The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT CITY COUNCIL

5:00 PM **Large Conference Room, City Hall Building, 300 West Evergreen, Durant, OK 74701** **October 9, 2017**

SPECIAL AGENDA

DURANT CITY HALL
300 W. EVERGREEN, DURANT, OK
ROSCOE J. HATFIELD COUNCIL CHAMBERS

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

ORDER OF BUSINESS

1. Oklahoma Municipal Assurance Group Prescribed Training for OMAG Recognition Program
2. Complete and Review Results of Stability Test Administered by Oklahoma Municipal Assurance Group
3. Review Municipal Protection Plan Declarations Page and Explanations of Coverage Page
4. Consider Adoption of Best Practices Handbook for Oklahoma Municipalities
5. Consider Approval of Resolution 2017-23 Authorizing Participation in the OMAG Recognition Program

ADJOURNMENT

CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 29th day of August, 2017 and that an agenda of said meeting was posted at the place of such meeting at 2:25 p.m. on the 6th day of October, 2017.

Cynthia J. Price, City of Durant

Agenda Item: 1.

The City of Durant

Office of City Clerk

Memorandum

Date:	9/28/2017
To:	Mayor and City Council
From:	Cynthia J. Price, City Clerk
Re:	Oklahoma Municipal Assurance Group Prescribed Training for OMAG Recognition Program

---

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

Agenda Item: 2.

The City of Durant

Office of City Clerk

Memorandum

Date:	9/28/2017
To:	Mayor and City Council
From:	Cynthia J. Price, City Clerk
Re:	Complete and Review Results of Stability Test Administered by Oklahoma Municipal Assurance Group

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

Agenda Item: 3.

The City of Durant

Office of City Clerk

Memorandum

Date: 9/28/2017
To: Mayor and City Council
From: Cynthia J. Price, City Clerk
Re: Review Municipal Protection Plan Declarations Page and Explanations of Coverage Page

---

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

Description	Type	Upload Date
MLPP Declarations Page	Exhibit	9/28/2017
Explanation of Coverage	Exhibit	9/28/2017

OMAG
3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

Municipal Liability Protection Plan

Declarations Page

1. PLAN MEMBER and Mailing Address: **CITY OF DURANT**, **P.O. BOX 578**, **DURANT OK 74702-6640**

AGREEMENT NUMBER: **GLA 1400364 01**

2. Plan Period: From 12:01 A.M. Central Standard Time at the address of the Plan Member
From **01/01/2017** to **01/01/2018**

3. The Plan Member is a(n) **MUNICIPALITY**

4. The Coverage afforded by this agreement is only with respect to the following coverages as are indicated by specific limits of coverage, for which a premium is charged.

COVERAGE		PREMIUM
GENERAL LIABILITY (PARTS I,IV, AND V)		
A. Bodily Injury	B. Property Damage	**$89,749**
C. Personal Injury	D. Errors and Omissions	Coverages A,B,C,D,I,J,L
I. Pollution Damage	J. Defense Reimbursement	
[ ] Prior Acts Coverage	L. W.C. Retaliation Defense	
AUTOMOBILE LIABILITY (PART II)		
E. Bodily and Personal Injury	F. Property Damage	**$20,714** Coverages E,F
[X] Hired and Non-owned Automobile Coverage		**$159** Hired and Non-owned
AUTOMOBILE & EQUIPMENT PHYSICAL DAMAGE (PART III)		
G. Automobile Physical Damage		**$30,269** Coverages G
1. Comprehensive 2. Specified Perils 3. Collision	Per fleet schedule	
[ ] Hired Auto Physical Damage Limit:		**$0** Hired Auto Physical Damage
H. Equipment Physical Damage - Per equipment schedule		**$3,357** Coverages H
[ ] Mobile Equipment Leased/Rented Limit: **$0**		

5. LIMITS OF LIABILITY, except for Coverages G,H,I,J,L

Losses subject to the OKLAHOMA GOVERNMENTAL TORT CLAIMS ACT:

$ 25,000 Each Property Damage Loss Per Occurrence, including Fire Legal
$ 125,000 Each Other Loss Per Occurrence
$ 1,000,000 Aggregate Per Occurrence

Losses not subject to the OKLAHOMA GOVERNMENTAL TORT CLAIMS ACT:

$ 10,000 Medical Payments for Volunteers Per Loss
$ 1,000,000 Each Other Loss Per Occurrence

Annual Aggregate

$ 2,000,000 Coverages C,D
$ 10,000 Coverage J

$145,063 Total Premium (This is not an invoice)

6. DEDUCTIBLES

Coverages A,B,E,F,L: No Deductible, except for sanitary sewer overflows and electrical disruptions, which are subject to the deductible of coverages C & D.

Coverages C,D:	**$1,000** Per Occurrence
Coverages G,H:	Per Schedule or Endorsement
Coverage I:	$1,000 Per Pollution Incident
Coverage J:	$5,000 SIR

7. This agreement is composed of this Declaration Page, Schedules, Forms and Endorsements, if any.

Jonathan D. Woods

OMAG Representative

08/15/2017
Date

3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

Municipal Liability Protection Plan

ADDITIONAL NAMED PLAN MEMBERS

DURANT CITY UTILITIES AUTHORITY
DURANT COMMUNITY FACILITIES AUTHORITY
DURANT INDUSTRIAL AUTHORITY

SCHEDULE OF FORMS

A. Property

Supplemental Coverage Declarations
General Conditions
Property Coverage Form
Replacement Cost
Extra Expense Coverage Form
Business Income Coverage Form, Excluding Extra Expense
Earth Movement
Mobile Equipment, Automobile Equipment, and Miscellaneous Equipment
Builders Risk
Leasehold Interest
Joint or Disputed Loss Agreement
Crime General Conditions
Theft, Disappearance and Destruction Coverage Form
Exclusion-Certain Computer Related Losses Due to Dates or Times
(Property Coverages) General Conditions
Terrorism

B. Equipment Breakdown

Equipment Breakdown Declarations
Equipment Breakdown Insuring Agreement Form
General Conditions
Equipment Breakdown Coverage Form
Exclusion of Certain Computer-Related Losses

SCHEDULE OF FORMS APPLICABLE WHEN INDICATED WITH A CHECKMARK

[X] Mortgagee, Loss Payee and/or Additional Interest Schedule

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AN EXPLANATION OF MLPP COVERAGE

1) BODILY INJURY & PROPERTY DAMAGE - Coverage A & B

This coverage protects employees, elected officials, and authorized volunteers for BODILY INJURY AND PROPERTY DAMAGE claims arising from all locations and operations of the municipality as covered in the plan document.

2) PERSONAL INJURY - Coverage C

This coverage protects employees, elected officials, and authorized volunteers for PERSONAL INJURY claims including false arrest, assault, and battery, and violations of an individual's civil rights.

3) ERRORS & OMISSIONS - Coverage D

This coverage protects employees, elected officials, and authorized volunteers for ERRORS AND OMISSIONS claims involving alleged breach of duties as defined in the plan document.

4) AUTOMOBILE LIABILITY - Coverage E & F

Coverage applies to claims for BODILY INJURY, PERSONAL INJURY AND PROPERTY DAMAGE arising from the operation of the autos insured.

5) AUTOMOBILE PHYSICAL DAMAGE - Coverage G

The fleet schedule will indicate whether comprehensive, specified perils, or collision coverage is provided. Deductibles will appear on the fleet schedule also.

6) EQUIPMENT PHYSICAL DAMAGE - Coverage H

Coverage applies to the municipality's equipment listed on the schedule.

7) POLLUTION DAMAGE - Coverage I

This is legal liability protection for property damage and clean-up expenses resulting from a covered pollution incident.

8) DEFENSE REIMBURSEMENT FOR INVERSE CONDEMNATION, ANNEXATION/DEANNEXATION, ZONE AND BOARD OF ADJUSTMENT MATTERS - Coverage J

This coverage will reimburse a plan member for 50% of its legal expenses and costs up to a maximum of $10,000 after the plan member has paid $5,000 in accordance with the plan document.

