



Mid-Ohio Regional Planning Commission

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MEMORANDUM

TO: Mid-Ohio Regional Planning Commission
Administrative Committee
Officers and Board Members

FROM: Charles J. Olimpio, Jr., director
Finance and Administration

DATE: October 6, 1994

RE: Proposed Resolution 45-94: **"ADOPTING A REVISED CODE OF ETHICS FOR THE MID-OHIO REGIONAL PLANNING COMMISSION"**

As part of our systematic review of Commission policies this year, legal counsel has prepared this revised Code of Ethics to incorporate updates needed due to changes in the law. There were only two changes to the existing code:

1. Section 2 B - improved language regarding competitive bidding exclusions.
2. Section 2 E - added to prohibit improper influence over investment of public funds in any security, mortgage, etc.

CJO/cl

Attachment: Resolution

RESOLUTION 45-94

ADOPTING A REVISED CODE OF ETHICS FOR THE MID-OHIO REGIONAL PLANNING COMMISSION

WHEREAS, the members and employees of the Commission are subject to the Ohio Ethics Law and related statutes; and

WHEREAS, it has been deemed appropriate that members, committee members and employees be aware of and abide by ethics appropriate to this Commission; and

WHEREAS, MORPC adopted a revised Code of Ethics on October 19, 1989, by Resolution 27-89; and

WHEREAS, as a part of our systematic review of Commission policies, this policy has been updated by legal counsel; now therefore

BE IT RESOLVED BY THE MID-OHIO REGIONAL PLANNING COMMISSION:

Section 1. A. That no member, committee member or employee of the Commission shall receive or agree to receive directly or indirectly, compensation, anything of value or the promise of anything of value other than from the Commission or the governmental unit with which they serve and represents on the Commission, which compensation or thing of value is of such a character as to manifest a substantial and improper influence upon them with respect to their duties.

B. That it shall not constitute a violation of this section for a member of the Commission to receive a partnership distributive share of fees for services rendered by another partner in any case, proceeding, application or other matter which comes before the Commission, provided that the member does not render personal services or appear before the Commission on the matter. The member, committee member or employee also must abstain from any vote, recommendation or discussion on the matter.

Section 2. That no member, committee member or employee of the Commission shall:

A. Authorize, or employ the authority or influence of their office to secure authorization of any public contract in which they, a member of their family, or any of their business associates has an interest.

B. During their term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by them or by the Commission, of which they are a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder.

- C. Have an interest in the profits or benefits of a public contract entered into by or for the use of the Commission.
- D. Have an interest in the profits or benefits of a public contract that is not let by competitive bidding when required by law, and that involves more than \$150 dollars.
- E. **Authorize or employ the authority or influence of their office to secure the investment of public funds in any share, bond, mortgage or other security, with respect to which they, a member of their family, or any of their business associates either has an interest, is an underwriter, or receives any brokerage, organization or servicing fees.**

Section 3. That no member, committee member or employee of the Commission shall take part in discussion, vote or use the authority or influence of their office on any case, proceeding, application or other matter which comes before the Commission in which they, a member of their family, any of their private business associates, or any private entity of which they are an owner or agent, has an interest which conflicts with the duties of the member. An interest is deemed to conflict with the duties of the member if the interest has the direct aim or purpose of profit or gain for the member, members of their family, their private business associates, or any private entity of which they are owner or agent. An interest is deemed not to conflict if there is an overriding public interest involved and the profit or gain of any private individual or entity is only incidental.

Section 4. That no present or former member, committee member or employee of the Commission shall represent a client, or act in a representative capacity, or any matter before the Commission or any other government agency in which they have personally participated while an officer or employee of the Commission. This prohibition will apply during Commission service and for one year thereafter.

Section 5. That if it appears that a member, committee member or employee of the Commission has violated or is about to violate this resolution, the chair of the Commission or any committee thereof, upon being apprised of the violation or potential violation shall rule that the member, committee member or employee in violation or about to be in violation is out of order and may not participate in vote, recommendation or discussion. If such violation has already occurred, the chair may take the matter up for reconsideration if such violation has had an effect on the recommendation or decision of the staff or any committee or the Commission.

- Section 6. A. That if a complaint is made to the Commission against a member, committee member or employee, the Commission shall give to the person against whom the complaint is made 10 days written notice of such complaint and direct the complaint to the Administrative Committee.
- B. The Administrative Committee shall seek advice from counsel on whether the member, committee member or employee has a conflict of interest and should abstain from any vote or recommendation. If necessary, the matter will be referred to the Ohio Ethics Commission or the appropriate prosecuting attorney for an advisory opinion or investigation.
- Section 7: That the executive director is authorized to take such other action and execute and deliver such other documents as, acting with the advice of legal counsel, he shall deem necessary and appropriate to carry out the intent of this resolution.
- Section 8: That this Commission finds and determines that all formal deliberations and actions of this Commission concerning and relating to the adoption of this resolution were taken in open meetings of this Commission.



John S. Ensign, Chair
Mid-Ohio Regional Planning Commission

Effective date: October 20, 1994
Submitted by: Administrative Committee
Prepared by: Baker & Hostetler, legal counsel
Authority: Ohio Revised Code 713.21, Chapter 102 and Section 2921.42
For action date: October 20, 1994