



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 10/01/2026

REQUESTER: Business and Community Affairs Committee

PRESENTER: Kathryn L. Walker, Deputy City Attorney

ITEM TITLE: DISCUSSION REGARDING POSSIBLE CONFLICTS OF INTEREST AMONG CITY-APPOINTED BOARD, COMMISSION, AND COMMITTEE MEMBERS WHO ARE PARTIES TO LITIGATION AGAINST THE CITY OR ONE OF ITS PUBLIC TRUSTS.

BACKGROUND:

The City has over 30 boards, commissions and committees filled with volunteer residents appointed by the Mayor and confirmed by City Council. Section 2-305 of the City Code sets forth the qualifications for members appointed to standing committees, boards or commissions. Typically, ad hoc committees are governed by separate appointing documents. All of these City-created groups are required to follow the City's Ethics Policy. Recently, questions have arisen regarding whether being a party to litigation against the City or its public trusts creates a conflict of interest or an eligibility issue that would impact service on the board, committee, or commission. The purpose of this memorandum is to review existing code and policies related to eligibility and conflicts of interest.

DISCUSSION:

Section 2-305 of the City Code requires that members of appointive boards and commissions be residents of Norman (with one exception for two board members appointed to the Norman Regional Hospital Authority), be appointed with sole reference to their fitness and ability to perform their duties on the committee, not be immediate family members of any elected City official, not be a full-time City employee, and not be a member of other appointive boards or commissions set forth in Chapter 2 of the Code, other than the Economic Development Advisory Board.

Members of appointive boards and commissions serve their entire term unless the term expires and a successor is appointed, they die, they resign, they are removed from office by a majority action of Council, they move out of Norman (except for up to two board members appointed to the Norman Regional Hospital Authority), they are hired as full-time employee of the City, or this miss three consecutive regular meetings.

The City adopted the "City of Norman Ethics Policy for City Council, Boards, Commissions and Committees of the City of Norman" by Resolution R-0809-123 on April 14, 2009. The policy

was later codified as it applies to City Council but it remains applicable to the City's various boards, commissions and committees. All members of City committees, boards and commissions are required to sign the Ethics Pledge pledging to comply with the Ethics Policy.

Generally, the Ethics Policy prohibits appointed officials from making decisions or taking actions where they have a pecuniary interest or an actual conflict. A pecuniary interest means the official has an expectation of a financial benefit or detriment resulting from a decision being considered. An actual conflict occurs when the official is required to take any action or make a decision regarding a matter in which he or she holds a direct benefit, detriment, or employment consequence. This includes consequences to the official's immediate family and a business or organization with which the official is associated. In these cases, the official has a duty to disclose the conflict and recuse from the discussion and decision related to the item for which there is a conflict. Additionally, if a potential conflict, that is, an indirect benefit, detriment or employment consequence, that would call into question the official's objectivity and independence is identified, it should be disclosed prior to participation in any discussion on the matter. Recusal is not required for potential conflicts under the Ethics Policy.

The Policy treats ad hoc committees differently from standing committees, boards and commissions. In the case of ad hoc committees, the Policy recognizes the unique nature of ad hoc committees as temporary and advisory committees intended to tackle specific issues that tend to have appointments of people who are interested or impacted by the matter under discussion. Thus, ad hoc committees are exempt from the conflicts of interest policy provisions.

Generally, in the case of lawsuits against the City by appointed officials, the determination of whether a conflict of interest exists under the Ethics Policy depends on the topic being discussed. Most committees, boards and commissions are advisory; however, if a conflict of interest as defined by the Policy exists, the appointed official would likely be advised to recuse or disclose the conflict, depending on the specific circumstances, to ensure the advice provided to Council is objective and impartial.

RECOMMENDATION:

Staff will be available at the October Business and Community Affairs Committee for further discussion and to answer any questions Council may have.