

Sec. 2-103. - Council ethics.

- (a) Members of the Council shall refrain from:
- (1) Making use of special knowledge or information obtained from their position before that knowledge or information is made available to the general public;
 - (2) Making decisions in which a Councilmember has a pecuniary interest or actual conflict as defined herein;
 - (3) Using their influence as Councilmembers in attempts to secure contracts, zoning, or other favorable municipal action for a person or entity with whom a Councilmember has a pecuniary interest or actual conflict as defined herein;
 - (4) Actions benefiting special interest groups at the expense of the City;
 - (5) Appointments of persons with whom a Councilmember has a pecuniary interest or actual conflict, as defined herein, to appointive boards and commissions;
 - (6) Willful violations of Section 2-103;
 - (7) Conflict of interest.
 - a. In order to assure independence and impartiality on behalf of the common good, no elected City Official shall use his official position to influence government decisions in which he has a pecuniary interest or in which he has an organizational responsibility that may give the appearance of a conflict of interest.
 - b. An elected City Official shall not use his office to endorse or oppose any candidate for office.
 - c. Violations of the conflict of interest provisions set forth herein shall be handled in a manner consistent with the City Charter and applicable state law.
- (b) Members of the Council shall:
- (1) Conduct themselves so as to bring credit upon the City, setting an example of good, ethical conduct for all citizens of the community;
 - (2) Comply with all lawful actions, directives and orders of duly constituted municipal officers as such may be issued in the normal and lawful discharge of their duties; and
 - (3)

Insuring 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.

(c) Definitions.

- (1) *Actual conflict*: A set of circumstances wherein an elected City 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.
- (2) *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 in which the official has a pecuniary interest or actual conflict as defined herein.
- (3) *Confidential information*: Privileged statements or communications, whether expressed or implied, oral or written, between an elected City 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.
- (4) *De minimis*: A pecuniary benefit that does not exceed the value of one hundred dollars (\$100.00) incidental to personal, professional, or business contacts and involving no substantial risk or undermining official impartiality.
- (5) *Elected City Official*: The Mayor and any member of City Council.
- (6) *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.
- (7) *Pecuniary interest*: The expectation of a financial benefit, detriment or employment consequence. 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 five (5) percent ownership interest or greater or valued over twenty thousand dollars (\$20,000.00). 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.

- (8) *Potential conflict:* A set of circumstances wherein an elected City 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.
- (d) Conflict of interest.
- (1) *Pecuniary interest or actual conflict.* An elected City Official shall not participate in any official action if he or she has a pecuniary interest or an actual conflict. Prior to the beginning of discussion on the issue, the elected City Official shall disclose his or her pecuniary interest or actual conflict. Then, the elected City 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.
 - (2) *Potential conflict.* If the elected City Official has a potential conflict, that elected City Official may engage in both the vote and discussion, but the potential conflict must be disclosed prior to participation.
 - (3) *Exceptions.*
 - a. If the elected City 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 elected City Official has a personal interest 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.
 - b. If an elected City Official discloses an actual conflict on the record, that elected City 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 Council, determine by official action at a public meeting, that such conflict of interest is de minimis.

- (4) *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 of interest may exist that prevents an elected City Official from participating. As soon as an elected City Official realizes that a conflict of interest exists on a given matter, he or she must disclose the conflicting of interest on the record for the minutes.
- (e) *Duty to report.* Elected City Officials have a duty to report in accordance with state law. Moreover, elected City 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 elected City Official believes that another elected City Official or citizen may have violated this policy, he or she may consult with the City Attorney's office.
- (f) *Gifts.* Gifts must be refused or returned with a friendly but firm message that elected City Officials are not allowed to receive gifts.
- (1) 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 (10) years or by a fine not exceeding five thousand dollars (\$5,000.00) and imprisonment for not more than one (1) year.
- (2) 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.
- (3)

A de minimis personal gift, lunch, or entertainment under one hundred dollars (\$100.00) 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.

- (g) Use or disclosure of confidential information. Elected City 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.
- (h) Role of the City Attorney.
 - (1) Questions about the City of Norman Council Ethics contained herein, 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.
 - (2) For ethical or otherwise personal issues not related to the business of the City of Norman, any elected City 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.

(Ord. No. 0-7475-35; Ord. No. 0-1112-05, § 1)