9) CYBER LIABILITY - Coverage K

10) LEGAL DEFENSE COVERAGE FOR WORKERS' COMPENSATION RETAILIATION CLAIMS - Coverage L

This coverage provides, at the members request and acceptance, legal defense only (no indemnification for damages) for retaliation claims filed under the Workers' Compensation Statutes to the extent the claim is not eligible for coverage under any other coverage.

Agenda Item: 4.

The City of Durant

Office of City Clerk

Memorandum

Date: 9/28/2017
To: Mayor and City Council
From: Cynthia J. Price, City Clerk
Re: Consider Adoption of Best Practices Handbook for Oklahoma Municipalities

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Council Information / Action Requested

Approval of the City of Durant Governing Body Handbook

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

Description	Type	Upload Date
Best Practices Handbook for Oklahoma Municipalities	Exhibit	10/5/2017

A Best Practices Handbook for Oklahoma Municipalities

CREATED | PRODUCED BY

Municipal Consultants

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V. PUBLIC TRUSTS & UTILITY AUTHORITIES

VI. TRAINING & BUILDING STABILITY

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a. CONFLICTS DISCLOSURE FORM
b. AGENDA SIGN-IN FORM
c. MANDATORY EDUCATION NOTICE
d. EXECUTIVE SESSION CONFIDENTIALITY AGREEMENT
e. SOCIAL MEDIA IMPRESSUM

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INTRODUCTION

Educating ourselves and creating a more stable local government should be the goal of all elected officials. With a more stable government, cities and towns can successfully meet the needs of the community. This handbook aims to help provide stability by compiling resources to assist in training your city council. By adopting a "best practices" resolution, your City can continue working toward stability.

BEST PRACTICES RESOLUTION

Many cities establish their own "best practices" policies, approved by resolution, to ensure their City sustains operational traditions that have worked. Many of those best practices deal with public transparency, council accountability and engagement in the operations of the City, and staff responsibility. The "best practices" of the City can consist of the following topics:

A. Elected Official Accountability: The council shall ensure council accountability by:

a. Attendance reporting to ensure other members and the public are aware of the attendance history of the elected officials.
b. An annual training event with staff to review ethics, finances, operations, and to address the expectations and goals of the city, including a self-assessment of the accomplishments and improvements needed by council and management to achieve the goals of the city.
c. The use of council committees dealing with topics as the council deems appropriate, including financial and project related oversight.
d. The use of well-defined purchasing policies of the city to ensure management and staff are clear concerning the purchasing policies and expectations of the city.
e. The implementation of the "transparency" policies adopted by council to make information about city government easily accessible to the public.
f. A "Code of Conduct" of council that is reviewed annually by council and readily available for council reference. (see section below concerning ethics)

B. Management and Staff Accountability: The council shall ensure management and staff accountability by:

a. An annual evaluation and review of the City Manager/Town Administrator to include input from the directors of the City and copies of the City Manager's/Town Administrator's W2 and reimbursements log for the evaluation year.
b. An annual strategic planning session with management to evaluate the satisfaction of expectations and goals of the city for the immediately preceding

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year and to ensure that the expectations and goals of the city have been met, and are clearly defined for both the council and management in the coming year and years.

c. Monthly financial and expenditure reports provided to council on a timely basis, including a proposed review and approval of a comprehensive fee schedule for all fees charged by the city.
d. Expenditure reporting by the City Manager/Town Administrator to the board on an annual basis, as required by contract.
e. Implementation of the "transparency" policies adopted by the board to make information about city government easily accessible to the public.
f. Direction to all city employees that a "whistleblower" policy exists for the city.
g. Compliance with a well-defined purchasing policy of the city.
h. An annual report of the departments of the city that outlines the activities of each department, including the risks, liabilities and any litigation involving the city.

Setting these minimal standards will ensure stability and continuity in operations.

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ORGANIZATION & PERSONNEL

SUMMARY OF COUNCIL ROLE: COUNCIL MANAGER FORM

Understanding the role of the city council with city employees begins with understanding the governmental role of the parties. The city council serves as the legislative (and in some circumstances judicial) arm of the city, while the city manager is the executive responsible for day to day operations. The council is responsible for appointment of the city manager, but the city manager, and not the council, is responsible for all other employees of the city.

State statute specifically and clearly provides that council members may not:

A. direct or request the city manager to appoint or remove officers or employees;

B. participate in any manner in the appointment or removal of officers and employees of the city, except as provided by law;

C. give orders on ordinary administrative matters to any subordinate of the city manager either publicly or privately.

There are many examples in which direction given to employees by a council member can result in difficulties and a violation of the law by the city council member. The following specific examples are examples of conduct that should be avoided:

A. Council members should not appear at city hall or before other departments of the city and direct office personnel to perform any duties on behalf of the council member; if anything is needed from city employees, that request should be directed to the city manager who can then communicate that request to the appropriate employee;

B. Council members should not appear at emergency scenes and expect to have any input into the handling of the situation any different than any other citizen;

C. Council members should not appear at public work sites and offer suggestions as to how the work can be better performed; again, any direction of that type should be directed

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to the city manager who can then communicate that direction, if appropriate, to the employees involved.

Council should consider themselves no more than ordinary citizens when it comes to city employees and public facilities. In this form of government, the council serves as a policy making, legislative body and does not manage day to day operations.

Council should be aware that certain groups within the city are represented by state sanctioned unions. The various unions representing city employees at different times may attempt to place pressure on council members to side with them in their pending negotiations. It is important for council members to limit their participation in negotiations with the Unions to a "formal" participation wherein they would participate through the appropriate channels and not do so in private meetings or in informal circumstances. Informal meetings circumvent the goals set by the council as a group and by the staff in its attempt to reach a conclusion. To allow one council member to be informally involved in negotiations, and to have private meetings with the various unions without the knowledge or involvement of the staff or other council members, circumvents not only the staff attempts to resolve the dispute but also undermines the authority of the council as a whole. The best approach in regard to these issues is to have a clear understanding by the council as a whole and not have individual members handling it on their own. The city council has further addressed this issue by the approval of 16-26, which clarifies the statutory role of the city manager and city council regarding union negotiations; in effect, the city manager, consistent with state statute, is responsible for day-to-day operations and all personnel issues. Resolution 16-26 makes it clear that the city manager, as the bargaining agent for the city, also has full authority to reject a contract awarded to either bargaining unit by an arbitrator, thereafter allowing the voters to determine the contract terms. Although this situation rarely arises, it is important to understand the role of the city council; the state legislature, by allowing a vote of the people on contract terms, has purposely removed the city council from the process. The City by resolution can make it clear that union labor issues will be the responsibility of the city manager and not a political issue for the city council.

The above restrictions on the conduct of the city council are very clear; Council members have no authority to direct any employee, request the hiring or firing of any specific employee, or participate in the discipline of any city employee. Those duties are left exclusively to the city manager and any involvement by council members in those activities is a violation of state statute.

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OPEN MEETING ACT SUMMARY

Meetings of public bodies (such as city council) are governed by the Oklahoma Open Meeting Act. **A violation of the Open Meeting Act can result in criminal charges against the individual Council Member.** The Open Meeting Act has four areas that cause the most concern:

1. Defining Meeting: The Open Meeting Act defines a meeting as "the conducting of business of a public body by a majority of its members being personally together." As you can see by the definition, an informal get-together involving four Council Members can constitute a "meeting." Further, there is no requirement that there be a vote taken, but only discussion.

   Meetings cannot be held unless an agenda is posted and the public is advised that the meeting is going to take place. Therefore, in order to avoid any type of problem with an illegal meeting, each of you should be especially careful to avoid any discussion of any City business, or any matter indirectly related to City business, at any time in which four of you are present. It is the responsibility of the individual Council Members to avoid this problem. (Telephone or computer communication by a majority of members is also prohibited.)

