

RESOLUTION NO. 12-05

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND SPRINGS
MODIFYING THE CITY COUNCIL CODE OF ETHICS**

WHEREAS, the City of Sand Springs first approved a City Council handbook on February 24, 2003, adopting within that handbook a code of ethics for the City Council.

WHEREAS, the code is in need to update to deal with changes in both technology and other issues facing city government;

WHEREAS, approval of this resolution adopting an updated code of ethics for the City of Sand Springs is in the best interests of the residents of the City of Sand Springs.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAND SPRINGS AS FOLLOWS:

1. The following Code of Ethics for Elected Officials is hereby adopted by the City of Sand Springs:

**CITY OF SAND SPRINGS
CODE OF ETHICS
FOR ELECTED OFFICIALS**

**The Three R's of Sand Springs Government Leadership: Roles, Responsibilities
and Respect**

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

This Code of Ethics is designed to describe the manner in which Council Members should treat one another, city staff, constituents, and others that they may come into contact with while representing the City of Sand Springs. The policy defines more clearly the behavior, manners and courtesies that are suitable for various occasions. The policy also considers a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent theme through all of the conduct guidelines is "respect." Council members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called

upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual, through words and actions, is the touchstone that can help guide Council Members to do the right thing in even the most difficult situations.

Overview of Roles & Responsibilities

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

MAYOR

- X Elected by the Sand Springs City Council each year.
- X Acts as the official head of the City for all ceremonial purposes and military law.
- X Chairs Council meetings.
- X Calls for special meetings.
- X Recognized as spokesperson for the City
- X Selects substitute for City representation when Mayor cannot attend
- X Makes judgment calls on proclamations.
- X Recommends subcommittees, as appropriate, for Council approval.
- X Leads the Council into an effective, cohesive working team.
- X Signs documents on behalf of the City.

VICE MAYOR

- § Elected by the Sand Springs City Council each year.
- § Performs the duties of the Mayor if the Mayor is absent or disabled.
- § Chairs Council 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 City Council meetings.

COUNCILMEMBERS

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

All Councilmembers should:

- § Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- § Prepare in advance of Council meetings and be familiar with issues on the agenda.

- § Represent the City at ceremonial functions at the request of the Mayor.
- § Be respectful of other people's time.
- § Stay focused and act efficiently during public meetings.
- § Serve as a model of leadership and civility to the community.
- § Inspire public confidence in our government.
- § Provide contact information with the 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 Council procedures, such as this Code of Conduct.

MEETING CHAIR

The Mayor will chair official meetings of the City Council, unless the Vice Mayor or another Councilmember is designated as Chair of a specific meeting.

The Chair shall:

- § Maintains order, decorum, and the fair and equitable treatment of all speakers.
- § Keeps discussion and questions focused on specific agenda items under consideration.
- § Makes parliamentary rulings with advice, if requested, from the City Manager who shall act as an advisory parliamentarian.

POLICY ROLE OF THE CITY COUNCIL

Members shall respect and adhere to the council-manager structure of the Sand Springs city government as outlined by Title 11, Article X of the Oklahoma Statutes, §§10-101 through 10-121, as such may be amended or superseded, and as outlined by the Charter of the City of Sand Springs. In this form of government, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided otherwise by statute, Council members should not interfere with the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

Policies & Protocol Related to Conduct

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 Council. If yes, then the Mayor will recommend which Councilmember should be asked to

serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council Members at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

City staff will assist, through the City Manager, in the preparation of any official correspondence needed by the Council. All council 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

Council members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

Public Meeting Hearing Protocol

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

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

Travel Expenses

All Council travel, in which the Council member expects to officially represent the City and/or be reimbursed by the City for travel costs, must be approved in accordance with the City's travel and expense reimbursement policy.

Council Conduct with One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office

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

IN PUBLIC MEETINGS

Practice civility and decorum in discussions and debate.

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

Honor the role of the Chair in maintaining order.

It is the responsibility of the Chair to keep the comments of Council members on track during public meetings. Council 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 Council Members.

If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Councilmember to justify or apologize for the language used. The Chair will maintain control of this discussion.

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

IN PRIVATE ENCOUNTERS

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, voice mail messages, and e-mail.

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voice mail message was played on a speaker phone in a full office? What would happen if this e-mail message was forwarded to others? Written notes, voice mail messages and e-mail should 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 eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

Council Conduct with City Staff

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

Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable.

Limit contact to specific City staff.

