

R-0809-123

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE CITY OF NORMAN ETHICS POLICY FOR CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES OF THE CITY OF NORMAN.

- § 1. WHEREAS, the City of Norman Planning and Community Development Committee has studied the creation and mechanics of a *City of Norman Ethics Policy for City Council, Boards, Commissions, and Committees of the City of Norman* in a series of public meetings; and
- § 2. WHEREAS, the Norman City Council heard and evaluated the *City of Norman Ethics Policy for City Council, Boards, Commissions, and Committees of the City of Norman* at a public meeting on January 6, 2009; and
- § 3. WHEREAS, the *City of Norman Ethics Policy for City Council, Boards, Commissions, and Committees of the City of Norman* is an aspirational document intended to encourage awareness of ethical issues among members of City Council, boards, commissions, and committees of the City of Norman; and
- § 4. WHEREAS, the *City of Norman Ethics Policy for City Council, Boards, Commissions, and Committees of the City of Norman* provides guidance for the resolution of ethical dilemmas that may be encountered by members of City Council, boards, commissions, and committees of the City of Norman.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 5. That the Council of the City of Norman hereby adopts the *City of Norman Ethics Policy for City Council, Boards, Commissions, and Committees of the City of Norman* and attaches it hereto and makes it a part hereof.

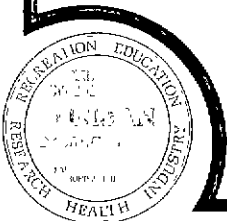
PASSED and ADOPTED this 14th day of April, 2009.

  
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Mayor

ATTEST:

  
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City Clerk

City Clerk



**CITY OF NORMAN ETHICS POLICY**  
**FOR CITY COUNCIL, BOARDS, COMMISSIONS,**  
**AND COMMITTEES OF THE CITY OF NORMAN**

**PURPOSE**

The purpose of City government is to serve the public. In order to do so, this Policy has been created to uphold, promote, and demand the highest standards of ethics from all the elected or appointed officials of the City of Norman. It has been created to ensure that all elected and appointed officials have clear guidance for carrying out their responsibilities.

The City of Norman and its elected and appointed officials all share a commitment to ethical conduct in service to their community. Officials should maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out public duties. In order to assure their independence and impartiality, City of Norman officials shall not use their positions to influence City of Norman governmental decisions in which they have a material financial interest, or an actual benefit, detriment, or employment consequence.

In accordance with this policy, officials shall abstain from participating in deliberations and decision-making where actual conflicts exist.

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**PRESERVATION OF THE PUBLIC TRUST**

Elected and appointed officials are often called upon to make decisions that affect various groups and individuals adversely. Elected officials have a duty to engage in dialogue with citizens and to hear their concerns and interests. However, balancing diverse constituent interests is a difficult task. While someone will always be disappointed in decisions, officials shall adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness, or illegality.

Elected and appointed officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They should refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

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**DISCRIMINATION/HARASSMENT STATEMENT**

In order to avoid any discrimination or appearance thereof, public decision-making must be fair and impartial. City of Norman Code Section 2-103 requires that the Mayor and City Councilmembers insure, within their power, the equal and impartial enforcement of

all laws, without respect to race, creed, color, sex, or the economic or social position of individual citizens.

In addition, it is the policy of the City of Norman that the elected and appointed officials strive to create an operating environment internally and in the relationships of the elected officials with their constituencies, that is productive and free from intimidation, hostility, or other adversity. Harassment of any sort –whether verbal, physical, or visual—including intentional and unwarranted actions that would constitute sexual harassment were they to occur in an employment relationship, by any elected or appointed official, is prohibited and is considered a violation of the City of Norman Ethics Policy.

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### **PERSONS AFFECTED BY POLICY**

This policy applies to the Mayor, City Council members, and to appointed members of all boards, committees, and commissions of the City of Norman. This policy does not apply to members of ad hoc committees.

