

Best Governance Practices Handbook

City of Shawnee
OKLAHOMA



Best Governance Practices Handbook

Approved by

Shawnee Board of City Commissioners

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INTRODUCTION

Thank you for having chosen to serve and "conduct the public's business" as a City Commission Member for the City of Shawnee. Although you may have been active in civic affairs or other political arenas, as a City Commission Member, you are subject to laws, rules, and policies that you may be unfamiliar with. Educating yourself and creating a more stable local government should be the goal of all government officials. This handbook aims to support you in this endeavor.

BEST PRACTICES FOR BUILDING STABILITY

In addition to following federal and state laws, as well as the Shawnee City Charter, Ordinances, and City Codes, like many cities, Shawnee has also resolved to establish "best governance practices" and policies. We all want the following from and for our City government:

- **Steady:** Our government must be stable, predictable, reliable, and consistent in how we do business. This stability builds trust.
- **Fulfilling:** Our City government experience should be fulfilling for everyone involved, from the elected officials through all levels of City administration and operation. We get there by setting strong goals, accomplishing good projects, and leaving the City better than we found it.
- **Effective:** We establish appropriate roles, purpose, communication, and mutual respect to build the foundation for effective governance, which is fundamental for sustained growth and incremental improvement.

The more stable the City of Shawnee is, the more fulfilling and effective the City Commission's public service will be. Developed over time, the following ten focus areas were identified as determinants of how well a community functions. An annual review may be useful to measure improvement.

- **Municipal Finances**: Does the City have enough money to operate?
    a. Create a written policy, approved by Commission resolution, that establishes financial goals for the City and gives clear direction to staff.
    b. Determine an appropriate reserve policy with realistic goals.
    c. Provide clear, simple, monthly reports to elected officials.
- **Governing Body**: How stable is the City's governing body?
    a. Hold an annual training for City staff and elected officials related to meeting protocols.
    b. Set aside time for an annual retreat to set goals.
    c. Meet regularly with staff to ensure all are working on the projects that are important.
    d. Have a code of ethics for elected officials.
    e. Be professional.
- **Meetings**: How good are the City Commission and Authority meetings?
    a. Conduct effective business meetings.
    b. Have respect for fellow elected officials.
    c. Define and abide by clear meeting rules.
    d. Invite public input that is limited to agenda topics.
    e. Attend meetings in other cities and learn from them.

- **Employees**: How good is the City's workforce?
    a. Instill pride in the employees' work.
    b. Support and improve employee uniforms and appearance.
    c. Provide competitive salaries and benefits.
    d. Create a team spirit and work toward a common goal.
    e. Show appreciation to City employees.

- **Public Image**: What does the public think of the City of Shawnee?
    a. Have professional and productive meetings.
    b. Emphasize what the City does well.
    c. Improve the appearance of City properties.
    d. Maintain and improve City equipment.
    e. Show appreciation to vendors.
    f. Pay vendors and invoices on time.

- **Crisis Management**: How does the City handle a crisis?
    a. Understand everyone's role in emergency management.
    b. Practice emergency response operations before an event.
    c. Have elected officials tour emergency management facilities and understand their role.

- **Economic Development**: Is the City involved in economic development?
    a. Set goals for economic development.
    b. Explore economic development for City-owned land.
    c. Retain an economic development director or contract.

- **Planning & Goal Setting**: How well does the City plan and set goals for major projects?
    a. Hold a regular goal setting meeting and document results.
    b. Consider short- and long-term planning and goals.
    c. Establish clear communication and include action steps.

- **Administration**: How stable has the City's upper management been?
    a. Identify the strengths and weaknesses of the working relationship.
    b. Communicate clear expectations.
    c. Build and maintain trust between the City Commission and the City Manager.

- **Communication**: How well does the City communicate?
    a. Create an agreed-to communications system, that may include:
        i. Weekly reports
        ii. Annual reports
        iii. City newsletter
        iv. Employee newsletter
        v. Email of important events
    b. As needed, have Commission-established committees.
    c. Establish informal times for elected officials to connect with the City Manager.

The City of Shawnee continuously to work on mastering these areas to achieve greater stability.

BEST PRACTICES FOR BUILDING ACCOUNTABILITY

Many of the best governance practices deal with public transparency, Commission accountability and understanding of City operations, and City staff responsibility. In the City of Shawnee, these accountability practices encompass the following:

- **Elected Official Accountability**: The Commission shall ensure their accountability by:
  a. Attendance reporting to ensure other members and the public are aware of the attendance history of the elected officials.
  b. The implementation of "transparency" policies and processes to make information about City government easily accessible to the public.
  c. The use of well-defined purchasing policies of the City to ensure management and staff have clarity concerning the purchasing policies and expectations of the City.
  d. The use of committees dealing with topics as the Commission deems appropriate, including financial and project-related oversight.
  e. An annual training event to review ethics, finances, and operations, and to address the expectations and goals of the City, including a self-assessment of the accomplishments and improvements needed by the City Commission and City Management to achieve the goals of the City.
  f. A "Code of Conduct" for the Commission that is reviewed annually by the Board of City Commissioners and readily available for Commission reference.

- **Management and Staff Accountability**: The Commission shall ensure management and staff accountability by:
  a. An annual evaluation and review of the City Manager to include input from the department directors of the City and copies of the City Manager's W2 and reimbursements for the year.
  b. An annual strategic planning session with management to evaluate the satisfaction of expectations and goals of the City for the immediately preceding year and to ensure that the expectations and goals of the City have been met and are clearly defined for both the Commission and management in the coming year and years.
  c. Monthly financial and expenditure reports provided to the Commission on a timely basis.
  d. Direction to all City employees that a "whistleblower" policy exists for the City.
  e. Strict observance of municipal budgeting laws and purchasing policy of the City.
  f. 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 accountability standards supports City stability and continuity in operations.

COUNCIL-MANAGER FORM OF GOVERNMENT

Understanding the role of the City Commission with City employees begins with understanding the respective roles of the parties. In Shawnee's Council-Manager form of government, the City Commission 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 Commission is tasked with the appointment of the City Manager, Municipal Judge, City Attorney, and City Treasurer, and the City Manager, and not the Commission, is responsible for all other employees of the City.

Regardless of the above, in most cities one of the most difficult issues to deal with between the City, the City Manager, and the City employees is the question of involvement of the City Commission in personnel matters. This specific issue has, for whatever reason, caused continuing problems through the years. **Title 11, Oklahoma Statute (O.S.), Section 10-107** specifically and clearly deals with this issue by providing that City Commission Members may not:

- Direct or request the City Manager to appoint or remove officers or employees;
- Participate in any manner in the appointment or removal of officers and employees of the City, except as provided by law;
- Give orders on ordinary administrative matters to any subordinate of the City Manager, either publicly or privately.

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

- Commission Members should not appear at City Hall or any other department of the City and direct office personnel to perform any duties on behalf of the Commission 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;
- Commission 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;
- Commission Members should not appear at public work sites and offer suggestions as to how the work can be better performed; again, any input of that type should be directed to the City Manager, who can then communicate that direction, if appropriate, to the employees involved.

Summarized in general terms, the Commission should consider themselves no more than ordinary citizens when it comes to City employees and public facilities. In the Council-Manager form of government, the Commission serves as a policy making, legislative body and does not manage day-to-day operations. Those duties are left exclusively to the City Manager.

The Commission should also be aware that certain City employee groups are represented by state sanctioned unions. In some instances, the Unions may attempt to place pressure on Commission Members to side with them in contract negotiations. It is important for Commission Members to limit their interaction with the Unions to the appropriate channels. Private or informal meetings between Commission Members and Union Representatives would circumvent not only City staff attempts to resolve any disputes but also undermine the authority of the Commission as a whole.

