

ORDINANCE NO. 3548

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 2 ADMINISTRATION, ARTICLE II, CITY COUNCIL, SECTION 2-17, ELECTED OFFICIAL ACCOUNTABILITY ACT AND ETHICS POLICY; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

Section 1. The Midwest City Municipal Code, Chapter 2, Administration, Article II, City Council, Section 2-17, is hereby amended to read as follows:

Sec. 2-17. - Elected Official Accountability and Ethics Policy.

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

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

B. **Definitions.** For the purposes of the Elected Official Accountability Act and Ethics Policy, the following words and/or terms shall have the following meanings unless the context clearly indicates otherwise:

- 1. “Abusive conduct” means undertaking physical acts upon another City Council Member, City Authority Member, City Board Member, City Committee Member, City Commission Member with either the intent to or actually injuring said Member, or verbal communication direct towards said Member or Members that includes, but is not limited to cursing, name calling, intimidation, coercion, making false statements, making statements unsupported by fact and/or evidence.
- 2. “Adjudicative decision” means a decision where the member is called upon to determine and apply facts peculiar to an individual case.
- 3. “Advocacy” means the act of pleading, supporting or recommending on a specific topic or action.
- 4. “Bias” means a particular tendency, trend, inclination, feeling or opinion,

1 especially one that is preconceived or unreasoned.

2
3 5. "Business entity" means individuals, partnerships, business trusts,
4 cooperatives, associates, corporations, limited liability companies or any other firm, group or
5 concern which functions as a separate entity for business purposes.

6
7 6. "Common good" means betterment of the general public.

8
9 7. "Conduct" means mode of action.

10
11 8. "Conflict-of-Interest" means a clash between the public interest and the private
12 interest of the individual concerned.

13
14 9. "Direct Interest" means an interest that is certain and not contingent or doubtful.

15
16 10. "Family" means, Mother, Father, Spouse, Child (whether natural, adopted or
17 foster), Grandparent, Aunt, Uncle, First Cousin, Brother or Sister.

18
19 11. "Impartiality" means the treating of all issues or persons alike, equitably, fairly
20 and justly.

21
22 12. "Impropriety" means unfitness or unsuitable to character, time, place or
23 circumstances.

24
25 13. "Independence" means freedom from influence or controls other than those
26 established by law.

27
28 14. "Indirect interest" means an interest by an intermediary, other than him/herself.

29
30 15. "Material financial interest" means direct or indirect financial or beneficial
31 financial interest of any kind or an interest that results in or is reasonably expected to return
32 or produce some monetary gain or other material thing of value.

33
34 16. "Member" means a person who has been elected or appointed to the City
35 Council, City Authorities, City Boards, City Committees and City Commissions established
36 by State Statute and/or City ordinance.

37
38 17. "Personal bias" means a bias that is based on a person's life, relationships, or
39 emotions.

40
41 18. "Personal Conduct" means an individual's behavior, actions, management of
42 oneself, or deportment.

43
44 19. "Personal Gain" means a benefit received by an individual or member of the
45 individual's family.

46

1 20. “Policies of the City Council” means those items adopted by a majority of the
2 members of the City Council through resolution or other action that regulates the City Council
3 meetings or actions of City Council members.
4

5 21. “Professional Conduct” means the accepted manner in which an individual in
6 a professional or meeting setting is reasonably expected to act.
7

8 22. “Public Discussion” means that time set aside on the City Council, Board, or
9 Authority agenda where by members of the public may direct comments to the Members of
10 the City Council within the parameters set by the Policies of the City Council.
11

12 23. “Public interest” means the collective well-being of the community, its
13 institutions, its people, its businesses and its professional services.
14

15 24. “Public issues” means issues that impact the citizens of the City of Midwest
16 City directly that are community-based, civically based, or societal based.
17

18 25. “Public meeting” has the same definition as contained in the Oklahoma Open
19 Meetings Act, Title 25 of the Oklahoma Statutes, Section 301 *et seq.*
20

21 26. “Receiving information” means obtaining information, whether solicited or
22 not, on a topic or issue either during a City Council meeting or outside a City Council meeting.
23

24 27. “Reproach” means to address another person in such a way as to express
25 disapproval or disappointment.
26

27 28. “Stewardship” means the duties of supervising or taking care of something,
28 such as an organization or property.
29