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### **DEFINITIONS**

**Actual Conflict** – a set of circumstances wherein an elected or appointed official would be required to take an action or make a decision regarding a cause, proceeding, application or any other matter where he or she holds a direct benefit, detriment, or employment consequence.

**Appointed City Official** – a member of any board, commission, committee, or authority of the City who is appointed to such position by action of the Mayor and/or City Council. Appointed City Officials may not be full-time City of Norman employees.

**Confidential Information** – privileged statements or communications, whether expressed or implied, oral or written, between the elected or appointed official, City of Norman employees, and the City Attorney; work product of the City Attorney’s Office; and City of Norman records, documents, and other information not subject to public disclosure and dissemination by law.

**De Minimis** – a pecuniary benefit that does not exceed the value of \$100 incidental to personal, professional, or business contacts and involving no substantial risk or undermining official impartiality.

**Elected City Official** – the Mayor and any member of City Council.

**Gift** – the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. The term “gift” does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the laws of the State of Oklahoma.

**Pecuniary Interest** – the expectation of a financial benefit or detriment. This also includes any pecuniary interest of a member of the official’s immediate family. A person has a pecuniary interest in an organization in which that person has a 5% ownership interest or greater. A person has a pecuniary interest in a decision if a financial interest of that person will vary with the outcome of the decision – this includes officials with real property interests abutting a subject property.

**Potential Conflict** – a set of circumstances wherein an elected or appointed official would be required to take an action or make a decision regarding a cause, proceeding, application or any other matter where he or she may have an indirect benefit, detriment, or employment consequence; this type of situation calls into question the official’s objectivity or independence, but the effect of this type of conflict is not certain.

**Benefit, Detriment, or Employment Consequence** – a benefit, detriment, or employment consequence to a) the public official; b) a member of his or her immediate family; or c) a business or organization with which the official is associated.

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## **CONFLICTS OF INTEREST**

### Pecuniary Interest or Actual Conflict

An elected or appointed official shall not participate in any official action if he or she has a pecuniary interest or an actual conflict of interest. Prior to the beginning of discussion on the issue, the official shall disclose his or her pecuniary interest or actual conflict. Then, the official shall not participate in either the vote or the discussion relating to the issue. City of Norman Code Section 2-108 requires that any Councilmember barred from voting must leave his or her Council chair and shall not participate during the debate of such item.

### Potential Conflict

If the elected or appointed official has a potential conflict of interest, that official may engage in both the vote and discussion, but the potential conflict must be disclosed prior to participation.

### Exceptions

If the official’s financial interests are included within a whole class of citizens, such as property taxpayers, an exception is made to allow the official to vote. This only applies in case of votes or decisions in which the official has a personal or pecuniary interest no greater than that of other persons generally affected by the decision, such as adopting a bylaw or setting a tax rate.

If an appointed or elected official discloses an actual conflict on the record, the official shall disqualify himself or herself from participating in any decision or vote relating thereto, unless following such a disclosure, a majority of the remaining members of such council, board, commission, or committee determine by official action at a public

meeting of such council, board, commission, or committee that such conflict of interest is de minimis.

#### Discovery of Conflict

The existence of an ethical issue often does not arise until a meeting is underway. Rather than risk an inadvertent violation, the safest course of action is simply to declare that a conflict may exist that prevents an official from participating. As soon as an official realizes that a conflict exists on a given matter, they must disclose the conflicting interest on the record for the minutes.

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### **DUTY TO REPORT**

Elected and appointed officials have a duty to create the image and reality of a responsive, accessible, and fair city government. Accordingly, officials have a duty to report if another official is violating laws or ethics relating to City of Norman government as set forth in this policy. Moreover, officials should never attempt to use their authority or influence for the purposes of intimidating, threatening, coercing, commanding, or influencing any person with the intent of interfering with that person's duty to disclose such improper activity. If an official believes that someone else may have violated this policy, he or she may consult with the City Attorney's Office.

