. A public official or employee cannot be paid by a client to perform any services on a matter that is being reviewed or decided by a state agency, even if he or she will not personally appear before the state agency. Representation and other restrictions related to business associates are further expanded upon in the [Rendering Services on a Matter Before Another Public Entity Fact Sheet](#) and [Business Associates and Public Contracts \(Information Sheet #15\)](#).

Can governing board members be hired by the agency they lead?

No. While he or she is serving on an agency's governing board, a public official or employee cannot be hired by the agency. He or she also cannot even seek employment with the agency until he or she resigns from the public agency.

This [Board Member Seeking Employment Information Sheet](#) explains these restrictions more fully.

Can I sell goods or services to my agency?

In most situations, no. However, public officials may be able to sell things to the public agency if they can meet an exception to the public contract restriction. There are information sheets that explain these restrictions more fully:

- [State Officials and Employees Selling Goods or Services Information Sheet](#)
- [Local Officials and Employees Selling Goods or Services Information Sheet](#)
- [Rendering Services on a Matter Before Another Public Entity](#)

Can I sell goods or services to other agencies?

It depends. Local officials and employees should be aware that they work for that entire governmental body, not just the office where they report to work each day. Non-elected state employees may sell to a state agency other than their own IF they successfully complete a number of steps, including a competitive bidding process and filing of a [102.04\(D\) statement](#). There are information sheets that explain these restrictions more fully:

- [State Officials and Employees Selling Goods or Services Information Sheet](#)
- [Local Officials and Employees Selling Goods or Services Information Sheet](#)
- [Rendering Services on a Matter Before Another Public Entity](#)

Can I hire a family member?

No. A public official or employee is absolutely prohibited from hiring his or her family members. The official or employee also cannot use his or her public position in any way to get someone else to hire his or her family members.

The [Nepotism Information Sheet](#) and the [Nepotism Restrictions FAQ](#) explain these restrictions more fully.

If the family member is a minor child there are even more stringent restrictions. These restrictions are outlined in the [Reminder about Summer Jobs and Restrictions on Nepotism Bulletin](#).

Can my family member work at my agency?

Yes, provided that you take no action to hire or get someone else to hire the family member. However, while you are working together, you cannot secure any employment related benefits for the family member, such as raises, promotions, job advancement, or benefits. Further, you cannot make decisions that benefit your family member related to that person's employment, such performance evaluations, personnel actions, and discipline.

The [Nepotism Information Sheet](#) and the [Nepotism Restrictions FAQ](#) explain the limits on a public official when his or her family members are employed by the same public agency.

Which “family members” are a public official or employee not allowed to hire?

A public official’s or employee’s family members include his or her:

- Spouse;
- Parents and Step-parents;
- Grandparents;
- Children and Step-children;
- Grandchildren; and
- Siblings.

Also included is any other person related to the official or employee by blood or by marriage who resides in the same household with the official or employee.

The [Nepotism Information Sheet](#) and the [Nepotism Restrictions FAQ](#) explain which people are considered a public official’s family members for purposes of the restriction against hiring family members.

What are the revolving door laws?

There are three revolving door (or post-employment) restrictions that apply most public officials and employees after they leave their public positions:

- R.C. 102.03(A)(1) - A former public official or employee cannot represent any person before any public agency on matters in which he or she personally participated. This prohibition applies to the former public servant for one year after leaving the public position.
- R.C. 102.03(B) - A former public official or employee cannot disclose or use confidential information he or she acquired during his or her public service. There is no time limit on this restriction.
- R.C. 2921.42(A)(3) - A former public official or employee cannot profit from a contract that he or she authorized, or that was authorized by the public agency he or she served, unless it was competitively bid. This prohibition applies to the former public servant for one year after leaving the public position.

This [Post-Employment Information Sheet](#) and [Advisory Opinion No. 2011-03](#) explain these revolving door restrictions. [Advisory Opinion No. 2012-03](#) and [Advisory Opinion No. 2012-04](#) explain the revolving door law exceptions.

There are three other post-employment restrictions that apply to small groups of former public servants:

- PUCO Commissioners and Attorney Examiners - R.C. 102.03(A)(2);
- Officials and employees who participated in solid or hazardous waste matters - R.C. 102.03(A)(3); and
- Casino Control Commission Members and Employees - R.C. 102.03(A)(10).

I work in the private sector; does the Ethics Law ever apply to me?

Yes, the private sector can also be subject to the Ethics Law! Companies and organizations that do or seek to do business with, are regulated by, or have an interest in a matter pending before a government office, are also subject to the Ethics Law. The [Private Sector Brochure](#), and the [Private Sector Newsletter](#) explore how the Ethics Law applies when private and public sectors meet.

Can I request advice on the Ethics Law if I am not a public official or employee?

Yes! Anyone can call or e-mail the Ethics Commission with questions about the Law or opinions of the Commission; after all, the private sector can also be subject to the Ethics Law. The Commission cannot provide advisory opinions in response to questions about someone other than the requester. If you have a question about the possible actions of another person, you can request general information from the Commission. For more information please review the [General Information on the Ethics Law and Ethics Commission Fact Sheet](#), the [Private Sector Brochure](#), and the [Private Sector Newsletter](#).

Can the Ethics Commission help with filing a Financial Disclosure Statement?

The Ethics Commission would be happy to assist in understanding FDS filing. Our [Financial Disclosure Frequently Asked Questions Fact Sheet](#) and the [FDS FAQs page](#) on our website are easy to use, readily available resources. If you still have questions, feel free to call the Ethics Commission at (614) 466-7090 or (800) 750-0750.

Who files a Financial Disclosure Statement?

State officials and employees:

- Elected officials and candidates for state office;
- Appointees to unexpired terms of state elected office;
- All members of the state board of education;
- Directors, assistant directors, deputy directors, divisions chiefs, and “persons of equivalent rank” serving state administrative departments;
- State employees paid a salary or wage in accordance with schedule C or E-2;
- Members of the Board of Professional Conduct of the Supreme Court of Ohio and of the Ohio Ethics Commission;
- Members and chief executive officers of state boards and commissions that exercise the powers of the state [[List](#)];
- Trustees and presidents or chief executive officers of every state college and university [[List](#)];
- Members and chief executive officers of the state retirement systems;
- Licensed investment officers of the state retirement systems;
- Each member of the Bureau of Workers’ Compensation Board of Directors;
- Chief Investment Officer and Director of Investments of the Bureau of Workers’ Compensation;
- Director appointed by the Workers’ Compensation Council;
- Members appointed by the governor and staff of the Retirement Study Commission; and
- Members and executive directors of the Tobacco Use Prevention and Control Foundation and the Southern Ohio Agricultural and Community Development Foundation; and
- Members and some upper level employees of JobsOhio.

Local officials and employees:

- Elected officials and candidates for city and county offices;
- Elected or appointed board members and candidates for school board or educational service center governing board in districts/ESCs with a total student count of 12,000 or more [[List](#)];
- Appointees to unexpired terms in any of these elected offices;
- Business managers, treasurers, and superintendents of all school districts and educational service centers;
- Appointees to the board of education of the Cleveland Metropolitan School District and any other municipal school district; and
- Members of the board of directors of a sanitary district established under R.C. Chapter 6115 that includes two municipal corporations in two counties (Mahoning Valley Sanitary District).

The [Financial Disclosure Fact Sheet](#) and [Financial Disclosure FAQs](#) further explore the topic of Financial Disclosure.

Why can't the Ethics Commission answer my question about an investigation?

Under state law, the Commission may share information with other law enforcement authorities when relevant and necessary to the conduct of an investigation. Otherwise, the statute deems any complaints, charges, or investigations handled by the Ohio Ethics Commission private and confidential. The [Investigation Confidentiality at the Ohio Ethics Commission Fact Sheet](#) provides some more information on this confidentiality.

Can a township trustee serve as a volunteer firefighter?

Yes. Statutes outside the Ethics Commission's jurisdiction specifically permit a township trustee to simultaneously serve as an unpaid volunteer firefighter for his or her own township. However, the Ethics Laws will prohibit a trustee from participating in some matters affecting the fire department's personnel as detailed in the [Township Trustees Serving as Volunteer Firefighters Fact Sheet](#).

How does the Ethics Law apply to investment advisors doing business with Ohio's public retirement systems?

In 2004, the Ohio General Assembly enacted amendments to the laws that govern the regulation of Ohio's five public retirement systems. Included are provisions that attempt to protect against conflicts of interest for certain individuals and entities doing or seeking to do business with the retirement systems through new limitations and requirements to register or file disclosure statements with the State of Ohio. These amendments are detailed in the [Doing Business with Retirement Systems in Ohio Fact Sheet](#).

How does the Ethics Law apply to state board members?

The Ethics Law fully applies to board and commission members, and many are Financial Disclosure Statement filers. For more information please review the [Board and Commission Member Do's and Don'ts Fact Sheet](#) and the [Board or Commission Member Information Sheet](#).

How does the Ethics Law apply to trustees of public colleges and universities?

The Ethics Law fully applies to trustees of public colleges and universities, and trustees are required to file a Financial Disclosure Statement. For more information please review the [Trustees of Public Colleges and Universities Fact Sheet](#) and [Financial Disclosure Frequently Asked Questions Fact Sheet](#).

What special restrictions apply to members of the Casino Control Commission?

The Ethics Law applies to members of the Casino Control Commission, like all public officials and employees. It also requires that all members and the Executive Director of the Ohio Casino Control Commission, all the Commission's professional employees, and all the Commission's technical employees who perform an internal audit function to file annual disclosure statements. Additionally, members and staff of the Casino Control Commission fall into the category of public servants who have a two-year post-employment restrictions. For more information please review [Casinos and the Ohio Ethics Law \(Information Sheet #9\)](#).

How does the Ethics Law apply to county governments?

The Ethics Law applies to officials and employees of county governments as they do to any other Ohio public entity. [Cuyahoga County \(Information Sheet #10\)](#) speaks specifically to Cuyahoga County but is equally applicable to any Ohio county.

[What should our agency's Ethics Policy include?](#)

For your convenience we provide the following ethics policy templates. Please be aware that a public agency cannot create a policy or rule that is less restrictive than Ohio's Ethics Law. However, an agency may have a policy or rule that is more restrictive.

- [Model Ethics Policy for Local Agencies](#)
- [Model Ethics Policy for State Agencies](#)

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Immunity

All three kinds of Ethics Commission opinions provide immunity to individuals who receive them. Any person who receives a written advisory opinion from the Commission can “reasonably rely” on the opinion and shall be immune from criminal prosecutions, civil suits, and removal from his or her office or position based on the facts and circumstances covered by the opinion. In other words, if you receive an advisory opinion from the Commission, you receive immunity for the facts and circumstances described in the opinion provided that you:

1. Have fully disclosed all relevant facts; and
2. Comply with the guidelines applied in the opinion.

Individuals in similar situations to those described in a previous opinion can also rely on the opinion and receive the same immunity.

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BULLETIN — GIFTS AND ENTERTAINMENT FEBRUARY 21, 2013

I. INTRODUCTION

Public officials and employees at all levels of state and local government ask the Ethics Commission for guidance about what they can and cannot accept as gifts and entertainment from family, friends, acquaintances, and other persons. This bulletin provides guidance and explains the law prohibiting acceptance of gifts in many circumstances.¹

What does the law prohibit?

Ohio's Ethics Law prohibits all public officials and all public employees from soliciting or accepting a gift of a substantial value, including entertainment, from any "prohibited source." A "prohibited source" is any person, company, organization, or other entity that has any of these relationships with the public agency an official or employee serves:

- Doing or seeking to do business with the agency;
- Regulated by the agency; or
- Interested in matters before the agency.

A public official or employee also cannot accept compensation for the performance of his or her public job duties from any source other than their public employer.

Who is a "public official"?

A public official is any person, paid or unpaid, and regardless of how much money he or she is

paid, who is elected or appointed to a full time or part time position.