   Further, extreme care should be taken in regard to discussions held either immediately before or immediately after council meetings.

2. Notice and Agenda: State law requires that an agenda be posted for any meeting that is to be held. If an item is not posted on an agenda, with the exception of new business that is discussed later, it should not be discussed or acted upon at a meeting of the Council. (If four of you meet informally and discuss City business, a violation of the Act occurs by the failure to post an agenda.)

3. Consent Agenda: A consent agenda is used by cities to allow approval, by one motion and vote, of a number of items that are considered routine. Staff will recommend those items that are included; any council member who wants a vote on any individual item can remove the item from consent. Additionally, council can discuss any consent issue without removing it from the consent agenda.

4. New Business: New business for purposes of the Open Meeting Act is defined as "any matter not known about or which could not have been reasonably foreseen prior to posting of the agenda."

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Based on the above definition, if an item arises, either from the Council or from the public, under the New Business portion of the council agenda, the first question by the Council should be whether that matter could have been placed on the agenda. If it could have, and was not, it should not be discussed and no action should be taken; the matter should be placed on the next agenda so the public, not just those present at the meeting, will be on notice that the City may take some action in regard to that item. The same is true in regard to items the Council wishes to discuss at the meeting; unless the item to be discussed is one that could not have been placed on the agenda, it should not be raised by Council under New Business. There is a mistaken assumption many times that New Business is a general catch-all that can be used to discuss any item.

There is no requirement under the Open Meeting Act that the Council allow the public to appear at a meeting and discuss any item they want under the "New Business" portion of the agenda. The only purpose of the New Business portion is to allow the Council to discuss those matters that are not on the agenda because they could not have been placed on the agenda because of the time in which they arose.

EXECUTIVE SESSIONS

Executive sessions can only be held for certain specific reasons, such as to discuss pending litigation or claims, the purchase of property, union negotiations and the employment, hiring, appointment, promotion, demotion, discipline or resignation of an individual, salaried, public officer or employee.

Executive sessions cannot be used to discuss general personnel problems of the city or a department and cannot be held unless they are listed on the agenda. The Open Meeting Act also requires a specific listing of the type of matter being discussed in an executive session; therefore, executive sessions are limited to the specific item to be discussed and other general City business cannot be discussed at that time. Any action taken as a result of an executive session must be voted on in public. Executive sessions are intended as private, confidential meetings in which the private discussions cannot be disclosed by any of those present – the “city,” and not the individuals present, own that right to confidentiality and only the “city” by a vote of the elected officials can agree to disclose the private discussion.

ATTENDANCE

Attendance at city council meetings by members is addressed by statute. Any council member who misses more than half of the regular and special meetings that occur within any four-month time period forfeits, as a matter of law, their office. There are no exceptions to the statutory requirement, no ability of the city to waive that requirement, and no action for removal that is required - the forfeiture occurs as a matter of law without any affirmative vote by the other members.

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CONFLICT OF INTEREST, ETHICS & CONDUCT

One of the more dangerous and sensitive subjects involving council members is the question of conflict of interest. The topic is especially troublesome because the penalty involved, if there is a conflict with a council member and some action being taken by the city, is severe (primarily involving the council member).

SUMMARY OF CONFLICT OF INTEREST AND STATUTES

In general, the conflict of interest statutes fall into four categories, as follows:

A. A general prohibition that precludes any city officer, employee, or family member of any officer or employee from doing any business of any type with the city. The violation of the statute is a misdemeanor, the contract or agreement entered into is void as a matter of law, and any member voting to approve the contract is personally liable for the amount of the transaction.

B. There are a series of statutes dealing with public trust that preclude the public trust from contracting with trust members or their families; again, if that conduct occurs, the trustee is removed as a matter of law and the contract is void. Further, the public trust statutes preclude bidding in certain instances by family members and again results in any contract approved, even after the bid, being void and the member who has a conflict being guilty of a felony. Further, willful violations result in removal of the trustee.

C. There are public finance statutes that provide that no contract with a board member or in which a member "directly or indirectly is interested" will be valid. The contract is treated as void. The purpose of the statute is to provide an additional safeguard concerning the expenditure of monies by public bodies in which individual board members are receiving some interest.

D. In addition to the above three conflict of interest statutes, there is also a criminal statute that provides that it is unlawful for any council member to sell materials, supplies or other goods to the city. Any such contract is also void. All members voting yes are personally liable for the amount of the purchase; fines and criminal penalties are provided for.

E. Lastly, if you serve on the board of directors of a company doing business with the city, a conflict exists that will require you to excuse yourself from the discussion and voting on those business dealings.

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Per the above statutes, the best approach in dealing with possible conflicts is to act with caution. The very basic summary of the rule is that the city cannot contract with any council member or family of any council member; this rule applies even if the council member involved abstains and does not participate in the agreement.

The most likely situation is one in which there is not a direct conflict but some appearance of a conflict because of other business dealings or family members. In those instances, the potential conflict should be disclosed, the potential conflict investigated, and a decision made as to whether the potential conflict is a real conflict.

The statutes that regulate council members fall into the following categories:

COUNCIL MEMBERS PROHIBITION FROM DOING BUSINESS WITH THE CITY

The following statute prohibits council members from doing business with the city:

11 Okla.Stat. §8-113 - Prohibited Conduct

A. Except as otherwise provided by this section, no municipal officer or employee, or any business in which the officer, employee, or spouse of the officer or employee has a proprietary interest, shall engage in:

1. Selling, buying, or leasing property, real or personal, to or from the municipality;

2. Contracting with the municipality; or

3. Buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidence of indebtedness of the municipality.

B. The provisions of this section shall not apply to any officer or employee of any municipality of this state with a population of not more than two thousand five hundred (2,500) according to the latest Federal Decennial Census, who has a proprietary interest in a business which is the only business of that type within five (5) miles of the corporate limits of the municipality. However, any activities permitted by this subsection shall not exceed Two Thousand Five Hundred Dollars ($2,500.00) for any single activity and shall not exceed Fifteen Thousand Dollars ($15,000.00) for all activities in any calendar year. Provided, however, such activity may exceed Fifteen Thousand Dollars ($15,000.00) per year if the municipality purchases items therefrom that are regularly sold to the general public in the normal course of business and the price charged to the municipality by the business does not exceed the price charged to the general public.

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C. Provisions of this section shall not apply where competitive bids were obtained consistent with municipal ordinance or state law and two or more bids were submitted for the materials, supplies, or services to be procured by the municipality regardless of the population restrictions of subsection B of this section. Provided the notice of bids was made public and open to all potential bidders.

D. All bids, both successful and unsuccessful, and all contracts and required bonds shall be placed on file and maintained in the main office of the awarding municipality for a period of five (5) years from the date of opening of bids or for a period of three (3) years from the date of completion of the contract, whichever is longer, shall be open to public inspection and shall be matters of public record.

E. For purposes of this section, "employee" means any person who is employed by a municipality more than ten (10) hours in a week for more than thirteen (13) consecutive weeks and who enters into, recommends or participates in the decision to enter into any transaction described in subsection A of this section. Any person who receives wages, reimbursement for expenses, or emoluments of any kind from a municipality, any spouse of the person, or any business in which the person or spouse has a proprietary interest shall not buy or otherwise become interested in the transfer of any surplus property of a municipality or a public trust of which the municipality is beneficiary unless the surplus property is offered for sale to the public after notice of the sale is published.

F. For purposes of this section, "proprietary interest" means ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage which constitutes a controlling interest but shall not include any interest held by a blind trust.

G. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor. Any transaction entered into in violation of the provisions of this section is void. Any member of a governing body who approves any transaction in violation of the provisions of this section shall be held personally liable for the amount of the transaction.