OVERVIEW OF ROLES & RESPONSIBILITIES

In addition to the overview provided here, please consider other resources that define the roles and responsibilities of elected officials, including the Oklahoma Statutes, the Shawnee City Charter, the Shawnee City Code, and the Municipal Handbook by the Oklahoma Municipal League.

POLICY ROLE OF THE CITY COMMISSION

Commission Members shall respect and adhere to the structure of the City government as outlined by Oklahoma Statutes and City Charter. Except as where specifically allowed by statute, Commission Members should not interfere with the administrative functions of the City or the professional duties of City staff, nor should they impair the ability of staff to implement Commission policy decisions.

It is important to note that City Commission Members do not receive a salary or compensation for any service rendered to the City but may be reimbursed for expenses incurred in the discharge of their official duties.

MAYOR

- Acts as the official head of the City for all ceremonial purposes and military law.
- Chairs Commission meetings.
- Calls for special meetings.
- Is 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 Commission approval.
- Leads the Commission 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 Commission meetings.

BOARD MEMBERS

- All members of the City Commission, including those serving as Mayor and Vice Mayor, have equal votes.
- No one Commission Member has more power than any other Commission Member, and all should be treated with equal respect.

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 to the City Manager 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 Commission procedures, such as this handbook.

Meeting Chair

The Mayor will chair official meetings of the City Commission unless the Vice Mayor, or another Commission 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.

Requests of City Staff

Commission Members have the right to request information, statistics, copies of documents, tapes of meetings, etc., of City staff via the City Manager, Assistant City Manager, or City Attorney. In these requests, the City Commission Members are respectfully asked to practice reasonableness.

Operational Role of the City Staff

While policies and ordinances are set by the City Commission, the day-to-day operations of the City are overseen by the City Manager. He/she works collaboratively with the City's department heads and management team to ensure the provision of essential services to Shawnee residents. The City's Organizational Chart is shown on the following page.

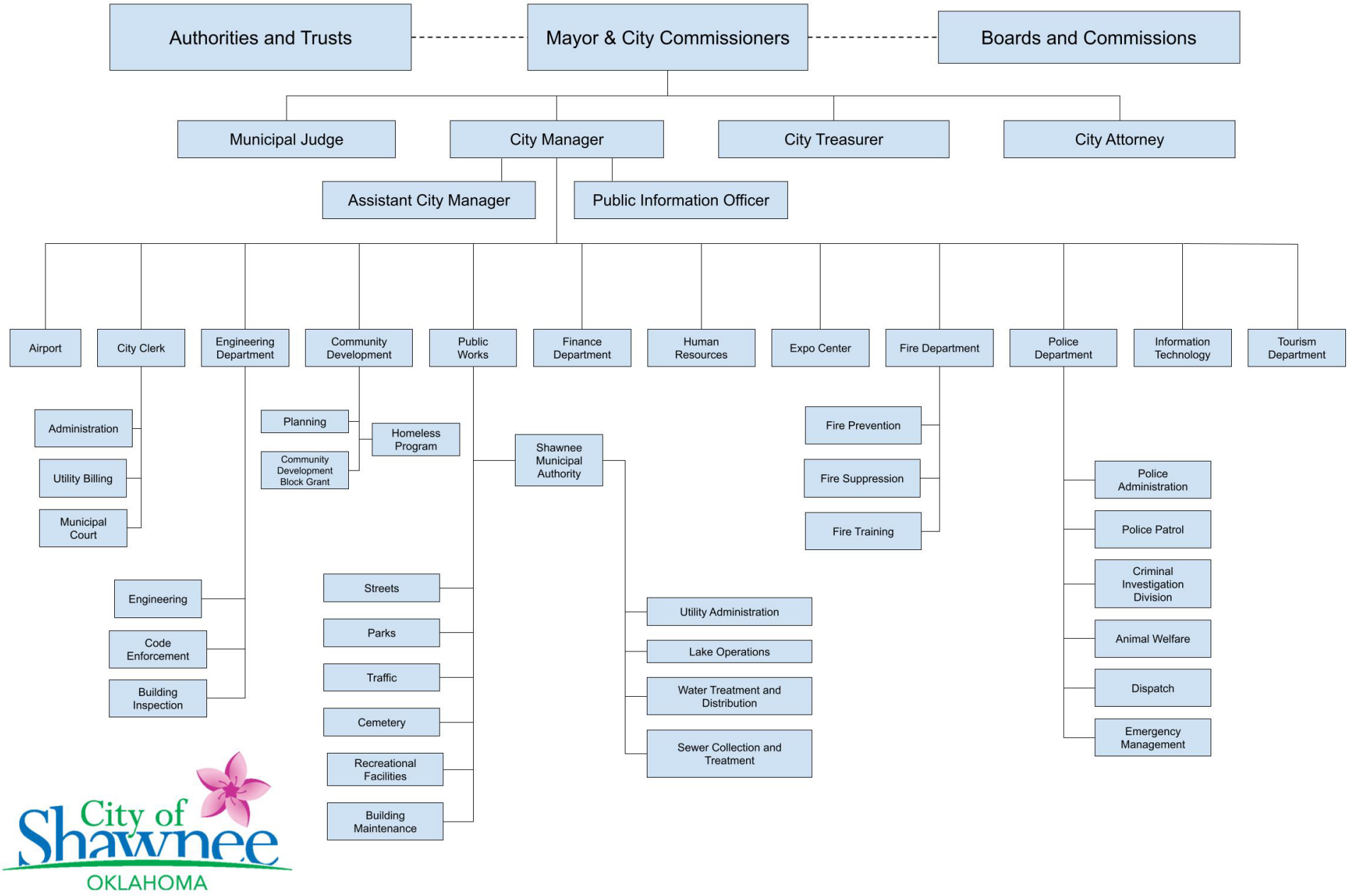
City Manager

The City Manager is the chief administrative officer of the City. The authority, duties, and responsibilities of the position are outlined in the **City Charter, Article V** and the **City Code, Chapter 2, Article III, Sections 2-92 to 2-104**. The City Manager is accountable to the City Commission and in accordance with the terms of his/her employment contract. All other City employees are hired, fired, and promoted according to the terms of the Personnel Manual, with the exception of the Municipal Judge, City Attorney, and City Treasurer, who are appointed by the City Commission.

Assistant City Manager

The Assistant City Manager assists the City Manager in all work of the City Manager's Office in whatever manner and respect necessary and as directed by the City Manager. In the absence of the City Manager, the Assistant City Manager will assume the role of the Acting City Manager.

City of Shawnee Organization Chart



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CITY ATTORNEY

The City Attorney works under the supervision and control of the City Commission and in accordance with the **City Charter, Article III, Section 10** and the **City Code, Chapter 2, Article IV, Sections 2-147 to 2-156**, and the terms of his/her contract. The City Attorney is chief legal advisor to the City, versed in municipal law and accessible to City Commission Members for the purpose of discussing City business. He/she may be designated to represent the City in any proceedings before the court, or to perform any such other duties as may be deemed necessary by the City Commission.

CITY CLERK

The City Clerk's duties are also outlined in the **City Code, Chapter 2, Article IV, Section 2-181**. This position provides advice and information to Commission Members in regard to City documents, such as ordinances, resolutions, or approved contracts and agreements. Commission Members may contact the City Clerk directly regarding clerk duties.

CITY TREASURER

The City Treasurer is appointed by the Board of Commissioners. This position is charged with maintaining a general accounting system for the City Government and provides advice and information to Commission Members in regard to budgets, expenditures, financial positions, and financial statements. Commission Members receive regular expense reports from the City Treasurer.