Who is a "public employee"?

A public employee is any person, paid or unpaid, and regardless of how much money he or she is paid, who is employed by a public agency in a full time or part time public job.

II. ACCEPTING GIFTS/ENTERTAINMENT

To know whether you can accept a gift, meal, or entertainment, you need to determine both:

- The value of the item; and
- The source of the item.

If the gift is substantial in value and is from one of the prohibited sources described earlier, you must return it to the giver.

However, you can accept a gift of nominal value from any giver. Gifts of nominal value include promotional items, such as a t-shirt, mouse pad, or a coffee mug.

Personal Friendship

You can also accept a gift of any value if the giver is not a "prohibited source." For example, you can accept a gift if it is clear that the gift is motivated by the giver's family relationship or a personal friendship with you, rather than by your public position. Relevant factors to consider include²:

- The duration and nature of the pre-existing private relationship;
- Whether it has been common for you to exchange gifts with the giver before you became a public official or employee;
- Whether the giver personally paid for the gift or identified it for business reimbursement; and
- Whether, to your knowledge, the giver also gave the same or similar gifts to other officials or employees of your agency.

Gifts from Vendors

You are prohibited from accepting a gift or entertainment, of a substantial value, from a vendor to your agency. However:

- The Ethics Law does not prohibit you from socializing with anyone.
- If you are going to a restaurant with a vendor to your agency, and the cost of the meal will be substantial, you should pay your own way.
- If you are invited to attend an open house hosted by one of your agency's vendors, in most cases, you would be able to accept the invitation because the per-person value of an open house is unlikely to be substantial.
- If you are invited to attend an expensive event hosted by a vendor, or an event that includes expensive tickets (such as a sporting event, concert, theater performance, or any similarly valued event), you should either: (a) decline the invitation; or (b) pay the per-person cost to attend the event and the greater of the face value of, or the amount the giver paid for, the tickets.
- The Commission has said in prior advisory opinions that meals at expensive restaurants, exclusive golf outings, season tickets to games of a

sports team, and travel, meal and lodging expenses are also of a substantial value.³

Remember that you cannot accept compensation from anyone other than the agency you serve. This means that if a vendor gives you cash or a cash-equivalent (such as a gift card) as a "thank you" for your public duties, you must return it.

III. FINANCIAL DISCLOSURE

If you are required to file a financial disclosure statement with the Ethics Commission, then you may have to disclose sources of gifts you have received.

- Most filers must disclose gifts over \$75.⁴
- You need to disclose **all** sources of gifts over the threshold amount -- even if the person who gave it to you is a personal friend or does not have any connection with your public agency.
- You do not need to disclose the amount or nature of the gift.
- You do not need to disclose the source of a gift if it was given to you by any of the following family members:
 - Spouse, parents, siblings, or children;
 - Grandparents or grandchildren;
 - Nephews, nieces, uncles, or aunts;
 - Brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law or mothers-in-law; or
 - Any person to whom you stand in loco parentis (that is, you serve as their parent).

You also don't have to disclose any gift you received by distribution from any trust established by your spouse or other relative.

IV. ASSISTANCE AND QUESTIONS

If you have any questions, please contact the Ethics Commission:

- Telephone: 614.466.7090
[Ask for an advisory attorney.]
- Monday to Friday, 8:00 AM to 5:00 PM
- Website: www.ethics.ohio.gov
[Use the search term “gifts”]

¹ See [Ethics Commission Information Sheet #7, "Accepting Gifts, Meals, Entertainment, or Other Things of Value"](#)

² See generally 5 C.F.R. 2635.204(b), concerning similar standards applicable to employees of the federal government.

³ See, e.g., [Adv. Ops. No. 89-014](#) (travel, meals and lodging); [95-001](#) (professional sports tickets); and [2001-03](#) (golf outings).

⁴ Some filers are only required by the General Assembly to disclose sources of gifts over \$500, such as college or university trustees, or officials or employees of a city, school district, educational service center, or sanitary district if their public position is paid less than \$16,000. For guidance on whether this threshold applies to you, please contact the Ethics Commission.

Ben Rose, *Chair*
Shirley Mays, *Vice Chair*
Merom Brachman
Betty Davis
Steven Dettelbach
Ann Marie Tracey

David E. Freel,
Executive Director



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INFORMATION SHEET: ADVISORY OPINION NO. 2009-03
TICKETS TO CHARITABLE EVENTS

What are the questions addressed in the opinion?

If a company provides a public official or employee with a ticket to a charitable fundraising dinner, is the public official or employee required to reimburse the company for the ticket? If so, what should the amount of the reimbursement be?

What are the answers in the opinion?

If a company provides a public official or employee with a ticket to a charitable fundraising dinner, the public official or employee can accept the ticket and is not required to reimburse the company for the ticket provided that the meal is of an ordinary character and no other thing of value is provided to the public official or employee.

If the official or employee chooses to reimburse the company, the amount to be reimbursed is the value of the meal rather than the ticket price of the item.

To whom does this opinion apply?

The conclusions in this opinion apply to all individuals who are elected or appointed to, or employed by, any public agency, including but not limited to any state agency, county, city, township, school district, public library, and regional authority, 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.

When did the conclusions in the opinion become effective?

The opinion became effective when rendered by the Commission at its meeting on July 14, 2009.

For More Information, Please Contact:

David E. Freel, Executive Director, **or**
Jennifer A. Hardin, Chief Advisory Attorney
(614) 466-7090

**THIS COVER SHEET IS PROVIDED FOR INFORMATION PURPOSES.
IT IS NOT AN ETHICS COMMISSION ADVISORY OPINION.
ADVISORY OPINION NO. 2009-03 IS ATTACHED.**

Ben Rose, *Chair*
Shirley Mays, *Vice Chair*
Merom Brachman
Betty Davis
Steven Dettelbach
Ann Marie Tracey



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David E. Freel,
Executive Director

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Advisory Opinion
Number 2009-03
July 14, 2009

Syllabus by the Commission:

- (1) Division (E) of Section 102.03 of the Revised Code prohibits a public official from soliciting or accepting anything of value that is of such character as to have a substantial and improper influence on the official with respect to the performance of his or her duties;
- (2) A gift of substantial value from an “improper source” (a person or entity that is doing or seeking to do business with, interested in matters before, or regulated by the public agency a public official serves) is of such character as to have a substantial and improper influence on the official who receives it;
- (3) R.C. 102.03(E) does not prohibit a public official from accepting a ticket to a charitable fundraising dinner where the meal is of an ordinary and routine character and no other thing of value is provided at the event, even if the ticket is provided by an “improper source”;
- (4) Even though the public official is not prohibited from attending the event, he or she may choose to reimburse the source an amount equal to the value of the meal.

* * * *

The Ohio Ethics Commission has been asked about the application of the Ethics Law when a company that is doing business with a public agency would like to invite an official of the agency to attend a charitable fundraising dinner. The specific question is, if the official wants to attend the event and reimburse the company for the cost of the event, whether the cost of the event is: (1) the ticket price; or (2) the value of the meal and any other thing of value received by the official.

The company often supports charitable organizations by purchasing seats or a table at fundraising lunches and dinners. The company would like to invite an official connected with one of its public sector clients, such as a school administrator or public hospital official, to attend the event as its guest.

These events are described as “no frills” non-exclusive charitable events that are open to any member of the public who is willing to pay for a ticket or a table. The events do not include: (1) speeches by high-ranking political figures or celebrities; (2) golf outings or sporting events; or (3) shows that provide a significant entertainment value.

The typical scenario involves a charitable luncheon where the company purchases a ten-person table for \$1,000. Federal tax law requires the charity to inform purchasers what portion of the table’s cost represents the value of the benefit, goods, or services received (i.e., the meal) at the event. The remainder is available to the purchaser as a tax-deductible charitable donation.

Brief Answer

As explained in this opinion, R.C. 102.03(E) does not prohibit the official from attending the fundraising dinner as the guest of a vendor provided that the only thing provided to the official is a meal of an ordinary and routine character. If the official wants to reimburse the company, he or she can pay the company the value of the meal. To determine the value of the meal, the official should ask the event sponsor what portion of the ticket price is not a tax-deductible charitable contribution.

Soliciting or Accepting Things of Value From a Vendor—R.C. 102.03(E)

R.C. 102.03(E) provides:

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.

“**Public official or employee**” includes any person who is elected or appointed to an office or is an employee of any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a county, city, village, or township, the five state retirement systems, or any other governmental entity. *See* R.C. 102.01(B) and (C). *See, also*, Ohio Ethics Commission Advisory Opinions No. 2000-04 and 2001-04. All officials and employees of a public hospital, and most officials and employees of public school districts, are “public officials or employees.” (Teachers and other educators who do not perform, or have the authority to perform, administrative or supervisory authority, are not “public officials or employees.”) *See, generally*, Adv. Op. No. 99-002.¹

“**Anything of value**” as defined in R.C. 102.03(G) and 1.03, includes money, gifts, and every other thing of value. A ticket to a charitable fundraising event, as well as dinners, receptions, retreats, cash, gift cards, tickets to sports or entertainment events, and trips are all within the definition of anything of value. Adv. Op. No. 2009-01.

¹ This opinion uses “public official” to refer to both public officials and public employees.

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 could impair the official’s objectivity and independence of judgment with respect to his or her public duties. Adv. Ops. No. 91-010 and 95-001.² It is unnecessary that the thing of value actually has a substantial and improper influence on the official provided that it is of such a character that it could have an influence. *Id.*

A “thing of value” will have a *substantial and improper influence* on a public official if it could impair the official’s or employee’s objectivity and independence of judgment because: (1) it is of a substantial nature or value; and (2) it is from a source that is doing or seeking to do business with, regulated by, or interested in matters before the official’s agency. Adv. Ops. No. 2004-03 and 2009-01. *See, also*, Ohio Sup.Ct., Bd Comm’rs on Grievances and Discipline, CPR Op. 98-10 (1998) (acceptance of a thing of value by a judge is improper “in the presence of all three variables: 1) a thing of value, 2) substantial influence, and 3) improper influence”).

When determining whether a thing of value could have an *improper influence* upon a public official, the focus is primarily upon the *source* of the item. Adv. Op. No. 86-011. If a public official accepts a thing of substantial value from a person or entity that is interested in, regulated by, or contracting with the public agency he or she serves, the thing of value can manifest a substantial and improper influence upon the official by impairing the independence and objectivity of his or her judgment in matters that affect the giver. Adv. Ops. No. 84-010 and 2001-03. These sources are “improper sources.”

When determining whether a thing of value could have a *substantial influence* upon a public official, the focus is primarily on the *nature* of the thing of value. Adv. Op. No. 2001-03. The Commission explained:

[A] thing of value could have a ‘substantial’ influence upon a public official or employee, with respect to the performance of his or her duties . . . if the thing of value is of a ‘substantial’ nature. Adv. Op. No. 86-011. . . . [T]he word ‘substantial’ was commonly used to mean ‘of or having substance, real, actual, true; not imaginary; of considerable worth or value; important.’

An item that is nominal or de minimis in value is not of such a character as to have a substantial influence on a public official, even if it is provided to the official by an improper source. Adv. Op. No. 2001-03.³

² R.C. 102.03(E), the statute under consideration in this opinion, was not enacted until 1986, after Advisory Opinion No. 76-005 was adopted. R.C. 102.03(D) was amended at the same time R.C. 102.03(E) was adopted. However, the phrase “of such a character as to manifest a substantial and improper influence” was not revised in or removed from R.C. 102.03(D), and was used again in R.C. 102.03(E).

³ However, even nominal or de minimis items can have a substantial cumulative value if given over an extended period of time. *Id.* *See, also*, Adv. Ops. No. 86-003, 89-014, and 92-015.