H. Notwithstanding the provisions of this section, any officer, director or employee of a financial institution may serve on a board of a public body. Provided, the member shall abstain from voting on any matter relating to a transaction between or involving the financial institution in which they are associated and the public body in which they serve.

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PUBLIC TRUST CONFLICTS STATUTE

The following statute applies to public trusts and limits the activity of trustees of those trusts:

60 Okla.Stat. §178.8 - Conflict of Interest - Transactions Exempt

A. Except with regard to residents of a facility for aged persons operated by a public trust, who are trustees of the public trust operating the facility and who comprise less than a majority of the trustees, a conflict of interest shall be deemed to exist in any contractual relationship in which a trustee of a public trust, or any for-profit firm or corporation in which such trustee or any member of his or her immediate family is an officer, partner, principal stockholder, shall directly or indirectly buy or sell goods or services to, or otherwise contract with such trust. Upon a showing, thereof, such trustee shall be subject to removal and such contract shall be deemed unenforceable as against such trust unless the records of such trust shall reflect that such trustee fully and publicly disclosed all such interest or interests, and unless such contractual relationship shall have been secured by competitive bidding following a public invitation to bid.

The following types of transactions are exempt from the aforementioned provisions of this section:

1. The making of any loan or advance of any funds to, or the purchase of any obligations issued by such public trust, in connection with the performance of any of its authorized purposes;

2. Any legal advertising required by law or indenture or determined necessary by the trustees of such public trust;

3. The performance by any bank, trust company or similar entity or any services as a depository; or

4. The sale of any public utility services to such public trust, in which the price of said services is regulated by law.

It shall be the duty of each public trust to compile a list of all conflicts of interest for which its trustees have made disclosure. It shall also be the duty of each trust to compile a list of all dealings between its trustees and the trust which involve the exempted transactions listed above. Such lists shall be compiled semiannually for periods ending June 30 and December 31 of each year. Such lists shall be compiled on forms prescribed by the Oklahoma Tax Commission and shall be matters of public record. Copies of such lists shall be filed with the Secretary of State by September 1 and March 1 of each year.

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B. The provisions of this section shall be inapplicable to any public trust created and existing prior to July 1, 1988, if all bonds issued by such public trust are required to be issued under and pursuant to a single bond indenture by amendment or supplement thereto and if the instrument or will creating such public trust and the bond indenture under which such trust must issue all bonds shall have been held to be valid and binding agreements in an opinion of the Supreme Court of the State of Oklahoma; and nothing in this section shall impair or be deemed to impair the trust indenture, the bond indenture, or existing or future obligations of such public trust.

PUBLIC COMPETITIVE BIDDING ACT PROHIBITION FOR BIDDING

The following statute applies to contracts entered into pursuant to the Oklahoma Public Competitive Bidding Act:

61 Okla.Stat. §114 - Conflict of Interest

The chief administrative officer and members of the governing body of the awarding public agency authorizing or awarding or supervising the execution of a public construction contract, and their relatives within the third degree of consanguinity or affinity, are forbidden to be interested directly or indirectly through stock ownership, partnership interest or otherwise in any such contract. Contracts entered into in violation of this section shall be void. Persons willfully violating this section shall be guilty of a felony and shall be subject to removal from office.

CRIMINAL STATUTES

The following criminal statutes may apply to council members in certain circumstances:

21 Okla.Stat. §355 - Furnishing Public Supplies for Consideration-Exceptions

A. It shall be unlawful for any member of any board of county commissioners, city council or other governing body of any city, board of trustees of any town, board of directors of any township, board of education of any city or school district, to furnish, for a consideration any material or supplies for the use of the county, city, town, township, or school district.

B. The provisions of this section shall not apply to those municipal officers who are subject to Section 8-113 of Title 11 of the Oklahoma Statutes or to a member of any board of education of a school district in this state which does not include any part of a municipality with a population greater than two thousand five hundred (2,500) according to the latest Federal Decennial Census when the board member is the only person who furnishes the material or supplies within ten (10) miles of the corporate limits of the municipality. However, any activities permitted by this subsection shall not

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exceed Five Hundred Dollars ($500.00) for any single activity and shall not exceed Two Thousand Five Hundred Dollars ($2,500.00) for all activities in any calendar year.

C. It shall not be unlawful for any member of any board of county commissioners, city council or other governing body of any city, board of trustees of any town, board of directors of any township, or board of education of any school district to vote to purchase materials or supplies from a business that employs a member of the governing body or employs the spouse of a member if the member or the spouse of a member has an interest in the business of five percent (5%) or less.

21 Okla.Stat. §344 - Personal Interest of Official in Transaction-Penalty

A. Except as otherwise provided in this section, every public officer, being authorized to sell or lease any property, or make any contract in his or her official capacity, who voluntarily becomes interested individually in such sale, lease or contract, directly or indirectly, is guilty of a misdemeanor.

B. The provisions of this section shall not apply to:

1. Municipal officers who are subject to the provisions of Section 8-113 of Title 11 of the Oklahoma Statutes; and

2. Conservation district board members participating in programs authorized by Section 3-2-106 of Title 27A of the Oklahoma Statutes.

CODE OF ETHICS FOR ELECTED OFFICIALS

See Exhibit "A' - Code of Ethics and Professional Conduct which was approved by Durant City Council on August 8, 2017.

THE THREE R'S OF GOVERNMENT LEADERSHIP: ROLES, RESPONSIBILITIES AND RESPECT

Oklahoma State Statutes and City Ordinances provide detailed information on the roles and responsibilities of council members, the vice mayor and the mayor. This code is intended as a policy statement for the council to help ensure fair, ethical and accountable local government.

This Code of Ethics is designed to describe the manner in which council members should treat one another, city staff, constituents, and others that they may come into contact with while representing the city. The policy defines more clearly the behavior, manners and courtesies

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that are suitable for various occasions. The policy also considers a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent theme through all of the conduct guidelines is "respect." Council members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual, through words and actions, is the touchstone that can help guide Council Members to do the right thing in even the most difficult situations.

OVERVIEW OF ROLES & RESPONSIBILITIES

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Oklahoma State Statutes, Code of Ordinances and the Municipal Handbook from the Oklahoma Municipal League.

MAYOR

- Acts as the official head of the city for all ceremonial purposes and military law.
- Chairs council meetings.
- Calls for special meetings.
- Recognized as spokesperson for the city
- Selects substitute for city representation when mayor cannot attend
- Makes judgment calls on proclamations.
- Recommends subcommittees, as appropriate, for council approval.
- Leads the council into an effective, cohesive working team.
- Signs documents on behalf of the city.

VICE MAYOR

- Performs the duties of the mayor if the mayor is absent or disabled.
- Chairs board meetings at the request of the mayor.
- Represents the city at ceremonial functions at the request of the mayor.
- Moves or makes motions on agenda items at board meetings.

BOARD MEMBERS

- All members of the city council, including those serving as mayor and vice mayor, have equal votes. (may vary depending on charter or some forms of government)
- No board member has more power than any other board member, and all should be treated with equal respect.

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RESPONSIBILITY OF ALL BOARD MEMBERS

- Fully participate in board meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others, including the public, other board members, and employees of the City.
- Prepare in advance of meetings and be familiar with issues on the agenda.
- Represent the city at ceremonial functions at the request of the mayor.
- Be respectful of other people's time.
- Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in our government.
- Provide contact information with the administration in case an emergency or urgent situation arises.
- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities to increase team effectiveness and review council procedures, such as this Code of Conduct.

MEETING CHAIR

The mayor will chair official meetings of the city council, unless the vice mayor or another council member is designated as chair of a specific meeting.

The Chair shall:

- Maintain order, decorum and the fair and equitable treatment of all speakers.
- Keep discussion and questions focused on specific agenda items under consideration. Make parliamentary rulings with advice, if requested, from the city manager, who shall act as an advisory parliamentarian.