Questions of City staff and/or requests for additional background information should be directed only to the City Manager. The City Manager should be copied on any request. Requests for follow-up or directions to staff should be made only through the City Manager. When in doubt about what staff contact is appropriate, Council members should ask the City Manger for direction. Materials supplied to a Councilmember in response to a request will be made available to all members of the Council so that all have equal access to information.

Never publicly criticize an individual employee.

Council 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 to the City Manager through private correspondence or conversation.

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

Council 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 council agenda items or items presented to City Council committees.

Check with City staff on correspondence before taking action.

Before sending correspondence, Council members should check with City staff to see if an official City response has already been sent or is in progress.

Limit requests for staff support.

Routine secretarial support will be provided to all Council members. All mail for Council members is opened by the City Manager, unless other arrangements are requested by a Councilmember. Mail addressed to the Mayor is reviewed first by the City Manager who notes suggested action and/or follow-up items. Requests for additional staff support, even in high priority or emergency situations, should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

Comply with the Charter restriction on employee political activity.

The City Charter provides as follows concerning political activity of City employees:

(1) No officer or employee of the city except the councilmen and personnel who receive no compensation for their services, may work for or against or attempt to influence, the nomination, election, or defeat of any candidate for councilman, or the recall of a councilman; but this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote.

(2) Any person who violates this section shall be punished, upon conviction thereof, by a fine not exceeding twenty dollars including costs. Such violation shall constitute cause for removal from office or employment; and if the regular removal authority has not already removed a person who violates this section, he shall be automatically removed by conviction of violation this section effective at the time the conviction becomes final.

Council Access and Use of Public Facilities and Equipment

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

Individual council members, including the Mayor, do not have any greater access to public facilities, work sites, or city owned property and equipment than the public at large. Neither the council 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 the City Managers office and not through any other department or employee. No city council member, or Mayor, shall have the ability to create a work station or work location at city hall. In those instances in which council members are meeting with staff, either individually or as a group, the City Manager shall coordinate making facilities available as appropriate.

The use of any city equipment, even if authorized and provided through the City Manager's office, shall be in accordance with the policies of the City, and not for personal use.

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

Council Conduct with The Public

IN PUBLIC MEETINGS

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

Be welcoming to speakers and treat them with care and gentleness.

The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity."

Actively Listen

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

No personal attacks of any kind, under any circumstance.

Council members should be aware that their body language and tone of voice, as well as, the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings.

The City Manger serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Chair.

IN UNOFFICIAL SETTINGS

Make no promises on behalf of the Council.

Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (repair a street, solve a drainage problem, install street signs, etc.).

Make no personal comments about other Council Members.

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council members, their opinions and actions.

Remember that despite its impressive population figures, Sand Springs is a small town at heart.

Council members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Sand Springs. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Council Conduct with Other Public Agencies

Be clear about representing the City or personal interests.

If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember must clearly state: (1) if his or her statement reflects personal opinion or is the official stance of the City; (2) whether this is the majority or minority opinion of the Council. If the Councilmember is representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint.

If the Councilmember is representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

Correspondence also should be equally clear about representation.

City letterhead may be used when the Council 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.

Council Conduct With Boards and Commissions

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

If attending a Board or Commission meeting, be careful to only express personal opinions. Council 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 Councilmember at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

Limit contact with Board and Commission members to questions of clarification.

It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

Remember that Boards and Commissions serve the community.

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council members, nor should Council members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and reappointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

Be respectful of diverse opinions.

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council 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 Councilmember, but not in a public forum while conducting official duties. Conversely, Council members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

Inappropriate behavior can lead to removal.

Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Board or Commission.

Council Conduct with the Media

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

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 Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember 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.

Sanctions

Public Disruption.

Members of the public who do not follow proper conduct after a warning in a public hearing maybe barred from further testimony at that meeting or removed from the Council Chambers.

Inappropriate Staff Behavior.

Council members should refer to the City Manager any City staff who does not follow proper conduct in their dealings with Council members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions.

Council Members Behavior and Conduct.

City Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Sand Springs 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 Council.

Council members should point out to the offending Councilmember 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 Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

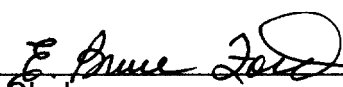
If violation of the Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the Mayor. The City Council should ask the City Manager and/or the City Attorney to investigate the allegation and report the findings to the City Council.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

2. City Staff shall provide a copy of this resolution to the members of all City boards and commission to ensure they are familiar with the guidelines established by the City Council.
3. 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.



Mike Burdge, Mayor

ATTEST:



City Clerk

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned above a horizontal line.

City Attorney

This Handbook was voted on and approved by the City Council of the City of Sand Springs on the 12th day of September, 2011.