The Supreme Court of Ohio Board of Commissioners on Grievances and Discipline has reached a similar conclusion. When considering whether R.C. 102.03(D) and (E) prohibit a judge from accepting a gift or other things of value, the Board of Commissioners stated:

There is substantial influence if the thing of value is more than *de minimis*. There is improper influence if the thing of value is from a party that is interested in matters before, regulated by, or doing or seeking to business with the public official's or employee's agency.

Ohio Sup.Ct., Bd Comm'rs on Grievances and Discipline, CPR Op. 98-010 (1998).

Application to Presented Facts

A vendor to a public agency is an improper source of things of substantial value to officials of the agency. Therefore, before attending a fundraising event as the guest of a vendor, an official must determine whether the nature of the gift is substantial.

The purchaser of a ticket to a charitable event is entitled to take a tax deduction for whatever portion of the purchase price is more than the benefit received. The charitable organization must inform the purchaser which portion of the purchase price is a donation and which portion represents the fair market value of any benefit received.

If the event is a meal, and the organizer provides no other benefit to the individuals who attend the meal, the organizer will be required to tell the purchaser what portion of the ticket price is the fair market value of the meal. If the event includes entertainment of a significant value, such as a golf outing, concert, sporting event, or appearance by a high-profile celebrity speaker or entertainer, the organizer will be required to tell each purchaser what portion of the ticket price is the fair market value of the meal *and* the entertainment.

However, R.C. 102.03(E) does not prohibit a public official from accepting a meal from a "prohibited source" provided that the meal is not extravagant or lavish. Adv. Op. No. 2002-02. As applied to this situation, even though the company providing the ticket is doing business with the public agency, R.C. 102.03(E) does not prohibit an official of the agency from attending the charitable event, and receiving a meal of an ordinary character, as the guest of the company. Given all of the facts and circumstances, the meal is not of such a character as to manifest a substantial and improper influence on the public official.⁴

⁴ In addition to the Ethics Law, public officials and employees may be subject to ordinances, rules, policies, or other guidelines governing their public agency that further restrict their acceptance of gifts. For example, Executive Order 2007-01S prohibits state employees from accepting gifts valued at over \$20 from any persons other than family members or close personal friends who are not vendors or grantees of the state.

Even though the official is not prohibited from attending the event as the guest of the company, he or she can choose to pay the firm the value of the meal received. The official can use the fair market value amount communicated by the organizer to determine the amount of the repayment. It is not necessary that the public official or employee pay the entire purchase price of the ticket.⁵

Disclosure of Gifts on a Financial Disclosure Statement—R.C. 102.02

The financial disclosure requirement is set forth in R.C. 102.02(A). All public officials who are required to file financial disclosure statements must disclose the sources of gifts. Most filers are required to report, as the source of a gift, any one who gives the filer a gift, or gifts, whose total value is more than \$75. R.C. 102.02(A)(7). A smaller number of filers, including elected officials who are serving with political subdivisions in positions paid less than \$16,000 a year and university trustees, are required to disclose, as the source of a gift, any one who gives the filer a gift, or gifts, whose total value is more than \$500. R.C. 102.022.

If a public official attends an event as a guest of any person, that person is the source of a gift to the official. If the value of the event exceeds the threshold for disclosure, the official must disclose the source of the gift on his or her financial disclosure statement.

The Ethics Commission has stated that fair market value should be used to determine the value of the gift for purposes of the disclosure requirement. Adv. Op. No. 96-003. A public official must, in good faith, value the gift at or above its minimum fair market value, which is the lowest price at which he or she could have purchased a comparable benefit in the same geographical area within the same general period of time. *Id.*

In the example provided in this opinion, the benefit received by the public official is the meal. The value of the meal can be determined by relying on the organizer of the event, which has an obligation to properly inform ticket purchasers of the fair market value of any benefit they will receive. Because the fair market value of the meal will be less than the amount the company paid for the ticket, the public official receives a gift of the value of the meal, rather than the cost of the ticket, for reporting purposes. If the fair market value of the meal is less than the threshold for disclosure of gift sources, the public official will not have to disclose the organization as the source of a gift.

⁵ The Commission notes that the Joint Legislative Ethics Committee (JLEC) has reached a different conclusion regarding tickets to charitable fundraisers. In JLEC Advisory Opinion No. 00-002, the Committee concluded that, when a member or employee of the General Assembly is given a ticket to a charitable fundraiser by a third party who purchased the ticket, the ticket is a gift and the value of the ticket is the face value.

It is important to note that the issue of disclosure is secondary to the issue of whether the acceptance of a thing of value is proper. A public official must consider whether the acceptance of the thing of value is prohibited by R.C. 102.03(E), as described above, regardless of whether the official is required to file a financial disclosure statement or disclose the specific thing of value. A public official or employee is subject to R.C. 102.03(E) even if he or she is not required to file a financial disclosure statement.

Conclusion

This advisory opinion is based on the facts described in the opinion. It is limited to questions arising under Chapter 102. and Sections 2921.42 and 2921.43 of the Revised Code, and does not purport to interpret other laws or rules.

Therefore, it is the opinion of the Ohio Ethics Commission, and you are advised as follows: First, (1) Division (E) of Section 102.03 of the Revised Code prohibits a public official from soliciting or accepting anything of value that is of such character as to have a substantial and improper influence on the official with respect to the performance of his or her duties. Second, a gift of substantial value from an "improper source" (a person or entity that is doing or seeking to do business with, interested in matters before, or regulated by the public agency a public official serves) is of such character as to have a substantial and improper influence on the official who receives it. Next, R.C. 102.03(E) does not prohibit a public official from accepting a ticket to a charitable fundraising dinner where the meal is of an ordinary and routine character and no other thing of value is provided at the event, even if the ticket is provided by an "improper source." Finally, even though the public official is not prohibited from attending the event, he or she may choose to reimburse the source an amount equal to the value of the meal.

By my signature below, I certify that Advisory Opinion No. 2009-03 was rendered by the Ohio Ethics Commission at its meeting on July 14, 2009.



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Ohio Ethics Commission

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Megan C. Kelley, *Vice Chair*
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INFORMATION SHEET: ADVISORY OPINION NO. 2020-03
ATTENDING CEREMONIAL EVENTS

What is the question in the opinion?

Can a public official or employee attend a ceremonial event in an official or honorary capacity?

What is the general restriction?

R.C. 102.03(D) and (E) prohibit a public official or employee from soliciting, accepting, or using his or her position to secure an invitation to an event of substantial value from any party that is doing or seeking to do business with, interested in matters before, or regulated by his or her public agency.

R.C. 2921.43(A) prohibits a public servant from soliciting or accepting any compensation, other than as allowed by law, to perform his or her official duties, to perform any other act or service in his or her public capacity, for the general performance of the duties of his or her public office or public employment, or as a supplement to his or her public compensation.

What is the exemption?

Neither R.C. 102.03(D) and (E) nor R.C. 2921.43(A) prohibit a public official or employee from attending a ceremonial event, such as the opening of a new exhibit, ground-breaking or ribbon-cutting, or other similar event, in his or her official capacity, where the official or employee is performing a ceremonial or honorary function appropriate to his or her public position.

To whom do the conclusions in this opinion apply?

The conclusions apply to any similarly situated state or local public officials and employees.

When did the conclusions in this opinion become effective?

The opinion became effective upon acceptance by the Commission.

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... that there be an exchange, i.e., one person gets something from another. (Emphasis added).

“Compensation” also includes the payment of a public servant’s expenses incurred in the performance of a public servant’s official duties.¹⁹ For example, the Ethics Commission has explained that a public employee is prohibited from accepting the reimbursement of expenses for travel, meals, and lodging from any entity if the expenses are paid in connection with the performance of his or her official duties.²⁰

The Ethics Commission has explained that a public servant cannot solicit or accept, and persons cannot give to a public servant, “compensation” that is intended to be given in exchange for any of the following purposes: (1) to perform his or her official duties; (2) to perform any other act or service in his or her public capacity; or (3) as a supplement to his or her public compensation.

For example, in Advisory Opinion No. 2019-01, the Commission said that a community association would not be prohibited from honoring a public employee by providing him or her with a personalized framed certificate that would provide only sentimental value to the recipient. Under such circumstances, the ceremonial gift would not be considered “compensation” or payment for his or her services as a public servant.

The Commission cautioned, however, that the public employee would be prohibited from accepting a monetary award from the community association for the public work he or she performs because the award would be “compensation” other than as allowed by law for the general performance of his or her public duties and as a general supplement to his or her public compensation.²¹

Attending Ceremonial Events

In its informal precedents, the Commission has said that under certain circumstances the Ethics Law would not prohibit a public official or employee from accepting an invitation, along with complimentary admission tickets that include special access tours, food, and beverages, from an otherwise prohibited source to attend a ceremonial event, such as the opening of a new exhibit, a ground-breaking or ribbon-cutting ceremony, or other public event, where the official or employee is present in a ceremonial role or honorary capacity.²² A ceremonial role means an act performed at an event by the official as a representative of the official’s agency at the request of the holder of the event where, for a period of time, the focus of the event is the act performed by the official.²³

In Informal Opinion No. 2005-INF-1109, the Commission considered whether local officials could accept four regular tickets and special access tours to attend an event at the local zoo. The Commission determined that accepting the tickets would not be of such a character as to manifest a substantial and improper influence upon the performance of their public duties because the value of the tickets (\$6.50 each or a total of \$26.00) was nominal and not substantial in value. The Commission also determined that accepting these tickets would not violate R.C. 2921.43(A) because they were not provided by the zoo as compensation for the performance of the public

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Formal Advisory Opinion
Number 2020-03
October 2, 2020
Ceremonial Events

Syllabus by the Commission:

- (1) Divisions (D) and (E) of Section 102.03 of the Revised Code prohibit a public official or employee from soliciting, accepting, or using his or her position to secure an invitation to an event of substantial value, from any party that is interested in matters before, regulated by, or doing or seeking to do business with his or her public agency.
- (2) R.C. 2921.43(A) prohibits a public servant from soliciting or accepting any compensation, other than as allowed by law, to perform his or her official duties, to perform any other act or service in his or her public capacity, for the general performance of the duties of his or her public office or public employment, or as a supplement to his or her public compensation.
- (3) Neither R.C. 102.03(D) and (E) nor R.C. 2921.43(A) prohibit a public official or employee from attending a ceremonial event, such as the opening of a new exhibit, ground-breaking or ribbon-cutting, or other similar event, in his or her official capacity where the official or employee is performing a ceremonial or honorary function appropriate to his or her public position.
- (4) The following criteria will help identify when attendance at a ceremonial event is objectively related to the public official's or employee's public position:
 - a) The event is clearly presented as ceremonial in nature;
 - b) The event is formally scheduled, advertised, and open to the public and media;
 - c) The official or employee is invited to attend the event as a representative of his or her public agency;
 - d) The event is related to the work of the public agency the invited public official or employee serves;
 - e) The attending public official or employee is performing a designated ceremonial or honorary function appropriate to his or her public position; and
 - f) The attending public official or employee stays at the event for the time reasonably necessary to perform his or her official duties.

* * * * *

In Advisory Opinion No. 2019-01, the Ohio Ethics Commission considered whether a public official or employee could accept a ceremonial gift, such as a personalized plaque, picture, framed certificate, or trophy. The Commission has also been asked if a public official or employee is prohibited from accepting an invitation to attend a ceremonial event where the official or employee is performing a ceremonial or honorary function. This opinion is a restatement of several informal advisory opinions previously issued by the Commission. The purpose of this formal opinion is to provide context, further clarification, and guidance to other similarly situated public officials and employees.

Accepting Anything of Value

Persons who are elected, appointed, or employed by a public agency are subject to R.C. 102.03(D) and (E), which state:¹

- (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.
- (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.