POLICY ROLE OF THE CITY COUNCIL

Members shall respect and adhere to the structure of the city government as outlined by Oklahoma Statutes. The Board members shall be informed of their role in their form of government and shall not interfere in those areas of operation that are the responsibility of others in their form of government. Except as where specifically allowed by statute, Board members should 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.

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POLICIES & PROTOCOL RELATED TO CONDUCT

A. **Ceremonial Events:** Requests for a City representative at ceremonial events will be handled by the city clerk. The mayor will serve as the designated city representative. If the mayor is unavailable, then the city clerk will determine if event organizers would like another representative from the council. If yes, then the mayor will recommend which council member should be asked to serve as a substitute. Invitations received at city hall are presumed to be for official city representation. Invitations addressed to council members at their homes are presumed to be for unofficial, personal consideration.

B. **Correspondence Signatures:** City staff will assist, through the management of the City, in the preparation of any official correspondence needed by the Board. All board members should be aware that all correspondence generated by them in their official capacity will likely be subject to the Open Records Act and, therefore, will become a public record subject to inspection by any member of the public.

C. **Endorsement of Candidates:** Board members have the right to endorse candidates for all council seats or other elected offices. It is inappropriate to mention endorsements during council meetings or other official city meetings.

D. **Public Meeting Hearing Protocol:** The applicant or appellant shall have the right to speak first. The chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The chair will determine how much time will be allowed for each speaker, with three to five minutes the standard time granted. The applicant or appellant will be allowed to make closing comments. The chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly. After the close of a public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.

    a. Board members should not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by council members are not appropriate until after the close of the public hearing. Board members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

E. **Travel Expenses:** All council travel, in which the council member expects to officially represent the city and/or be reimbursed by the city for travel costs, must be approved in accordance with the city's travel and expense reimbursement policy.

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BOARD MEMBER CONDUCT WITH ONE ANOTHER

Boards are composed of individuals with a wide variety of backgrounds, personalities, values, opinions and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of our community. In all cases, this common goal should be acknowledged even as the council may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS

A. **Practice Civility and Decorum in Discussions and Debate:** Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, council members to make belligerent, personal, impertinent, slanderous, threatening, abusive or disparaging comments. No shouting or physical actions will be tolerated.

B. **Honor the Role of the Chair in Maintaining Order:** It is the responsibility of the chair to keep the comments of council members on track during public meetings. Board members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

C. **Avoid Personal Comments That Could Offend Other Board Members:** If a board member is personally offended by the remarks of another board member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

D. **Demonstrate Effective Problem-Solving Approaches:** Board members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

A. **Continue Respectful Behavior in Private:** The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

B. **Be Aware of the Insecurity of Written Notes, Voicemail Messages, And Email:** Technology allows words written or said without much forethought to be distributed

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wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voice mail message was played on a speaker phone in a full office? What would happen if this email message was forwarded to others? Written notes, voice mail messages and email should be treated as potentially "public" communication.

C. **Even Private Conversations Can Have a Public Presence:** Elected officials are always on display -- their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

BOARD CONDUCT WITH CITY STAFF

Governance of a city relies on the cooperative efforts of elected officials, who set policy, and city staff, who implement and administer the board's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

A. **Treat All Staff as Professionals:** Clear, honest communication that respects the abilities, experience and dignity of each individual is expected. Poor behavior toward staff is not acceptable.

B. **Limit Contact to Specific City Staff:** Questions of city staff and/or requests for additional background information should be directed through the appropriate channels and management. Requests for follow-up or directions to staff should be made only through the proper channels. When in doubt about what staff contact is appropriate, council members should confer with management for direction and be sure that the contact is appropriate in the form of government applicable. Materials supplied to a board member in response to a request will be made available to all members of the board so that all have equal access to information.

C. **Never Publicly Criticize an Individual Employee:** Board members should never express concerns about the performance of a city employee in public, to the employee directly, or to the employee's department head. Comments about staff performance should only be made through management through private correspondence or conversation.

    a. Do not get involved in daily administrative functions, except those involving committees established by the board and those involving council agenda items in which management is presenting the item to the board for consideration.

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b. Board members must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits, except to the extent those items involve board agenda items or items presented to board committees.

D. **Check with City Staff on Correspondence Before Taking Action:** Before sending correspondence, board members should check with city staff to see if an official city response has already been sent or is in progress.

E. **Limit Request for Staff Support:** Routine secretarial support will be provided to all council members. All mail for board members is opened by management, unless other arrangements are requested by a board member. Requests for additional staff support, even in high priority or emergency situations, should be made through management, who is responsible for allocating city resources in order to maintain a professional, well-run city government.

COUNCIL ACCESS AND USE OF PUBLIC FACILITIES AND EQUIPMENT

The board acknowledges that the powers bestowed on council by state law are granted to the board as a whole, and not to individual board members. As such, the powers granted to council are only exercised in public meetings in compliance with the Oklahoma Open Meeting Act.

Individual board members, including the mayor, do not have any greater access to public facilities, work sites, or city owned property and equipment than the public at large. Neither the board nor mayor are provided offices at city hall or any other city facility, and should direct any request for assistance with official duties (clerical, mailing, travel arrangements, etc.) through management.

The use of any city equipment, even if authorized and provided through the proper channels, shall be in accordance with the policies of the city, and not for personal use.

If the board members are provided city email accounts for city business, in order to comply with legal requirements for the preservation of public records and to ensure that there is compliance with the city's computer usage policies, all council members should conduct city business through the city email account only, with the failure to do so subject not only to the sanctions outlined herein, but also the risk of other individual legal liability for violation of the Oklahoma Open Records Act.

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BOARD CONDUCT WITH THE PUBLIC: IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

A. **Be Welcoming to Speakers and Treat Them with Care and Gentleness:** The way that the board treats people during public hearings can do a lot to make them relax or push their emotions to a higher level of intensity."

B. **Actively Listen:** It is disconcerting to speakers to have board members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. If speakers become flustered or defensive by board questions, it is the responsibility of the chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by board members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Board members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

C. **No Personal Attacks of Any Kind, Under Any Circumstance:** Board members should be aware that their body language and tone of voice, as well as, the words they use, can appear to be intimidating or aggressive.

D. **Follow Parliamentary Procedure in Conducting Public Meetings:** Final rulings on parliamentary procedure are made by the chair of the meeting.

COUNCIL CONDUCT WITH THE PUBLIC: IN UNOFFICIAL SETTINGS

A. **Make No Promises on Behalf of the Board:** Board members will frequently be asked to explain a council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of city policy and to refer to city staff for further information. It is inappropriate to overtly or implicitly promise council action, or to promise city staff will do something specific (repair a street, solve a drainage problem, install street signs, etc.).

B. **Make No Personal Comments About Other Board Members:** It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other council members, their opinions and actions.

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C. **Remember That Despite Its Impressive Population Figures, This City Is a Small Town at Heart:** Board members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the city. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by council members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

BOARD MEMBER CONDUCT WITH OTHER PUBLIC AGENCIES

A. **Be Clear About Representing the City or Personal Interests:** If a board member appears before another governmental agency or organization to give a statement on an issue, the council member must clearly state:

   a. If his or her statement reflects personal opinion or is the official stance of the city;

   b. Whether this is the majority or minority opinion of the board. If the board member is representing the city, the member must support and advocate the official city position on an issue, not a personal viewpoint.

   c. If the board member is representing another organization whose position is different from the city, the member should withdraw from voting on the issue if it significantly impacts or is detrimental to the city's interest. Board members should be clear about which organizations they represent and inform the mayor and council of their involvement.

B. **Correspondence Also Should Be Equally Clear About Representation:** City letterhead may be used when the board member is representing the city and the city's official position. A copy of official correspondence should be given to the city manager for filing as part of the permanent public record.

