



Council Chambers at City Hall
401 S. Johnstone Avenue
Bartlesville, OK 74003

**NOTICE OF SPECIAL MEETING
OF THE
BARTLESVILLE CITY COUNCIL**

**Monday, November 20, 2023
5:30 p.m.**

**Mayor Dale Copeland
918-338-4282**

AGENDA

- 1. Call to order the business meeting of the Bartlesville City Council by Mayor Copeland.**
- 2. Roll Call and Establishment of a Quorum.**
- 3. Invocation.**
- 4. Citizens to be heard.**
- 5. City Council Announcements and Proclamation.**
- 6. Authorities, Boards, Commissions and Committee Openings**
 - One opening on the Ambulance Commission
 - Two openings on the Bartlesville Library Trust Authority
 - One opening on the Library Board
- 7. Consent Docket**
 - a. Approval of Minutes**
 - i. The Regular Minutes of November 6, 2023.
 - b. Approval or Ratification of Appointments to Authorities, Boards, Commissions, and Committees.**
 - i. Appointment of Mr. Andrew Oleson to a three year term on the Park Board at the recommendation of Vice Mayor Curd.
 - ii. Appointment of Mr. Joe Beffer to a three year term on the Community Center Trust Authority at the recommendation of Mayor Copeland.
 - iii. Reappointment of Ms. Judith Ann Hill-Hildebrand for an additional two year term to the Adult Center Trust Authority at the recommendation of Mayor Copeland.
 - c. Approval of Agreements, Contracts, Engagement Letters**
 - i. Agreement between the City of Bartlesville/Bartlesville Public Library and the Oklahoma virtual Library Consortium for electronic materials purchases for the Library.
 - ii. Development Agreement between the Delaware Tribe of Indians and the City of Bartlesville relating to funds for the improvement of the west half of Madison Boulevard north of Tuxedo Boulevard.
 - d. Approval of Resolution**
 - i. Amending the budget of the City of Bartlesville for Fiscal Year 2023-24 appropriating Private Donations from multiple vendors for the Special Library Fund.
- 8. Discuss and take possible action to award Bid No. 2023-2024-011 for replacement of a LED signboard at Bartlesville Public Library. Presented by Councilmember Roszel.**

9. Receive bids for the purchase of \$6,900,000 Combined Purpose General Obligation Bonds, Series 2023 of the City and vote to award said Bonds to the lowest bidder complying with the notice of sale and instructions to bidders or to reject all bids.
10. Discuss and take action to approve an Ordinance providing for the issuance of Combined Purpose General Obligation Bonds, Series 2023 in the sum of \$6,900,000 by the City of Bartlesville, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of Bonds; providing for registration thereof; designating the Registrar for the issue; providing for levy of an annual tax for the payment of principal and interest on the Bonds and fixing other details of the issue; approving the forms of a Continuing Disclosure Agreement and an Official Statement; authorizing executions and actions necessary for the issuance and delivery of the Bonds; and declaring an emergency.
11. Discuss and take possible action on approving the emergency clause with respect to the proposed Ordinance in Item 10.
12. Discuss and take possible action on a recommendation from the Park Board to approve the installation of exhibits for the Bartlesville Interurban Railway at Robinwood Park and Pathfinder Parkway. Presented by Larry R. Curtis, Director, Community Development.
13. Discuss and take possible action to approve the City Council Handbook as presented. Presented by Mike Bailey, City Manager.
14. Discuss and take possible action to approve a resolution establishing the Best Practices of the Bartlesville City Council. Presented by Mike Bailey, City Manager.
15. Presentation and discussion of proposed amendments to the Bartlesville City Charter. Presented by Mike Bailey, City Manager.
16. Presentation and discussion of proposed changes to the City Council Public Comment Policy. Presented by Mike Bailey, City Manager.
17. City Manager and Staff Reports.
18. City Council Comments and Inquiries.
19. Adjournment.

The Notice of Meeting and Agenda was received and posted in the Office of the City Clerk at 5:00 p.m. Thursday, November 16, 2023, posted in prominent public view at City Hall, Bartlesville, Oklahoma.

Jason Muninger

Jason Muninger, CFO/City Clerk

/s/ Elaine Banes

by Elaine Banes, Deputy City Clerk

City of Bartlesville Agendas and Packets: <https://www.cityofbartlesville.org/city-government/city-council/meeting-agendas/>

*Live Streaming: <https://www.cityofbartlesville.org/city-government/city-council/webcast/>

*Televised on Sparklight Channel 56

*Workshop portions of City Council meetings will not be live streamed or televised. The public is welcome to attend in person.

Open Meetings Act Compliance (25 O.S. Sec. 301 *et seq.*): all discussion items are subject to possible action by the City Council. Official action can only be taken on items which appear on the agenda. The City Council may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the City Council may refer the matter to the City Manager, Staff or City Attorney, or back to a committee or other recommending body. Under certain circumstance, items are deferred to a specific later date or stricken from the agenda entirely. Agenda items requiring a public hearing as required by law will be so noted. The City Council may at their discretion change the order of the business agenda items. City of Bartlesville encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the city Clerk at least one working day prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive this rule if signing is not the necessary accommodation.



City Hall, Council Chambers
401 S. Johnstone Avenue
Bartlesville, OK 74003

**MINUTES OF THE
REGULAR MEETING OF THE
BARTLESVILLE CITY COUNCIL
Monday, November 6, 2023
5:30 p.m.**

**Mayor Dale Copeland
918-338-4282**

MINUTES

(The Notice of Meeting was posted December 15, 2022
and the Agenda was posted November 1, 2023 at 5:30 p.m.)

Present were Mayor Dale Copeland, Vice Mayor Jim Curd, Jr., Councilmembers Trevor Dorsey, Billie Roane, and Loren Roszel.

City staff present were Mike Bailey, City Manager; Tracy Roles, Assistant City Manager; Jess Kane, City Attorney; Jason Muninger, City Clerk/CFO; Micah Siemers, Director of Engineering; Kelli Williams, Chief Communications Officer; Shellie McGill, Director, Public Library and History Museum; Laura Sanders, Director of Human Resources; Larry Curtis, Director of Community Development; Fire Chief David Topping; Deputy Police Chief Rocky Bevard; and Elaine Banes, Executive Assistant.

- 1. The business meeting of the Bartlesville City Council was called to order at 5:32 p.m. by Mayor Copeland.**
- 2. Roll Call was held and a quorum established.**
- 3. The invocation will be provided by Pastor Bill Shupe, Redeemer Lutheran Church**
- 4. Citizens to be heard.**

David Kallweit requested that the local parade routes be re-routed so that his business is not affected.

- 5. City Council Announcements and Proclamations.**
 - Award of Merit presented to Ella Wright presented by Fire Chief David Topping.
 - Extra Mile Day – November 1, 2023 Proclamation presented by Mayor Copeland.
 - Arbor Day – November 9, 2023 Proclamation presented by Vice Mayor Curd.
 - Community Foundation Week – November 12-18, 2023 Proclamation presented by Councilmember Dorsey.
 - Elder Care Appreciation Month – November 2023 Proclamation presented by Councilmember Roszel.
 - Homeless Awareness Month – November 2023 Proclamation presented by Councilmember Roane.
- 6. Authorities, Boards, Commissions and Committee Openings**
 - One opening on the Ambulance Commission

- Two openings on the Bartlesville Library Trust Authority
- One opening on the Library Board
- One opening on the Park Board

Mayor Copeland read the openings and encouraged citizens to volunteer on City Committees. Applications can be found at www.cityofbartlesville.org or at City Hall in the City Manager's Office.

7. Consent Docket

a. Approval of Minutes

- i. The Regular Meeting Minutes of October 16, 2023.

b. Approval or Ratification of Appointments to Authorities, Boards, Commissions, and Committees.