The term "anything of value" is defined, for purposes of R.C. 102.03, to include money, goods and chattels, and every other thing of value.² Gifts, meals, travel expenses,³ and entertainment are things of value for purposes of R.C. 102.03.⁴

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" with respect to that person's duties.⁵ The Commission has explained that it is unnecessary that the thing of value actually influences the official or employee provided that it is of such a character that it could have a substantial and improper influence upon him or her.⁶ The Commission has determined that a "thing of value" will have a substantial and improper influence on a public official or employee if it could impair his or her objectivity and independence of judgment with respect to the person's duties because: (1) it is of a substantial nature or value (including entertainment activities, such as exclusive golf outings and season tickets to the games of a professional sports team);⁷ and (2) it is from a source that is doing or seeking to do business with, regulated by, or interested in matters before the agency the official or employee serves.⁸

In addition to these sections, R.C. 102.03(F) prohibits any person,⁹ from promising or giving 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 his or her duties.¹⁰

The application of R.C. 102.03 is dependent upon the facts and circumstances of each individual situation.¹¹

For example, in Advisory Opinion No. 2019-01, the Commission determined that an unsolicited, ceremonial gift given to a public official or employee that has little intrinsic, marketable, or utilitarian value and is intended for presentation, such as a personalized plaque, picture, framed certificate, trophy, or similar item is generally not a thing of a substantial value.¹² The Commission noted that while this type of a ceremonial gift can be desirable to a public official or employee for its sentimental value, it is not a valuable thing or benefit that is of such a character as to have a substantial and improper influence on the official or employee in the performance of his or her public duties.¹³ Therefore, a public official is not prohibited from accepting these types of ceremonial gifts. The Commission cautioned, however, that some ceremonial gifts would not come under this exemption even if they are unsolicited and personalized. Examples would include a plaque, picture, or trophy that: has general desirability or marketability as a valuable object of art or a collectible item; has significant utilitarian value; or incorporates materials of significant value, such as precious metals or gems. The Commission stated that under these circumstances, even though the item is intended as a ceremonial gift, it would be a valuable thing or benefit that is of such a character as to improperly influence the official or employee in the performance of his or her public duties.¹⁴

Supplemental Compensation

R.C. 2921.43(A)(1), provides that no public servant shall knowingly solicit or accept, and no person shall give a public servant:

Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Revised Code 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.¹⁵

The term "public servant" is defined to include any elected or appointed officer, employee, or agent of the state or any political subdivision.¹⁶

The word "compensation" is not defined in R.C. 2921.43.¹⁷ The Ethics Commission has explained that "compensation" refers to wages, remuneration, and payment for services provided in exchange for an act that is clearly within the performance of the public servant's official duties.¹⁸ As the Jackson County Court of Common Pleas explained in *State v. Livesay* (1998), 91 Ohio Misc. 2d 208 at 214:

"Compensation" generally means an exchange in return for or to require some obligation, tit for tat, so to speak. The legislature could have used the phrase "anything of value" or "payment," but chose the word "compensation" to require

officials' public job duties. The Commission stated that generally the Ethics Law does prohibit the zoo from offering or giving large numbers of public officials and employees free admission if the zoo is doing or seeking to do business with, regulated by, or interested in matters pending before the public agencies they serve. However, the Commission said that the Ethics Law does not prohibit the zoo from: (1) inviting a public official or employee to attend the opening of a new exhibit, ground-breaking or ribbon-cutting for new zoo facilities, or other similar event, in his or her official capacity, particularly where the official or employee is performing a ceremonial function; or (2) making free or reduced-cost admission to the zoo available to a large class of public officials or employees, such as all public servants for all public agencies in the county, just as it might for private sector employees.²⁴

In Informal Opinion No. 2007-INF-0914, the Commission considered whether a regional airport authority could provide four tickets to the air show that it was hosting to state and local public officials and employees of agencies that either provide funds to or regulate the airport authority. The total value of the tickets and meals provided to each public official or employee would be over \$250.00. The Commission explained that while, usually, the conflict of interest law would prohibit the airport authority from giving, and the public officials and employees from accepting, the tickets and other benefits totaling over \$250,²⁵ that law does not prohibit an otherwise improper source from providing a public official or employee the opportunity to attend an event in a ceremonial or honorary capacity. The Commission suggested that the airport authority send a letter inviting the officials to attend or be co-hosts of the event in a ceremonial or honorary capacity and explain the functions that the airport authority intends the officials will perform. Under these circumstances, the Commission determined that the tickets and meals, although valued at over \$250, would not be of such a character as to manifest a substantial and improper influence upon the performance of the official's and employee's public duties because they were present in order to perform specific ceremonial or honorary functions at the event.²⁶ The Commission added, however, that if any public official or employee would like to have family members accompany them to the air show, the official or employee would be required to pay fair market value for their family members' admission to the event and any other items of value provided.

To provide further clarity and guidance, the following criteria will help identify when attendance at a ceremonial event is objectively related to the official's or employee's authorized duties:

- a) The event is clearly presented as ceremonial in nature;
- b) The event is formally scheduled, advertised, and open to the public and media;
- c) The official or employee is invited to attend the event as a representative of his or her public agency;
- d) The event is related to the work of the public agency the invited public official or employee serves;
- e) The attending public official or employee is performing a designated ceremonial or honorary function appropriate to his or her public position; and
- f) The attending public official or employee stays at the event for the time reasonably necessary to perform his or her official duties.²⁷

When these circumstances are present, there is no potential conflict of interest because the public official or employee is representing the public agency they serve, and their presence serves a public purpose.

Conclusion

Limited to questions arising under Chapter 102 and Sections 2921.42 and 2921.43 of the Revised Code, it is the opinion of the Commission and the Commission advises that both R.C. 102.03(D) and (E) and R.C. 2921.43(A) prohibit a public official or employee from soliciting, accepting, or using his or her position to secure an invitation to an event of substantial value, from any party that is interested in matters before, regulated by, or doing or seeking to do business with his or her public agency. However, neither R.C. 102.03(D) and (E) nor R.C. 2921.43(A) prohibit a public official or employee from attending the opening of a new exhibit, ground-breaking or ribbon-cutting, or other similar event, in his or her official capacity where the official or employee is performing a ceremonial or honorary function appropriate to his or her public position. The following criteria will help identify when attendance at a ceremonial event is objectively related to the public official's or employee's public position: (a) The event is clearly presented as ceremonial in nature; (b) The event is formally scheduled, advertised, and open to the public and media; (c) The official or employee is invited to attend the event as a representative of his or her public agency; (d) The event is related to the work of the public agency the invited public official or employee serves; (e) The attending public official or employee is performing a designated ceremonial or honorary function appropriate to his or her public position; and (f) The attending public official or employee stays at the event for the time reasonably necessary to perform his or her official duties.

Merom Brachman

Merom Brachman, Chairman
Ohio Ethics Commission

The Ohio Ethics Commission Advisory Opinions referenced in this opinion are available on the Commission's Web site: www.ethics.ohio.gov

¹ See R.C. 102.01(B) and (C).

² R.C. 1.03; 102.01(G).

³ But see R.C. 102.03(I) and OAC 102-03-08, which apply to travel connected with a conference, seminar, or similar event that is related to the public official's or employee's official duties.

⁴ Ohio Ethics Commission Advisory Opinions No. 95-001, 2001-03, 2001-04, and 2009-01.

⁵ Adv. Op. No. 76-005 (emphasis in original).

⁶ *Id.*

⁷ Adv. Ops. No. 95-001 and 2001-03.

⁸ Adv. Ops. No. 2001-03 and 2004-03. See also Ohio Sup.Ct. Bd of Professional Conduct, CPR Op. 98-10 (1998) (acceptance of a thing of value by a judge is improper "in the presence of all three variables: (1) a thing of value, (2) substantial influence, and (3) improper influence").

⁹ A “person” includes any individual, corporation, partnership, association, or other similar entity. R.C. 1.59.

¹⁰ See Adv. Op. No. 90-001.

¹¹ Adv. Ops. No. 87-008, 89-003, 90-004, and 91-002.

¹² See also 5 C.F.R. 2635.203(b)(2).

¹³ See Adv. Op. No. 76-005.

¹⁴ See R.C. 102.03(F) (prohibiting a prohibited source from promising or giving anything of substantial value to a public official or employee). See also Adv. Op. No. 90-001.

¹⁵ There are three specific exceptions to this provision, set forth in R.C. 102.03(G), (H), and (I). The exceptions apply to campaign contributions, honoraria, and travel expenses and are not relevant to the issue of ceremonial gifts.

¹⁶ R.C. 2921.01(A) and (B).

¹⁷ See R.C. 102.01(A) (for purposes of Chapter 102, compensation is defined as “money, thing of value, or financial benefit”). See also Adv. Ops. No. 92-014 and 2007-03.

¹⁸ See Adv. Op. No. 2008-01. See also R.C. 1.42 (words and phrases shall be read in context and construed according to the rules of grammar and common usage).

¹⁹ Adv. Op. No. 92-018.

²⁰ *Id.*

²¹ See Adv. Op. No. 92-015.

²² Informal Adv. Ops. No. [2005-INF-1109](#) and [2007-INF-0914](#).

²³ <https://www.lawinsider.com/dictionary/ceremonial-role>

²⁴ Adv. Ops. No. 2001-08 and 2011-08.

²⁵ See R.C. 102.03(E) and (F).

²⁶ But see Adv. Op. No. 95-001 (a public official or employee would be prohibited from accepting free season tickets from a professional athletic team that plays its games in a stadium located within the city).

²⁷ R.C. 102.02(A)(2)(g); R.C. 102.022(B) (if the official stays beyond the time reasonably necessary to perform his or her duties, then the law requires the disclosure of the source of the gift(s) if its value exceeds the threshold amount for disclosure).



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RESTRICTIONS ON NEPOTISM OR HIRING FAMILY MEMBERS: Ethics Commission Information Sheet # 1

I. Introduction

The Ohio Ethics Law and related statutes are found in Ohio Revised Code (R.C.) Chapter 102. and Sections 2921.42 and 2921.43. These laws generally prohibit public officials and employees from misusing their official positions for their own personal benefit or the benefit of their family members or business associates.

The Ethics Law applies to all people who serve as officials and employees for public agencies in Ohio. "Public agencies" include state departments, boards, and commissions, counties, cities, villages, townships, school districts, public colleges and universities, public libraries, port authorities, and all other public entities.

The Ohio Ethics Commission was created to administer, interpret, and assist in the enforcement of the Ethics Law for all officials in the state, except members and employees of the General Assembly and judicial officers and employees.¹ In this information sheet, the word "official" indicates any person who serves a public agency, whether elected, appointed, or employed.

II. Purpose of this Information Sheet

The Commission prepared this information sheet to explain the Law as it applies to situations where a relative of an official seeks a job with the public agency she serves.

III. Summary of the Law

The Ohio Ethics Law and related statutes prohibit an official from:

- Authorizing the employment of a family member; and
- Using the authority or influence of her public position to secure authorization of the employment of a family member.

An official is prohibited from hiring a family member in any employment position, including a full-time, part-time, temporary or permanent position, a position in the classified or unclassified civil service, or a non-civil service position.

In most situations, the Ohio Ethics Law and related statutes do not prohibit family members from being employed by the same public agency, as long as no official has secured a job, or job-related benefits, for her family member.

IV. Prohibition Against Authorizing a Family Member's Employment

R.C. 2921.42 (A)(1) prohibits a public official from authorizing the employment of a family member. A "public official" is any elected or appointed officer, or employee, of the state or any political subdivision of the state.

Restrictions on Hiring Family Members, Information Sheet #1

A “member of [an official’s] family” includes the following relatives, regardless of where they reside: (1) spouse; (2) children (whether dependent or not); (3) siblings; (4) parents; (5) grandparents; and (6) grandchildren.² It also includes any other person related by blood or by marriage and living in the same household.³

An official has “authorized” the employment of a family member when the employment could not have been awarded without the approval of the official. In other words, under this section, an official is prohibited from making the final decision about whether a family member should be hired. For example, an official is prohibited from voting to hire a family member.⁴

If the official makes the final hiring decisions for the public agency she serves, her family members cannot be employed by the public agency. For example, a county office holder cannot hire a family member and cannot delegate the authority to hire her family members to a subordinate employee, which means that her family members cannot be hired by her office.⁵ However, a person who worked in the office before her relative is elected is not prohibited from continuing to work for the office, as long as the terms and conditions of her employment are not changed through promotion or other actions described below.