SUCCEEDING AS AN ELECTED OFFICIAL

Three key points are instrumental in guiding Commission Members to success in municipal governance – 1) having a **clear long-term vision** that aligns with the community's needs, 2) effecting action that is **financially feasible and sustainable**, and 3) all while conducting themselves in a welcoming and **professional manner**, free of verbal attacks.

POLICYMAKING

Public policy determines what services will be provided to the residents and the level of those services, what kinds of development will occur in the community, and it determines what the community's future will be. Elected officials have public policy-making responsibilities. Because adopted policies affect everyone in the community in some way, the very best is demanded of public officials. Therefore, there are three major tasks elected officials have when creating policy:

1. SET GOALS

To effectively govern, elected officials must first define clear, concise, and achievable long-term goals for the City. Goals should integrate subject matter expertise and community feedback, be based on comprehensive data analysis, and further the public's best interest. It may be prudent to focus on a limited set of high-impact goals to ensure effective resource allocation. Care should also be taken to remain flexible to adapt goals based on changing needs and circumstances. Without a vision, it can be easy to lose sight and direction of a policy's purpose and importance to the community.

2. FORMULATE POLICY

Elected officials must develop policies that directly support and align with identified goals.

Throughout the policy-making process, officials should consider a range of alternatives, identify potential consequences, and analyze any intended and unintended impact a policy may have. As it can be difficult to determine what a "good for all" policy is, the following criteria may be helpful:

- The policy has public support, is relevant to the goal, and addresses an issue or problem that is generally perceived as significant to the community.
- The policy is fair and equitable and does not impose disproportional impacts on certain groups.
- The policy can be implemented, has a reasonable chance of success, there are clear assignments for responsibilities for implementation, and its results are measurable.

Understanding the regulatory and contextual environment within which the city and elected officials must work is vital to good governance.

Below are QR codes that connect directly to pertinent resources.

Title 11
Oklahoma Statute

Shawnee
City Charter

Shawnee
City Code

Administrative
Reports

3. Monitor Results

Lastly, elected officials should establish clear, measurable indicators to track progress and success. There is always a risk that policy decisions will not accomplish their intended goal or have an unintended negative impact. To gauge effectiveness, continuous monitoring of outcomes is necessary. One way to monitor the results of a policy is to get regular reports and updates. Good monitoring systems may provide early warning of failure and the opportunity to alter or abandon a policy before the policy negatively affects the public.

Fiduciary Duties

Shawnee citizens delegate governing authority to elected officials for the purpose of creating laws that impact the community and exercising discretion over the public treasury. The public official, once elected, appointed, or hired, must be in possession of specialized governmental knowledge and the ability to advise, deliberate, and participate in the representative process. Shawnee citizens also trust that the elected official will act in the public's best interest. As fiduciary agents, City Commission Members are under rigorous obligations to ensure compliance with related responsibilities:

1. The Duty of Obedience

The duty of obedience requires that an elected official ensures compliance with applicable laws and regulations, acts in accordance with the City's own policies, and carries out the Commission's mission to serve their constituents appropriately. Public officials should not engage in unauthorized activities.

2. The Duty of Loyalty

Elected officials have an absolute obligation to put the public's interest before their own direct or indirect personal interests. The elected official breaches this obligation when he/she benefits at the

public's expense. Prohibited benefits can be financial (such as engaging in "pay-to-play" politics- or participating in decisions that favorably impact an official's business, property, or investments), career related (such as using public office and/or public resources to obtain future employment or political position), or personal (such as benefiting family members or close associates). Note that when general ethical duties to family or friends' conflict with duty to the public, public duty must prevail.

Management of municipal finances is highly complex.

Below are QR codes that connect directly to pertinent resources.

Municipal Budgeting

Funds & Restrictions

Shawnee Financial Information

3. The Duty of Care

The of duty care requires that the elected official competently and faithfully execute the duties of the office. Under duty of care fall such obligations as the duty to manage assets competently and be good stewards of the public treasury, to use due diligence in the selection and supervision of the City Manager, to follow the rules, and to uphold the constitution and laws of the jurisdiction. Examples of breach of this duty include failure to attend meetings, failure to investigate, failure to engage in the deliberative process, and failure to vote.

Board Conduct with the Public

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 Commission Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

1. Be Calm and Caring

Commission Members should be welcoming of speakers and treat them with care and gentleness: Such treatment during public hearings may prevent emotions from escalating to a higher level of intensity.

2. Practice Active Listening

Commission Members should actively listen. It is fine to look down at documents or to make notes, but care must be taken not to give the appearance of disinterest. Elected officials should also be aware of their facial expressions, especially those that could be interpreted as smirking, disbelief, anger, or boredom. If speakers become flustered or defensive, it is the responsibility of the chair to calm and refocus the speaker and to maintain the order and decorum of the meeting. Questions by elected officials to a testifying member of the public should seek only to clarify or expand on information. It is never appropriate to aggressively challenge or belittle the speaker. Furthermore, Commission Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

3. Focus on the Issue not the Person

Commission Members should never launch personal attacks of any kind, under any circumstance. Elected officials should also be aware that their body language and tone of voice, as well as the words they use, may appear to be intimidating or aggressive.

SURVEY FEEDBACK FOR ELECTED OFFICIALS

The following comments are the result of a survey that was submitted to numerous officials, representing many of the municipalities in Oklahoma. The responses may serve as a guideline for elected officials, both new and established.

- The **best** elected officials possess the following traits:
  - A genuine desire to benefit the public being served, not just a constituency that may have elected them.
  - A willingness to seek training or other learning opportunities.
  - A willingness to look at options before a decision is made.
  - Honesty, knowledgeable, consensus-builder.
  - A desire to share their insights and experience with similar entities.
  - High moral and ethical standards that supersede legal standards.
  - A willingness to work together as a team towards common goals.
  - A willingness to take the time to research all sides of an issue before making a final decision.
  - An appreciation that there will be times when everyone will not agree.
  - A willingness and ability to communicate.
  - Understands that we are all human and sometimes make mistakes.
  - Thoughtful, consistent, supportive, responsible, practical, and intelligent.

- The following conduct by an elected official is **most damaging** to a municipality:
  - Attempts through private meetings to make decisions that should be part of open meetings.
  - Attempts to subvert the ordinary chain of command by giving orders to staff.
  - Making "busy" work for staff.
  - Using the position for financial gain for themselves or individuals and using the position to only further the agenda of certain individuals, or certain groups of individuals.
  - Self-serving or vindictive decision making.
  - Making very important decisions without fully researching all the issues.
  - Believing and buying in to people who only tell you part of a story – the part that best suits them and their motives.
  - Having a "plant" at City Council meetings to perform the dirty work for a Councilmember.
  - Believing "everything" that they hear on the street or read in the local newspaper.
  - The "gotcha" member. They wait until the meeting to ask questions often only to make themselves look good at the cost of making others look bad. They often distrust staff, their fellow members, and revel in failures more than successes.

- The following conduct by an elected official is **most beneficial** to a municipality:
  - An intelligent search for ways to make the city and the lives of its citizens better, safer, and more productive.
  - Working with other elected officials and staff to make decisions that benefit all citizens.
  - The newly elected official should keep his/her mouth closed and ears open for the first several months while they learn the parameters of what they can or more especially cannot do in their elected capacity.
  - They should research the history of the issues of the day by asking questions from all sides and make sure they listen more than they speak.
  - They must be fully informed to maintain credibility.
  - Maintaining an open mind. Being positive and calm.

PUBLIC MEETINGS

The State of Oklahoma has one of the more stringent Open Meetings Act (OPA), which is captured in Title 25 of the Oklahoma Statutes. All meetings of committees, sub-committees and/or ad hoc committees are generally subject to the OPA. The Act clearly defines what constitutes a meeting, how public meetings should be announced, outlines meeting structures, details exemptions for executive meetings, and more.