- i. Appointment of Mr. Aaron Archambo to a three-year term on the Bartlesville Redevelopment Trust Authority on the recommendation of Councilmember Roszel.

c. Approval of Agreements, Contracts, Engagement Letters and Release of Lien

- i. Extension of an existing purchase of service agreement with United Community Action Program for the CityRide community transportation program, in the amount of \$55,000 annually.
- ii. Inter-Local Agreement between the Board of County Commissioners of Washington County, on behalf of the Washington County Sheriff, and the Bartlesville Police Department, a department of the City of Bartlesville, to provide select Bartlesville Police Department officers to be deputized through the Washington County Sheriff allowing Bartlesville Police Officers the ability to assist and work in Washington County.
- iii. Contract between Owasso Fence and the City of Bartlesville/Bartlesville Police Department for security fencing to complete the west and north parking lots of the Bartlesville Police Department in the amount of \$29,986.
- iv. Contract with PioneerDream, Inc. for the development and production of six videos relating to the City of Bartlesville NEXT Strategic Plan, in the amount of \$21,500.
- v. T-Hangar Lease between the Bartlesville Municipal Airport/City of Bartlesville and Rick A. Boswell, in the amount of \$203 month.
- vi. Addendum to the Zero Card Service Fee in Administrative Services Agreement between the City of Bartlesville and The Zero Card, Inc. to increase the administrative fee from 15% of paid claims to 20% of paid claims effective January 2024.
- vii. Master Services Agreement between Training Network, LLC and the City of Bartlesville to provide software that will complete a compensation and wage study on all non-uniformed positions at the City of Bartlesville, in the amount of \$4,800.
- viii. Application by Jerry Maddux, Esq., on behalf of Bartlesville Area Habitat for Humanity, Inc. to forgive liens in the amount of \$110.00 plus additional liens on property located at 1539 SW Maple Avenue.

d. Approval of Resolutions

- i. For the selection of a pre-qualified engineering consulting firm to perform bridge inspections between April 1, 2024 and March 31, 2026.

e. Approval of Consent Order

- i. Consent Order 19-200 – Addendum A (reoffer) from the Oklahoma Department of Environmental Quality on the wastewater collection and treatment system.

f. Approval of Request for Planning Assistance

- i. Request for planning assistance through the Planning Assistance to States Program with the U.S. Army Corp of Engineers for the reallocation of water from flood control to water supply at Hulah and Copan Lake.

g. Bartlesville NEXT Report

- i. Bartlesville NEXT Progress Report – November 2023

h. Receipt of Financials

- i. Interim Financials for three months ending September 30, 2023.

i. Receipt of Bids

- i. Bid No. 2023-2024-010 for New Pickleball Courts
- ii. Bid No. 2023-2024-011 Library LED Signboard Replacement.

Mayor Copeland read the consent docket in its entirety. Mr. Roszel pulled Items 7.c.i. and 7.i.ii. for further discussion.

Ms. Roane moved to approve the consent docket as presented except for Items 7.c.i. and 7.i.ii., seconded by Vice Mayor Curd.

Voting Aye: Mr. Roszel, Ms. Roane, Mr. Dorsey, Vice Mayor Curd, Mayor Copeland
Voting Nay: None
Motion: Passed

7.c. Approval of Agreements, Contracts, Engagement Letters and Release of Lien

- i. Extension of an existing purchase of service agreement with United Community Action Program for the CityRide community transportation program, in the amount of \$55,000 annually.

Mr. Roszel encouraged staff to consider working with City Ride to expand their services, such as longer hours and days open. He also commented that due to the influx of new arrivals, perhaps the boundaries for service could be enlarged. Mr. Bailey stated that he would take this into consideration before next year's renewal.

Mr. Roszel moved to approve Item 7.i.ii. as presented, seconded by Mr. Dorsey.

Voting Aye: Ms. Roane, Mr. Dorsey, Vice Mayor Curd, Mr. Roszel, Mayor Copeland
Voting Nay: None
Motion: Passed

7.i. Receipt of Bids

- ii. Bid No. 2023-2024-011 Library LED Signboard Replacement.

Mr. Roszel inquired if receiving the bid is allowed if the bid is not also being awarded on the same meeting, to which Mr. Bailey and Mr. Kane stated that it was allowed to receive a bid without also awarding it during the same meeting. (Item 9, Award of Bid No. 2023-2024-011 is being pulled at Mr. Roszel's request.)

Mr. Roszel moved to approve Item 7.i.ii. as presented, seconded by Vice Mayor Curd.

Voting Aye: Ms. Roane, Mr. Dorsey, Vice Mayor Curd, Mr. Roszel, Mayor Copeland
Voting Nay: None
Motion: Passed

8. Discuss and take possible action to award Bid No. 2023-2024-010 for New Pickleball Courts. Presented by Vice Mayor Curd.

Vice Mayor Curd moved to award Bid No. 2023-2024-010 to MultiSports, LLC, Park City, Kansas, for the base bid of \$351,863.0 with the understanding that Alternate No. A1 for court lighting and alternate A2 for two (2) additional courts could be awarded at a later date if sufficient funding is raised by the local pickleball club to supplement the remaining budget as presented, seconded by Mr. Dorsey.

Voting Aye: Mr. Dorsey, Vice Mayor Curd, Mr. Roszel, Ms. Roane, Mayor Copeland
Voting Nay: None
Motion: Passed

9. Discuss and take possible action to award Bid No. 2023-2024-011 for Library LED Signboard Replacement. Presented by Mr. Roszel.

Item 9. was pulled from the agenda for further review. No action taken.

10. Discuss and take possible action on a recommendation from the Bartlesville Development Authority to allocate up to \$900,000 from the Economic Development Fund (EDF) for up to 60 new FTEs (\$15,000 per job) associated with ABB's expansion over 36 months, and appropriate up to \$600,000 to fund the Resident Recruitment Employee Incentive for up to 60 new residents associated with ABB's expansion over 36 months. Presented by David Wood, President, Bartlesville Development Authority.

Mr. Wood reported that ABB is consolidating and expanding its North American Instrumentation manufacturing in Bartlesville starting in 2024. Due to this expansion to operations, they will add a 12,000 sq ft calibration facility on to their existing manufacturing footprint. This will involve the purchase of a 4,000 sq ft BDA owned facility directly east of the existing ABB operation as well as portions of BDA owned land surrounding the existing facility. BDA Trustees approved the land and building sale in the amount of \$425,000 at their October 25, 2023 meeting as well as approval of extending for an additional three years ABB's existing Right of First Refusal for acquiring approximately 16 acres of adjacent property (Lots 1,2, and 3, Bartlesville Industrial Park, Section III, Bartlesville, Washington County, Oklahoma.) at no cost for potential future development at a ratio of 7,500 sq ft of new interior space per acre. The BDA Board recommends approval from the City Council for

allocation of funds from the economic development fund related to job creation and resident recruitment.

A brief discussion covered funding; how the funds will be used as needed; and how the funds are set up exclusively for ABB. Vice Mayor Curd stated his appreciation to Mr. Wood and the BDA for the long-term successful relationship they have built with ABB, and for ABB and their presence and expansion in Bartlesville. Mayor Copeland concurred.

Vice Mayor Curd moved to approve the allocation of up to \$900,000 from the Economic Development Fund for up to 60 new FTEs (\$15,000 per job) associated with ABB's expansion over 36 months, and to appropriate up to \$600,000 to fund the Resident Recruitment Employee Incentive for up to 60 new residents associated with ABB's expansion over 36 months, as presented, seconded by Mr. Dorsey.

Voting Aye: Mr. Roszel, Ms. Roane, Mr. Dorsey, Vice Mayor Curd, Mayor Copeland
Voting Nay: None
Motion: Passed

11. Discuss and take possible action to adopt a formal Debt Policy. Presented by Jason Muninger, CFO/City Clerk.

Mr. Muninger reported as previously discussed in the October 16 workshop, the City has operated and managed debt with an informal debt policy consisting of a 15 mill cap for G.O. Bonds, and a 125% of pledged revenue for Revenue Bonds. He added that while this has always been the intent, the City has never formally adopted a policy stating as such. Staff has utilized the GFOA Debt Policy and modified it to the City's specific needs. There is no change in the way the City will utilize or cap debt, however this just formally gives City staff guidelines.

Mr. Roszel moved to adopt the Formal Debt Policy as presented, seconded by Ms. Roane.

Voting Aye: Ms. Roane, Mr. Dorsey, Vice Mayor Curd, Mr. Roszel, Mayor Copeland
Voting Nay: None
Motion: Passed

12. Discuss and take possible action to adopt a formal Rate Study Policy. Presented by Jason Muninger, CFO/City Clerk.

Mr. Muninger reported again that as previously discussed in the October 16 workshop, the City has utilized a cost of service and rate study proposal for a number of years. Staff would like to formally make this a policy of due diligence that is to be done at least every five years. This will provide citizens the right levels of service at the costs, all while ensuring the City is accounting for infrastructure needs and regulation changes. These rates encompass all of the water, wastewater and sanitation fees.

A brief discussion covered what the rate study covers, the cost of the last study, and that the City Council would have final approval for a study and the cost.

Mr. Dorsey moved to adopt the Formal Rate Study Policy as presented, seconded by Mr. Roszel.

