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CITY OF TULSA ETHICS ADVISORY COMMITTEE**OPERATING RULES¹****Preamble:**

City Ordinance No. 21084, dated July 8, 2005, (Ordinance) sets the scope and limit of the authority of the Ethics Advisory Committee (EAC) and establishes ethical standards by which conduct of City officials and employees should be judged. It shall be the policy of EAC to operate to the best of its ability strictly within the guidelines established by the Ordinance and to limit its activities to those defined under Section 610 thereof. EAC is a recommending body only. The opinions, advice or recommendations of EAC are advisory only and EAC has no independent investigative authority nor authority to impose discipline upon anyone for alleged ethical or other violations of the Ordinance.

Until the Ordinance is amended in the future the EAC shall perform only those duties delineated in Section 610, including, but not limited to:

1. Receive and consider requests from authorized City Officials for an opinion on ethical issues arising under the Ordinance, and, if appropriate, to issue advisory opinions (Opinions) thereon;
2. Prepare ethics opinions or recommendations for ethics policies, procedures or guidelines independent of any request therefore;
3. Provide the Mayor of the City of Tulsa with budgetary recommendations as prescribed in the Ordinance.

General Provisions:

1. **Appointment and Term:** The EAC shall consist of seven members, each appointed by the Mayor of the City of Tulsa and confirmed by the City Council. Each member shall serve without compensation and shall not hold public office nor be candidates for public office. Members may serve up to three consecutive terms and shall not be eligible for further reappointment for a period of two years. With the exception of the initial members, a member's term is three years.
2. **Meetings:** The regular meeting of EAC shall be the first Tuesday of each month at 3:00 P.M. in a room at City Hall. EAC may vary its meeting site to accommodate its needs and accomplish its purposes. Additional or special meetings may be held as determined by EAC or when called by the Chairman of EAC. Although EAC is advised it is not subject to the Open Meeting Act, nevertheless it is the intention of EAC to conduct most of its meetings in an open forum to which the public is invited to observe. If there is insufficient business to warrant a meeting the Chairman may cancel a scheduled meeting and shall give or cause to be given notice of the cancellation to all members. EAC shall keep minutes of all meetings.

¹ As adopted by Ethics Advisory Committee January 24, 2006
Ethics Advisory Committee Minutes
January 24, 2006

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3. **Quorum and Voting:** *A quorum shall consist of four members. No business shall be conducted without a quorum being present. With the exception of approving Advisory Opinions, all business of EAC, including amendment, addition or revocation of these Rules, shall be done by majority vote of those members present and voting.*

4. **Officers:** One member of EAC shall be elected Chairman and one member shall be elected Vice-Chairman. The Chairman and Vice-Chairman shall serve for a term of one year and may be re-elected. Election shall take place at the January meeting of each year. A representative from the Office of the City Clerk may act as Secretary for EAC and prepare minutes of its meetings.

5. **Attendance:** EAC shall keep attendance records of all members. In the event a member is unable to attend a member he or she should so notify the Chairman or the Secretary of EAC in advance of the meeting.

6. **Outside Advice:** EAC may solicit advice and opinions from any source, including the office of the City Attorney as may be needed. EAC may also solicit information from other departments of the City of Tulsa as may be appropriate or helpful in the preparation of advisory opinions, recommendations or other business of EAC.

7. **No Investigations:** EAC shall not investigate complaints filed under the Ordinance. Such investigations shall be made by the appropriate Appointing Authority as prescribed in the Ordinance.

8. **Report to City Council:** EAC shall prepare and provide a written report to the City Council by April 1 of each year relating to its activities for the preceding twelve months and its anticipated activities for the next twelve months.

9. **Conflict of Interest:** Any member of EAC who perceives a conflict of interest in any matter before EAC shall so notify the Chairman and decline to participate in the matter, in addition to making disclosures required by the Ordinance.

10. **Politics:** EAC may make reasonable efforts to avoid being enlisted in its official capacity to support the position of any person who has filed for election to City office.

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Procedure for Advisory Opinions:

As a recommending body to the City of Tulsa on ethical issues, the following rules of procedure shall apply with respect to each request received by EAC under the Ordinance:

1. Those persons described in Section 610 C. may request an Opinion from EAC on an ethical issue arising under the Ordinance. Such persons shall be known as Applicants. Requests received from persons other than those described in the Ordinance shall be dismissed or denied.
2. Requests for an Opinion shall be in writing and shall contain the full name, address, telephone number and email address, if applicable, of the Applicant. It shall contain a full statement or description of the issue to be reviewed by EAC and shall support the same with a full statement of all pertinent facts, including a statement of how the Applicant may be subject to relevant law or Ordinance. Statements of fact may be either real or hypothetical.
3. Requests for Opinions may be amended in writing or withdrawn in writing by the Applicant.
4. If EAC determines it does not have jurisdiction or other reason to consider the request or issue an Opinion, it shall dismiss the same or deny the request stating the grounds therefore.
5. The EAC may consider and issue advisory opinions on relevant ethical questions or matters on its own initiative, as well as upon the request of an authorized City official.
6. Requests shall not be considered if the matter involved is the subject of pending civil litigation or criminal prosecution. Requests may not be considered if the matter involves reasonably potential criminal liability. An Opinion cannot resolve a disputed question of fact.
7. EAC will not investigate complaints involving employees of the City of Tulsa, nor will it accept requests for opinions from such employees, unless they are within the scope of authorized persons as described in Section 610 C of the Ordinance.
8. Requests for Opinions, and all amendments thereto, or withdrawals thereof, shall be filed with the City Clerk and copies shall be distributed to each member and reviewed and discussed by the members. After such discussion, the request may be assigned to a member of EAC to prepare a draft written Opinion. The draft shall be circulated to each member at least seven calendar days before the meeting at which it is to be presented. At that meeting, the members shall vote to accept, reject or amend the draft Opinion. If approved the Opinion may be released in final form.
9. EAC is not obligated to respond to Requests for Opinions concerning the propriety of past conduct of a person described in Section 610 C of the Ordinance. Any inquiry or Request for Opinion in the nature of accusations of misconduct against such a

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person unaccompanied by a request for guidance as to future conduct may be referred to the *appropriate Appointing Authority*.

10. EAC should not respond to nor attempt to answer inquiries or Requests for Opinions involving questions of law. Matters involving questions of law may be referred to the office of the City Attorney. EAC may rely upon the opinions issued by the office of the City Attorney in the preparation of Advisory Opinions.

11. EAC may decline to formulate an Advisory Opinion upon the basis of the issues raised being unique or so obscure as to have only limited likelihood of reoccurrence in the future.

12. Opinions will not be issued by EAC unless four or more members concur. At such time as the Committee consists of seven members, Opinions will require the concurrence of five or more members. If the required majority cannot be obtained, no Opinion shall be issued. Non-concurring members may write and file a Dissenting Opinion.

13. All Opinions shall be in writing and shall be delivered to the Applicant and a copy filed with the Clerk of the City of Tulsa.

14. Final Opinions shall be numbered by Year issued and sequentially in number. For example, Opinions issued in 2006 shall be designated: EAC-2006-1 et seq.

*Adopted by City of Tulsa Ethics Advisory Committee
Roger R. Scott, Chairman, Don L. Wiruth, Vice-Chairman,
Dale J. Billam, Don Kerr, Michael R. Slankard, Members
January 24, 2006*