BOARD MEMBER CONDUCT WITH BOARDS AND COMMISSIONS

The city has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards and commissions become more involved in government and serve as advisors to the city council. They are a valuable resource to the city's leadership and should be treated with appreciation and respect.

A. **If Attending a Board or Commission Meeting, Be Careful to Only Express Personal Opinions:** Board members may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation -- especially if it is on behalf of an individual, business or developer --

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could be viewed as unfairly affecting the process. Any public comments by a board member at a board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire city council.

B. **Limit Contact with Board and Commission Members to Questions of Clarification:** It is inappropriate for a council member to contact a board or commission member to lobby on behalf of an individual, business, or developer. It is acceptable for council members to contact board or commission members in order to clarify a position taken by the board or commission.

C. **Remember That Boards and Commissions Serve the Community:** The city council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the council. But board and commission members do not report to individual council members, nor should council members feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and reappointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

D. **Be Respectful of Diverse Opinions:** A primary role of boards and commissions is to represent many points of view in the community and to provide the council with advice based on a full spectrum of concerns and perspectives. Board members may have a closer working relationship with some individuals serving on boards and commissions, but must be fair and respectful of all citizens serving on boards and commissions.

E. **Keep Political Support Away from Public Forums:** Board and commission members may offer political support to a council member, but not in a public forum while conducting official duties. Conversely, council members may support board and commission members who are running for office, but not in an official forum in their capacity as a council member.

F. **Inappropriate Behavior Can Lead to Removal**: Inappropriate behavior by a board or commission member should be noted to the mayor, and the mayor should counsel the offending member. If inappropriate behavior continues, the mayor should bring the situation to the attention of the council and the individual is subject to removal from the board or commission.

COUNCIL CONDUCT WITH THE MEDIA

Council members are frequently contacted by the media for background and quotes.

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A. **The Best Advice for Dealing with The Media is to Never Go "Off the Record":** Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

B. **The Mayor Is the Official Spokesperson for the City's Position:** The Mayor is the designated representative of the Council to present and speak on the official city position. If an individual council member is contacted by the media, the council member should be clear about whether their comments represent the official city position or a personal viewpoint.

C. **Choose Words Carefully and Cautiously:** Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

SANCTIONS

A. **Public Disruption:** Members of the public who do not follow proper conduct after a warning in a public hearing maybe barred from further testimony at that meeting or removed from the council chambers.

B. **Inappropriate Staff Behavior:** Board members should refer to the administration any city staff who does not follow proper conduct in their dealings with board members, other city staff, or the public. These employees may be disciplined in accordance with standard city procedures for such actions.

C. **Board Members Behavior and Conduct:** City board members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the council, lose seniority or committee assignments (both within the city or with inter-government agencies). Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by board.

   Board members should point out to the offending council member infractions of the Code of Conduct. If the offenses continue, then the matter should be referred to the mayor in private. If the mayor is the individual whose actions are being challenged, then the matter should be referred to the vice mayor.

   It is the responsibility of the mayor to initiate action if a board member's behavior may warrant sanction. If no action is taken by the mayor, the alleged violation(s) can be brought up with the full council in a public meeting.

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If violation of the Code of Conduct is outside of the observed behaviors by the mayor or council members, the alleged violation should be referred to the mayor. The city council should ask the appropriate staff member to investigate the allegation and report the findings to the city council. It is the city council's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full council to consider in a public meeting; or forming a council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as, to recommend sanction options for council consideration.

A. City staff shall provide a copy of this resolution to the members of all city boards and commission to ensure they are familiar with the guidelines established by the city council.

B. Additional ethical restrictions, based on state law, apply to any financial conflict of interest issue that may arise, and those issues should be addressed on an individual basis as they arise.

PUBLIC TRUSTS & UTILITY AUTHORITIES

Oklahoma law allows for the creation of a public trust for limited purposes. In doing so, the city gains some advantages in the ability to finance projects and some other differences in how it can conduct its' business. The greatest advantage is the ability to sell revenue bonds to finance construction of public utilities or other projects that can be funded by the revenue that is created. The revenue bonds can be approved and sold by a vote of the Trustees of the Trust and do not require a vote of the people, as do general obligation bonds that are used by the city to finance projects.

Many trusts in Oklahoma have been created to allow that flexibility. The trust is for all purposes a separate, legal entity and therefore, required to have separate meetings and separate agendas for its meetings. The Trustees of the Trust are designated by the trust documents, and many times will be elected officials of the city. Although we sometimes refer to the two entities as one and the same, they really are not. Each entity has its own budget, has its own financial structure, and does business in specific areas without mingling its financial affairs with the other entity. All of the open meeting and open record restrictions that apply to the City will apply to the trust. Although your form of government may have special limitations on the roles of the Mayor and other elected officials, the Trust Indenture should be reviewed to determine the specific powers of the trustees of the trust that governs your operations.

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MANDATORY COUNCIL EDUCATION

A statute was passed by the Oklahoma legislature requiring all council members elected after January 1, 2005, to attend eight hours of municipal government training within one year of taking office. The specific terms of the statute state:

> **Section 8-114 - First Time Elected or Appointed Officers Required to Attend Institute for Municipal Officers**
>
> **A. Each person elected or appointed for the first time as an officer of a municipality** as defined by paragraph 6 of Section 1-102 of this title, shall be required within one (1) year after taking the oath of office to attend an institute for municipal officials. The Institute shall be conducted at all times, in cooperation with the Oklahoma Department of Career and Technology Education, by or under the supervision of a statewide organization that is exempt from taxation under federal law and designated pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a). The statewide organization shall demonstrate to the Oklahoma Department of Career and Technology Education that it has represented municipalities, had statutory functions and conducted training programs for municipalities for at least fifteen (15) years prior to November 1, 2005. It shall further demonstrate that its continuous official purpose is to promote the general welfare of cities and towns, to foster or conduct schools, short courses and other training sessions, to provide technical assistance and consultive services and other aids for the improvement and increased efficiency of city and town government, and to serve as the representative of cities and towns in carrying out the duties and prerogatives conferred on it by state law.
>
> **B. The Institute shall consist of eight (8) hours of instruction.** A certificate of completion shall be awarded to those persons who attend and successfully complete the Institute and a list of those persons shall be filed with the Oklahoma Department of Career and Technology Education.
>
> **C. The curriculum for the Institute shall include**, but not be limited to: municipal budget requirements, the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, ethics, procedures for conducting meetings, conflict of interest, and purchasing procedures.
>
> **D. The Institute shall be held at a minimum of six regional locations in the state**. Every effort shall be made by the Institute to accommodate training through long-distance learning.

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E. A person elected or appointed to a municipal office who fails to satisfy the education requirements of this section shall cease to hold the office commencing at the next scheduled meeting of the governing body following the first-year anniversary of the person's taking the oath of office.

F. At the time of filing, the designated statewide organization shall provide the necessary information to the candidate of the option for attendance at the Institute as provided for in this section. In the case of officials nominated and elected for municipal offices at town meetings, the presiding officer of the town meeting shall notify the candidate of the option.

The failure to obtain the training results in a forfeiture of office without any affirmative vote by the other members, and may preclude the council member from being eligible to serve in the future. Please contact the city clerk's office to obtain the necessary information to meet the requirements of this state law.

BUILDING STABILITY

Our goals should be the same for the mayor, elected council member and city employee, that we want the following things in our city government:

A. Stability: Everyone we deal with needs our government to be stable, meaning predictable, reliable and consistent in how we do business.

B. Fulfilling: Our city government experience should be fulfilling for everyone involved, from the highest ranking to the lowest ranking person associated with our government. We get there by accomplishing good goals, and by leaving it better than we found it.

C. Enjoyable: We deal with difficult issues sometimes, but the experience of working to make our government better should be enjoyable for everyone involved.