OPEN MEETING ACT SUMMARY

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

- **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." Thus, by the definition, an informal get-together involving four Commission 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, to avoid any type of problem with an illegal meeting, each of the Commission Members 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 or more Commission members are present. It is the responsibility of the individual Commission Member to avoid this problem. Telephone, computer communication, emails, and text messages by a majority of Commission Members is also prohibited. **Further, extreme care should be taken regarding discussions held either immediately before or immediately after Commission meetings.**

- **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 Commission. (If four of Shawnee's elected officials meet informally and discuss City business, a violation of the Act occurs by the failure to post an agenda.)

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

- **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."

Based on the above definition, if an item arises, either from the Commission or from the public, under the New Business portion of the Commission agenda, the first question by the Commission 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 regarding that item. The same is true regarding items the Commission 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 Commission 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 Commission 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 Commission to discuss those matters that are not on the agenda because they could not have been placed on the agenda solely related to the time in which they arose.

CONDUCTING A CITY COMMISSION MEETING

It is useful for new Commission Members to become familiar with how this chairing is done in order to facilitate the work of the Mayor or Vice Mayor.

MAYOR'S/VICE MAYOR'S DUTIES

Each year the Commission elects a Vice Mayor who stands in for the Mayor when he/she must be absent from Commission meetings. The Mayor/Vice Mayor chairs the Commission and Authorities meetings and work sessions.

VOTING

All business of the Commission shall be transacted by a majority of affirmative votes of Commission Members present except when law requires a greater number, such as ordinances that include an emergency clause.

All questions put to the Commission shall be voted either affirmatively or negatively and each Commission Member shall vote unless excused (or abstained) for stated reasons before the votes are called for. Any Commission Member excused from voting shall not participate during the debate of such item.

DECORUM IN DEBATE

In debate, Commission Members' remarks must be germane to the question before the assembly-that is, statements must have bearing on whether the pending motion should be adopted.

Commission Members should refrain from attacking another Commission Member's motives. A Commission Member can condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid personalities, and under no circumstances should he/she attack or question the motives of another Commission Member.

In debate, the maker of a motion, while he can vote against it, is not allowed to speak against his own motion. If he/she changes his mind while the motion he made is pending, he can, in effect, advise the assembly of this by asking permission to withdraw his motion.

A Commission Member has no right to read from any paper or book as part of his speech without permission of the assembly. Commission Members are usually permitted to read short, pertinent, printed extracts in debate, so as long as they do not abuse the privilege.

TV CAMERAS

City Commission Members should become comfortable with the idea that meetings are recorded live and are then aired on the Civic Clerk Agenda platform, Cable Channel 3, the City's YouTube Channel, and any other live streaming platform. Commission Members most likely will not think about the camera as it is not noticeable. It normally does not focus on just one individual but has either the entire Commission in its view or at least a group of three.

MANAGING THE MICROPHONE

The microphones are turned on at the start of the meeting and remain on throughout the meeting until adjournment. If a Commission Member wishes to speak privately to the colleague next to them, it is advised to do so prior to the meeting, away from the microphones. To avoid the microphone being directly in front of a Commission Member's face, City Commission Members should move the microphone downward, so that it does not distract the viewers. It is also recommended that City Commission Members lean toward when speaking and avoid bumping the microphone with their hands, laptops, or other objects.

AGENDA PREPARATION, STUDY, AND CONTENTS

The City Manager is charged with establishing the Commission agenda. The Assistant City Manager, City Clerk, and the department heads assist in formulating the agendas, and the agenda is reviewed by the City Attorney. Councilmembers may place an item on the agenda. Such requests should be made to the City Manager at least two weeks prior to the agenda being posted.

The agenda is published, posted, and emailed on Thursday for the regularly scheduled meetings, and the Commission Members are advised that they have from then until the Commission meeting on Monday to study the agenda items. In order to make reasoned decisions, the Commission Members should read all of the accompanying materials. This takes time, and it is recommended that time should be set aside to do this studying. If questions arise for which the Commission Members need answers, it is recommended that they have them ready to discuss with the City Manager, Assistant City Manager, or City Attorney by Friday. Without time to research and prepare, it may be difficult for the City Manager, Assistant City Manager, or department heads, who will be in attendance at the Commission meeting, to answer significant and previously unanticipated questions. To ensure the best possible information and associated outcomes, it is recommended that City Commission Members afford City staff the time to prepare relevant and necessary responses. This practice is reflective of good preparation for both the City Commission as well as the City staff, and it is likely to ensure better outcomes for the community.

It is important to note that, if a conflict of interest exists, a City Commission Member must recuse him/herself from any discussion or vote on the item. The requirements for recusal vary. Prior to the meeting, the City Attorney may be contacted to assist Commission Members with questions regarding conflicts of interest or the need for recusal.

Citizens Participation

At every regular City Commission meeting, a time for citizen participation is placed on the agenda before the Commission takes up its regular business. Citizens' participation is limited to that portion of the meeting, except when related to public hearings. Citizens may discuss City-related business, regardless of whether it is included on the meeting agenda. Related rules are codified in the Shawnee **City Code, Section 2-41**.

It is important to remember that this portion of the meeting is not a "question-and-answer" session and City Commission Members must not enter into a dialogue with the speaker except to ask for clarification. Commissioner Members may respond to speaker's comments, although that has not been the observed practice during the Citizens Participation portion of the meeting. Furthermore, all Commission Member responses are subject to rules of the Oklahoma Open Meeting Act, which stipulates that items not posted on an agenda should not be discussed or acted upon at a meeting of the Commission.

Consent Agenda

The Consent Agenda is at the beginning of the agenda and usually consists of routine items such as minutes, committee reports, etc. If there is an item on the Consent Agenda that Commission Members wish to have removed for independent discussion, specific questions, of the need for more information prior to voting, Commission Members are advised to give the Mayor or City Manager advance notice, even if it is just before the meeting convenes. The item can then be removed from the consent agenda, and it is subsequently discussed and voted on separately.

Amending Agenda Items

Sometimes the need to amend agenda items becomes apparent during discussion at the Commission meeting. At other times, some advance knowledge is given to Commission Members that an amendment is perceived as necessary. In the latter case, the agenda may be amended if done so within the required timeframe for posting the agenda, 24 hours for regularly scheduled meetings and 48 hours for special meetings. On rare occasions, an item can be added as new business where it was not known in sufficient time to place it on the agenda.

Postponing Agenda Items

Items may be postponed upon a majority vote of the Commission and for good reason after adequate discussion. Oftentimes, the public may present a strong-enough case to cause the Commission to vote for "postponement for further study" or a "deferral to a future meeting." Commission Members are advised that their votes on the agenda deserve careful study, and that they should keep an open mind for valid arguments from both City Commission colleagues as well as the public that could potentially lead to a change in the City Commission Members' vote.

Resolutions

Resolutions do not have the force and effect of law. Generally, a resolution is an action of a temporary character, and does not set a permanent rule of government. Resolutions may include supplemental appropriations where money received through a grant or donation is placed in the

appropriate fund, supporting or commending a certain group, organization, or event, setting election dates, setting fees such as gym fees, required as part of a Note or Bond, and so on.

ORDINANCES

New and Amended ordinances may arise from a department through the City Manager or City Attorney seeing a need for them, through the Planning Commission, or through a Commission Member's request. Every proposed ordinance title shall be read and a vote of the majority of all Commission Members shall be required for its passage.