Voting Aye: Mr. Dorsey, Vice Mayor Curd, Mr. Roszel, Ms. Roane, Mayor Copeland
Voting Nay: None
Motion: Passed

13. Discuss and take possible action to adopt a 5-Year Capital Plan Policy. Presented by Jason Muninger, CFO/City Clerk.

Mr. Muninger reported that that a Capital Plan Policy will identify needs, provide cost estimates, project prioritization, and implementation schedules, as he presented at the October 16 workshop.

Ms. Roane moved to adopt a 5-Year Capital Plan Policy as presented, seconded by Mr. Dorsey.

Voting Aye: Vice Mayor Curd, Mr. Roszel, Ms. Roane, Mr. Dorsey, Mayor Copeland
Voting Nay: None
Motion: Passed

14. New Business.

There was no new business to discuss.

15. City Manager and Staff Reports.

Mr. Bailey reported on the two on-going Oklahoma Department of Transportation (ODOT) projects. The overpass project is proceeding well and citizens are navigating traffic through it smoothly. The sidewalk project down the east side of Highway 75 is going well also. There are some street closures that are temporary while the sidewalks are being installed.

At Mr. Bailey's request, Mr. Lauritsen reported that the City remains at Stage 2, with overall water supply at 58.8%, weighted water supply at 75.6% with average consumption last week of 4.52 million gallons per day. He added that the due to historically declining usage starting in November each year, that imposing higher rates would not be necessary at this time. He alerted the City Council that it is possible the City will enter Stage 3 as early as next week.

Mr. Lauritsen also provided information about the City's request to the U.S. Army Corp of Engineers to update the Study and look at reallocation of up to 10 percent of flood control to water supply at each lake. The Bartlesville Water Resources Committee will be meeting on 11/9/23 to receive an update on this and the results of research into all water supply options available.

16. City Council Comments and Inquiries.

Vice Mayor Curd reported on the Civitan Park Structure that is proceeding well.

Ms. Roane reported that Brush Up Bartlesville received two additional projects. She added that the Young Professional are once again assisting, and she appreciated their time, efforts and commitment to the projects.

Ms. Roane also encouraged everyone to attend the Veteran's Day Parade Saturday, November 11 at 11 a.m.

Mayor Copeland provided information on the free yard debris pickup that will be help the week of December 4.

17. There being no further business to address, Mayor Copeland adjourned the meeting at 7:00 p.m.

Dale W. Copeland, Mayor

Jason Muninger, CFO/City Clerk

I. SUBJECT, ATTACHMENTS, AND BACKGROUND

Consider and take action on the appointment of Mr. Andrew Oleson to the Park Board.

Attachments:

Application – Andrew Oleson

II. STAFF COMMENTS AND ANALYSIS

Amos Radlinger's second term on the Park Board ends November 2023. Andrew Oleson has expressed interest in serving on the Park Board with the goal of enabling the city to continue to grow and thrive. He has been involved with several organizations and events in Bartlesville over many years, and would make a great member of the Park Board.

III. RECOMMENDED ACTION

Approve the appointment of Mr. Andrew Oleson to the Park Board for a three-year term.

CITY OF BARTLESVILLE

APPLICATION FOR CITY BOARDS, COMMISSIONS, COMMITTEES AND TRUST AUTHORITIES

✓ - Please check the ones you wish to serve on:

- | | | |
|---|-----|---|
| <input type="checkbox"/> Adams Municipal Golf Course Committee
<input type="checkbox"/> Ambulance Commission
<input type="checkbox"/> Bartlesville Adult Center Trust Authority
<input checked="" type="checkbox"/> Bartlesville Convention & Visitors Bureau
<input checked="" type="checkbox"/> Bartlesville Development Authority
<input type="checkbox"/> Bartlesville History Museum Trust Authority
<input type="checkbox"/> Bartlesville Library Trust Authority
<input type="checkbox"/> Bartlesville Redevelopment Trust Authority
<input type="checkbox"/> Bartlesville Water Resources Committee
<input checked="" type="checkbox"/> City Board of Adjustment
<input checked="" type="checkbox"/> City Planning Commission | cc: | <input type="checkbox"/> Community Center Trust Authority
<input type="checkbox"/> Construction and Fire Code Appeals Board
<input type="checkbox"/> Library Board
<input checked="" type="checkbox"/> Park Board
<input type="checkbox"/> Sewer System Improvement Oversight Committee
<input type="checkbox"/> Street and Traffic Committee
<input type="checkbox"/> Tax Incentive District Review Committee
<input type="checkbox"/> Tower Green Design Committee
<input type="checkbox"/> Transportation Committee
<input type="checkbox"/> Tree Sub-Committee of the Park Board
<input type="checkbox"/> White Rose Cemetery Board |
|---|-----|---|

NAME: Andrew Oleson HOME PHONE: _____
 ADDRESS: 4936 Amherst Dr WORK PHONE: _____
 CITY/STATE/ZIP: Bartlesville, Ok, 74006 CELL PHONE: 918-914-2461
 EMAIL ADDRESS: andrew.oleson@gmail.com WARD NO: Ward 1

What in your background qualifies you for service on the committees chosen (volunteer work, education, employment)?
Graduated from Wesleyan in 2010 w/ comm degree / Resident for 19 years, home owner / Business owner for 19 yrs
 military service from 2003-2013 / with property in builts, commercial and residential / VP Board member 3 years

Tell us about your previous community involvement and the duration of your involvement:
I've been part of many non profit events in the community, volunteer and organizer - Hops for Hope,
 Italy Party, VP Events, many marathons, Tuesday House, VOM, Run the Ville, Big Brothers Big Sisters, Leads
 Butterfly-in Buille

What would you like to see this board, commission, committee or authority accomplish?
Bottom Line - Grow Buille. We have a rich community, I live and have
 employees that live here, I would like to see buille thrive so my business and
 family can stay. As an employer, the only thing I cant compete with is dirt, I hate
 losing employees to other cities.

Signature: _____ Date Applied: 19 SEP 2023

Please mail or deliver to: City of Bartlesville
 City Manager's Office
 401 S. Johnstone Ave.
 Bartlesville, OK 74003

Rec'd 9/19/23
EB



For anything additional, please attach.

Elaine Banes

From: Dale Copeland, Bartlesville <copeland4bville@aol.com>
Sent: Thursday, November 16, 2023 2:10 PM
To: Elaine Banes
Cc: Val Callaghan
Subject: Recommendation - Appointment to Community Center Trust Authority

CAUTION: External Source. THINK BEFORE YOU CLICK!

Elaine,

The Bartlesville Community Center Trust Authority met today and voted to recommend Mr. Joe Baffer for consideration and possible approval by the City Council for service on a term of the Center Trust Authority. I believe Mr. Baffer is a great choice and would be a positive addition to this group.

Please add this action item to the next appropriate Council agenda.

Regards,
Dale

From: no-reply@bitbrilliant.com <no-reply@bitbrilliant.com>
Sent: Wednesday, September 6, 2023 9:16 AM
To: Elaine Banes <rebanes@cityofbartlesville.org>
Subject: New submission from Application for City Boards, Commissions, Committees & Trust Authorities

CAUTION: External Source. THINK BEFORE YOU CLICK!

Please check the ones you wish to serve on:

- Community Center Trust Authority

Name

Joe Beffer

Address

5633 Woodland Road
Bartlesville, OK 74006
[Map It](#)

Home Phone

(918) 440-5174

Work Phone

(918) 338-5912

Cell Phone

(918) 440-5174

Email

joe.beffe@truitycu.org

Ward Number

5

What in your background qualifies you for service on the committees chosen (volunteer work, education, employment)?

I have a long history of involvement within the community including serving on numerous non profit boards, the board of adjustments and volunteered in many areas of the community. I have served as treasurer on numerous boards and continue to work in senior management at Truity Credit Union.

Tell us about your previous community involvement and the duration of your involvement.

Board of Adjustment Member - until moving out of the city
Building Bridges Board - 2016 - Present, served as Secretary, Treasurer and President
Cherokee Area Council BSA Board - Member since 2020, currently Treasurer
Daybreak Rotary - Member 2016 - present - Board Member 2017 - 2023, President 21-22
OKGOP State Budget Committee - 2019 - 2022 - Budget Chairman 2020-2022

Agape Volunteer - 25+ years
Bartlesville Schools Foundation - Professional Development Grant Committee - 5 years
Children's Musical Theater - volunteer - 6 years
Friends of Price Tower - Board Member - Current
Leadership Bartlesville - Class of 24

What would you like to see this board, commission, committee or authority accomplish?

Continue the legacy of the Community Center and ensure its viability long into the future.