The more stable our cities are, the more fulfilling and enjoyable our service will be. The stability test was created as a way to measure how our cities are doing; the 10 categories used were chosen based on input from a number of municipal officials, with the idea that we should identify the broad areas that should be measured to determine how well our communities are functioning. Some cities have adopted this test as a framework for annual retreats, using it to identify areas in which they seek improvement and as a way to measure how they have improved from year to year.

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1. **Financial Stability**: Do you have enough money to operate?
    a. Create a written policy that establishes financial goals for the city, approved by council resolution that gives clear direction to staff.
    b. Determine an appropriate reserve policy with realistic goals.
    c. Clear, simple, monthly reports to elected officials.

2. **Governing Body Stability**: How stable is your governing body?
    a. Hold an annual training, including training to staff and elected officials about meeting protocol.
    b. Plan to hold an annual retreat to set goals.
    c. Hold regular meetings with staff to ensure all are working on the projects that are important.
    d. Have a code of ethics for elected officials.
    e. Have a best practices resolution for oversight.
    f. Be professional.

3. **Meetings**: How good are your meetings?
    a. They should be business meetings.
    b. Have respect for fellow elected officials.
    c. Have and abide by clear meeting rules.
    d. Include a good balance of public input limited to agenda topics.
    e. Attend meetings in other cities and learn from them.

4. **Employees**: How good is your workforce?
    a. How do you instill pride in their work?
    b. Improve uniforms and appearance with employee help.
    c. Provide a good salary and benefits.
    d. Create a sense of being a part of the team that works toward a common goal.
    e. Show appreciation to your employees.

5. **Public Image**: What does the public think of your city?
    a. Having good, professional meetings will help.
    b. Emphasize what you do well.
    c. What do your city properties look like?
    d. What does your city equipment look like?
    e. Do you show appreciation to vendors?
    f. Do you pay on time?

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6. **Crisis Management**: How do you handle a crisis?
    a. Understand everyone's role.
    b. Understand operations before an event.
    c. Have elected officials tour emergency management facilities and understand who is in charge.

7. **Economic Development**: Are you involved in economic development?
    a. Have you set goals for economic development?
    b. Does the city own land for development?
    c. Do you have an economic development director or contract?

8. **Planning & Goal Setting**: How well do you plan and set goals for city projects?
    a. Hold an annual or regular goal setting meeting with written results.
    b. Have short term and long term planning.
    c. Have clear communication, including action steps.

9. **Administration**: How stable has your upper management been?
    a. Identify the strengths and weaknesses of a good working relationship.
    b. Communicate about expectations.
    c. Build and maintain trust between the elected officials and the administration.

10. **Communication**: How well do you communicate?
    a. Create a communications system that is agreed to, that may include:
        i. Weekly reports
        ii. Annual reports
        iii. City newsletter
        iv. Employee newsletter
        v. Email of important events
    b. If possible, have council committees
    c. Informal time with elected officials for management

If you can find stability in these 10 areas, your city will operate more efficiently and achieve greater success throughout the years.

MEETINGS

Avoid bad meetings – the elected officials can control their own meetings. By improving your meetings:

A. The board members enjoy their service more than ever, and have a sense that they have been given the tools and power to make a permanent, positive change.

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B. The image of the city government has improved by the way meetings are conducted.
C. Meetings are shorter, better and more focused on the real issues.
D. It is a much better place to work; employees are better paid and treated better with a better work environment and good employees will stay.
E. The interest of the public is much better served than ever before.

PUBLIC IMAGE

One of the biggest problems facing municipalities across Oklahoma is a negative public image. Cities continue to work to improve services and accessibility to the community, yet the public focuses on the negatives. By utilizing social media, you can improve your public image and manage the message that your city projects. Your city becomes a primary news source, particularly with the decline in print media around the state. And, if utilized correctly, you will learn to engage with your community and build rapport. Social media can be a tool for notices and pushing information, but make a goal to build engagement and interaction as well.

A. Facebook

a. Facebook allows businesses, organization and government agencies to create professional page profiles to promote and communicate information. These pages are different than a personal profile in that they allow space for your city contact information, calendar events and statistics on who you are reaching in your community.
b. Designating someone to consistently read the statistics on your page will help you determine what types of posts work and what your community is interested in. Typically, posts on public safety gain a lot of attention. Use posts like this to build your page following. Be strategic in how and when you post.
c. Utilize photos as much as possible. These posts have more reach and will typically receive more engagement from followers.
d. Utilize some of your budget for Facebook ads. Putting just $5 toward a post about a new fire station can reach 10,000 people very quickly. It will be worth the small amount of money when your reach goes up by 10 percent in a day.
e. Highlight what your city does well. Ask department heads and city staff to submit suggestions on projects, events, notices, etc. Highlight awards both for your city and your staff. Use this tool to get the good news out to those in your community.
f. Make it your goal to create positive news. The more positive news you put out, the more the local media will pick it up, and the more trust your community will have in what you are doing.
g. Work with your local chamber and businesses to share news.

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B. Other Forms of Social Media

a. Twitter: utilize for quick messages, news
b. Instagram: utilize for photos; great if you want to highlight development in your city
c. Facebook Live: utilize for special events, special promotions, etc. This tool really generates new followers.

C. The Negatives of Social Media: Many people are turned off by social media and simply want to avoid it. However, it has only continued to grow throughout the last decade, and the public has become more reliant on social media updates than the daily newspaper. Cities should embrace this change and make a goal to push positive, accurate news to their community.

a. Comments: Currently Facebook does not allow a page to turn off the ability to comment on a post. While there are those people who are constantly negative, you have the ability to hide any comments on your page without the commenter knowing.
b. Public Posting: You can turn off the ability of the public to post on your Facebook page, limiting that to one or more people of your choosing.

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CITY COUNCIL DISCLOSURE OF INTEREST FORM

The undersigned, in accordance with City Ordinance and State Law, hereby discloses the following Conflict of Interest:

A. I have an interest in following issue that is pending:

B. My conflict exists because of the following:

C. Does the transaction involve any of the following:

   a. Selling, buying, or leasing property, real or personal, to or from the municipality;

   b. Contracting with the municipality; or

   c. Buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidence of indebtedness of the municipality.

   If yes, AND you or an immediate family member are engaging in that activity, the action is illegal. If your interest is in a company doing business with the City and your interests consists of a "proprietary interest" or ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage which constitutes a controlling interest, the transaction is illegal. Does this section apply to your transaction? YES / NO

D. Competitive Bidding. Is the contract for a construction project involving more than $50,000? If yes, you are forbidden to be interested directly or indirectly through stock ownership, partnership interest or otherwise in any such contract. Does this section apply to your transaction? YES / NO

E. I have an interest in an issue that will appear on a City Council agenda, as follows:

   a. I understand that because my interest is a personal or family interest in which I have a financial risk in the outcome of the vote, I am precluded from voting on this issue. I understand I can present factual information to the board as a member of the public could, and understand that even though I am not legally required to leave the room during the council's discussion of this matter, that I have been advised I should do so. Does this section apply to your transaction? YES / NO

   b. I or a family member has an interest in an issue appearing before council. I do not have any direct or indirect financial interest in the outcome of the vote, and am making this disclosure to avoid any allegation that I had an inappropriate conflict of interest. Does this section apply to your transaction? YES / NO

Dated this _____ day of _____, 20___

_____
Signature

_____
City Clerk

_____
City Attorney

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MEETING SIGN-IN

WELCOME:

Tonight's meeting of the City Council is a regular business meeting in which the Council will consider only the specific items listed on the agenda. The agenda items are proposed by Council and staff as pending issues necessary for the City. Citizen input is allowed regarding any non-agenda item. By council policy, comments are limited to four minutes, should be directed to the Mayor, and should be presented in a civil and business-like manner that shows respect to your fellow citizens.

This meeting, as are other meetings of the City, is governed by rules of conduct and a Code of Ethics approved by the City Council. That Code requires that the members of the City Council continue the long tradition in our City of civility during meetings, proper conduct toward each other, staff and the public, and open discussion of issues without personal attack or animosity. The Council expectations regarding civility apply to all employees of the City and to the public.