Please note, this requires an affirmative vote of the majority of all Commission Members, not just the Commission Members present, therefore four (4) affirmative votes are required for passage. If adopted, the ordinance becomes effective in 30 days. Emergency ordinances are the exception. The emergency clause requires an affirmative vote of at least three-fourths (3/4) of the Commission Members, again all Commission Members, not just Commission Members present, therefore six (6) affirmative votes are required for passage. If the emergency clause is adopted, the ordinance becomes effective immediately rather than in 30 days.

Ordinances are the permanent law of the City and affect all of its citizens, so each ordinance should be studied carefully.

COMMISSION COMMENTS

During the portion of the meeting specifically designed to allow City Commission Members to speak freely, care must be taken to not discuss any new City business. Instead, Commission Members have the opportunity to alert the citizens of upcoming community events and provide known answers to questions raised during the "Citizens Participation" portion of the meeting. In addition, Commission Members may request that City staff bring certain items for the City Commission's consideration at the next meeting or that they be provided with additional information in the form of a Staff or Administrative Report.

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 issues 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 because 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.

SPECIAL CALL MEETINGS

Special meetings may be called at the discretion of the chair in order to conduct business that needs action prior to the next regularly scheduled meeting. The same rules regarding posting, attendance and quorum shall apply.

SOCIAL GATHERINGS OF COMMISSION MEMBERS

Purely social gatherings, such as holiday parties, cookouts, open houses, etc., to which all of the Commission Members are invited, do not require a public notice. However, the City Clerk's office may still post it as a "Special Call Meeting," stating that no business will be discussed or action taken. At such social gatherings, Commission Members should refrain from discussing any City business or pending agenda items.

COMMISSION RETREATS OR WORK SESSIONS

This form of meeting for the purpose of general discussion of a specific topic is becoming increasingly popular with City Commissions and other governmental bodies. The public notice requirements of the Open Meetings Act must be met. In addition, Oklahoma law requires that the meeting be open to the public, which also requires that the meeting location must be.

ATTENDANCE

Attendance at City Commission meetings by Commission Members is addressed by statute. In accordance with **Title 11, O.S., Section 8-108**, any council member who misses more than half of the regular and special meetings that occur within any four-month 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 - forfeiture occurs as a matter of law without any affirmative vote by the other Commission Members.

PARLIAMENTARY PROCEDURES

The City of Shawnee follows Robert's Rule of Order parliamentary procedure in conducting its public meetings. Final rulings are made by the respective chair of the meeting.

The following two pages provide an overview of the most frequent motions and actions.

ROBERT'S RULES OF ORDER QUICK START

GUIDING PRINCIPLES: Everyone has the right to participate in discussion if they wish, before anyone may speak a second time. Everyone has the right to know what is going on at all times. Only urgent matters may interrupt a speaker. Only one thing (motion) can be discussed at a time.

> "The rules contained in the most recent edition of Robert's Rules of Order shall provide the rules of procedure for the Chapter where they are not inconsistent with the provisions of the Articles of Incorporation or these bylaws."

TYPES OF MOTIONS

- **Main Motion**: Introduce a new item
- **Subsidiary Motion:** Change or affect how to handle a main motion (vote on this before main motion)
- **Privileged Motion:** Urgent or important matter unrelated to pending business
- **Incidental Motion:** Questions procedure of other motions (must consider before the other motion)
- **Motion to Table:** Kills a motion
- **Motion to Postpone:** Delays a vote (can reopen debate on the main motion)

EVERY MOTION HAS 6 STEPS

1. **Motion:** A member rises or raises a hand to signal the chairperson.
2. **Second:** Another member seconds the motion.
3. **Restate motion:** The chairperson restates the motion.
4. **Debate:** The members debate the motion.
5. **Vote:** The chairperson restates the motion, and then first asks for affirmative votes, and then negative votes.
6. **Announce the vote:** The chairperson announces the result of the vote and any instructions.

TIP! If the board is in obvious agreement, the chairperson may save time by stating, "If there is no objection, we will adopt the motion to…" Then wait for any objections. Then say, "Hearing no objections, (state the motion) is adopted." And then state any instructions. If a member objects, first ask for debate, then vote and then announce the vote.

REQUESTING POINTS OF SOMETHING

Certain situations need attention during the meeting, but they don't require a motion, second, debate or voting. It's permissible to state a point during a meeting where the chairperson needs to handle a situation right away. Board members can declare a Point of Order, Point of Information, Point of Inquiry, or Point of Personal Privilege.

- **Point of Order:** Draws attention to a breach of rules, improper procedure, breaching of established practices, etc.
- **Point of Information:** A member may need to bring up an additional point or additional information (in the form of a nondebatable statement) so that the other members can make fully informed votes.
- **Point of Inquiry:** A member may use point of inquiry to ask for clarification in a report to make better voting decisions.
- **Point of Personal Privilege:** A member may use point of personal privilege to address the physical comfort of the setting such as temperature or noise. Members may also use it to address the accuracy of published reports or the accuracy of a member's conduct.

TIPS AND REMINDERS FOR CHAIRPERSONS

Robert's Rules of Order, which is also widely known as parliamentary procedure, was developed to ensure that meetings are fair, efficient, democratic and orderly. A skilled chairperson allows all members to voice their opinions in an orderly manner so that everyone in the meeting can hear and be heard. The following tips and reminders will help chairpersons to run a successful and productive meeting without being run over or running over others.

- Follow the agenda to keep the group moving toward its goals.
- Let the group do its own work; don't overcommand.
- Control the flow of the meeting by recognizing members who ask to speak.
- Let all members speak once before allowing anyone to speak a second time.
- When discussions get off-track, gently guide the group back to the agenda.
- Model courtesy and respect, and insist that others do the same.
- Help to develop the board's skills in parliamentary procedure by properly using motions and points of order.
- Give each speaker your undivided attention.
- Keep an emotional pulse on the discussions.
- Allow a consensus to have the final authority of the group.

Source: www.boardeffect.com

Action	What to say	Can speaker be interrupted?	Need a second?	Can this be debated?	Can this be amended?	Votes needed
Introduce main motion	"I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move to amend the motion by..."	No	Yes	Yes	Yes	Majority
Move item to committee	"I move that we refer the matter to committee."	No	Yes	Yes	No	Majority
Postpone item	"I move to postpone the matter until..."	No	Yes	Yes	No	Majority
End debate	"I move the previous question."	No	Yes	Yes	No	Majority
Object to procedure	"Point of order."	Yes	No	No	No	Chair's decision
Recess the meeting	"I move that we recess until..."	No	Yes	No	No	Majority
Adjourn the meeting	"I move to adjourn the meeting."	No	Yes	No	No	Majority
Request information	"Point of information."	No	Yes	No	No	No vote
Overrule the chair's ruling	"I move to overrule the chair's ruling."	Yes	Yes	Yes	No	Majority
Extend the allotted time	"I move to extend the time by _____ minutes."	No	Yes	No	Yes	2/3
Enforce the rules or point out incorrect procedure	"Point of order."	Yes	No	No	No	No vote
Table a motion	"I move to table..."	No	Yes	No	No	Majority
Verity voice vote with count	"I call for a division."	No	No	No	No	No vote
Object to considering some undiplomatic matter	"I object to consideration of this matter..."	Yes	No	No	No	2/3
Take up a previously tabled item	"I move to take from the table..."	No	Yes	No	No	Majority
* Reconsider something already disposed of	"I move to reconsider our action to..."	Yes	Yes	Yes	Yes	Majority
Consider something out of it scheduled order	"I move to suspend the rules and consider..."	No	Yes	No	No	2/3
Close the meeting for executive session	"I move to go into executive session."	No	Yes	No	No	Majority

*A member may make a motion to reconsider something that was already disposed; however, the reconsidered motion may not be subsequently reconsidered. A motion to reconsider must be made during the same meeting and can extend to a meeting that lasts for more than one day.