BARTLESVILLE ADULT CENTER TRUST AUTHORITY

1400 SE WASHINGTON BLVD.

BARTLESVILLE, OK. 74006

November 13, 2023

We would like to have Judith Ann Hill-Hildebrand reappointed for an additional 2 year term to the Trust Authority. Judith is a current and active member of our Center.

I. SUBJECT, ATTACHMENTS, AND BACKGROUND

Discuss and take action to approve an agreement between the City of Bartlesville / Bartlesville Public Library and the Oklahoma Virtual Library Consortium.

Attachment: Overdrive Digital Library Reserve Consortium: Participating Library Form

II. STAFF COMMENTS AND ANALYSIS

The Oklahoma Virtual Library Consortium (OKVLC) is comprised of libraries throughout the state who contribute to a centralized collection available to all of the libraries' users. This increases purchasing power for small, medium, and large-sized libraries, and also allows their patrons to access materials that their home library might not have been able to afford.

The Bartlesville Public Library has participated in the consortium since 2013. Due to the passage of time new consortium agreements are being executed.

The consortium participation fee and funds for electronic materials purchases were included in the 2024 Fiscal Year budget.

III. RECOMMENDED ACTION

Staff recommends City Council approval of this agreement.



OverDrive Digital Library Reserve Consortium: Participating Library Form ("Participating Library Form")

Participating Library Information	
Name of Consortium: OK Virtual Library Consortium	
Name of Participating Library: Bartlesville Public Library	
Address: 600 S. Johnstone Ave.	
City, State/Province, Postal Code: Bartlesville, OK 74003	Country: USA
Participating Library Primary Contact	
Name: Brittany Moore	Title: Collections Senior Librarian
Telephone: 918-338-4175	Email: bamoore@cityofbartlesville.org
Accounting Contact <i>(all invoices will be emailed to the contact listed below):</i>	
Name: Cindy Blackburn	Title: Acquisitions Clerk
Telephone: 918-338-4165	Email: cblackburn@cityofbartlesville.org
Bill To Address: 600 S. Johnstone Ave.	
City, State/Province, Postal Code: Bartlesville, OK 74003	Country: USA

OverDrive sends emails about promotions, new products and services. By checking this box, you consent to receiving OverDrive’s communications and promotional emails to your Participating Library Primary Contact email address. These emails also include an easy method to manage your subscription(s), including unsubscribing to future emails.

OverDrive Fee Schedule

Participating Library of the Consortium shall be invoiced an Annual Participation Fee according to the chart below. The Annual Participation Fee shall be collected each year and allocated as follows: one-third (1/3) toward configuration, system fees and maintenance, and two-thirds (2/3) toward the selection of Digital Content for Consortium’s shared collection. The Annual Participation Fee shall be based upon Participating Library’s Legal Service Area Population as reported by the then current information available at the Institute of Museum and Library Services.

Annual Participation Fee

Please check one:

Tier 1	Legal Service Area Population up to 5,000	\$1,500 per year	_____
Tier 2	Legal Service Area Population of 5,001 – 25,000	\$3,000 per year	_____
Tier 3	Legal Service Area Population of 25,001 – 55,000	\$6,000 per year	_____ X _____
Tier 4	Legal Service Area Population of 55,001 – 100,000	\$9,000 per year	_____

All payments due to OverDrive under this Agreement are due within thirty (30) days of presentation of invoice. At any time during the term of this Agreement, Participating Libraries may purchase Digital Content subject to standard terms and pricing.

OverDrive Terms and Conditions:

Term: The initial term of this Agreement shall be for two (2) years commencing on November 1, 2023. The Agreement shall automatically renew for successive terms of two (2) years unless either party provides written notice of intention not to renew ninety (90) days prior to the expiration of the then current term. All Participating Library terms shall run concurrent to the term stated herein.

Membership: Oklahoma public libraries with Legal Service Area Populations under 100,000 shall be eligible to join Consortium's OverDrive service. Any current OverDrive standalone system customer shall not be eligible to join Consortium. Notwithstanding the foregoing, OverDrive shall have sole discretion to approve any and all new libraries that seek to participate in the Consortium.

Additional Fees: Participating Library acknowledges it may incur additional license fees or costs related to MARC records, SIP or similar protocol for patron authentication. All such fees shall be at Participating Library's own expense and are not included in the Annual Participation Fee.

Withdrawal: Participating Library acknowledges that if Participating Library withdraws from Consortium prior to the expiration of this Agreement, all Digital Content titles that have been purchased for Consortium's shared collection with Participating Library's monetary and in-kind contributions to Consortium shall remain with Consortium.

Access Agreement: OverDrive Digital Library Reserve is licensed pursuant to the OverDrive Digital Library Reserve Consortium Access Agreement, available at <http://www.overdrive.com/dlrc-aa.pdf>, the terms of which are incorporated herein and may be modified from time to time. At the start of the initial term, this Participating Library Form shall supersede and replace any previous Participating Library Form signed by a Participating Library or other agreement executed by and between OverDrive and a Participating Library.

HB3702: OverDrive is familiar with the provisions of 2022 Oklahoma State Legislature HB3702, codified as Title 70 O.S. § 11-201, and agrees that all services, resources and data provided by OverDrive as selected by the Participating Libraries pursuant to this Agreement will comply with all requirements of the provisions of said statute.

Acknowledgement and Acceptance:

On behalf of my Participating Library, I represent and warrant that I have the authority to enter into this Participating Library Form and my signature below indicates my Participating Library's agreement and acceptance of the OverDrive Digital Library Reserve Consortium Access Agreement, the Consortium Agreement Form, and this Participating Library Form.

By (signature) _____ Title _____

Name (Print) Dale Copeland, Mayor Date _____

Please complete this order form and return by email to sales@overdrive.com.

Thank you for your order!

I. SUBJECT, ATTACHMENTS, AND BACKGROUND

Development Agreement between The Delaware Tribe of Indians and the City of Bartlesville relating to funds for the improvement of the west half of Madison Boulevard north of Tuxedo Boulevard.

Attachments:

Development Agreement
Exhibit A

II. STAFF COMMENTS AND ANALYSIS

The Delaware Tribe of Indians obtained conditional approval of a Planned Unit Development (PUD) Amendment and Site Development Plan from the City Planning Commission on September 22, 2022, and conditional approval of a Final Plat for The Lenape 2nd Addition from the Bartlesville City Council on September 5, 2023.

Conditions of approval require 1) the improvement of the west half of Madison Boulevard from Tuxedo Boulevard to Ohio Street prior to issuance of a building permit for the Recreation Center/Gymnasium and the recordation of the Lenape 2nd Addition Final Plat, and 2) the improvement of the west half of Madison Boulevard from Ohio Street to the City-owned water tower property prior to issuance of any building permits for development north of Ohio Street / Ohio Street alignment. **(Exhibit A)**

City staff prefers that both halves of Madison Boulevard be improved simultaneously. However, the Tribe would like to proceed with taking steps toward obtaining a building permit for development of their property, namely the Recreation Center/Gymnasium, more immediately. Therefore, the provisions of this Development Agreement aim to satisfy these conditions of approval by providing funds for the improvements in lieu of actual improvements.

The Delaware Tribe of Indians has reviewed and approved this Development Agreement.

III. RECOMMENDED ACTION

Staff recommends approval of the Development Agreement at the City Council Special Meeting on November 20, 2023.

DEVELOPMENT AGREEMENT

DELAWARE TRIBE COMMUNITY IMPROVEMENT PROJECT

THIS DEVELOPMENT AGREEMENT made this ___ day of _____, 2023, by and between The Delaware Tribe of Indians, a federally-recognized Indian tribe, hereinafter referred to as “the Developer”, being the record owner of approximately 78 acres more or less of property described below, and the City of Bartlesville, Oklahoma, a Municipal Corporation, 401 S. Johnstone Avenue, Bartlesville, Oklahoma 74003, hereinafter referred to as “the City”; and

WHEREAS, the Developer obtained conditional approval of a Planned Unit Development (PUD) Amendment and Site Development Plan from the Bartlesville City Planning Commission on September 22, 2022 (Case No. PUD-0822-0023/24), and conditional approval of a Final Plat for The Lenape 2nd Addition from the Bartlesville City Council on September 5, 2023, with respect to the development of property more particularly described as:

Lots 1 and 2, Block 1, and all of Block 2, Lenape Addition, Bartlesville, Washington County, Oklahoma according to the recorded plat thereof, AND, a part of the East Half of the Southeast Quarter of Section 4, Township 26 North, Range 13 East of the Indian Meridian, Bartlesville, Washington County, Oklahoma.

and hereinafter referred to as “the Property”; and,

WHEREAS, the Developer plans to build various residential and non-residential improvements on the Property, including a Recreation Center/Gymnasium, and the conditional approvals of the PUD Amendment, Site Development Plan, and Final Plat require **1)** the improvement of the west half of Madison Boulevard from Tuxedo Boulevard to Ohio Street prior to issuance of a building permit for the Recreation Center/Gymnasium and the recordation of the Lenape 2nd Addition Final Plat, and **2)** the improvement of the west half of Madison Boulevard from Ohio Street to the City-owned water tower property prior to issuance of any building permits for development north of Ohio Street / Ohio Street alignment on the Property (the “Improvement Projects”); and,

WHEREAS, improvement to the west side of Madison Boulevard is required to be to the standards in the Subdivision Regulations and city code, including a pavement width that is half of the total required width for an arterial, with curb and gutter, stormwater conveyance, and sidewalk; and,

WHEREAS, the City desires simultaneous improvement to both halves of Madison Boulevard, but is not yet situated to begin said improvement, while the Developer is presently situated to begin.