V. Using Position to Secure Job

An official is also prohibited, by R.C. 2921.42(A)(1) from using the “authority or influence of” her public position to secure a job for a family member.⁶ Even if an official abstains from decisions, the law prohibits the official from discussing, recommending, or otherwise using the prestige of her office, formally or informally, to get a family member a job.⁷

R.C. 102.03(D) also prohibits an official from using her position to secure a job for a family member.⁸ R.C. 102.03(D) and (E) prohibit an official from using her influence with other public officers or employees, especially

subordinates, to persuade them to hire her family member.⁹

VI. Using Position After Employment

The prohibitions in R.C. 2921.42(A)(1) and 102.03(D) continue after an official’s family member has been employed.

R.C. 2921.42(A)(1) prohibits an official from participating in any decision, or using her position to secure any decision, that affects the continuation, implementation, or terms and conditions of a family member’s employment.¹⁰ For example, an official is prohibited from participating in matters related to the renewal, modification, or termination of a family member’s public employment.¹¹

R.C. 102.03(D) prohibits an official from participating, formally or informally, in any matter that directly affects a family member’s employment.¹² For example, R.C. 102.03(D) prohibits an official from securing any employment-related benefits for a family member.

For example, a public official is prohibited from participating in matters affecting her family member’s employment including: (1) changes in compensation or benefits; (2) assignment of duties; (3) evaluations; and (4) actions involving promotions, disciplinary actions, lay-offs, and removal.¹³ R.C. 102.03(D) also prohibits an official from influencing the decisions or actions of other officials or employees, particularly subordinates, regarding a family member’s job with the public agency or any job-related benefits.

VII. Actions That are Not Prohibited

R.C. 2921.42(A)(1) and 102.03(D) do not prohibit an official from participating in certain matters in which a family member has an indirect interest or from which a family member may indirectly benefit.

A. Approval of Union Contract: An official is not prohibited from approving a union contract when her relative is a member of the union, unless the relative serves as a union officer, board member, or on the union negotiating team or the official is covered by health insurance under the contract.¹⁴

B. Matters Affecting a Class: The law generally does not prohibit a public official from voting on an ordinance or resolution to fix the compensation of a class of employees, one of whom is a relative of the official. However, an official is prohibited from voting on an ordinance setting compensation for employees if the ordinance: (a) establishes compensation on a basis other than membership in the class of employees; (b) affects the family member's compensation in a differential manner than other members of the class; or (c) secures, renews, modifies, or renegotiates the terms of the family member's job.¹⁵

C. General Appropriations: The law also does not prohibit an official from participating in a general budgetary appropriation that includes money to fund a family member's compensation and benefits, or from participating in budgetary appropriations to a department that employs a family member. However, the appropriation cannot provide the official or employee with the authority or discretion to alter the compensation and benefits for her family member, and must provide compensation and benefits that are identical for all members in the class.¹⁶

VIII. Other Considerations

Where an official's spouse is employed by the public agency she serves, and the official is covered under health insurance provided by the agency to her spouse, there is an additional restriction. In that case, the official is receiving a thing of value, for purposes of R.C. 102.03(D) and (E). While the official is not prohibited from receiving the health insurance coverage, she is prohibited from taking any action to approve the union contract if it includes health insurance benefits and she is covered under those benefits.¹⁷

Any official whose family member has applied for a job with her public agency should ask her supervisors, or legal counsel for the public agency, whether the public agency has a policy or rule regarding employment of family members. (A public agency cannot create a policy or rule that is less restrictive than the prohibitions described above. However, a governmental entity can have a policy or rule that is more restrictive than the Ethics Law.)

Finally, while the Ethics Law does not absolutely prohibit relatives from working for the same public agency, questions of fairness and impartiality may arise in such situations. Further, such hires may present the appearance of impropriety to the public, even where the public official fully and completely removes herself from participating in the hiring process, as described above. A public agency may be able to minimize these concerns if the agency conducts all hiring activity in a fair, open, and impartial manner.

IX. Penalties

The Ethics Law and related statutes are criminal laws. If a person is convicted of violating an ethics law, that person may receive a jail sentence and/or have a fine levied against her.

R.C. 2921.42(A)(1) is a fourth-degree felony with a maximum penalty of eighteen months in prison and/or a \$5000 fine. R.C. 102.03(D) is a first-degree misdemeanor with a maximum penalty of six months in prison and/or a \$1000 fine.

X. Conclusion

Please contact the Ethics Commission if you have questions about this information sheet or the Ohio Ethics Laws. This information sheet is not an advisory opinion, and is not intended to provide advice on specific facts. Copies of the Commission's formal advisory opinions can be obtained from: Ohio Ethics Commission, William Green Building, 30 West Spring Street, L3, Columbus Ohio, 432315-2256; telephone (614)

Restrictions on Hiring Family Members, Information Sheet #1

466-7090, and on the Commission's Web site:
www.ethics.ohio.gov.

Endnotes:

¹ 1 The ethics agency with jurisdiction over ethics issues related to members and employees of the General Assembly is the Joint Legislative Ethics Committee. The ethics agency with jurisdiction over ethics issues related to judicial officers and employees is the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court.

² [Ohio Ethics Commission Advisory Opinion No. 80-001](#).

³ [Adv. Op. No. 80-001](#)

⁴ [Adv. Ops. No. 85-015](#) and [97-004](#).

⁵ [Adv. Op. No. 85-015](#).

⁶ [Adv. Ops. No. 92-012](#) and [98-003](#).

⁷ [Adv. Op. No. 92-012](#).

⁸ R.C. 102.01(B) and (C); A "public official or employee" includes any person who is elected or appointed to an office or is an employee of any public agency.

⁹ [Adv. Op. No. 97-004](#)

¹⁰ See [Adv. Ops. No. 82-003](#), [89-005](#), and [92-012](#).

¹¹ [Adv. Op. No. 92-012](#).

¹² [Adv. Ops. No. 90-004](#), [91-004](#), and [92-012](#).

¹³ [Adv. Op. No. 92-012](#).

¹⁴ [Adv. Ops. No. 89-005](#), [92-017](#), and [98-003](#).

¹⁵ [Adv. Op. No. 92-012](#).

¹⁶ [Adv. Op. No. 91-004](#).

¹⁷ [Adv. Op. No. 92-017](#).

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- [92-003](#) (acting on public contracts that impact business associates) (*inapplicable, in part, due to subsequent amendments to R.C. 2921.421, R.C. 309.06, and R.C. 733.621*)
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TROY CITY COUNCIL

RULES FOR PROCEDURE

DRAFT

ADOPTED: Jan. 5, 2004
Jan. 3, 2006
Jan. 2008
Jan. 19, 2010
Jan. 17, 2012
Jan. 6, 2014
Jan. 4, 2016 (no changes from 2014)
Jan. 16, 2018 (P. 5 changes highlighted)
Jan. 21, 2020 (Committee names changed)
Jan. 3, 2022 (no changes from 2020)
[Feb 20, 2024](#)

CITY OF TROY, OHIO
CITY COUNCIL RULES FOR PROCEDURE

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CITY COUNCIL RULES FOR PROCEDURE

Except as otherwise provided by law or specifically waived by Council, the conduct and proceedings of City Council, and members, shall be governed by the rules set forth herein.

RULE I. **ORGANIZATION**

A. President of Council; Presiding Officer

The President of Council shall preside at all regular and special meetings of Council but he/she shall have no vote except in case of a tie.

The presiding officer shall call the meeting to order at the appointed time and announce the business before Council in its proper order, and state and put all questions properly brought before Council. He/she shall, in common with any other member, call any member who ~~doesshall~~ violate any of the rules; and shall, when in the chair, decide all questions of order, subject ~~to~~ to an appeal to the Council on demand of a member of Council, on which appeal there shall be no debate; however, the member making the appeal may briefly state his/her reason for the same.

The presiding officer shall avoid any appearance of partisanship on any question and shall refrain from making any statements, verbal or written, espousing a position on any issue currently before the Council. He/she is solely to see that the business properly brought before Council is conducted in an orderly manner, and that the members of Council observe the rules of procedure adopted by Council.

B. President Pro Tem of Council

The members of Council shall, within ten days from the commencement of their term, organize by the election of a President Pro Tem.

The President Pro Tem shall preside in the absence of the President of Council. The voting right of the President Pro Tem as a member of Council is preserved, but the President Pro Tem does not take on the voting right of the President of Council in addition.

C. Clerk of Council

The members of Council shall, within ten days from the commencement of their term, organize by the election of a Clerk of Council.

The Clerk of Council shall attend regular and special meetings, record all proceedings in the minutes, attend to all correspondence incidental to that office, attend to the codification of the ordinances, according to the system employed by the city, and perform such other duties as may be assigned to that office by a majority vote of Council, or are required by law.

The Clerk shall attend Executive Sessions of Council upon request; however, it shall be the determination of Council whether or not minutes of such session shall be kept.

The Clerk shall prepare an agenda, or schedule of matters to be brought before Council.

D. Clerk Pro Tem

The members of Council shall, within ten days from the commencement of their term, organize by the election of a Clerk Pro Tem.

The Clerk Pro Tem shall perform the duties of the Clerk of Council in the absence of the Clerk.

E. Committees

1. Standing Committees

The President of Council ~~shall~~^{may} appoint standing committees, which are permanent in their functions, but they may have a change in membership from one Council to the next. The President of Council has the right to change membership of Committees if there is a change in personnel. Three is the usual number appointed to comprise a committee. The following are suggested as standing committees:

Buildings & Utilities
Community and Economic Development
Community Partnerships
Finance
Law and Ordinance
Personnel
Recreation and Parks
Safety and Health
Streets and Sidewalks

2. Special Committees

As needed, Special Committees may be appointed by the President of Council with the concurrence of a simple majority of the City Council.

3. Committee Of The Whole

As needed, the President of Council may assign a subject to Council for discussion as a Committee of the Whole.

RULE II QUORUM

A majority of all the members elected shall be a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as are prescribed by ordinance. (RC 731.44)

RULE III ABSENCES; CENSURE; EXPULSION

When some member of Council may be unable to attend meetings, by reason of illness, vacation, absence from the city, or for other reasons, and if the absent member is absent for just cause, a motion shall~~should~~ be passed and entered on the minutes, excusing such member.

City Council~~It~~ may punish or expel any member for disorderly conduct in Council or for a violation of its rules, and, further, may declare his/her seat vacant for absence without valid excuse where such absence has continued for two months. No expulsion shall take place without the concurrence of two-thirds of all City Council~~the~~ members ~~elected~~, and until the delinquent member has been notified of the charge against him/her and has had an opportunity to be heard. (RC 731.45)

RULE IV MAYOR

The Mayor may attend Council meetings and shall answer questions put to him/her by the City Council.~~He/she shall make recommendations, in writing, to Council for the welfare of the city as seem wise to him/her.~~

At the first regular meeting in January of each year he/she shall report to Council concerning the affairs of the City.

RULE V SCHEDULE OF BUSINESS (or AGENDA)

Each meeting of Council may be opened with an invocation which shall precede the order of business. Traditionally, the first meeting of each calendar year shall be opened with an invocation.

~~Schedule~~ (OR AGENDA)

The schedule of business for conducting meetings of Council shall be as follows:

1. Pledge of Allegiance.
2. Roll Call. Roll call of members to determine if a quorum is present. Absent Council members ~~should~~ be excused by motion, for cause.
3. Public Hearings if scheduled.
4. Minutes.~~Reading and approval of the minutes (summary) of the previous meeting, and correction of errors of omission or commission therein, if there be any.~~
5. Introduction of persons to Council.
6. Reports of Committees and discussion thereof by Council members.

