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**Media Contact**

Josh Ryan, Communications & Marketing Director

(405) 739-1206

[jryan@midwestcityok.org](mailto:jryan@midwestcityok.org)

**Details Regarding the Resignation of Ward 3 Councilmember**

At their regularly scheduled meeting on June 27, 2023, the City Council of Midwest City reached consensus to remove the confidentiality requirements of a discussion and legal opinion received during executive session. The legal opinion can now be released regarding specific business dealings then-Councilmember Megan Bain had while serving as the representative for Ward 3. The legal opinion found that a potential conflict of interest existed between Bain's professional career with Mid-Del Technology Center, which is a part of the Mid-Del School District, and her elected position on the council.

The process that led to this legal opinion was initiated by Bain when she self-reported a suspected conflict of interest she had with a potential contractor for the City of Midwest City. In her professional capacity, Bain had met with the business while they were still working toward finalizing an agreement with Midwest City.

Legal staff for Midwest City immediately conducted research and found Oklahoma Attorney General opinions on similar conflict of interest concerns. This research discovered a potential conflict of interest when employees of private sector companies also serve on city councils and the private company contracts with the city. Further research also found that this same conflict of interest potentially applies when both parties are governmental entities. After finding these opinions, the city manager and city attorney informed then-Councilmember Bain on May 4, 2023, that outside counsel would be hired to perform additional research and to develop a legal opinion on the matter.

Attorneys with Williams, Box, Forshee, & Bullard, P.C., took approximately a month to thoroughly research the conflict of interest issue and whether future conflicts could arise between Bain's professional position and her role as an elected official of Midwest City. The legal opinion found that such interactions could potentially create a conflict of interest with her elected position. It also called into question whether influence may exist over agreements and relationships the city already has in place. Specifically, her position on the council could jeopardize agreements that the City of Midwest City has with the Mid-Del School District, present and future.

When the legal opinion was issued, then-Councilmember Bain was given two options regarding her position on the council. The first option was that she could resign her position with the Mid-Del School District, eliminating the conflict of interest concerns. The second option was to resign her position on the council. If neither of these options were selected, then the City's ability to contract with the Mid-Del School District would be jeopardized.

Bain chose to resign from the council on June 23, 2023. In a letter sent to the Midwest City Mayor, City Council and others, Bain claims in the letter that she was not aware of a legal opinion being developed by outside counsel. As previously stated, she was informed of this on May 4, 2023, before a meeting she had requested regarding Fire Department operations. Also as previously stated, it is important to note that the initial research on this matter began when she self-reported meeting with a potential city contractor in her professional capacity.

"This is a very unfortunate situation and we want to avoid conflicts of interest like this in the future," said Matt Dukes, Mayor of Midwest City. "Despite her resignation, we are still considering making a request to the attorney general's office to issue an opinion on this issue."

Residents of Ward 3 will have a chance to select their next councilmember on February 13, 2024. The newly-elected Ward 3 Councilmember would serve for the remainder of Bain's unexpired term.

Per city charter and state law, it is anticipated that an interim councilmember will be nominated and appointed by the city council for the Ward 3 seat. It's also anticipated that the nominee for this position be a Ward 3 resident who is not seeking candidacy in the upcoming election.

Temporary appointments to the council require a majority vote of the city council. This vote could come as soon as the regularly scheduled meeting on July 25, 2023, 6 p.m., in the Midwest City Council Chamber, 100 N. Midwest Blvd.

To learn more about the City Council of Midwest City, including information about [ward boundaries](#), please visit [MidwestCityOK.org](http://MidwestCityOK.org).

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