NOW, THEREFORE, in consideration of the conditions and provisions hereinafter set forth, the above stated parties to this agreement hereby state as follows:

1. The City's Subdivision Regulations, Ordinances, Resolutions, and other Policies of the City with respect only to the Improvement Projects are hereby incorporated by reference in this Agreement as if herein fully set forth and shall in all respects be binding upon the Developer, except as may be modified by this Agreement.
2. The Developer agrees to provide up to \$900,000.00 to the City for improvement of the west half of Madison Boulevard from Tuxedo Boulevard to the City-owned water tower property to satisfy this condition of approval in lieu of actual improvements for recordation of the Lenape 2nd Addition Final Plat, the issuance of a building permit for the Recreation Center/Gymnasium, and the issuance of building permits for development of the Property north of Ohio Street / Ohio Street alignment; provided, however, the funds for the Improvement Projects will not be paid by the Developer to the City until actual construction costs to complete the Improvement Projects have been determined through the City's bidding process and payment becomes due through the successful bid. The City further agrees for a representative for the Developer to be a part of the bidding review and consideration process.
3. Both parties agree that time is of the essence. The City agrees to put out bids no later than the first quarter of 2024, and the City acknowledges the Improvement Projects must be completed by December 31, 2026. If the actual construction costs exceed \$900,000.00, the Developer agrees to pay the excess costs up to \$50,000.00 as long as the increase in costs are not due to any fault or delay of the City.
4. The Developer agrees to complete sidewalk installation along the south side of Ohio Street to Barbara Street, and connect to the existing sidewalk on the east side of Barbara Street prior to issuance of a Certificate of Occupancy for the Recreation Center/Gymnasium.
5. The Developer agrees to dedicate required Right of Way for the west half of Madison Boulevard as determined by the City Engineer prior to issuance of a Certificate of Occupancy for the Recreation Center/Gymnasium.
6. The Developer shall be responsible to record this Agreement with the County Clerk's Office of Washington County and to furnish the City a copy of the Agreement as recorded.
7. The Developer acknowledges that in the event they breach any provision of this Agreement, the City may withhold approval of any or all building permit applications, certificates of occupancy, or other development permit or land use application.
8. The City agrees to cooperate with the Developer to provide upon request all necessary documents and records that may be needed for any government audit of the use of any funds for the Improvement Projects.
9. The parties to this Agreement acknowledge that the terms hereof are contractual and not a mere recital. Furthermore, the parties also acknowledge that this Agreement shall be filed

of record with the Washington County Clerk's Office, and that it shall run with the Property, and shall bind the parties, their successors in interest, and all assigns.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have set their hands to this Agreement this
____ day of _____, 2023, in Bartlesville, Oklahoma.

The Delaware Tribe of Indians

By: _____
Brad KillsCrow, Chief

STATE OF OKLAHOMA)
) ss
County of Washington)

Before me, the undersigned, a Notary Public, in and for said County and State, on this
_____ day of _____, 2023, personally appeared BRAD
KILLSCROW, as Chief of The Delaware Tribe of Indians, the entity which executed the
forgoing instrument, and acknowledged that he did sign said instrument as such officer on
behalf of said Tribe, duly authorized; that said instrument was signed as his free act and
deed individually, and the free act and deed of said Tribe.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial
seal the day and year last above written.

My commission expires:

CITY:

Dale Copeland, Mayor

Date

ATTEST:

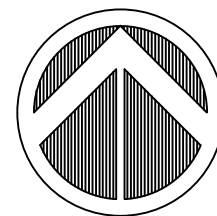
City Clerk

(City Seal)

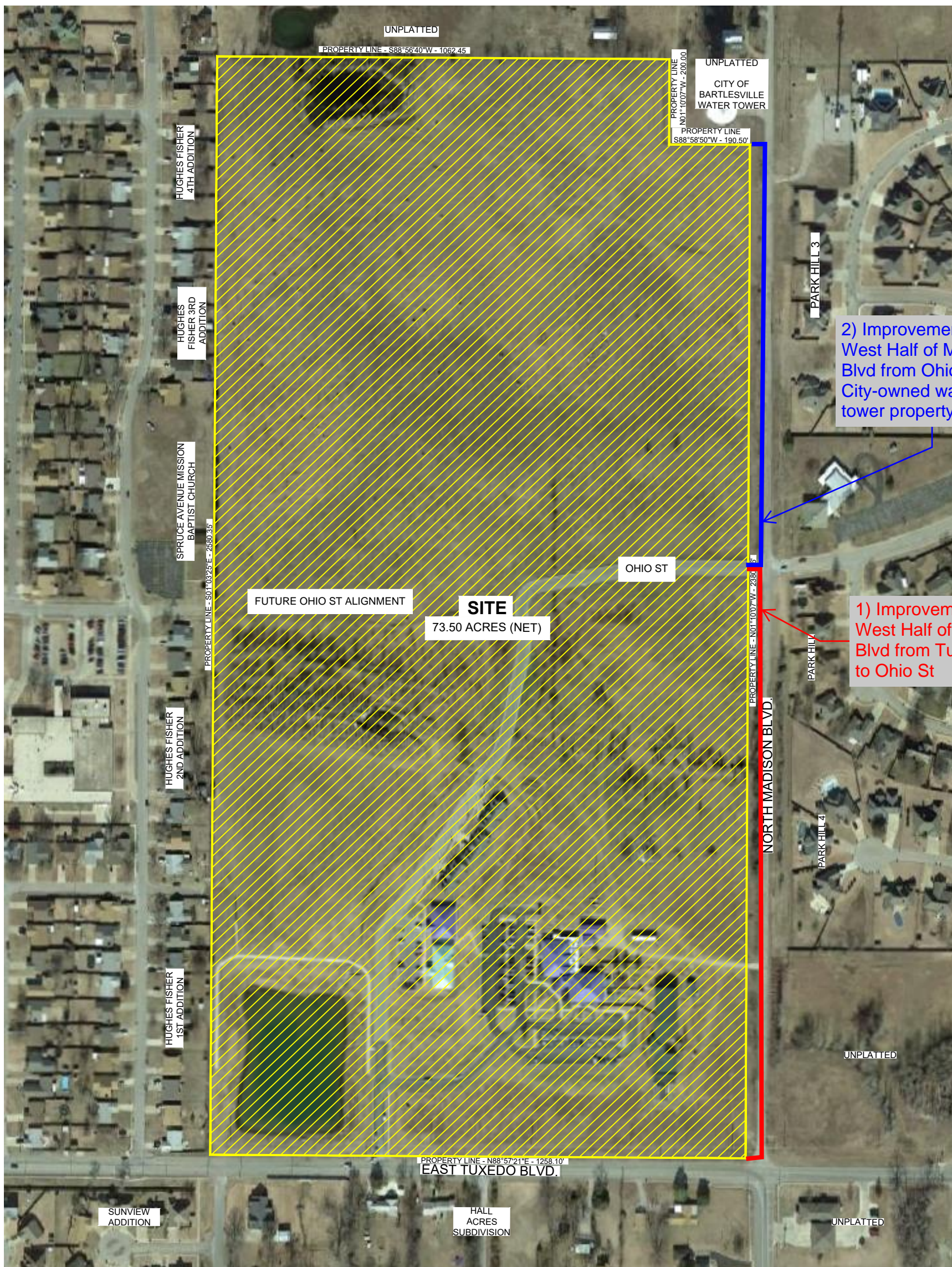
Delaware Tribe Community Improvement

EXHIBIT A

AERIAL PHOTOGRAPHY & BOUNDARY DEPICTION WITH ADJACENT DEVELOPMENTS



NORTH



2) Improvement of the West Half of Madison Blvd from Ohio St to City-owned water tower property

1) Improvement of the West Half of Madison Blvd from Tuxedo Blvd to Ohio St

I. SUBJECT, ATTACHMENTS, AND BACKGROUND

A resolution amending the budget of the City of Bartlesville for fiscal year 2023-24 appropriating Private Donations from multiple vendors for the Special Library Fund.

