

(Published in the Tulsa Daily Commerce
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July 8, 2005.)

ORDINANCE NO. 21084

AN ORDINANCE AMENDING TITLE 12 OF THE TULSA REVISED ORDINANCES ADDING CHAPTER 6, ESTABLISHING AN ETHICS ADVISORY COMMITTEE; AND ESTABLISHING A CODE OF ETHICS TO BE FOLLOWED BY EMPLOYEES, ELECTED OFFICIALS, OFFICIALS APPOINTED TO BOARDS, AUTHORITIES, OR COMMISSIONS OF THE CITY OF TULSA AND TRUSTEES OF BOARDS OF TRUSTS TO WHICH THE CITY OF TULSA IS A BENEFICIARY; AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF THE CODE OF ETHICS; AUTHORIZING THE APPOINTING AUTHORITIES TO PROMULGATE RULES TO FURTHER THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 12, Tulsa Revised Ordinances, be and the same is hereby amended by adding thereto a new Chapter 6 to read as follows:

"CHAPTER 6

ETHICS CODE

- Section 600. General Policy.
- Section 601. Definitions.
- Section 602. Use of City Resources.
- Section 603. Participation on Items of Personal, Financial, or Organizational Interest Prohibited.
- Section 604. Disclosure on items of Personal, Financial, or Organizational Interest.
- Section 605. Gifts and Favors.
- Section 606. Use and Disclosure of Information Prohibited.

Section 607. Contracts Related Disclosure Required.

Section 608. Participation in Ethics Investigations.

Section 609. Violation.

Section 610. Ethics Advisory Committee.

SECTION 600. GENERAL POLICY

It is the policy of the City of Tulsa that the proper operation of democratic government requires that public officials and employees be independently impartial and responsible to the people of the City; that government decisions and policies be made only through proper channels of the governmental structure; that no City official should have any interest, financial, personal, or organizational, direct or indirect, or engage in any business, transaction, or activity or incur any obligation that is in conflict with the proper discharge of their duties in the public interest; that public office and public employment are positions of public trust imposing the duty of a fiduciary upon all officers, employees, members of boards and committees, and trustees of public trusts with the City of Tulsa as a beneficiary; and such individuals shall not use their public positions for personal gain nor should they act in such a way as to give an appearance of any impropriety.

The purpose of this chapter is to provide direction to City officials of the policy of the City of Tulsa.

The appropriate appointing authority shall create and maintain such rules as are necessary to implement and comply with the provisions of this chapter.

SECTION 601. DEFINITIONS

For purposes of this chapter, the following words and phrases shall have the meanings given herein.

Appointing Authority means the office with authority to appoint an individual to a position. For purposes of this chapter, the City Council shall act as the appointing authority for the City Auditor and individual City Councilors, and the City Auditor shall act as the appointing authority for the Mayor.

City Official means every City of Tulsa elected official, officer, or employee; member of a City of Tulsa Board, Authority, Commission, or Committee; or Trustee appointed by the City to a public trust with the City of Tulsa as a beneficiary.

Financial Interest in an official action exists when the action may result directly or indirectly in a financial gain or loss accruing to the City official and/or his immediate family to a greater extent than could reasonably be expected to accrue to the general public. Financial interest in a company, business, organization, or other entity exists when the City official and/or their immediate family owns, individually or combined, a five percent (5%) or more share of the company, business, or other entity and the value of such share exceeds Five Thousand Dollars (\$5,000.00).

Immediate Family means the City official's spouse, children, parents or spouse's parents and any other family members within two degrees of affinity or consanguinity.

Organizational Interest in a company, business, organization, or other entity exists when the City official is a director or a member of a board which establishes policy and/or budgetary decisions for the entity.

Personal Interest means a direct or indirect interest, matter, or relationship not shared by the general public which could be reasonably expected to impair the City official's objectivity or independence of judgment.

SECTION 602. USE OF CITY RESOURCES

City officials shall not use or permit the use of City resources for personal or private purposes, except as provided by rules adopted by the appropriate appointing authority to address minor or incidental uses common to an ordinary workplace.

SECTION 603. PARTICIPATION ON ITEMS OF PERSONAL, FINANCIAL, OR ORGANIZATIONAL INTEREST PROHIBITED

Except as otherwise permitted under applicable federal, state, and City laws and policies, no City official shall participate in any City business in which they have a related personal, financial, or organizational interest. Such City official shall not discuss the matter with a City official who is participating in the action other than to state his disqualification. The possibility, not the actuality, of a conflict shall govern.

SECTION 604. DISCLOSURE ON ITEMS OF PERSONAL, FINANCIAL, OR ORGANIZATIONAL INTEREST

A. A City official who may receive some benefit, not shared by the general public, to a personal, financial, or organizational interest as a result of an item before the individual in their capacity as a City official or the public body to which the individual has been elected or appointed, shall disclose the interest to their supervisor, or their authority, board, or commission, or file a written disclosure with the City Clerk. The reasonable possibility, not the actuality, of a conflict shall govern.

B. A City official who is required to refrain from participation in City business pursuant to Section 603 of this chapter, shall file a written disclosure describing the disqualifying interest with the City Clerk.