OPEN RECORDS

Title 51, O.S., Sections 24A.1 through 24A.33 encompass the Oklahoma Open Records Act (ORA). The Act is designed to provide the public with broad access to the records of their government. In general, all records of public bodies and public officials must be open to any person for inspection, copying, or mechanical reproduction during regular business hours. However, the Act does not impose the obligation to create new records and also does not place any additional record-keeping requirements on the City, its staff, or its public officials.

Under the Act, records are defined as all documents regardless of physical form "created by, received, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property." City Commission Members are advised that this covers all correspondence, including emails and text messages, voice mails, call logs, etc. related to City business, **regardless of whether the records reside on publicly or privately owned equipment**.

According to the Act, anyone may request public records, and no statement of purpose is required. There are also no restrictions on the use of the records. If a request is made solely for a commercial purpose, or a records request would cause excessive disruption to City operations as a result of the gathering of the documents, then the City can charge a reasonable fee to recover the direct cost of the document search within certain parameters.

Within narrowly defined exemptions, certain records are not subject to an open records requests, including those that are protected by attorney-client privilege, real estate appraisals, registration files of sex offenders, personnel records, public officials' personnel notes, business-related bids, computer programs, and others.

CONFLICT OF INTEREST, ETHICS, CONDUCT

One of the more dangerous and sensitive subjects involving Commission Members is the question of conflict of interest. The topic is especially troublesome because the penalty involved, if there is a conflict with a Commission Member and some action being taken by the City, is severe (primarily for the Commission Member).

SUMMARY OF CONFLICT OF INTEREST AND STATUTES

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

- 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.
- There are a series of statutes dealing with public trusts 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.
- 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.
- In addition to the above three conflict-of-interest statutes, there is also a criminal statute that provides that it is unlawful for any Commission 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 purchase; fines and criminal penalties are provided for.
- Lastly, if an elected official serves on the board of directors of a company doing business with the City, a conflict exists that will require the elected official to excuse him- or herself from the discussion and voting on those business dealings.

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 Commission Member or family of any Commission Member; this rule applies even if the Commission 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 Commission Members fall into the following categories:

COMMISSION MEMBERS PROHIBITED FROM DOING BUSINESS WITH CITY

The following statute prohibits Commission Members from doing business with the City:

Title 11, O.S., Section 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 with 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 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.

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, recommends, or participates in the decision to enter 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 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 transaction.

H. Notwithstanding the provisions of this section, any officer, director, or employee of a financial institution may serve on the 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.

PUBLIC TRUST CONFLICTS STATUTE

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

Title 60, O.S., Section 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 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.

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 pursuant to the Oklahoma Public Competitive Bidding Act:

Title 61, O.S., Section 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 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 Commission Members in certain circumstances:

Title 21, O.S., Section 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 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.

Title 21, O.S., Section 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

The Code of Ethics for members of the City of Shawnee Board of City Commissioners, Advisory Boards, and City-created Commissions was adopted by the City Commission and is attached as Appendix A. Commission Members should acknowledge the Code of Ethics upon appointment or re-appointment to office.

PRIVILEGED/CONFIDENTIAL INFORMATION

The City Attorney and the City Manager have authority to forward privileged and confidential information to Commission Members. These communications can relate to a number of matters that require confidentiality, but most likely they relate to legal matters.

The Attorney-Client privilege, between Commission Members and the City Attorney, prevails and Commission Members should not reveal the contents of these communications, because sharing the communication with third parties will likely waive any privilege, and dissemination of the information could have an adverse effect on the City in the related litigation.

POLICIES & PROTOCOL RELATED TO CONDUCT

The constant and consistent theme through all the conduct guidelines is "respect." Commission 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 always exhibit appropriate behavior. Demonstrating respect for everyone, through words and actions, is the touchstone that can help guide Commission Members to do the right thing in even the most difficult situations.

- **Ceremonial Events:** Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another

representative from the Commission. If yes, then the Mayor will recommend which Commission 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 Commission Members at their homes are presumed to be for unofficial, personal consideration.

- **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.

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

- **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 to make the meeting run smoothly. After the closing 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 Commission 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 should always show respect for different points of view.

- **Travel Expenses:** All Commission travel, for which the Commission 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.

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 to preserve and protect the present and the future of our community. In all cases, this common goal should be acknowledged even as the Commission may "agree to disagree" on contentious issues.

Board Member Conduct with One Another in Public Meetings

- **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, Commission

Members to make belligerent, personal, impertinent, slanderous, threatening, abusive or disparaging comments. No shouting or physical actions will be tolerated.

- **Honor the Role of the Chair in Maintaining Order:** It is the responsibility of the chair to keep the comments of Commission 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.

- **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.

- **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.

Board Member Conduct with One Another in Private Encounters

- **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.

- **Be Aware of the Insecurity of Written Notes, Voicemail Messages, And Email:** Technology allows words written or said without much forethought to be distributed wide and far. Commission Members should consider whether they would feel comfortable to have this note faxed to others? How would Commission Members 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 always be treated as potentially "public" communication.

- **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 subject to eavesdropping, parking lot debates will be watched, and casual comments between individuals before and after public meetings will be noted.

Board Member Conduct with City Staff

The 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 everyone for the good of the community.

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

- **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, Commission 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.

- **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 Commission agenda items in which management is presenting the item to the Board for consideration.
    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.

- **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.

- **Limit Request for Staff Support:** Routine secretarial support will be provided to all Commission 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 are responsible for allocating City resources to maintain a professional, well-run City government.

COMMISSION ACCESS AND USE OF PUBLIC FACILITIES AND EQUIPMENT

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

Individual Board members 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 Commission 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.

Commission Conduct with the Public in Unofficial Settings

- **Make No Promises on Behalf of the Board:** Board members will frequently be asked to explain a Commission 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 promise Commission action overtly or implicitly, or to promise City staff will do something specific (repair a street, solve a drainage problem, install street signs, etc.).

- **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 Commission Members, their opinions, and actions.

- **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 the office. Their behaviors and comments serve as models for proper deportment in the City. Honesty and respect for the dignity of everyone should be reflected in every word and action taken by Commission Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Board Member Conduct with Other Public Agencies

- **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 Commission Member must clearly state:

    a. If his or her statement reflects personal opinion or is the official stance of the City;
    g. 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.
    h. 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 Commission of their involvement.

- **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 City 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 Commission. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **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 -- 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 Commission.

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

- **Remember That Boards and Commissions Serve the Community:** The City Commission appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Commission. But board and commission members do not report to individual Commission Members, nor should Commission 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."

- **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 Commission 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.

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

- **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 Commission and the individual is subject to removal from the board or commission.

COMMISSION CONDUCT WITH THE MEDIA

Commission Members are frequently contacted by the media for background and quotes.

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

A Special Note on Social Media Conduct

Commission Members may choose to have their own social media pages, if desired, to respond to comments/questions posted on other social media sites. Please note, however, these pages are under the care of, and updated by, the Commission Member and are not an official page of the City.

There will be times a Commission Member may be asked a question, or a comment is made through other social media sites and/or pages. If it has to do with a City service, issue, etc., please direct them to the City's website or provide the citizen with the phone number to City Hall - 405-878-1601.

For other questions/comments, the Commission Member may respond or choose not to respond. If Commission Members do respond, they are advised to keep to the point, be consistent, and be responsive, not reactive. Social media can be a good tool to get out information, but at times, can turn ugly quickly. It is important to remember that, once a response is in writing, it is difficult to change.

NEPOTISM AND DUAL-OFFICE HOLDING

In accordance with **Title 11, O.S., Section 8-106**, no elected official may appoint or elect any person to any office or position of profit in the municipal government, if that person is related by affinity or consanguinity within the third degree to any governing body member or to himself/herself. This provision does not prohibit an officer or employee already in the service of the City from continuing in such service.