Attachments:

A resolution amending the Budget for the City of Bartlesville for fiscal year 2023-2024. Appropriating Donation Revenue for the Special Library Fund

II. STAFF COMMENTS AND ANALYSIS

The City of Bartlesville Library applied for and received a \$10,000 grant from the American Electric Power Foundation, a \$1,000 grant from the Rotary and a \$24,969.92 grant from the Lyon Foundation for Public Programming, Promotion and Events. These funds are restricted for use for this purpose and therefore will be recorded in the Special Library Fund. These funds must be appropriated prior to their expense.

III. BUDGET IMPACT

Budgetary impact nets zero, \$35,969.92 increase in revenue and \$35,969.92 increase in expenditure.

IV. RECOMMENDED ACTION

Staff Recommends approval of resolution to appropriate funds.

RESOLUTION _____

A RESOLUTION AMENDING THE BUDGET OF THE CITY OF BARTLESVILLE, OKLAHOMA FOR FISCAL YEAR 2023–2024, APPROPRIATING UNBUDGETED REVENUE FOR THE SPECIAL LIBRARY FUND.

WHEREAS, THE City of Bartlesville has received grant funds from the AEP, Rotary, and Lyon Foundation in the amount of \$35,969.92; and

WHEREAS, the City of Bartlesville needs to appropriate \$35,969.92 of these revenues prior to their expenditure;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BARTLESVILLE, OKLAHOMA that:

The Library Dept (421) of the Special Library Fund (208) shall be increased as follows:

Maint & Repair Material (53610)	\$ 35,969.92
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APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF BARTLESVILLE THIS 20th DAY OF NOVEMBER, 2023.

Mayor

Attest:

City Clerk

I. SUBJECT, ATTACHMENTS, AND BACKGROUND

Award City of Bartlesville/Bartlesville Public Library Bid Number 2023-2024-011 to Claude Neon Federal Signs for replacement of a LED signboard at the Library.

Attachments: LED Signboard Bid Tabulation
Bid Sheets Received from Claude Neon Federal Signs.

II. STAFF COMMENTS AND ANALYSIS

After reviewing all available bids, several decision points were relied on to make this decision:

Pixel Count. The tighter the pitch, the higher the resolution or crispness of the image. High-resolution 10mm displays are ideal for high pedestrian or vehicle traffic where crisp graphic quality will offer greater visual impact.

The sign we have used for the last 12 years was a 20MM sign. We had to be careful what we posted to make sure it was readable when driving by due to the low-resolution of the sign. There were three different pixel counts received in the bid. A 16MM pixel count a 10MM pixel count and a 6.6MM pixel count. The lower the pixel count, the higher the resolution or crispness of the image. Due to the 10MM pixel count bids being within our anticipated costs and a better resolution than the 16MM boards, the 10MM boards were given the highest consideration. All plan holders were notified of our interest in the 10MM and 16MM pixel count boards.

Construction. The construction of the boards was of great importance. All bids received were for manufactured and preassembled signboards except for the bid from Highwayman Signs. That board utilizes manufactured components that are assembled on site. While this reduced the timeline from a minimum of 8 weeks to 2 weeks it raised concerns. The assembly of the signboard using this modular approach created many (30+) "seams" on each signboard where the premanufactured boards have 1 "seam". This is of concern due to the weatherproofing of the sign. Damage from water/rust is not covered in the 5-year warranty.

Software. The software used to create the displays was also a large consideration. Software that provided excellent training was important. The bid from Claude Neon Federal Signs provides complementary webinar training twice per week and design assistance and professional creation for displays in the first 3 months.

Warranty. The warranty for all the 10MM signboards bid was 5 years. When I researched the STAX sign, the lowest 10MM sign bid, the promotional materials for the company set the life of the board at 10 years. The bid from Claude Neon Federal Signs for the Optec signboard

guaranteed the availability of replacement parts for 10 years, making the life of their signs greater than 10 years.

Funding. The sign is being funded by private library donations in the amount of \$13,969.91, a \$1,000 grant from Rotary, a \$10,000 grant from AEP/PSO, and a grant from The Lyon Foundation in the amount of \$24,969.92.

III. RECOMMENDED ACTION

Staff recommends City Council awarding Bid Number 2023-2024-011 to Claude Neon Federal Signs in the amount of \$49,939.83. This is within The Lyon Foundation matching grant award and is of the best quality and resolution we can afford. This bidder is also providing unlimited tech support, a polycarbonate face (instead of plastic), and this board has longer louvers to block sunlight making the LED sign appear more vibrant. Staff believes this board to be the lowest, best bid.

Library LED Signboards

Bidder	Bid	Warranty	Timeline	Brand	Pixel Pitch	Pixel Matrix	Software	Comment
Claude Neon Fed Signs	\$ 63,908.22	5 year	10-12 weeks	Optec	6.6MM	216 x 528	ME Pro Plus	Direct Wire/Higher than needed resolution
Claude Neon Fed Signs	\$ 67,571.50	5 year	10-12 weeks	Optec	6.6MM	216 x 528	MeCloud	Cell Comm./Higher than needed resolution
Highway Man Signs, LLC	\$ 45,457.50	5 year	2 weeks	STAXHD	9.6MM	128 x 384	SM Infinity	Built on Site/10 year life expectancy
Claude Neon Fed Signs	\$ 49,939.83	5 year	10-12 weeks	Optec	10MM	144 x 352	ME Pro Plus	Direct Wire/10 year parts guarantee
Claude Neon Fed Signs	\$ 53,489.46	5 year	10-12 weeks	Optec	10MM	144 x 352	MeCloud	Cell Communication
i2 Visual, Inc.	\$ 91,774.00	5 year	6-8 weeks	Watchfire	10MM	150 x 360	Ignite Opx	Nice board - Cost prohibitive
i2 Visual, Inc.	\$ 71,153.00	5 year	6-8 weeks	Watchfire	16 MM	90 x 216	Ignite Opx	
Signdea Z Corporation	\$ 66,960.00	5 year	8-10 weeks	Watchfire	16MM	72 x 120		
Blinksigns	\$ 41,074.54	5 year	10-12 weeks	Optec	16MM	90 x 225	MeCloud	
Claude Neon Fed Signs	\$ 40,622.92	5 year	10-12 weeks	Optec	16MM	90 x 225	ME Pro Plus	Direct Wire
Claude Neon Fed Signs	\$ 43,041.62	5 year	10-12 weeks	Optec	16MM	90 x 225	MeCloud	Cell Communication

←

CITY OF BARTLESVILLE
BIDDERS LIST

BID NUMBER	DESCRIPTION	ACCOUNT NUMBER	PROJECT	BUDGET AMOUNT
2023-2024-011	Electronic Signboard			
APPROVAL DATE	DATE OF PUBLICATION	OPENING DATE	AWARD DATE	P.O. #
		11/03/23		

BIDDER	RECEIVED	BID AMOUNT	COMMENTS
Fair-Play Corporation John Maeckle 6110 Aviator Drive Hazelwood, MO 63042			
Jawad Bhurgri Blinksigns		\$41,074.54 - 16MM	
Signdealz Chris Brown 515 E Grant St Phoenix, AZ 85004		\$66,960.00	
Signs Manufacturing Michael Carlton 4610 Mint Way Dallas, TX 75236			
Vital Signs of Oklahoma Adam McClain 3728 E 2 nd Street, Suite A Edmond, OK 73034			

BIDDER	RECEIVED	BID AMOUNT	COMMENTS
i2 Visual John Hose		\$71,153.00 add \$20,261 for 10mm	
Crown Neon Signs 10101 E 46 th Place Tulsa, OK 74146			
Mega LED Technology 2601 Pinewood Drive Grand Prairie, TX 75051			
Video Reality Sam Wells			
Highwayman Signs		\$45,457.50 - 9.6mm 9.6 mm	
Claude Neon Fed Signs 1225 N. Lansing Ave Tulsa, OK 74106		\$40,622.92 - 16mm - Direct Wire \$53,489.46 - 10mm - Cell \$67,571.50 - 6.67mm Cell	
		\$63,408.22 - 6.67mm - Direct \$49,939.83 - 10mm - Direct \$43,041.62 - 16mm - Cell	

BID PROPOSAL FORM

Bid No. 2023-2024-011

THE UNDERSIGNED BIDDER, having examined the existing sign, conditions of sign, specifications, and other facilities or appurtenances which affect or may be affected by the proposed work, the actual site of the proposed improvements and being acquainted with and fully understanding: (1) the extent and character of the work covered by this proposal; (2) the locations and specified requirements of and for the proposed improvements and other items of work; (3) the normal existing, and probable difficulties, hazards or all other factors or conditions which may or may not be apparent, which may affect or be affected by the specified work.

