

(Council as a Whole)

**CITY OF KIRTLAND**

**RESOLUTION NUMBER 23-R-43**

**A RESOLUTION RATIFYING AND ADOPTING POLICY  
101 ADDRESSING STANDARDS OF CONDUCT FOR  
ELECTED OFFICIALS, AND DECLARING AN  
EMERGENCY.**

**WHEREAS**, the City has recently enlisted the services of Lexipol to adopt policies and procedures for all persons affiliated with and employed by the City of Kirtland; and

**WHEREAS**, within those policies are standards of conduct for the City's elected officials, specifically Policy 101 which is attached hereto and made a part hereof as Exhibit A; and

**WHEREAS**, Council has reviewed Policy 101 and wishes to adopt said policy.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

**SECTION I:** Policy 101 – Standards of Conduct for Elected Officials is hereby ratified and adopted, a copy of said policy being attached hereto, marked as Exhibit A, and incorporated herein as if fully rewritten. Unless modified by Council at a later date, said policy shall be incorporated into, and made a part of, all policies and procedures applicable to elected City officials.

**SECTION II:**

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to ratify said policy to ensure all elected officials continue to uphold and maintain certain standards of conduct for the benefit of the City's residents. Therefore, this resolution shall be in full force and effect immediately upon its passage by the affirmative vote of

five (5) members of Council and approval by the Mayor; otherwise, this resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Submitted to the Mayor for his  
Approval on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2023.

ATTEST:

Approved by the Mayor on this \_\_\_\_\_  
day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Clerk of Council  
Standards of Conduct for Elected Officials

\_\_\_\_\_  
Mayor Kevin F. Potter

## Standards of Conduct for Elected Officials

### 101.1 PURPOSE AND SCOPE

This policy establishes standards of conduct expected of all elected officials. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct.

#### 101.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived, or potential conflict in which it reasonably appears that an elected official's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

### 101.2 POLICY

Elected officials of the City are expected to conduct themselves with the utmost professional integrity and objectivity. The service of every elected official of the City shall be based on conduct that reasonably conforms to the guidelines in this policy.

### 101.3 UNLAWFUL DIRECTIVES

Elected officials should not knowingly direct action or inaction that, if carried out, would result in a violation of any law or city policy. Elected officials should not make new directives that conflict with any previous directive without making reasonable clarification that the new directive is intended to countermand the earlier directive.

### 101.4 GENERAL STANDARDS

Elected officials should conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules.

Elected officials should familiarize themselves with policies and procedures applicable to their conduct and the conduct of all employees under their supervision.

### 101.5 ETHICS

Elected officials should avoid engaging in the following conduct:

- (a) Using one's status as an elected official of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrong or unlawful exercise of authority for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) Acceptance of fees, gifts, money, tangible or intangible personal property, or any service, gratuity, favor, entertainment, hospitality, loan, promise, or any other thing of value from any person, business, or organization that is doing business with, or seeking to do business with, the City, or contrary to the rules of this city and/or laws of the state.

*Standards of Conduct for Elected Officials*

---

- (d) Offer or acceptance of a bribe or gratuity.
- (e) Misappropriation or misuse of public funds, property, personnel, or services.
- (f) Any other failure to abide by the standards of ethical conduct pursuant to the laws of the State of Ohio, and any rules or opinions issued by the Ohio Ethics Commission.

**101.6 DISCRIMINATION, OPPRESSION, OR FAVORITISM**

Elected officials shall not discriminate against, oppress, or provide favoritism to any person based on a classification or status protected by law.

**101.7 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE**

Elected officials should avoid:

- (a) Unauthorized or inappropriate release of confidential or protected information, materials, data, forms, or reports obtained as a result of the elected official's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of the elected official's position with this city for personal or financial gain.
- (c) Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using city resources for campaign or other political purposes.

**101.8 CONFLICTS OF INTEREST**

Elected officials shall follow all laws regarding actual and perceived conflicts of interest and should avoid the appearance of actual or perceived conflicts of interest.

Elected officials shall avoid directly supervising any employee who is a relative or with whom they are involved in a personal or business relationship. Elected officials shall also avoid participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

**101.9 ETHICAL COMPLIANCE DOCUMENTATION**

Elected officials should ensure that all required documentation pertaining to ethics, conflicts of interest, or any other matter related to conduct are timely completed and submitted to the appropriate authorities.

*Standards of Conduct for Elected Officials*

---

**101.10 OUTSIDE EMPLOYMENT**

Elected officials should avoid maintaining any outside employment or accepting any appointment that creates an actual or perceived conflict of interest or that inhibits their ability to competently complete the requirements of the office to which they have been elected. All laws related to the maintenance of outside employment for elected officials should be observed.