7. Comments~~Limited comments~~ by citizens related solely to Committee Reports or Pending Legislation, which shall be limited to two minutes in length and which shall be enforced by the Law Director.
8. Reading of Resolutions and disposition thereof.
9. Reading of Ordinances and disposition thereof.
10. Reading of communications. Should any communication call for Council action which cannot be immediately taken, it should be referred to the appropriate committee by the presiding officer. Should the presiding officer have any question about the committee to which any matter should be referred, Council ~~may~~can, by majority vote, refer the matter to any committee.
11. Referrals to committee by President of Council.
12. Reports from the Mayor, Director of Public Service and Safety, Director of Law, Auditor, President of Council, Members of Council, and other public officials.
13. Comments of citizens wishing to appear before Council.
14. Adjourn.

RULE VI REPORTS OF COMMITTEES

- A. Reports
Reports of committees should be in writing and signed by a majority of the members of the committees, but may be oral. Minority reports may also be presented, if desired, either written or oral.
- B. Contents of Reports
All petitions, ordinances, and resolutions presented to Council shall be referred to the proper committee, for study and report. A committee report may include therein recommendations for approval of a number of items, including request for the preparation of Ordinances or Resolutions which deal with the matters referred to the committee. As it is possible that some members of Council may approve of some items and disapprove of others, at the request of any member of Council, a separate vote shall be taken on each item presented by the committee report.

RULE VII LEGISLATION

- A. Preparation of Legislation
Ordinances and Resolutions are to be prepared by the Director of Law in the manner prescribed by law. The committees concerned with the legislation shall not concern themselves with the fulfillment of the legal requirements but shall determine whether the subject matter has been fully covered.

Members may prepare Ordinances or Resolutions but they must be approved by the Director of Law as to form before a vote for passage.

- ~~1.~~ The Director of Law shall prepare legislation after presentation of the
1. committee report to Council. If a motion is defeated by majority recommendation in a meeting of a committee of Council, that action will be reported to the next meeting of Council, and the issue will not be brought

into the agenda of the Council for consideration, unless brought into the Council agenda by a two-thirds majority vote.

2. The Director of Law may, in his/her discretion, prepare legislation prior to presentation of the committee report to Council for any of the following reasons:
 - (a) Upon request of Committee Chairman due to immediate need for legislation.
 - (b) Ordinances or Resolutions required to be prepared from a procedural standpoint resulting from report of boards and commissions (e.g., Planning Commission) where committee reports will be made after a public hearing.
 - (c) Ordinances and Resolutions in series where committee has previously reported on the subject matter (e.g., assessment for sidewalk, curb and gutter).

B. Voting on Legislation

1. Ordinances and Resolutions shall always be voted on separately. The voting on such legislation shall be entered by the Clerk in writing in the minutes as "yes" and "no", together with the names of members of Council voting "yes" and "no".

Members may abstain from voting in a matter of conflict of interest. However, if there is no conflict of interest in a matter before Council, members are expected to vote "yes" or "no" and an abstention can be considered a "yes" vote.

C. Second of Motions

Each motion shall be seconded before further action thereon.

D. First Reading of Ordinances; Resolutions

When an Ordinance or Resolution is presented, by a member or a committee, it shall be read by title by the Clerk, with a summary explanation, and, if it is not an emergency piece of legislation, it may be set aside for second reading at the next meeting. If it is emergency legislation requiring immediate action, the presiding officer should, after the title reading and summary explanation by the Clerk, entertain a motion to suspend the rules. If three-fourths of the members approve the motion, the legislation is then ready for adoption. After a member moves for adoption, with a second, a vote will be taken. Unless a piece of emergency legislation in which a two-thirds vote is required, if a majority approves the adoption of the legislation, it shall be signed by the Clerk and presiding officer and sent to the Mayor for his/her signature. The vote will be recorded in the Minutes.

All legislation passed as emergency legislation must state the reason for the emergency, and not in the mere general terms that such action is "necessary for the peace, health, welfare and safety of the city".

RULE VIII CONDUCTING DISCUSSIONS

No member shall speak more than once upon any subject, until every member choosing to speak shall have had an opportunity to be heard, except rebuttal, nor for a time longer than five minutes, without leave of Council upon a majority vote.

RULE IX APPOINTMENTS TO COMMISSIONS and BOARDS

Appointments to City commissions and boards except such as are permitted by law to certain officials, shall be subject to the approval of a majority of Council.

RULE X RECEIVING MOTION WHEN QUESTION IS BEFORE COUNCIL

When a question or a proposition is before the Council or under debate, or when a motion has been made, no additional motions shall be received except for the following:

- A. To adjourn.
- B. To table the motion - lay it aside until later.
- C. To request that discussion end, and that any motion being considered be voted upon. (Previous question, as it is usually called.)
- D. To postpone any action on a motion until some stated future time.
- E. To refer the proposal to a standing or special committee.
- F. To amend the main portion.
- G. To postpone any action for an indefinite time.

These motions shall have precedence in the order in which they are arranged. Motions listed as A., B. or C., above, shall be decided without debate.

RULE XI HANDLING MOTIONS FOR REFERENCE TO COMMITTEE

When a motion is made for reference of any subject to a standing committee, and it is moved to substitute therefore a select or special committee the question of reference to a standing committee shall be put first.

RULE XII MOTIONS TO RECONSIDER

A motion to reconsider a subject that may have been acted upon favorably must be made before adjournment of that session of Council. A motion to reconsider any other subject may be made not later than the next regular meeting after such action was taken. A motion to reconsider may be made only by any member who voted with the prevailing side. A motion to reconsider shall be in order at any time except when a motion on some other subject is standing.

A motion to reconsider, being laid on the table, may be taken up and acted upon at any time when the Council is engaged in the transaction of new or miscellaneous business.

No motion to reconsider shall be made more than once on any matter or subject, and the same number of votes shall be required to reconsider the action of Council as was required to pass or adopt the same.

RULE XIII MOTION TO TAKE FROM THE TABLE

A motion to take from the table shall be in order when that order of business is being transacted in which such matter to be taken up was laid upon the table, or under the head of new or miscellaneous business, and such motion shall be decided without debate, provided the mover may be permitted to state briefly his/her reasons for the motion.

RULE XIV MOTION TO POSTPONE INDEFINITELY

If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

RULE XV MOTION FOR THE PREVIOUS QUESTION

The previous question shall be in the form, "Shall the main question now be put?" It shall be admitted only when demanded by two members, and until decided shall preclude further debate and all amendments and motions. If the previous question is demanded on an amendment, it shall apply only to the amendment. If the motion for the previous question is carried by a two-thirds vote, the question shall be put without further debate. However, if the motion for the previous question is carried, but before it is actually put in execution, the motion to which it is directed may be laid on the table.

RULE XVI MOTION TO AMEND

A motion to amend is susceptible of but one amendment thereof. An amendment once rejected may not be moved again in the same form.

RULE XVII MOTION OF QUESTION ON PRIVILEGE

Questions of Privilege shall be:

- First: Those affecting the rights of the Council collectively, its safety, dignity, and the integrity of its proceedings;
- Second: The rights, reputation, and conduct of the members of the Council individually, in their capacity as such members.

A question of privilege shall have precedence over all questions except a motion to adjourn.

RULE XVIII MOTION THAT MATTER BE TAKEN FROM COMMITTEE

When any Ordinance, Resolution, petition, or other matter has been referred to a committee, and said committee to which such has been referred fails, within a reasonable time, to report, or to offer a valid reason for its failure to report, any member of Council shall have the right to make a motion that such Ordinance, Resolution, petition, or matter be taken from the

committee to which such matter has been referred; that the same may be laid before Council for action. Such motion shall be decided without debate, provided that the member making the motion may state his/her reasons briefly for the motion.

RULE XIX MAJORITY DEFINED; THREE-FOURTHS DEFINED; TWO-THIRDS DEFINED

Whenever the term "majority" is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of those elected to Council; likewise, whenever a two-thirds or three-fourths vote is indicated, it shall mean two-thirds or three-fourths of the members elected to Council. Thus, in a Council of nine members, a majority shall be five, three-fourths shall be seven, and two-thirds shall be six.

RULE XX SUSPENSION OF RULES

Bylaws, Resolutions and Ordinances of a general or permanent nature shall be read by title on three different days, unless the rules are dispensed with upon vote of three-fourths of the members. The vote on such suspension shall be taken by yes and no separately on each bylaw, Resolution or Ordinance, and the Clerk shall enter such vote on the journal or minute book, together with the names of the members voting yes and those voting no.

RULE XXI AMENDING RESOLUTION OR ORDINANCE

It shall be in order to amend a Resolution or Ordinance at any time, but if such Ordinance or Resolution be of a general or permanent nature, and such amendment is made after the second reading, it shall again be read as amended at the second reading, and laid over to the next meeting for final action.

RULE XXII APPROVAL OF ORDINANCES OR RESOLUTIONS

Every Ordinance or Resolution shall, before it goes into effect, be presented to the Mayor for approval. The Mayor, if he/she approves such Ordinance or Resolution, shall sign it and return it to Council. If he/she does not approve it, he/she shall within ten days after its passage or adoption return it with his/her objections to Council, or if Council is not in session, at the next regular meeting. Objections of the Mayor shall be entered in the journal.

The Mayor may approve or disapprove the whole or any item of an Ordinance appropriating money. If he/she does not return such Ordinance or Resolution within the time limit herein, it shall take effect in the same manner as if he/she had signed it unless Council, by its adjournment, prevents its return. When the Mayor disapproves an Ordinance or Resolution or any part thereof, and returns it with his/her objections, the Council may after ten days reconsider it, and if such Ordinance, Resolution, or item, upon reconsideration is approved by a two-thirds move of all the members elected, it shall then take effect as if signed by the Mayor. (RC 731.27).

RULE XXIII DIRECTOR OF LAW

The Director of Law shall, when requested by any member of Council, give a verbal opinion on

any question of law concerning city affairs, in open Council, but he/she may if he/she deems the matter of importance take a reasonable time to submit his/her opinion in writing.

The Director of Law, when requested by the chairman of a committee to which any Ordinance or Resolution has been referred, shall assist in the examination of such Ordinance or Resolution.

RULE XXIV MANNER OF THE PUBLIC ADDRESSING COUNCIL ~~AFTER COMMITTEE REPORT(S)~~

This Rule applies ~~only to all the public comment periods at any regular City Council meeting period following the Committee Reports item of the Schedule of Business (Agenda).~~

- A.** ~~A.~~ Each person wishing to address Council shall approach the podium and give his/her name and address in an audible tone for the record. ~~and, unless further time is granted by the President of Council or there is a request by a member of Council for additional information or clarification, shall limit his/her address to two minutes.~~
- B.** During the first public comment section on the agenda (Rule V,7), unless there is a request by a member of Council for additional information or clarification, a speaker shall limit his/her address to two minutes.
- C.** During the second public comment section on the agenda (Rule V,13), a speaker shall have no predetermined time limit on his/her comments, provided that the presiding officer shall avoid redundancy and repetitiveness and may terminate comments to avoid same.
- D.** ~~B.~~ Remarks shall be addressed to Council as a whole and not to any particular member thereof.
- E.** ~~C.~~ No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directory or through a member of Council without the permission of the President of Council.
- F.** ~~D.~~ No question shall be asked a Council Member except through the President of Council. A Council Member may, through the President of Council, request additional comment or pose a question to the person addressing Council. The two-minute response limit applies unless waived by Council. Waiver would be "without objection" upon the request of any Council Member.

RULE XXV SPECIAL MEETINGS OF COUNCIL

The Mayor, the President of Council, or any three members of Council may call a special meeting of City Council meetings upon at least 12-hour-hours notice to each member, served personally or left at his/her usual place of residence. Said request for a special meeting shall clearly articulate the topic or topics to be discussion and the agenda for said special meeting shall be limited to the topic or topics so articulated. All special meetings shall be open to the

public, unless for the purpose of a lawful executive session and shall not include general public comments such as allowed in Rule V, 13 above.