30 29. “Substantiated” means a complaint that alleges a violation of either Part (C) and/or
31 Part (D) of this Ordinance has been verified by competent facts and that substantial evidence exists
32 to support.
33

34 30. “Unsubstantiated” means a complaint that alleges a violation of this Ordinance that
35 is not supported by competent facts or substantial evidence or existent of facts and/or an allegation
36 that is not a per se violation of this Ordinance.
37

38 C. **Ethical Standards.** Members shall conduct themselves in accordance with the
39 following ethical standards:

40 1. **Act in the Public Interest.** Recognizing that stewardship of the public interest
41 shall be their primary concern, members shall work for the common good of the
42 people of the City of Midwest City and not for any private or personal interest
43 unless said interest is also a public interest, and they shall assure fair and equal
44 treatment of all persons, claims and transactions coming before them.
45

46 2. **Comply with both the spirit and the letter of the Law and City Policy.** Members

1 shall comply with the laws of the United States, the State of Oklahoma and the
2 ordinances of the City of Midwest City in the performance of their duties as
3 established by state law, city charter or city ordinance.
4

5 3. **Conduct of Members.** The professional and personal conduct of members while
6 exercising their office shall be above reproach and avoid even the appearance of
7 impropriety. Members shall refrain from abusive conduct towards other
8 members, the staff or public.
9

10 4. **Respect for Process.** Members shall perform their duties in accordance with the
11 policies established by the City Council.
12

13 5. **Conduct at Public Meetings.** Members shall prepare themselves for public
14 issues; listen courteously and attentively to all public discussions before the
15 body; and focus on the business at hand.
16

17 6. **Decisions Based on Merit.** Members shall base their decisions on the merits
18 and substance of the matter at hand, rather than on unrelated considerations.
19 When making adjudicative decisions, members shall maintain an open mind
20 until the conclusion of the hearing on the matter and shall base their decisions
21 on the facts presented at the hearing and the law.
22

23 7. **Communication.** For adjudicative matters pending before the body, members
24 shall refrain from receiving information outside of an open public meeting or
25 the agenda materials, except on advice of the City Attorney. Members shall
26 publicly disclose substantive information that is relevant to a matter under
27 consideration by the body which they may have received from sources outside
28 of the public decision-making process.
29

30 8. **Conflict of Interest.** In order to assure their independence and impartiality on
31 behalf of the common good and compliance with conflict-of-interest laws,
32 members shall use their best efforts to refrain from an appearance of impropriety
33 in their actions and decisions. Members shall not use their official positions to
34 influence government decisions in which they or a member of his/her family
35 have:
36

37 (a) a material financial interest in:

- 38
- 39 1) any business entity in which the member has a direct or indirect
40 interest;
 - 41 2) any real property in which the member has a direct or indirect interest;
42 or
 - 43 3) any business entity in which the member is a director, officer, partner,
44 trustee or employee, or holds any position of management.
45

46 (b) an organizational responsibility or personal relationship which may give

1 the appearance of a conflict of interest, or

2
3 (c) a personal bias.

4
5 A member who has a potential conflict of interest regarding a particular
6 decision shall disclose the matter to the City Attorney and/or City Manager and
7 reasonably cooperate with the City Attorney to analyze the potential conflict.
8 In providing assistance to members, the City Attorney represents the City and
9 not individual members.

10
11 In accordance with the law, members shall disclose investments, interests in
12 real property, sources of income, and gifts to the City Attorney and City
13 Manager; and if they have a conflict of interest regarding a particular
14 decision, shall not, once the conflict is ascertained, participate in the decision
15 and shall not discuss or comment on the matter in any way to any person
16 including other members unless otherwise permitted by law, failure to comply
17 may lead to conduct being reported to the District Attorney.

- 18
19 9. **Gifts and Favors.** Members shall not take any special advantage of services or
20 opportunities for personal gain, by virtue of their public office that is not
21 available to the public in general. Members shall refrain from accepting any
22 gifts, favors or promises of future benefits which compromises their
23 independence of judgment or action or give the appearance of being
24 compromised.

25
26 No member shall receive any payments or gifts, other than those provided in
27 the Charter or in the Code of Ordinances, for action or inaction in his/her official
28 capacity.