A member of the City Commission may also not receive compensation for service in any municipal office or position other than his/her elected office.

GIVING AND RECEIVING GIFTS

When the season of giving is upon us, it is within the human spirit to give. While not limited to the holiday season, this is often the time of year municipal employers might want to give employees a Christmas bonus, providing a turkey/ham or giving the City Commission Member a gift. Although the intent is good, it can cause a great deal of confusion for City employees and members of the governing body. The **Oklahoma Constitution, Article 10, Section 14** states that "Except as otherwise provided by this section, taxes shall be levied and collected by general laws, and for public

purposes only, et al." Basically, this prohibits gifts or donations of public funds directly by the payment of money, including providing free rent, utilities or other services, or indirectly by lending public equipment or the labor of public employees when the primary benefit goes to a private corporation, association, or individual.

Oklahoma State Laws have strict regulations about changing an elected official's salary while he/she is in office. What about giving a turkey or a ham? It seems harmless, but if the turkey or ham was purchased with public funds, it could be considered an emolument (fringe benefit). Laws in Oklahoma prohibit an elected or appointed official's salary or emolument from being changed after his or her election and/or appointment. Municipal employees may receive a Christmas bonus or a turkey/ham as compensation, but this is a matter of policy. A Christmas bonus or free turkey/ham is not a gift when it is used as payment in exchange for service to the public. The value of the compensation must be figured as income for reporting purposes under state and federal laws. For a non-cash item to be a true payment, it must be recorded as a real part of one's salary.

It is important to consult with the City Attorney when implementing a policy for the expenditure of public funds. Relying and acting upon the advice of the City Attorney offers a measure of protection that Commission Members would not have if they acted without consultation.

SANCTIONS

- **Public Disruption:** Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Commission Chambers.

- **Inappropriate Staff Behavior:** Board members should refer to the administration any City staff who do 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.

- **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 Commission, 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 the board.

  Board members should point out to the offending Commission 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 Commission in a public meeting.

If violation of the Code of Conduct is outside of the observed behaviors by the Mayor or Commission Members, the alleged violation should be referred to the Mayor. The City Commission should ask the appropriate staff member to investigate the allegation and report the findings to the City Commission. It is the City Commission'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 Commission to consider in a public meeting; or forming a Commission ad hoc subcommittee to review the allegation; the investigation and its findings, as well as, to recommend sanction options for Commission consideration.

- 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 Commission.
- 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.

FIDUCIARY RESPONSIBILITY AS ELECTED OFFICIAL

As all cities, Shawnee is required by law to budget and account for the revenues and expenditures made by the City. The City is also required by law to have an audit conducted each year by a licensed independent auditing firm.

In general, the City's Finance Department is responsible for all accounting functions, debt services, investments, asset management, rate analysis, budget control, and purchasing. Whereas elected officials are responsible for budget approval and amendments as needed throughout the fiscal year, which runs from July 1 through June 30 of the following year.

It is important to note that Oklahoma cities (outside of a municipal trust) **are not allowed to incur any debt** in an amount exceeding the income and revenue for that year, unless such debt has been approved by 60% of the voters.

ACCOUNTING

The Finance Department is responsible for developing and maintaining accounting and reporting systems for the City and for **any public trusts** for which the City exercises oversight authority.

The City accounts for all governmental funds, which include the General Fund, multiple capital project funds, debt service funds, and several special revenue funds, most of which have specific requirements and can only be expended for specific purposes. Currently, the City of Shawnee tracks 28 separate funds, which include the following:

- 001 - General Fund
- 010 - Grant Fund
- 101 - Street & Alley Fund
- 102 - E-911 Fund
- 104 - Economic Development Fund
- 105 - Spay/Neuter Fund
- 106 - Hotel/Motel Surcharge Fund
- 107 - Police Sales Tax Fund
- 108 - Fire Sales Tax Fund
- 112 - Tax Increment Fund
- 190 - CDBG Grant Fund
- 191 - CDBG-CV-ODOC Fund
- 301 - Capital Improvement Fund
- 302 - Street Improvement Fund
- 303 - 2018 Capital Improvement Fund
- 304 - American Rescue Plan Fund
- 306 - 2023 Capital Improvement Fund
- 350 - Aquatic Center Fund
- 501 - Shawnee Municipal Authority
- 502 - Water System Capital Improvement
- 503 - Wastewater Capital Improvement
- 504 - Meter Maintenance Fund
- 511 - Shawnee Airport Authority
- 601 - Workers Compensation Self-Insurance
- 603 - Insurance Recovery Fund
- 701 - Library Fund
- 702 - Cemetery Perpetual Care Fund
- 709 - Sister Cities Fund

All fund revenues and expenditures are based on the modified accrual basis of accounting. Under this method, revenues are recognized when "measurable and available." Measurable means knowing or being able to reasonably estimate the amount. Available means collectible within the current period or soon enough thereafter to pay current liabilities. Expenditures, including capital outlay, are recorded when the related fund liability is incurred, or the economic asset is used. However,

general obligation bond principal and interest are recorded when due. The primary revenue source for the City are sales tax; other revenue sources include permit and user fees, fines, intergovernmental revenues, and other taxes.

The City utilizes encumbrance accounting in all funds under which purchase orders, contracts, and other commitments for the expenditure of funds are recorded to reserve a portion of the applicable appropriation. Encumbrances outstanding at year-end are not considered expenditures for budgetary purposes but are reported as a reservation of fund balance, since the City intends to honor the commitments and provide for supplemental appropriations in the following budget year. All appropriations lapse at year-end.

In the normal course of business, the City also participates in various federal and state grant programs from year to year. Each program contains specific conditions and accounting requirements, which must be met to ensure reimbursement and safeguard of the City's eligibility for future grant awards.

BUDGETING

In accordance with the Oklahoma Municipal Budget Act contained in **Title 11, O.S., Section 17-201 et seq.**, and in compliance with the Shawnee **City Code, Chapter 2, Article III, Section 2-96**, the City Manager is responsible for developing an annual budget for review and approval by the City Commission. The goal and purpose of the budget is to allocate available funds to accomplish the policies and directions provided by the Commission.

BUDGET PROCESS

As adopted by the City Commission on March 7, 2022, the following policies apply to the budgeting:

- No funding from external sources may be borrowed for ongoing operations.
- Excess fund balances can only be used for one-time expenditures but not ongoing operations.
- A 2% contingency reserve of budgeted expenditures must be included for each operating fund.
- The General Fund must maintain operating reserves at the beginning of each fiscal year of no less than 14% and no more than 20% of the total General Fund budget.
- Other funds, if supporting personnel or operations, must maintain operating reserves of no less than 5% and no more than 20% of total budgeted fund expenditures.

Revenue projections are estimated based on historical receipts. Meetings are held with the various department heads to affirm objectives, set priorities, justify work programs, and support critical operations. Detailed expenditure requests are prepared for each department's operating budget, equipment needs, and capital projects; submitted for analysis; and balanced against City-wide needs to fit within the projected revenue.

The City Commission deliberates on the proposed budget, holds a public hearing, and subsequently approves the annual budget no later than seven (7) days prior to the end of the current fiscal year. The City Commission must approve the budget before any expenditure is made in the new fiscal year.

After approval, the budget is entered into the City's financial accounting package. Throughout the fiscal year, the budget is monitored closely and amended if needed. Monthly progress reports on revenues and expenditures are presented to the Commission.

CITY BOARDS, TRUSTS, AND 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 often 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 the open meetings and open record restrictions that apply to the City will apply to the trust. The Trust Indenture should be reviewed to determine the specific powers of the trustees of the trust that governs the operations.