The bidder HEREBY PROPOSES to furnish all required materials, supplies, equipment, and tools; to perform all necessary labor; and to install, and complete all work stipulated in, required by, and in accordance with the bid documents, for and in consideration of the prices set out herein.

DATED this 3 day of November, 2023.

If an Individual:

d. b. a.:

Signature:

If a Partnership:

Signature:

Typed Name:

If a Corporation:

Signature:

Typed Name:

Title

CLAUDE HEDON FEDERAL SERVICES
John P. Sanford
JOHN P. SANFORD
U.P.

ATTEST:

James Adam Allen
Secretary

(CORPORATE SEAL)

BID PROPOSAL FORM

Bid No. 2023-2024-011

ALL INCLUSIVE BID for the replacement of the LED signboards in the Library LED sign. Total bid includes the removal of existing signboards and replacement and installation of signboards (approx. 4'8" x 12') installed into existing sign, any electronic components needed, any sheet metal needed to surround the display, any electrical work needed, crane/bucket trucks as needed, all labor to install signboards, removal and disposal of old signboards, web/cloud based software that allows display management via internet connection, software training and support, plus costs of any business licenses or permits needed, and an optional bid for an extended warranty.

Install \$6,500
Display 43,439.83

Total bid \$ 49,939.83 In Words: Forty-Nine thousand
Nine hundred thirty-Nine Dollars and eighty three cents

Explain Warranty Provided: 5 year parts

Optional Cost for additional warranty (adds to bid price above) \$ See attached list

Optional warranty extends above warranty by see list for ___ parts, ___ labor ___ both

Timeline for receipt of signboards by contractor once bid awarded 10-12 weeks

Equipment being bid: (include make/model of signboards, power information, pixel information, color capability, ethernet information, warranty information and software information at a minimum)

See attached quote

Include your plan to complete the project in detail along with an expected timeline.

Plan Details: Remove old display / Install new
display & communication

BID PROPOSAL FORM

Bid No. 2023-2024-011

Name and Address of Bidder:

CLAUDE NEON FEDERAL SIGNS
1225 N. LANSING, TULSA OK 74106

Contact Person:

JOHN P. GANFORD

Title:

V.P.

Email Address:

pts@outsigns.com

Telephone Number:

(918) 607-1152

List the Name and Address of Proposed Subcontractors performing
10% or more of the work

Scope and
Percentage of Work

List the Name and Address of Proposed Subcontractors performing 10% or more of the work	Scope and Percentage of Work

Detail payment requirements:

50 % payment after bid award & lump sum at end of project

Lump sum payment at end of project

Any questions regarding these specifications should be directed to Shellie McGill, Library Director, at (918) 338-4163 or mrmcgill@cityofbartlesville.org.

BID PROPOSAL FORM

Bid No. 2023-2024-011

BID AFFIDAVIT

The following noncollusion affidavits must accompany bid:

A. Noncollusion Affidavit

STATE OF OKLAHOMA)
) ss.
COUNTY OF Tulsa)

John P Sanford of lawful age being first duly sworn on oath says that he is the agent authorized by the bidder to submit the attached bid. Affiant further states that the bidder has not been a party to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding; or with any municipal official or employee as to quantity, quality, or price in the prospective contract, or any other terms of said prospective contract; or in any discussions between bidders and any municipal official concerning exchange of money or other thing of value for special consideration in the letting of a contract.

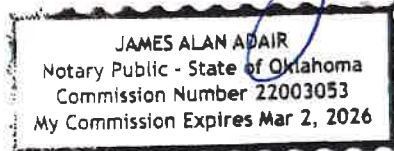
CLAUDE MEON FEDERAL SIGNS
Name of Company

John P. Sanford
Signature of Authorized Agent

Subscribed and sworn to before me on this 3 day of NOVEMBER 20 23

(Seal)

James Alan Adair
Notary Public



My Commission Number:

Commission Expires:

BID PROPOSAL FORM

Bid No. 2023-2024-011

BID AFFIDAVIT

B. Business Relationship Affidavit

STATE OF OKLAHOMA)
COUNTY OF TULSA) ss.

PAT SANFORD of lawful age being first duly sworn on oath says that he is the agent authorized by the bidder to submit the attached bid. Affiant further states that the nature of any partnership, joint venture, or other business relationship presently in effect or which existed within one (1) year prior to the date of this statement with the architect, engineer, or other party to the project is as follows:

NONE

Affiant further states that any such business relationship presently in effect or which existed within one (1) year prior to the date of this statement between any officer or director of the bidding company and any officer or director of the architectural or engineering firm or other party to the project is as follows:

NONE

Affiant further states that the names of all persons having any such business relationships and the positions they hold with their respective companies or firms are as follows:

NONE

(If none of the business relationships hereinabove mentioned exist, affiant should so state.)

[Signature]

Subscribed and sworn to before me on this 3 day of November 20 23



(Seal)

[Signature]
Notary Public Mary R. Short

My Commission Number: 13002499

Commission Expires: 3/13/25

Shellie McGill

Ship To Address

Quotation #: 2023-004946-004

Lead Generation (Bill Bush)

City of Bartlesville - Library

Quotation Date: 10/27/2023

, OK,

401 S. Johnstone Ave.

Project Name: City of Bartlesville - Library

918-338-4163

Bartlesville, OK, 74003

Prepared by: Chanda Pang

Quote Valid: 60 days

Optec Model: HB 10mm SMD Full Color

Display Specifications

Product Line:	Infinity
LED Pixel Pitch:	10.0mm
Matrix Size:	144 x 352
Viewing Area:	4' 8 11/16" x 11' 6 9/16"
Cabinet Size:	4' 8 11/16" x 11' 6 9/16" x 6 11/16" (Reference to shop drawing for accurate dimensions)
Color:	RGB
Color Processing:	RGB 281 Trillion Levels-M
LED's per pixel:	Red: 1 Green: 1 Blue: 1
Total # of LED's:	304128
Character Size:	2.75 Inches
# of Lines/Char. Line:	20 line(s), 58 characters
Brightness:	8000 NIT's (+-5%)
Viewing Angle:	160 Degrees Horizontal
Display Configuration:	Double (2 Cabinets - Face Primary/Secondary)
Maintenance Door:	Front
Cabinet Design:	Non-Hinged Sectional w/o border
Display Net Weight:	Approx. 680.63 lbs. per face (+/- 10%) (Reference to shop drawing)
Ventilation:	Rear Vent

Standard Features

Dimming Levels:	100 - Auto & Manual
Dimming/Temp. Sensor:	Dimming/Temp. Sensor - Auto
Crate:	Included
Software:	ME Pro Plus
Software Upgrade:	5 Years Software Upgrades
Software Training:	Webinar

Electrical & Venting Requirements

AC Power Required:	Single Phase 120V or 240V 50/60Hz
Total Boot Up Amps* (120V):	56.6 (Reference to shop drawing for power requirements and distribution)
Regular Operating Amps* (120V):	16.41
Example Electrical Cost* (120V):	US\$2.57/Day
Venting Requirement*:	1083.35 CFM

Terms of Purchase

FOB:	Ontario, CA
Payment Term:	50% Deposit, 50% Prior to Shipment
Delivery Lead Time*:	8 - 10 Weeks
Warranty*:	5 Year Parts Warranty

Pricing Information:

Number of Displays:	1 Double Face
Displays Price*:	US\$43,439.83
Communication*: Ethernet - Direct Wired (Qty: 1)	Included
Other Options:	
Shipping*: (Zip=74003)	Economy Freight - Included
Grand Total:	US\$43,439.83

Remarks:

50,688 pixels per face

Acceptance of terms, quotation and agreement to purchase - Quote # 2023-004946-004

Signature _____
Date _____

***Total Boot Up Amps** is the total power required for start up. ***Regular Operating Amps** is calculated base on 30% operation average. ***Example Electrical Cost** is calculated base on 365 days 18 hours a day operation, 12 hours - 100% and 6 hours - 10% brightness and 30% average usage with US\$0.1/kwh electrical charge. ***Communication** with wireless communication devices, including but not limited to Wireless Ethernet, offered by Optec Displays, Inc., may be affected by site specific conditions that can hinder the performance or operation



Worldwide Headquarters
1700 S. De Soto Place
Ontario, CA 91761 USA
Phone: 800.876.1688
Fax: 626.369.7858
www.optec.com

ADDITIONAL WARRANTY OPTIONS

16mm 5-year parts replacement warranty	Included	
16mm 7-year parts replacement warranty	Additional	\$4,442.17
16mm 10-year parts replacement warranty	Additional	\$7,353.13
10mm 5-year parts replacement warranty	Included	
10mm 7-year parts replacement warranty	Additional	\$5,480.80
10mm 10-year parts replacement warranty	Additional	\$9,170.71
6mm 5-year parts replacement warranty	Included	
6mm 7-year parts replacement warranty	Additional	\$6,971.17
6mm 10-year parts replacement warranty	Additional	\$11,778.88



**STANDARD FIVE YEAR LIMITED WARRANTY
EFFECTIVE: 05.08.2018**

Warranty Coverage

Optec Displays, Inc. (Optec) warrants Optec electronic displays and the associated products (jointly referred to as Covered Product) against any defects in materials and workmanship during the Limited Warranty Period pursuant to the terms and stated herein.