- 29
30 10. **Confidential Information.** Members shall maintain the confidentiality of all
31 written materials and verbal information provided to members which is
32 confidential or privileged. No member shall disclose confidential discussions
33 occurring in executive session with anyone other than other member or invited
34 staff/guests. Members shall neither disclose confidential information without
35 proper legal authorization, nor use such information to advance their personal,
36 financial or other private interests, nor shall any member make, participate in
37 making, or in any way attempt to use his/her official position to influence the
38 making of any decision that the member knows or should know will have a
39 reasonably foreseeable material financial effect, on the member or family or on:

- 40
41 1) Any business entity in which the member has a direct or indirect interest;
42 2) Any real property in which the member has a direct or indirect interest;
43 or
44 3) Any business entity in which the member is a director, officer, partner,
45 trustee or employee, or holds any position of management.

1 **11. Use of Public Resources.** Members shall not use public resources which are
2 not available to the public in general (e.g., City staff time, equipment, supplies
3 or facilities) for private gain or for personal purposes not otherwise authorized
4 by law.
5

6 **12. Representation of Private Interests.** In keeping with their role as stewards of
7 the public interest, members shall not appear on behalf of the private interests
8 of third parties before the Council or any Authority, Board, Committee,
9 Commission or proceeding of the City.
10

11 **13. Advocacy.** Members shall represent the official policies or positions of the City
12 Council, Authority, Board, Committee or Commission to the best of their ability
13 when designated as delegates for this purpose. When presenting their individual
14 opinions and positions, members shall explicitly state they do not represent their
15 body or the City of Midwest City, nor will they allow the inference that they do.
16 Councilmembers and Authority, Board, Committee and Commission members
17 have the right to endorse candidates for all Council seats or other elected offices.
18 It is inappropriate to mention or display endorsements during Council meetings,
19 or Authority, Board, Committee and Commission meetings, or other official City
20 meetings.
21

22 **14. Policy Role of Members.** Members shall respect and adhere to the council-
23 manager structure of City of Midwest City government as outlined in the
24 Midwest City Code. In this structure, the City Council determines the policies
25 of the City with the advice, information and analysis provided by City staff,
26 Authorities, Boards, Committees and Commissions, and the public. Except as
27 provided by the City Code, members shall not interfere with the administrative
28 functions of the City or the professional duties of City staff; nor shall they impair
29 the ability of staff to implement Council policy decisions.
30

31 **15. Independence of Boards, Committees and Commissions.** Because of the
32 value of the independent advice of Authorities, Boards, Committees and
33 Commissions to the public decision-making process, members of City Council
34 shall refrain from using their position to unduly influence the deliberations or
35 outcomes of Authorities, Board, Committee and Commission proceedings.
36

37 **16. Positive Work Place Environment.** Members shall support the maintenance of
38 a positive and constructive work place environment for City employees and for
39 citizens and businesses dealing with the City. Members shall recognize their
40 special role in dealings with City employees to in no way create the perception
41 of inappropriate direction to staff.
42

43 (a) Unless the request is otherwise authorized by law, if a member requests research
44 or other work by City staff, such requests shall be directed to the City Manager, unless
45 the request is for legal research, then the request shall be directed to the City Attorney.
46

1 (b) If the request, pursuant to paragraph (C)(16)(a) above, will take more than one
2 (1) hour of staff time to complete, then the request shall be placed on the next
3 available City Council Agenda. The City Council shall consider and determine
4 whether staff time shall be devoted to the request.

5
6 (c) Any response from City staff to a request pursuant to paragraph (C)(16)(a) above,
7 shall be distributed to all members of the City Council.

8
9 (d) Members shall not attempt to pressure or influence discussions,
10 recommendations, workloads, schedules or priorities of City staff. A violation of
11 this provision is also hereby deemed to be a violation of Article II, Section 6 of the
12 Charter for the City of Midwest City.

13
14 **17. Elections.** No member of the council or candidate for council shall receive more
15 than an amount established by state law in monetary or in-kind donations for
16 each council election for which the member of council or candidate seeks office.

17
18 **D. Guidelines for Conduct**

19
20 The following guidelines are designed to describe the manner in which elected and
21 appointed officials should treat one another, City staff, constituents, and others they come
22 into contact with while representing the City of Midwest City.