RULE XXVI NOTIFICATION OF MEETINGS TO THE PUBLIC AND NEWS MEDIA (SUNSHINE LAW)

Pursuant to S121.22(F), R.C., all formal actions of Council relating to the adoption of legislation and all deliberations of Council and any of the committees leading to such action, will be in meetings open to the public as required by law.

RULE XXVII ROBERT'S RULES OF ORDER

The latest edition of _____ Robert's Rules of Order, ~~as of the date of the approval of these Rules,~~ shall be followed with respect to any question for which an answer has not herein specifically provided ~~herein~~.

RULE XXVIII _____ AMENDMENT OF COUNCIL RULES

These rules may be amended, altered, or new rules adopted at any time upon motion and majority vote of the members of Council.

DRAFT

**ORDINANCE AMENDING SECTION 111.01 OF THE CITY
OF TROY, OHIO CODIFIED ORDINANCES RELATED TO
THE TIMES, DATES AND CANCELLATIONS OF CITY
COUNCIL REGULAR MEETINGS**

WHEREAS, Section 111.01 (a) and (b) of the City of Troy, Ohio Codified Ordinances (henceforth, Ordinance) state:

(a) Time. Council shall hold regular meetings on the first and third Mondays of each month at 7:00 p.m., provided, however, that when the day fixed for any regular meeting of Council falls upon a day designated by law as a legal holiday, such meeting shall be held at the same hour on the next succeeding day which is not a holiday.

(b) Place. All regular meetings of Council shall be held in the Council Chambers.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: Section 111.01 (a) and (b) shall be amended to state:

(a) Time. Council shall hold regular meetings on the first and third Mondays of each month at 6:00 p.m., provided, however, that when the day fixed for any regular meeting of Council falls upon a day designated by law as a legal holiday, such meeting shall be held at the same hour on the next succeeding day which is not a holiday. **With a minimum of 24-hour notice, a regular meeting may be cancelled by President of Council, or upon the written request to the President of Council of any three members of Council provided that only one regular meeting per calendar month may be cancelled.**

(b) Place. All regular meetings of Council shall be held in the Council Chambers **unless otherwise indicated by the President of Council or as voted by a majority of Council, so long as the alternative venue is located within the corporate boundary of Troy.**

SECTION II: This ordinance shall be effective at the earliest date allowed by law.

DRAFT

ORDINANCE ESTABLISHING COMPENSATION
FOR CERTAIN ELECTED OFFICIALS

WHEREAS, compensation for City of Troy elected officials is set periodically to recognize current cost-of-living, similar to other employees; and,

WHEREAS, Ordinance O-16-2021 established salaries for the elected officials of Members of Council, President of Council, and Treasurer through 2024; and,

WHEREAS, Ordinance O-16-2021 established salaries for the elected officials of Mayor, Auditor, and Director of Law through 2026; and,

WHEREAS, Ordinance O-16-2021 entitles the positions of Mayor, Auditor, President of Council, and Director of Law to health care, dental, and life insurance benefits available to any other City employee; and,

WHEREAS, adjustments to the compensation of elected officials must become effective prior to the primary election of said office;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: Effective calendar year 2026, the positions of Treasurer, Council Member and Council President shall receive the annual salary reflected in Exhibit I attached hereto and, by reference, made a part hereof.

SECTION II: Effective calendar year 2028, the positions of Mayor, Auditor, and Director of Law shall receive the annual salary reflected in Exhibit I attached hereto and, by reference, made a part hereof.

SECTION III: Effective calendar year 2026, the positions of Mayor, Auditor, and Director of Law shall be entitled to health care, dental, and life insurance benefits available to any other City employee.

SECTION IV: This ordinance shall be effective at the earliest date allowed by law.

DRAFT

Adopted: _____

President of Council

Approved: _____

Attest: _____

Clerk of Council

Mayor

Exhibit I: 2025-2031 City of Troy Annual Compensation Recommendations for Elected Officials

Elected Position	2024	2025	2026	2027	2028	2029	2030	2031
Auditor	\$62,459	\$64,021	\$65,301	\$65,301	\$67,260	\$69,278	\$71,356	\$73,497
Law Director	\$62,459	\$64,021	\$65,301	\$65,301	\$67,260	\$69,278	\$71,356	\$73,497
Mayor	\$24,287	\$24,895	\$25,392	\$25,392	\$26,154	\$26,938	\$27,747	\$28,579
Treasurer	\$5,788	\$5,788	\$5,962	\$6,140	\$6,325	\$6,514	2030 through 2033	
Council Member	\$9,026	\$9,026	\$9,297	\$9,576	\$9,863	\$10,159	\$10,464	\$10,778
Council President	\$9,670	\$9,670	\$9,960	\$10,259	\$10,567	\$10,884	\$11,210	\$11,546

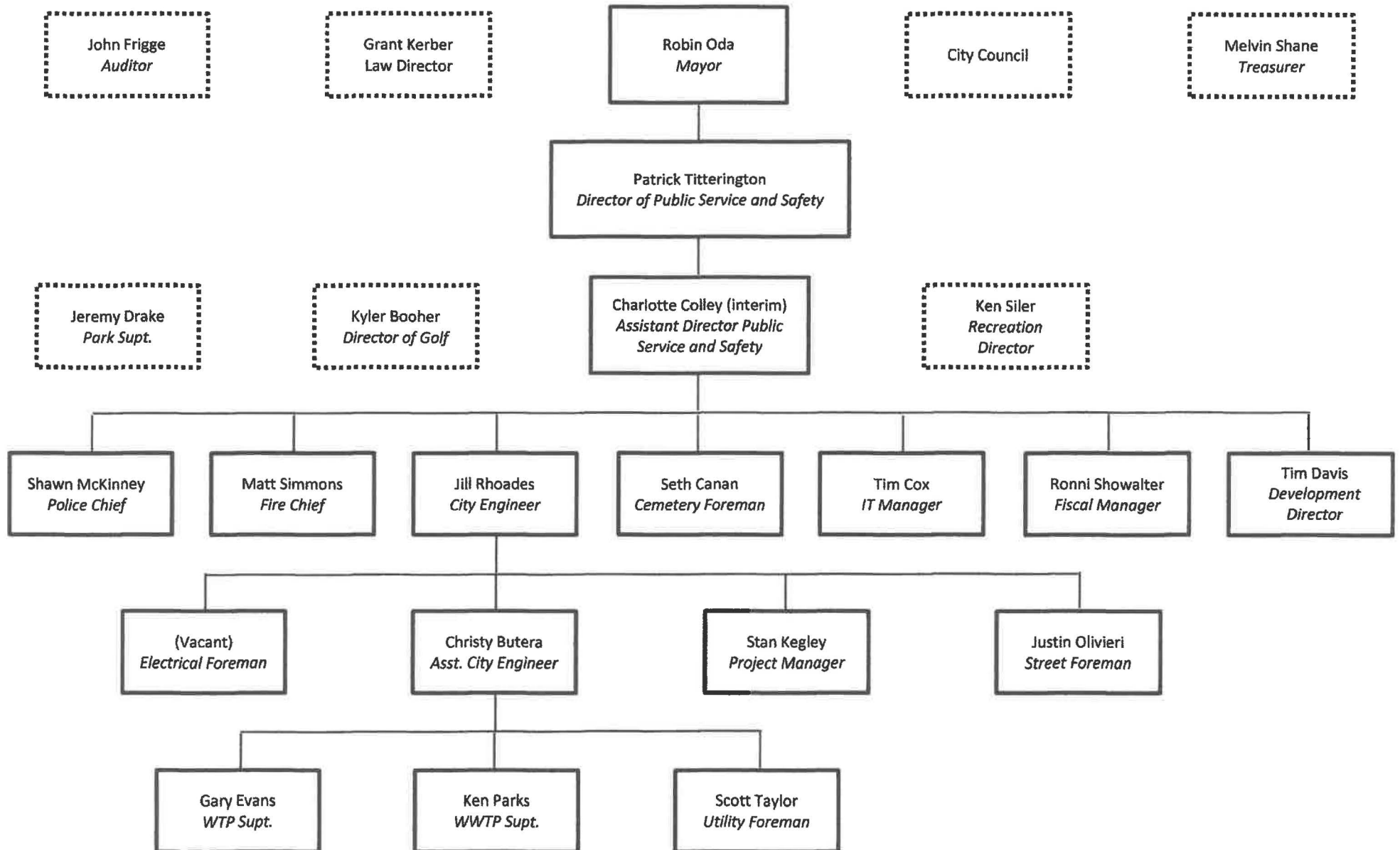
Notes:

1. Non-shaded salaries set by Ordinance O-16-2021
2. Boxed outlines represent terms of office
3. Shaded salaries reflect 3% annual increase to reflect estimated cost-of-living impacts

02/05/24

DRAFT

2024 City of Troy Organization Chart



WHO'S IN CHARGE?

No single person is in charge of all the specific duties performed in response to an emergency situation. For each disaster, there will be many individual agencies performing their functions under the direction of their specific policies and under the guidance of their predetermined operational head.

Elected officials, however, such as the Mayor and **Council members**, are ultimately responsible for protecting lives and property in an emergency or disaster situation within their jurisdiction. These officials are responsible because:

- A. They can **authorize emergency expenditures** to help eliminate or reduce the degree of long-term risk to human life and property from any type of hazard.
- B. They have the authority to **make an emergency declaration** (to request state assistance).
- C. They are responsible for all phases of disaster relief – the **policymaking**, the restoration activities, and the continuing efforts to help the community return to normalcy.

Remember: **the job of the elected officials is policymaking, not operational.** So, for example, they do not tell the fire chief how to put out a fire, but rather assist by authorizing procurement of additional needed resources.

