

Policy 1-10 MUSKOGEE CITY COUNCIL CODE OF ETHICS

**DISTRIBUTION: Mayor and City Council
All Departments**

SUBJECT: Code of Ethics

POLICY PURPOSE

The Muskogee City Council has adopted a Code of Ethics for members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local Government and its effective and fair operation.

POLICY STATEMENT

Preamble

The citizens and businesses of Muskogee are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Muskogee's commitment to treasuring our past while forging our future, the effective functioning of democratic government therefore requires that:

Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;

Public officials be independent, impartial and fair in their judgment and actions;

Public office be used for the public good, not for personal gain; and,

Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Muskogee City Council has adopted a Code of Ethics for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest.

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Muskogee and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Muskogee City Council, boards and commissions.

2. Comply with the Law.

Members shall comply with the laws of the United States, the State of Oklahoma and the City of Muskogee in the performance of their public duties. These laws include, but are not limited to: the United States and Oklahoma constitutions; the Muskogee City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open processes of government, and City ordinances and policies.

3. Conduct of Members.

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

4. Respect for Process.

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

5. Conduct of Public Meetings.

Members shall prepare themselves for public meetings, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall 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.

6. Decisions Based on Merit.

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication.

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

8. Conflict of Interest.

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a

material financial interest or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts, and they shall abstain from participating in deliberations and decision-making where conflicts may exist, because these areas WILL exist. When these issues arise, it is simply imperative that we mitigate those issues properly.

9. Confidential Information.

Members shall, as required by law, respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or other private interests.

When then City Council enters into executive session all attending individuals shall sign the “Confidentiality Agreement For Executive Session”. Any not willing to sign and abide by the agreement will not be able to be part of executive session.

10. Use of Public Resources.

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

11. Representation of Private Interests.

In keeping with their role as stewards of the public interest, and to avoid the appearance of impropriety, members of Council shall not present a position advanced by, nor advocate in the interest of, any private entity to any other member of City Council or to the body as a whole. . This prohibition shall extend to all members of any board, commission, or public trust of the City within its respective areas of concern. Provided, however, nothing contained within this section is intended to restrict the ability of any member of Council, its boards, commissions and trusts from engaging in full debate or voting his or her conscience when presented with a decision to purchase goods or services from a private entity.

12. Advocacy.

Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Muskogee, nor will they allow the inference that they do.

13. Policy Role of Members.

Members shall respect and adhere to the council-manager structure of Muskogee city government as outlined by the Muskogee City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

14. Independence of Boards and Commissions.

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

15. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

16. Implementation.

As an expression of the standards of conduct for members expected by the City, the Muskogee Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Muskogee code of ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council and boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

17. Compliance and Enforcement

The Muskogee Code of Ethics expresses standards of ethical conduct expected for members of the Muskogee City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are

CONFIDENTIALITY AGREEMENT FOR EXECUTIVE SESSION

This Perpetual Confidentiality Agreement between the parties signing below establishes that all information discussed, heard or read in the City Council Executive Session on _____, will not be released, copied, discussed or shared in any manner with any individual other than City Council members present in the Executive Session, members of City staff present during the Executive Session, and other persons authorized by the City Council to be present in the Executive Session. This agreement is perpetual and shall never expire except by Court order. Breach of this Confidentiality Agreement may result in personal liability, potential violation of the Oklahoma Open Meeting Act, potential removal from office, as well as, result in exposure of otherwise confidential information.

I have read the above statement regarding confidentiality and agree to abide by it to the best of my ability.

Signed on this _____ day of _____.

Bob Coburn, Mayor

Mike Miller, City Manager

James Gulley, Vice Mayor

Roy Tucker, City Attorney

Janey Cagle Boydston

Patrick Cale

Dan Hall

Derrick Reed

Ivory Vann

Marlon J. Coleman

Wayne A. Johnson

Matthew Beese, Deputy City Attorney

Tammy Tracy, City Clerk

Carolyn Jones, Revenue Mgr.

brought to their attention. In instances where the actions of the Chair or Mayor are at issue, then the Vice-Chair or the Vice-Mayor shall assume the duty of intervening. The City Council may impose sanctions on members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment. Any member of the Council or any member of a board, commission or public trust of the City who become aware of allegations of unethical conduct, shall notify the City Attorney of the same, providing all facts and circumstances known by him or her. It shall then be the duty of the City Attorney to fully investigate the matter and issue a report of the investigative findings to the City Council, as well as, a report to the respective board, commission, or trust as the case may be.

Upon receipt of said report, the Council shall take the matter under advisement, make appropriate conclusions as to whether the alleged conduct violated this policy, and ultimately take action as contemplated by this paragraph.

EFFECTIVE DATE/RESCISSION: This policy will become upon passage.

Adopted by the City Council on the 24 day of July, 2017.

(seal)





JOHN R. COBURN, MAYOR

ATTEST:



TAMMY TRACY, City Clerk

APPROVED as to form and legality this 27 day of July, 2017.



Roy D. Tucker, City Attorney