23
24 **1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings**

25
26 Elected and appointed officials are individuals with a wide variety of backgrounds,
27 personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve
28 in public office in order to preserve and protect the present and the future of the
29 community. In all cases, this common goal should be acknowledged even though
30 individuals may not agree on every issue.

31
32 *(a) Honor the role of the chair in maintaining order*

33 It is the responsibility of the chair to keep the comments of members on track
34 during public meetings. Members should honor efforts by the chair to focus
35 discussion on current agenda items. If there is disagreement about the agenda
36 or the chair's actions, those objections should be voiced politely and with
37 reason, following procedures outlined in parliamentary procedure.

38
39 *(b) Practice civility and decorum in discussions and debate*

40 Difficult questions, tough challenges to a particular point of view, and criticism
41 of ideas and information are legitimate elements of debate by a free democracy
42 in action. Free debate does not require nor justify the making of belligerent,
43 personal, impertinent, slanderous, threatening, abusive, or disparaging
44 comments.

45
46 *(c) Avoid personal comments that could offend other members*

1 If a member is personally offended by the remarks of another member, the offended
2 member should make notes of the actual words used and call for a "point of
3 personal privilege" that challenges the other member to justify or apologize for
4 the language used. The chair will maintain control of this discussion.
5

6 *(d) Demonstrate effective problem-solving approaches*

7 Members have a public stage and have the responsibility to show how individuals
8 with disparate points of view can find common ground and seek a compromise
9 that benefits the community as a whole.
10

11 **2. Elected and Appointed Officials' Conduct with the Public in Public Meetings**
12

13 Making the public feel welcome is an important part of the democratic process. No
14 signs of partiality, prejudice or disrespect should be evident on the part of individual
15 members toward an individual participating in a public forum. Every effort should be
16 made to be fair and impartial in listening to public testimony or comment.
17

18 *(a) Be welcoming to speakers and treat them with care and gentleness.*

19 While questions of clarification may be asked, the official's primary
20 role is to listen.
21

22 *(b) Be fair and equitable in allocating public hearing time to individual
23 speakers.*

24 The chair will announce time limits for speakers at the start of public
25 testimony or comment in accordance with the policies established by the
26 City Council.
27

28 *(c) Practice active listening*

29 It is disconcerting to speakers to have members not look at them when
30 they are speaking.
31

32 *(d) Maintain an open mind*

33 Members of the public deserve an opportunity to influence the thinking
34 of elected and appointed officials.
35

36 *(e) Ask for clarification, but avoid debate and argument with the public*

37 Only the chair - not individual members - can interrupt a speaker during
38 a presentation. However, a member can ask the chair for a point of order
39 if the speaker is off the topic or exhibiting behavior or language the
40 member finds disturbing.
41

42 **3. Elected and Appointed Officials' Conduct with City Staff**
43

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

1 the good of the community.

2
3 (a) *Treat all staff as professionals*

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

7
8 (b) *Do not disrupt City staff from their jobs*

9 Elected and appointed officials should not disrupt City staff while they
10 are in meetings, on the phone, or engrossed in performing their job functions
11 in order to have their individual needs met. Do not attend City staff meetings
12 unless requested by staff- even if the elected or appointed official does not
13 say anything, his or her presence implies support, shows partiality, may
14 intimidate staff, and hampers staffs ability to do their job objectively.

15
16 (c) *Never publicly criticize an individual employee*

17 Elected and appointed officials should never express concerns about the
18 performance of a City employee in public, to the employee directly, in
19 social media, to the press, or to the employee's manager. Comments about
20 staff performance should only be made to the City Manager through private
21 correspondence or conversation. Appointed officials should make their
22 comments regarding staff to the City Manager.

23
24 (d) *Do not get involved in administrative functions*

25 Elected and appointed officials acting in their individual capacity must not
26 attempt to influence City staff on the making of appointments, awarding
27 of contracts, selecting of consultants, processing of development
28 applications, or granting of City licenses and permits.

29
30 (e) *Do not solicit political support from staff*

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

36
37 (f) *No Attorney-Client Relationship*

38 Members shall not seek to establish an attorney-client relationship with the
39 City Attorney, including his or her staff and attorneys contracted to work on
40 behalf of the City. The City Attorney represents the City and not
41 individual members. Members who consult with the City Attorney cannot
42 enjoy or establish an attorney-client relationship with the attorney.