We look forward to your input and a productive meeting.

PLEASE SIGN-IN ONLY IF YOU WISH TO SPEAK ON A NON-AGENDA ITEM

Name	Address	Phone

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CONFIDENTIALITY AGREEMENT FOR EXECUTIVE SESSION

This 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. Breach of this Confidentiality Agreement may result in personal liability and potential violation of the Oklahoma Open Meeting Act.

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_____.

_____
Mayor Jerry Tomlinson

_____
City Manager Tim Rundel

_____
Vice Mayor Chad Hitchcock

_____
City Attorney Tom Marcum

_____
Council Member Mike Dills

_____
Council Member Oden Grube

_____
Council Member Destry Hawthorne

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EXAMPLE SOCIAL MEDIA IMPRESSUM

Use on social media, particularly Facebook, so you can confidently hide or delete comments.

Comments posted to this page will be monitored. The City of Durant reserves the right to hide or remove comments, including those that have obscene language or sexual content, threaten a person or organization, support or oppose political candidates or ballot propositions, promote or encourage illegal activity, promote commercial services or products, promote individual causes, websites or social media sites or are not topically related to the particular posting.

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EXHIBIT A - APPROVED BY COUNCIL 08/08/2017

City of Durant

Code of Ethics and Conduct
For
Elected and Appointed Officials

Policy Purpose

The Durant City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Durant's City government.

A. ETHICS

The citizens and businesses of Durant are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, City Treasurer, and City Clerk and of all Boards, Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

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 Durant and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.

2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of Oklahoma and the City of Durant in the performance of their public duties.

3. **Conduct of Members.** The professional and personal conduct of members while exercising their office 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, Committees and Commissions, the staff or public.

For ease of reference the term "member" refers to any member of the Durant City Council, City Treasurer, City Clerk or City Boards, Committees and Commissions established by City ordinance or Council policy.

4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.

5. **Conduct at Public Meetings**. Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.

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. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.

7. **Communication.** For adjudicative matters pending before the body, members shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body 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 and compliance with conflict of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

   A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Oklahoma Ethics Commission or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Mayor and the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

   In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

9. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

For ease of reference the term "member" refers to any member of the Durant City Council, City Treasurer, City Clerk or City Boards, Committees and Commissions established by City ordinance or Council policy.

10. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

11. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.

12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee 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 Durant, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.

14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Durant City government as outlined in the Durant City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City Manager, City staff, City Attorney, Boards, Committees and Commissions, and the public. Except as provided by the City Code, members 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.

15. **Independence of Boards, Committees and Commissions**. Because of the value of the independent advice of Boards, Committees 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, Committee and Commission proceedings.

16. **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 direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Durant.

For ease of reference the term "member" refers to any member of the Durant City Council, City Treasurer, City Clerk or City Boards, Committees and Commissions established by City ordinance or Council policy.

1. **Elected and Appointed Officials' Conduct with Each Other in Public Meetings**

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

(a) *Honor the role of the chair in maintaining order*
It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

(b) *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

(c) *Avoid personal comments that could offend other members*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

(d) *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. **Elected and Appointed Officials ' Conduct with the Public in Public Meetings**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

(a) *Be welcoming to speakers and treat them with care and gentleness.*
While questions of clarification may be asked, the official's primary role during public testimony is to listen.

(b) *Be fair and equitable in allocating public hearing time to individual speakers.*
The chair will determine and announce limits on speakers at the start of the public hearing process.

(c) *Practice active listening*
It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial

expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

(d) *Maintain an open mind*
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

(e) *Ask for clarification, but avoid debate and argument with the public*
Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. **Elected and Appointed Officials' Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

(a) *Treat all staff as professionals*
Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) *Do not disrupt City staff from their jobs*
Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or
appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

(c) *Never publicly criticize an individual employee*
Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.

(d) *Do not get involved in administrative functions*
Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

(e) *Do not solicit political support from staff*
Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) *No Attorney-Client Relationship*
Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

4. **<u>Council Conduct with Boards, Committees and Commissions</u>**

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

(a) *If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*
Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

(b) *Limit contact with Board, Committee and Commission members to questions of clarification* It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is
acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.

(c) *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*
Upon nomination by the Mayor, the City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."

(d) *Be respectful of diverse opinions*
A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.

(e) *Keep political support away from public forums*
Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

C. SANCTIONS

(a) *Acknowledgement of Code of Ethics and Conduct*
Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or Council subcommittees. Board, Committee and Commission members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

(b) *Ethics Training for Local Officials*
Councilmembers, City Treasurer, City Clerk, Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.

(c) *Behavior and Conduct*
The Durant Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Durant City Council, Boards, Committees 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, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers:
Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Durant and with intergovernmental agencies) or other privileges afforded by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of the Mayor (or Vice Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Vice Mayor), then the alleged violation(s) can be brought up with the full Council.

Board, Committee and Commission Members:
Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written

reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board, Committee or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board, Committee and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Manager and the City Attorney after complying with Oklahoma Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, City Treasurer, City Clerk, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, Boards, Committees and Commissions, and updated it as necessary.

For ease of reference the term "member" refers to any member of the Durant City Council, City Treasurer, City Clerk or City Boards, Committees and Commissions established by City ordinance or Council policy.

Example:

I affirm that I have read and understand the City of Durant Code of Ethics and Conduct for Elected and Appointed Officials.

_____ _____

Signature Date

For ease of reference the term "member" refers to any member of the Durant City Council, City Treasurer, City Clerk or City Boards, Committees and Commissions established by City ordinance or Council policy.

Agenda Item: 5.

The City of Durant

Office of City Clerk

Memorandum

Date:	9/28/2017
To:	Mayor and City Council
From:	Cynthia J. Price, City Clerk
Re:	Consider Approval of Resolution 2017-23 Authorizing Participation in the OMAG Recognition Program

Council Information / Action Requested

Approval of Resolution 2017-23 Authorizing Participation in the OMAG Recognition Program

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

Description	Type	Upload Date
Resolution 2017-23	Exhibit	9/28/2017

RESOLUTION NO. 2017-23

A RESOLUTION AUTHORIZING PARTICIPATION IN THE OMAG RECOGNITION PROGRAM

WHEREAS, the City of Durant believes the best run municipalities have fewer liability claims and the claims they have place fewer demands on municipal resources; and

WHEREAS, the City of Durant participates in the Municipal Liability Protection Plan provided by OMAG (the Oklahoma Municipal Assurance Group); and

WHEREAS, OMAG is the City of Durant's provider of insurance and risk management solutions; and

WHEREAS, OMAG has established a program to recognize member municipalities which have committed themselves to obtaining training above and beyond the legally required training and which have taken certain actions which show that the member is committed to operating under certain best practice recommendations; and

WHEREAS, during the current fiscal year:

- Each member of the governing body received, either in person or by distance learning, the training required for participation in the OMAG recognition program; and
- The governing body has adopted a governing body handbook or, if a handbook had previously been adopted, the body has reviewed and updated the handbook to reflect the best practice recommendations from OMAG; and
- Each member of the governing body completed the OMAG recommended Stability Test and the results of the test were reviewed by the governing body to self-audit its performance; and
- The governing body reviewed the Declarations and Explanation of Coverage page for its liability policy with OMAG; and

WHEREAS, due to the above actions by the governing body and its members, the City of Durant is now eligible to participate in the OMAG Recognition program.

NOW THEREFORE, BE IT RESOLVED BY THE DURANT CITY COUNCIL THAT THE CITY OF DURANT REQUESTS THAT IT BE CONSIDERED FOR PARTICIPATION IN THE OMAG RECOGNITION PROGRAM.

ADOPTED by the City Council of the City of Durant on this 9th day of October, 2017, after full compliance with the Oklahoma Open Meeting Act.

_____
MAYOR

ATTEST:_____
CITY CLERK