2024 Departmental Projects (Yellow=2023 Carryover)					
#	Dept.	Title	Tasks	Due	Other Dept.
1	B&C/Tax	New Credit Card Processor Implementation	Work with CMI to make the changes; notify public of changes; install credit card readers; complete when in use	Apr	IT/SSD
2	B & C	"Text to Pay" Implementation	Reminders and payments sent through texting process; notify public; sign public up to use the system	Jun	IT/SSD
3	B & C	Multilingual Call Center for Payments	Public notice given in the water bills, Facebook and media posts; complete when payments can be made by phone	Aug	
4	B & C	Rules and Regs Review	Complete review and make necessary changes	Aug	Eng
5	Cem	Foundation Pouring	Catch up on the backlog of foundations to get to a point where foundations are poured as orders come in	May	
6	Cem	Cemetery Rules and Regulations	Review and update as needed	May	HR/SSD
7	Cem	Cembase Software	Implement new Cemetery records management software	Aug	IT
8	Cem	Residence Renovation	Implement a plan for renovation of the residence at Riverside Cemetery; hire a contractor if needed	Aug	Park
9	Cem	Rose Hill Hillside	Identify and implement a plan to address maintenance issues	Sep	
10	Dev	Residential Housing Improvement Program	Revise program to provide financial assistance to residential property owners	Feb	Law
11	Dev	Troy Truck Yard	Expand the event into the downtown to coincide with the solar eclipse (Apr. 8; Party Punch)	Apr	SSD/Park
12	Dev	Sign Code	Modify ordinance to comply with SCOTUS and align with development goals identified in the new Comp Plan	May	Law
13	Dev	Downtown Parking Lot	Assemble and design a new surface parking lot in South Market Street area	May	Eng
14	Dev	Downtown Upper Floors Development Marketing Strategies	Assist TMS to create a program to market development of 2nd and 3rd floors within Downtown	Jun	
15	Dev	Non-Productive Property Transfer	Obtain non-productive property through MC Land Bank and MC Auditor's Office; work with CIC to sell property for productive use	Jul	SSD/Law
16	Dev	ICC Certifications	Obtain ICC Certified Zoning Inspector credentials for both Zoning inspectors	Aug	
17	Dev	Downtown Parking Garage Analysis	Select consultant and complete downtown Garage Analysis	Aug	
18	Dev	Abandoned Gas Station Remediation	Coordinate investigation and cleanup contract for 100 West Market Street	Sep	
19	Dev	Comprehensive Plan/Zoning Code Update	Work with consultant to create a new Comprehensive Plan to be approved by the Planning Commission and start Zoning Code review	Oct	SSD/Eng
20	Dev	Property Maintenance Sweep	Inspect, notify and coordinate repairs, repainting, etc. to Ellis, Race, Morehead, Williams Street and Treasure Island area neighborhoods	Oct	
21	Dev	Redevelopment of Spinnaker Property	Market and coordinate private redevelopment of downtown riverfront property	Nov	SSD
22	Dev	Grain Elevator	Work with cell tower companies and Miami County Auditor's Office to acquire the Grain Elevator property	Nov	Law
23	Dev	OHI Forms Update	Update Ohio Historic Index Forms for all properties located in the Historic District	Nov	
24	Dev	Residential Rental Registration Program	Propose interior and/or exterior three-year inspection program to Council	Dec	SSD/Law
25	Dev	Mega Site	Assist TDC in obtaining options on adjacent properties to create a mega site for future industrial development	Dec	
26	Eng	Abbreviated Water and Sewer Master Plans	Analyze 1000 acres north of the city of Troy and determine how to serve them water and sewer	Mar	WTP/WWTP
27	Eng	Recycling Contract Renewal	Review the Refuse/Recycling Proforma and if appropriate, prepare bid documents for the recycling contract for Council approval	Apr	
28	Eng	Adams/Riverside/Staunton Roundabout Design	Select consultant	May	
29	Eng	Maintenance Facility Roof Repairs	Council authorization to bid	Jun	
30	Eng	City Hall Roof Recoating	Council authorization to bid	Jun	
31	Eng	Elm Street Resurfacing	Complete construction as authorization occurred in December 2023	Jul	
32	Eng	South Stanfield Road Phase 2	Gain Council authorization and begin construction	Jul	
33	Eng	Maple/Peters Waterline Replacement	Complete project	Jul	
34	Eng	Sidewalk Phase 16	Bid and award construction contract	Aug	
35	Eng	Broadford Bridge Repairs	Bid and award construction contract	Aug	
36	Eng	Annual Street Resurfacing	Complete construction	Sep	
37	Eng	Casstown Water Line	Authorize construction agreement with Miami County	Sep	
38	Eng	Market & Grant Street Intersection Rewiring	Complete traffic signal rewiring	Sep	
39	Eng	Downtown Safety/Streetscape Renovation Design	Complete the preliminary review phase and enter into a design consultant agreement	Oct	
40	Eng	Industrial Infrastructure Improvements Design	Obtain authorization of chosen consultant	Nov	
41	Eng	Water Master Plan	Authorization of chosen consultant	Nov	WTP
42	Eng	Maintenance Facility Space Needs Study	Complete the space needs study and make recommendations	Dec	
43	Eng	Race Drive Lift Station Tributary Assessment Study	Select consultant and begin assessment of existing infrastructure	Dec	
44	Eng	West Main Corridor Phase 2	Assist with construction administration with Prime AE with intermediate course of asphalt	Dec	
45	Eng	Brookpark Subdivision Sanitary Sewer Relining	Authorization of chosen CMAR	Dec	
46	Eng	Low Head Dam Removal & Recreation Trail Design	Coordinate with USFW, MCD, OEPA; complete design and create construction bid documents	Dec	
47	Eng	Urban Paving Program	Pay ODOT for 2025 paving (W. Market from Grant St to Horizon Ct)	Dec	
48	Eng	Waste Oil Tank Removal/Remediation	Complete removal and get sign-off of environmental clearance	Dec	
49	Fire	Tavern Building Stabilization/Demolition	Coordinate with MCBR to ensure all conditions of agreement are adhered to, as well as communication to SSD	May	SSD
50	Fire	EMS Records System Transition	Adhere to federal and state regulations, evaluate and potentially implement new EMS records system	Jul	IT
51	Fire	County-Wide Fire/EMS Study	Work to ensure coordination is achieved between administrators, fire chiefs, and elected officials	Nov	HR/SSD
52	Fire	EMS Deployment Practices Evaluation	Post Fire/EMS Study, evaluate EMS Deployment and implement changes where indicated	Nov	
53	HR	Downtown Electric Vehicle Charging Stations	Liaison with Chevrolet of Troy for the installation of electric vehicle charging stations downtown	Jul	Dev/Eng/SSD
54	HR	HR Drive File Folders Organization	Review the file folders on the HR drive; organize and consolidate as appropriate	Aug	IT
55	HR	All Employees Training	Develop topical presentations (e.g. harassment training, BWC, personnel policies, IT policies, etc.)	Sep	
56	HR	Dental Insurance Renewal	Work with McGohen Brabender to bid the dental insurance benefit; present recommendations to SSD	Oct	SSD
57	HR	Position Description Review & Update	Conduct comprehensive review of position descriptions in each department and update as necessary; present to Civil Service for approval	Nov	All
58	HR	2024 Union Negotiations	Prepare for and commence collective bargaining negotiations with the City's 6 units, possibly in the late first quarter of 2024	Dec	SSD
59	IT	City Hall Gateway Device Installation	Convert City Hall to a smaller, specialized gateway to facilitate replacing switches with lower-cost units when needed	Mar	
60	IT	GIS Services Workflow	Create a system for managing GIS services in priority order	Mar	Eng/PD/FD/SSD
61	IT	Arctic Wolf Managed Risk Protection Implementation	Install, configure and implement last part of Arctic Wolf cyber security protection	Aug	
62	IT	Server Room Storage Racks Reconfiguration	Implement new rack and consolidate equipment	Nov	

2024 Departmental Projects (Yellow=2023 Carryover)

#	Dept.	Title	Tasks	Due	Other Dept.
63	MSGC	Comprehensive Cart Path Plan Development	Map out the golf course aerially; identify/prioritize asphalt needs; determine if the project can be incorporated into the paving program	Jul	Eng/SSD/IT
64	MSGC	Restore Old Cart Path on Hole 14	Clear out area; lay down and smooth out gravel; create barriers on both sides of the path for carts (because it is on the levee)	Jul	
65	MSGC	Construct Netting on the South Side of the Driving Range	Dig holes; place telephone poles; buy netting; secure netting to telephone poles	Dec	
66	Park	Interagency Operating Agreement	Develop agreement outlining ongoing operating and maintenance responsibilities in City parks with Troy City Schools	Apr	SSD/Law
67	Park	Duke Park Pickle Ball Court Renovations	Install new ground anchors, schedule Cooper's Blacktop, Total Tennis, Quality Lawn and Fence	Jun	
68	Park	Duke Park Bike Path Repairs	Contact and schedule Doc Asphalt for crack filling and seal coating	Jun	
69	Park	Community Park Tennis Court Repairs	Schedule Asphalt Sealcoaters of Dayton for crack filling and coating	Jul	
70	Park	Baseball Backstops Replacement	Replace backstops at Boyer and Kings Chapel Park baseball fields	Jul	
71	Park	North Market Street Softball Lighting	Remove old lights with City Staff, RFP, advertise for bid, award bid, oversee construction	Aug	
72	Park	Park Department Building	Design and begin construction of the building	Dec	Eng
73	PD	Alternate Entry Level Civil Service Test	Investigate and propose to Civil Service an alternative to NTN for entry level officer	Feb	HR
74	PD	COOP Plan	Develop continuity of operations plan and an exercise	May	IT/Rec
75	PD	Investigation Section Training	Detectives to attend death investigation, interviews & interrogations, homicide, etc., SRO to State mandate	Sep	
76	PD	HVAC Improvements	Install cooling tower and pumps, bid and award contract for boilers	Oct	Eng
77	PD	New SIM Guns Acquisition and Training	Purchase new equipment, receive State approval for an active shooter course, and conduct training	Oct	
78	PD	CALEA Site-based Assessment	Prepare and successfully complete CALEA accreditation site-based assessment	Nov	
79	PD	Facility Windows and Lights Replacement Analysis	Obtain quotes, look into available grants, bid project	Nov	Dev
80	PD	Firing Range	Continue feasibility evaluation of moving, improving or abandoning shooting range	Dec	Eng
81	Rec	Scoreboard/Videoboards Software & Hardware Replacement	Contract with a new company to replace obsolete scoreboard/videoboard software and hardware	Feb	
82	Rec	Duke Park Concession Contracts	Bid and award	Apr	
83	Rec	Well Water Filtration System	Install new well water filtration system for rink refrigeration system	Apr	
84	Rec	Main Slide Pump	Install main slide pump at TAP	May	
85	Rec	Refrigeration System Auto Valves	Install auto valves on refrigeration system to run cycle automatically while cooling with city water	Jun	
86	Rec	Main Area Dehumidifiers	Bid, award and install	Aug	
87	Rec	Condenser Bid Specifications	Develop specifications for condenser replacement bid document	Aug	
88	Rec	Mechanical Integrity Inspection Outstanding Items	Address items referenced in 5-year Ammonia Refrigeration Mechanical Integrity Inspection and budget for remaining deficiency items in 2025	Aug	
89	Rec	TAP Expansion Studies	Finalize feasibility study with MSA for presentation to City Council for development of plan for the renovation/expansion of TAP facility	Sep	Eng
90	SSD	Insurance Requirements Review	Review and updated insurance requirements for bids, RFQs, RFPs, contract, etc. as needed	Jan	
91	SSD	SD Regs Review	Reissue complete set to Departments	Feb	HR
92	SSD	Electric Bicycles Ordinance Update	Update City ordinance to be in compliance with the State law	Feb	PD/Law
93	SSD	LCC Indemnification Forms	Work with LCC staff to ensure City of Troy is properly mentioned in the indemnification documents	Mar	
94	SSD	2024 Solar Eclipse	Assist the event planning committee and provide updates to the City Administration	Apr	
95	SSD	Outdoor Painted Pianos	Collect 10 pianos, work with TMS and TTF to find artists and location for painting pianos, obtain PC approval, place pianos	Jun	Dev/Street
96	SSD	City-wide Fees	Research and update Cemetery, Engineering, Development, Planning and Zoning and any other City Fees	Sep	Eng/Dev
97	SSD	Records Retention	Continue working on updating procedures, provide procedures to the departments, submit any forms to the State	Nov	
98	SSD	Robinson Reserve Trail Sign	Design, order and install the sign	Dec	Park
99	WTP	Electrical Testing	Breaker testing on primary and secondary side of transformers	Apr	
100	WTP	Brick Maintenance	Repair joints, brick, and seal brick on VOC Building	May	
101	WTP	Well Cleaning	Clean 17E and 3W	Aug	
102	WTP	VOC Building Tower Media Cleaning	Quote, PO, schedule work with well 12 offline	Oct	
103	WTP	SCADA	Automate generator transfer from line power to emergency generator	Nov	
104	WTP	Valve Replacement	Finish design and begin construction phase	Dec	Eng
105	WTP	Chlorine Risk Reduction	Finish project design, PTI, and bid project	Dec	Eng
106	WTP	Slaker 3 Replacement	Bid and award contract	Dec	Eng
107	WWTP	Plant Expansion Project	Oversee construction, submit reports to OEPA, meet final effluent limitations, substantial completion	Sep	Eng
108	WWTP	Administration & Solids Buildings Roof Replacement	Bid and award contract, substantial completion	Oct	
109	WWTP	Headworks Gas Detection Equipment Replacement	Purchase equipment, demolish old equipment, install	Dec	
110	WWTP	Thickener #1 & 2 Drive Unit Replacement	Council authorization to bid	Dec	Eng