43
44 (g) *Council Member Must Resign*

45 If a sitting council member intends to apply for a full time or part time
46 position with the City of Midwest City, he/she must resign from the council

1 before applying for that position.

2
3 **4. Council Conduct with Boards, Committees and Commissions**

4
5 The City has established several Boards, Committees and Commissions as a means of
6 gathering more community input. Citizens who serve on Boards, Committees and
7 Commissions become more involved in government and serve as advisors to the City
8 Council. They are a valuable resource to the City's leadership and should be treated
9 with appreciation and respect.

10
11 (a) *If attending a Board, Committee or Commission meeting, be careful to only*
12 *express personal opinions.*

13 Councilmembers may attend any Board, Committee or Commission
14 meeting, which are always open to any member of the public. However, they
15 should be sensitive to the way their participation - especially if it is on
16 behalf of an individual, business or developer - could be viewed as unfairly
17 affecting the process. Any public comments by a Councilmember at a Board,
18 Committee or Commission meeting should be clearly made as individual
19 opinion and not a representation of the feelings of the entire City Council.

20
21 (b) *Limit contact with Board, Committee and Commission members to*
22 *questions of clarification*

23 It is inappropriate for a Councilmember to contact a Board, Committee or
24 Commission member to lobby on behalf of an individual, business, or
25 developer, and vice versa. It is acceptable for Councilmembers to contact
26 Board, Committee or Commission members in order to clarify a position
27 taken by the Board, Committee or Commission.

28
29 (c) *Respect that Boards, Committees and Commissions serve the community,*
30 *not individual Councilmembers*

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

42
43 (d) *Be respectful of diverse opinions*

44 A primary role of Boards, Committees and Commissions is to represent
45 many points of view in the community and to provide the Council with
46 advice based on a full spectrum of concerns and perspectives.

1 Councilmembers may have a closer working relationship with some
2 individuals serving on Boards, Committees and Commissions, but must
3 be fair and respectful of all citizens serving on Boards, Committees and
4 Commissions.

5
6 (e) *Keep political support away from public forums*

7 Board, Committee and Commission members may offer political support
8 to a Councilmember, but not in a public forum while conducting official
9 duties. Conversely, Councilmembers may support Board, Committee and
10 Commission members who are running for office, but not in an official
11 forum in their capacity as a Councilmember.

12
13 **E. Enforcement Procedures.**

14
15 1. If a member believes another member has violated any of the requirements of Part
16 (C) or the recommendations of Part (D) above, that member may choose to discuss the matter with
17 the other member in an informal setting to resolve any issue.

18
19 2. Any person may file a formal complaint concerning the actions of a member that
20 appears to be a violation of Parts (C) or (D) above. Said complaint shall be in writing and initially
21 submitted to the City Attorney. Upon receipt of a formal written complaint, the City Attorney
22 shall forward the complaint to the City Manager. The City Manager and City Attorney shall advise
23 the City Council of the receipt of a formal complaint in Executive Session.

24
25 3. There is hereby established an Ethics Review Officer to review any formal written
26 complaints. The Ethics Review officer shall be appointed by the Mayor, if the Mayor is the subject
27 of the complaint, then the Vice-Mayor shall appoint, if the Vice-Mayor is also the subject of the
28 complaint, then the City Manager shall appoint, if the City Manager is also the subject of the
29 complaint, then the City Attorney shall appoint. The Ethics Review Officer shall be a former
30 Mayor for the City of Midwest City. If a former mayor is not available or is unwilling to serve,
31 then a former vice-mayor of the City of Midwest City shall be appointed, if a former vice-mayor
32 is not available or is unwilling to serve, then a former City Council Member of the City of Midwest
33 City shall be appointed to serve.

34
35 4. The City Manager is hereby authorized to enter into contracts with the appointed
36 Ethics Review Officer for their services. The contract will set an hourly rate for said services.

37
38 5. Upon review of a formal written complaint by the City Manager and the City
39 Attorney, the City Manager shall contact the Ethics Review Officer concerning the complaint and
40 the City Attorney shall forward a copy of the complaint to the Ethics Review Officer.