Cities are allowed by law to create different types of entities to carry out municipal functions. Three areas in which these entities may exist are as follows:

- **Statutory Boards**: State law requires or allows cities to create certain boards and commissions, those boards have specific purposes that are established by state law. As statutory boards they are generally subject to the open meeting act. The following statutory boards have been created for the City of Shawnee.

    a. **Planning Commission:** The function of this Commission is to review and provide recommendations to the City Commission related to zoning, platting, subdivision, construction, annexation, and other related planning functions.

    b. **Board of Adjustment:** The quasi-judicial board that hears and makes final decisions on special exception or variance application requests that deviate from the regulations of the standard Zoning Code.

- **Commission-Created Committees**: Shawnee has multiple Commission-created committees act in an advisory capacity to assist the Commission and staff in addressing certain issues that may arise. The committees' membership may include up to three Commission Members. Some examples of City-created committees might include an Appointment Committee, Finance and Development Committee, Legislative Committee, or Public Works Committee. Within the City of Shawnee, the following advisory boards and commissions have been established.

    a. **Airport Advisory Board:** The AAB works directly with the professional staff at the airport to develop recommendations regarding development of airport property, highest and best use of the facilities, operations, equipment, and management plans, determined to be for the best interest of the citizens, business partners, and the City of Shawnee.

b. **Shawnee Arts and Culture Commission:** The Commission was created to advise the City Commission on artistic, cultural and aesthetic matters to ensure the City will be attractive and culturally rich.

c. **Shawnee Senior Citizens Advisory Board:** The Board helps foster and develop programs for the benefit of older persons in our community, for the purposes of socialization, entertainment, health and fitness, mobilization, and senior information.

d. **Shawnee Beautification, Parks, and Recreation Committee:** The Committee responsible for advising the City Commission on policies pertaining to the use of the park and recreational facilities of the City and overseeing the long-range planning and development for all City parks and open spaces, promote and orchestrate community enhancement projects and serve as the Tree Board.

e. **Shawnee Civic & Cultural Development Authority:** The SCCDA was created to promote and manage the International Finals Youth Rodeo held annually at the Heart of Oklahoma Exposition Center. The City of Shawnee is the beneficiary of the Trust.

f. **Shawnee Hospital Authority:** The Authority is a public trust created for the benefit of the City of Shawnee.

g. **Shawnee Housing Authority:** The mission of the Authority is to provide safe, decent and sanitary housing conditions for very low-income families and to manage resources efficiently.

h. **Shawnee Library Board:** The Board offers assistance and support to promote the library and to provide oversight of the building and provision of services for Shawnee.

i. **Shawnee Urban Renewal Authority:** SURA is responsible for assisting the Mayor and Board of Commissioners with recommendations regarding the allocation of Community Development Block Grant (CDBG) funds awarded to projects, programs, and services that improve the lives of the City of Shawnee's low- and moderate-income residents.

j. **Oklahoma Baptist University Authority:** The Authority was created to promote the development of Oklahoma Baptist University (OBU). The City of Shawnee is the beneficiary of the Trust.

- **Public Trusts:** State law allows "public trusts" to be created to carry out projects that otherwise could not be conducted by the City. The primary purpose of a public trust is to create more flexibility in financial transactions that the City can use in operations, primarily because of constitutional limitations. The trust will qualify as a public trust only if the trust has a purpose that is public in nature and the City has agreed to be the beneficiary of the trust. Public trusts are also subject to the open meeting act and many of the regulations that govern the City.

    a. **Shawnee Airport Authority:** The Shawnee Airport Authority oversees capital improvements, maintenance, and operation of the Shawnee Regional Airport.

    b. **Shawnee Municipal Authority:** The Shawnee Municipal Authority is comprised of administration, wastewater collection, two wastewater treatment plants, water distribution, and one water treatment plant.

PUBLIC TRUST CONFLICTS STATUTE

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

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 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.

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.

CONCLUSION

As noted before, it is hoped that this handbook will assist you in your role as Commission Member. Even though there may be debate and sometimes strong dissension during the meetings, your colleagues on the City Commission endeavor to be friendly acquaintances or even friends, and they will always try to respect one another as elected representatives of the people.

APPENDICES

A - Code of Ethics

B - Confidentiality Agreement for Executive Session

C - City Commission Disclosure of Interest Form

Appendix A

Code of Ethics

The purpose of the Code of Ethics for the City of Shawnee, Oklahoma is to strengthen the **quality of government through ethical principles**, which shall govern the conduct of elected officials and appointed citizen volunteers serving in an official capacity.

We shall:

- Be committed to the public good by faithfully working for the collective benefit of City residents, prioritizing community well-being over personal interest.
- Be dedicated to the highest standards of honor and integrity in all official duties as well as public and personal relationships; seek no favors; and do not profit by way of confidential information or by misuse of public resources.
- Be respectful and treat all individuals with respect, dignity, and fairness, fostering an inclusive environment and valuing diverse perspectives.
- Keep the community informed on municipal affairs; encourage communication between the citizens and municipal officers; and build community trust.
- Be dedicated to the concept of effective and democratic government by way of respectful and civil public deliberations, unless legally confidential.
- Base decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. Accept responsibility for actions and outcomes.
- Comply with both the letter and the spirit of laws and policies affecting the operations of government and the quality of life for residents.
- Commit to ongoing learning and development to better serve the community, engaging in educational opportunities to stay informed and apprised of issues.

I have read the Code of Ethics and agree to abide by it to the best of my ability.
Signed on this _____day of _____, 20___.

_____ _____

Signature Position

_____

Printed Name

Appendix B

CONFIDENTIALITY AGREEMENT FOR EXECUTIVE SESSION

This Confidentiality Agreement between the parties signing below establishes that all information discussed, heard or read in the City Commission Executive Session on _____, will not be released, copied, discussed or shared in any manner with any individual other than City Commission Members present in the Executive Session, members of City staff present during the Executive Session, and other persons authorized by the City Commission 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_____, 20___.

_____	_____
Mayor	City Manager
_____	_____
Vice Mayor	City Attorney
_____	_____
_____	_____
_____	_____
_____	_____

Appendix C

CITY COMMISSION 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:
   i. Selling, buying, or leasing property, real or personal, to or from the municipality;
   ii. Contracting with the municipality; or
   iii. 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 Commission agenda, as follows:
   i. 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 Commission's discussion of this matter, I have been advised I should do so. Does this section apply to your transaction? YES / NO
   i. I or a family member has an interest in an issue appearing before Commission. 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___.

_____ _____

City Clerk Signature

_____

City Attorney

RESOLUTION NO. 6718

A RESOLUTION ADOPTING THE BOARD OF CITY COMMISSIONERS – BEST GOVERNANCE PRACTICES HANDBOOK.

WHEREAS, Municipal government must be stable, predictable, reliable, and consistent in how we do business;

WHEREAS, Municipal government experience should be fulfilling for everyone involved, from the elected officials through all levels of City administration and operation; and

WHEREAS, the City must establish appropriate roles, purpose, communication, and mutual respect to build the foundation for effective governance, which is fundamental for sustained growth and incremental improvement.

WHEREAS, the City seeks to provide a comprehensive guide to serve as a compass, navigating the complexities and responsibilities inherent in serving the City of Shawnee in the capacity of an elected leader.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Commission of Shawnee, Oklahoma, hereby adopt the attached Board of City Commissioners – Best Governance Practices Handbook. The Handbook may be updated from time-to-time as necessary.

PASSED AND APPROVED this 20th day of November, 2023.

ED BOLT, MAYOR

ATTEST:
(SEAL)

THE CITY OF SHAWNEE SEAL OKLAHOMA

LISA LASYONE, MMC, CITY CLERK