SECTION 605. GIFTS AND FAVORS

A. City officials and their immediate family shall not directly or indirectly solicit or receive gifts, entertainment, or other favors which may influence or be reasonably perceived as influencing a City official in the performance of their official duties.

B. Campaign contributions shall be permitted as provided by law.

SECTION 606. USE AND DISCLOSURE OF INFORMATION PROHIBITED

A City official is prohibited from disclosing or offering to disclose information not available to the general public and acquired by reason of his position with the City, to any party not entitled to receive such information nor shall he use such information for his personal gain or benefit.

SECTION 607. CONTRACTS RELATED DISCLOSURE REQUIRED

A. City officials must disclose all personal, organizational, or financial interests where they or their immediate family have a financial interest in a business that is receiving City funds, directly or indirectly, through a business agreement with the City or a City contractor.

B. The disclosure required by this chapter shall be accomplished by filing with the Tulsa City Clerk a written statement of the City official involved describing the interest being disclosed.

SECTION 608. PARTICIPATION IN ETHICS INVESTIGATIONS

A. City officials shall not participate in investigations of their own actions, except to provide information or testimony. The appropriate entity including but not limited to the Human Resources Department, Police Department, City Auditor's Office, and/or the City Attorney's Office may assist and participate in investigations involving City officials.

B. City officials shall respond fully and truthfully to inquiries made in the course of official investigations of alleged or potential violations of this chapter.

SECTION 609. VIOLATION

A. Intentional violation of this chapter by a City official shall be grounds for disciplinary action up to and including dismissal or removal from office as may be provided by law.

B. A complaint asserting a violation of this chapter against an elected official, officer, member of a City of Tulsa Board, Authority, or Committee; or Trustee of a public trust with the City of Tulsa as a beneficiary shall be filed in writing with the City Clerk. The City Clerk shall forward the complaint to the appropriate appointing authority or other public body for investigation and action.

C. A complaint asserting a violation against any other employee shall be filed in writing with the Mayor or his designee. The Mayor or his designee shall initiate an investigation or forward the complaint to the appropriate appointing authority or other public body for investigation and appropriate action.

D. All records generated or compiled in response to a complaint, including the initial complaint, shall be released to the public only as required by law or court order.

SECTION 610. ETHICS ADVISORY COMMITTEE

A. There shall be created an Ethics Advisory Committee which shall act as a recommending body to the City of Tulsa on ethical issues.

B. The committee shall consist of seven (7) individuals, appointed by the Mayor and confirmed by the City Council. A committee member shall not be a City official, nor shall a Committee member be immediate family of a City official. Every committee member shall be a resident of the City of Tulsa. Initially, two (2) of the members shall be appointed for a term of office of one (1) year; two (2) members for a term of office of two (2) years; and three (3) for a term of office of three (3) years. Thereafter, terms of office shall be for three (3) years; provided, however, that all members shall hold office until their successors are appointed and qualified. All members shall serve without compensation. Members shall not hold public office nor be candidates for public office. A member who has served three (3) successive terms shall not be eligible for reappointment for a period of two (2) years.

C. Any elected official; Charter division or department head; member of a City of Tulsa Board, Authority, or Committee; or Trustee of a public trust with the City of Tulsa as a beneficiary may request an opinion from the Ethics Advisory Committee on an ethical issue arising under this chapter.

D. The Ethics Advisory Committee may provide ethics opinions or recommendations for ethics policies, procedures, or guidelines.

E. The Ethics Advisory Committee shall provide a written report to the City Council by April 1 of every year on its activities for the preceding twelve (12) months and anticipated activities for the next twelve (12) months.

F. The Ethics Advisory Committee shall provide the Mayor with its budgetary recommendation by January 15 for the next fiscal year.

G. The Ethics Advisory Committee shall meet no less than once per calendar quarter."

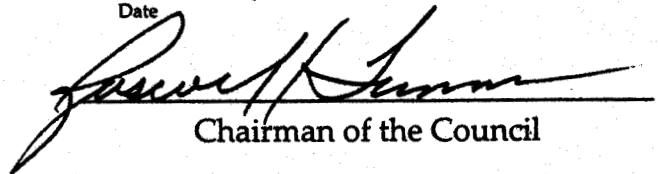
Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

ADOPTED by the Council: JUN 23 2005

Date


Chairman of the Council

ADOPTED as an emergency measure: _____

Date

Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____

Date

Time

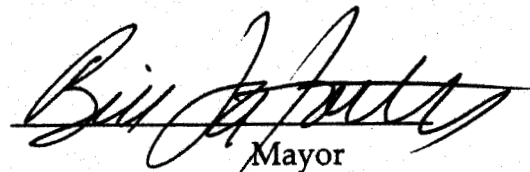
Bill LaFortune, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: JUN 30 2005

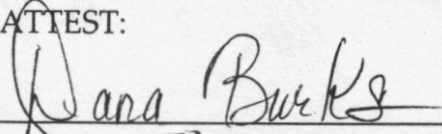
Date

at 0500
Time


Mayor

(Seal)

ATTEST:


DEPUTY City Clerk



APPROVED:


City Attorney