41
42 6. The Ethics Review Officer shall investigate the complaint to determine if the
43 complaint is substantiated or unsubstantiated. The Ethics Review Officer shall have all the
44 resources that the City of Midwest City has available to undertake the investigation. The Ethics
45 Review Officer, City Manager and City Attorney shall establish timelines for the completion of
46 the investigation and issuance of a written report based on the types and complexity of issues raised

1 in the complaint. The City Manager shall notify the members of the City Council concerning the
2 timeline established.

3
4 7. Upon completion of the investigation, the Ethics Review Officer shall issue a
5 written report of its findings and recommendations on each issue raised in the complaint, whether
6 that issue is substantiated or unsubstantiated, the reasoning for the finding and any
7 recommendations as to a resolution based on the options listed in Paragraphs (E)(9), (E)(10), or
8 (E)(11) of this City Ordinance.

9
10 8. If the Ethics Review Officer finds that the complaint is unsubstantiated, the report
11 shall be submitted to the City Manager and City Attorney. The City Attorney shall forward the
12 findings of the Ethics Review Officer to the complainant and the member who the complaint was
13 filed against. If the Ethics Review Officer finds two consecutive complaints from the same
14 complainant against the same member as unsubstantiated, then the City Attorney shall not forward
15 any future complaints from the complainant concerning the member to either the City Manager or
16 the Ethics Review Officer. The City Council shall be notified by the City Manager of the findings
17 in the report from the Ethics Review Officer;

18
19 9. If the complaint concerns issues with recommendations contained in Part (D) above
20 only, and the investigation by the Ethics Review Officer finds the complaint is substantiated, the
21 Ethics Review Officer Report shall be submitted to the City Manager and City Attorney. The City
22 Manager shall place the Report on the City Council Agenda for Executive Session. The City
23 Attorney shall forward the Report to the complainant, member who the complaint is filed against
24 and the members of the City Council. During the Executive Session of the City Council meeting
25 the complainant and the member who the complaint was filed against shall be invited to appear.
26 The Report shall be discussed and either no action and/or oral counselling shall be provided or
27 occur during the Executive Session.

28
29 10. If the complaint concerns issues with recommendations contained in Part (D) above
30 and requirements contained in Part (C) above, and only the issues identified in Part (D) above are
31 substantiated, then the processes contained in Paragraph (E)(9) of this City Ordinance shall be
32 followed.

33
34 11. If the complaint concerns issues with the requirements contained in Part (C) above
35 only, or recommendations contained in Part (D) above and requirements contained in Part (C)
36 above combined and the issues contained in Part (C) are substantiated, the Ethics Review Officer
37 Report shall be submitted to the City Manager and City Attorney. The City Manager shall place
38 the Report on the City Council Agenda for Executive Session. The City Attorney shall forward
39 the Report to the complainant, member who the complaint is filed against and the members of the
40 City Council. During the Executive Session of the City Council meeting the complainant, the
41 Ethics Review Officer and the member who the complaint was filed against shall be invited to
42 appear. The Report shall be discussed during the Executive Session. The City Council may vote
43 to resolve the complaint based on the recommendations of the Ethics Review Officer or different
44 than the recommendations of the Ethics Review Officer, which may include but not be limited to:

- 45
46 a. take no action;

- b. oral counselling;
- c. written counselling;
- d. written reprimand;
- e. censure; or
- f. referral to the Oklahoma County District Attorney and/or Oklahoma Attorney General for appropriate action pursuant to state law.

The vote by the members of the City Council shall occur in open meeting and may include one or more of the possible resolutions to the complaint.

12. If there is a subsequent complaint received on a member based on the same or similar issues that has been previously substantiated and the investigation into the subsequent complaint results in a substantiated finding, the resolution to the complaint can be no less than what the City Council voted and approved on the previous complaint.

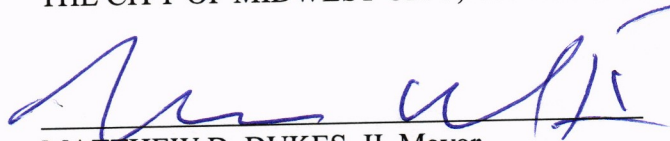
Section 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance.

PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this 23 day of January, 2024.



THE CITY OF MIDWEST CITY, OKLAHOMA



MATTHEW D. DUKES, II, Mayor

ATTEST:



SARA HANCOCK, City Clerk

Approved as to form and legality this 24th day of January, 2024.


DONALD D. MAISCH, City Attorney