



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-1718-54

File ID: O-1718-54

Type: Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item 31

In Control: City Council

Department: Legal Department

Cost:

File Created: 06/11/2018

File Name: Ethics Ordinance Amendment

Final Action:

Title: CONSIDERATION OF ORDINANCE O-1718-54 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 2-103 OF CHAPTER 2 OF THE CODE OF THE CITY OF NORMAN BY REMOVING THE PROHIBITION AGAINST ELECTED CITY OFFICIALS ENDORSING OR OPPOSING OTHER CANDIDATES FOR OFFICE FROM THE CITY COUNCIL ETHICS ORDINANCE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance O-1718-54 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance O-1718-54 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 07/10/2018

Agenda Number: 31

Attachments: O-1718-54 Clean, O-1718-54 Annotated, 2017-12-19 Council Conference Minutes, 2017-10-19 Oversight Committee Minutes, 2017-09-21 Oversight Committee Minutes, Pertinent Excerpts 5/29/18 SS minutes

Project Manager: Kristina Bell, Assistant City Attorney

Entered by: kristina.bell@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	06/26/2018	Introduced and adopted on First Reading by title only				Pass
Action Text: That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call							

Text of Legislative File O-1718-54

Body

BACKGROUND: At the May 29, 2018, City Council Study Session, City Council discussed removing the endorsement/opposition of a candidate prohibition in § 2-103(a)(7)(b), which currently provides that “[a]n elected City Official shall not use his office to endorse or oppose any candidate for office.” This recommendation was made by the Oversight Committee after it discussed the issue at its September 21, 2017, and October 19, 2017, meetings. Prior to the May 29, 2018, Study Session, Council also discussed the issue at a December 19, 2017, Conference.

DISCUSSION: During these meetings, Council discussed whether an elected official’s endorsement of, or opposition to, any candidate for office is actually a conflict of interest or an ethical violation as opposed to just being potentially politically problematic. Several Councilmembers expressed the opinion that whether to endorse or support another political candidate should be a personal decision left to the discretion of each Councilmember as opposed to a general ethical violation. Councilmembers also discussed a desire to be able to engage in political activity such as making campaign contributions, attending fundraising events, “liking” and/or commenting on social media platforms, and being able to express honest personal opinions. Council also discussed the difficulty in defining advocacy or endorsement and what constitutes using one’s office. It was also noted that many of the Ethics Complaints or disputes that have been raised in the past have revolved around this particular provision.

At the May 29, 2018, Study Session, Council requested that Staff review the ordinances and charters of other major Oklahoma municipalities to see if they contained a similar prohibition. Staff review of the charters and ordinances of Oklahoma City, Tulsa, Edmond, Moore, Midwest City, and Lawton found that none of them contained a similar prohibition. Some of these municipalities specifically noted that while City employees were prohibited from engaging in political activity while on duty or in uniform and were prohibited from expending City funds or using City equipment to work for or against political campaigns, City employees and/or elected officials otherwise enjoyed the ordinary exercise of one’s right to engage in political activity, such as voting and/or expressing opinions. This language is similar to, and consistent with, Article III, § 7 of the City of Norman’s Charter, which also recognizes City employees’ right to actively engage in political activities during off-duty hours and not while in uniform.

RECOMMENDATION: Staff recommends approval of Ordinance O-1718-54 upon Second and Final Reading.