To report an alleged violation, City Councilmembers shall report to the Mayor. If the alleged violator is the Mayor, reports should be directed to the Mayor Pro Tem. Appointed officials shall report an alleged violation to the Chairperson of their board, commission, or committee. The Chairperson may then, if he or she feels it necessary, report the violation to the Mayor. If the alleged violator is the Chairperson, the reporting appointed official may report directly to the Mayor.

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### **GIFTS**

Personal gifts must be refused or returned with a friendly but firm message that City officials are not allowed to receive gifts. Oklahoma Statute Title 21 § 382 makes it a crime for any municipal officer or any employee of a political subdivision to corruptly accept or request a gift or gratuity, or a promise to make a gift, or a promise to do an act beneficial to such officer. If this happens, the officer or employee shall forfeit his office, be forever disqualified to hold any public office, trust, or appointment under the laws of the State of Oklahoma, and be guilty of a felony punishable by imprisonment not exceeding ten years or by a fine not exceeding five thousand dollars and imprisonment for not more than one year.

In addition, Article XVII Section 5 of the Charter of the City of Norman makes it unlawful for any officer of the City of Norman to directly or indirectly give, or promise to give, any person any office, position, employment, or anything of value for the purpose of influencing or obtaining support, political or otherwise, aid, or influence of any person.

Engaging in any of these activities is grounds for removal from office.

A de minimis personal gift, lunch, or entertainment under \$100 is permissible if given without the intent to influence. The ethical principle is that officials obtain no personal gain from performance of their duties except official compensation and the satisfaction of a job well done.

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## **USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION**

Elected and appointed officials are prohibited from disclosing or offering to disclose confidential information to any party not entitled to receive such information nor shall he or she use such information for his or her personal gain or benefit. City of Norman Code Section 2-103 prevents Councilmembers from making use of special knowledge or information obtained from their position before that knowledge or information is made available to the public.

Confidential information disclosed to City Council as a whole, such as attorney-client privileged information and all information discussed in Executive Sessions, is a confidence held by the body as a whole; therefore, no individual member of City Council has the authority to disclose this information to a third party. Such an unauthorized disclosure of Executive Session material violates the Oklahoma Open Meetings Act. See 25 O.S. § 307 and 25 O.S. § 314.

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## **ROLE OF THE CITY ATTORNEY**

Questions about the City of Norman Ethics Policy, a conflict of interest, or other ethical problems, related to the business of the City of Norman, should be presented to the Norman City Attorney's Office. If time permits, requests should be in writing to the City Attorney directly. The City Attorney may consult with outside legal counsel to adequately and timely research specific requests for legal advice on particular issues. Reliance on opinions of a private attorney or attorneys for matters related to the business of the City of Norman may not preserve immunity protections afforded City Councilmembers by state law.

For ethical or otherwise personal issues not related to the business of the City of Norman, any elected or appointed official may, at any time, seek the counsel, at their expense, of a private attorney or attorneys in regard to those personal legal or ethical issues that may arise.

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## **POLICY AS APPLIED TO AD HOC COMMITTEES**

The Mayor and City Council often create ad hoc committees in order to encourage discussion among citizens with diverse viewpoints. Ad hoc committees are created to

achieve a specific purpose or to examine a specific issue, and they operate in an advisory role without any decision-making authority. Often, these committee members are interested in or impacted by the matter under discussion. For this reason, requiring their recusal in the face of a conflict of interest would cripple that ad hoc committee's ability to complete its purpose.

In order to preserve the effectiveness of ad hoc committees, their members will not be asked to follow the ethics policy guidelines regarding conflicts of interest. Instead, ad hoc committee members should keep in mind that they may be called upon to make recommendations that affect various groups and individuals. They should base their decision or recommendation on the merits and substance of the matter at hand, rather than on unrelated considerations.

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**PLEDGE**

Upon taking office, either by election or appointments, all officials will be asked to sign an Ethics Pledge acknowledging receipt and understanding of the City of Norman Ethics Policy and expressing a willingness to abide by it.

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