This Limited Warranty is extended only to the original purchaser ("Customer") purchasing a new electronics display or accessory directly from an Authorized Optec Reseller.

During the Limited Warranty Period, Optec will, at its discretion, replace or repair any defective Covered Product. Optec will either provide advanced shipment replacement parts or product to be swapped with a defective part or product, or issues a Return Material Authorization (RMA) number for Customer to return failed parts or products to Optec's service center in Ontario, California, USA, for repair.

All parts or products replaced under this Limited Warranty become the property of Optec. In the unlikely event that Customer's Optec Product has recurring failures, Optec, at its sole discretion, may elect to provide Customers with a replacement product at Optec's choice that is the same or equivalent to Customer's Optec Product in performance. This is Customer's exclusive remedy for defective products under this Limited Warranty.

Unless otherwise stated, and to the extent permitted by local law, new Optec Products may be manufactured using new materials or new and used materials equivalent to new in performance and reliability. Optec may repair or replace Optec Products (a) with new or previously used products or parts equivalent to new in performance and reliability, or (b) with equivalent products to an original product that has been discontinued. Replacements parts are warranted to be free from defects in material or workmanship for ninety (90) days or, for the remainder of the Limited Warranty Period of the Optec Product they are replacing or in which they are installed, whichever is longer.

This Limited Warranty excludes any on-site labor required to service the Covered Product including diagnosis, removal and installation of parts or products.

This Limited Warranty is not transferable.

Limited Software Warranty: Optec warrants that the software portion of the product ("Software") will substantially conform to Optec's then current functional specifications for the Software, as set forth in the applicable documentation, provided that Software is properly installed on approved hardware and operated as contemplated in its documentation. Optec further warrants that, during the Limited Software Warranty Period, the media on which

Optec delivers the Software will be free of physical defects. The Customer's sole and exclusive remedy and the entire liability of Optec and its suppliers under this Limited Warranty will be, at Optec's option to replace the non-confirming Software (or defective media).

Warranty Period

Unless otherwise specified in an Optec Purchase Transaction Document, the Limited Warranty Period is five (5) years. The Limited Warranty Period begins immediately on the date the Covered Product is shipped from Optec to Customer or to Customer's Authorized Optec Reseller. In the case that Optec is responsible for installing of the Covered Product, the Limited Warranty Periods begins upon the day Optec completes the installation or, if Customer defers installation more than thirty (30) days after receipt, warranty begins on the thirty-first (31st) calendar day after receipt.

Exclusions and Restrictions

Unless specified otherwise in an Optec Purchase Transaction Document, this Limited Warranty applies only to hardware and software products provided by Optec, external controllers, and hardware integral and internal to an Optec electronic display. The Limited Warranty does not apply to other third-party hardware products or software, even if packaged or sold with Optec hardware. Manufacturers, suppliers, or publishers, other than Optec, may provide their own warranties to the end user, but Optec, in so far as permitted by law, provides their products "as is."

This Limited Warranty specifically does not cover the following:

1. Third-party devices not provided by Optec.
2. Optec Product that has been moved from its initial installation location.
3. Optec Product that is mounted in a mobile structure.
4. Cosmetic damage to the Optec Product (including but not limited to scratches, dents, and broken plastic that do not otherwise affect the functionality of the product or material impair its use.)
5. Covered Product whose serial number has been removed, altered, defaced or in any other way made illegible.
6. Recovery or transfer of any data or software stored on the Covered Product not originally installed on the Covered Product by Optec.

This Limited Warranty specifically does not cover conditions or damage caused by or resulting from following:

1. Installation, maintenance or operation of a product in contradiction to any installation, maintenance and operating guidelines provided by Optec.
2. Accident, abuse, omission, neglect, vandalism, misuse, by any party other than Optec.
3. Physical or electrical stress or interference fluctuation or surges of electrical power, lightning, floods, fire, acts of God, war, terrorism, or other external causes, including Force Majeure.
4. Unauthorized modification of Product, including installation of third party software on an electronic display's controller without written permission of Optec.
5. Services by anyone other than Optec, an Optec Service Provider, Customers or Customer's appointed service provider.
6. Viruses, Trojan horses, worms, or like destructive code or code that self-replicates, which was not included in the Covered Product by Optec.

All light emitting diodes (LED) have an inherent tendency to change in color and light intensity proportionate to period of use. These are universal characteristics and not product defects. Replacement of LEDs so affected is not included in this Limited Warranty. LED is considered defect when it ceases to emit light. Optec will provide replacement parts of those defects when the LED defects exceed 0.5% of the total pixels on the display.

Optec will only provide support and warranty parts to Customers that provide the defective electronic display's serial number when calling for support or parts. In cases, where the serial number plate is not easily accessible after installation, it is the responsibility of the Customer to maintain a record of each display's serial number. Optec reserves the right to limit replacement parts for Customers whose account reflects invoices that are past due.

Obtaining Warranty Service

If Customer's Covered Product fails to function properly, the Customer is to contact the reseller from which Customer purchased the product or an Authorized Service Provider for service. Optec provides a toll free number for support, (800) 876-1668. Display owner will be supported by appointment only. Customer may also access Optec's customer support web page at www.optec.com for assistance. Optec technical support is available from 6:00 am to 5:00 pm PST, Monday to Friday. Making appointment for your technical support need is strongly recommended to receive dedicated and timely support. Please reference to **Optec Technical Support Policy Limitations & Restrictions** and **Technical Support Appointment Request**. Technical support for out of warranty or non-warranty displays for non-Optec dealers or display owner will be available for a fee.

If determined a replacement is required, contact Optec to order the replacement part or to obtain an RMA number

for returning the failed part for repair. Under this Limited Warranty, Optec will make all reasonable efforts to ship Customers replacement part to replace part diagnosed as defective prior to Customer returning the failed part. On receiving the replacement part or product, Customer will be required to return the defective, unused replacement part(s) or product back to Optec within thirty (30) days along with the RMA number provided in the replacement parts shipment. Failure to return the defective or unused replacement part(s) or product with Optec-provided RMA number will result in Optec billing Customer for the replacement parts at Optec's published list price. All replacement part(s) are to be shipped via ground service at Optec's choice and paid by Optec. At Customer's request and expense, Optec will ship out replacement part(s) using an expedited delivery service. Optec can not guarantee delivery service provided by another party. In case that advanced shipment part is not available, Optec will request Customer to return the defective parts for repair. Optec will use reasonable efforts to repair these parts. Please reference to **Optec Replacement Parts Policy**.

Limitation of Liability

OPTEC MAKES NO OTHER WARRANTIES WITH RESPECT TO THE OPTEC PRODUCTS OR ANY SERVICES AND DISCLAIMS ALL OTHER IMPLIED WARRANTIES, INCLUDING WARRANTIES OF MERCHANTABILITY, NON-INFRINGEMENT AND FITNESS FOR A PARTICULAR PURPOSE. OPTEC ALSO MAKE NO WARRANTY REGARDING NON-INTERRUPTION OF USE OR FREEDOM FROM BUGS.

This Limited Warranty limits the liability and obligation of Optec to repair or replacement of defective Covered Product, at its discretion. In no event shall Optec be held liable for any damages, including loss of income, other incidental or consequential damages regardless of the nature of the claim, or deemed to be in default of its obligations under this Limited Warranty, for any delay in providing service and or repaired or replacement parts or product.

In no event shall Optec be liable to any party for loss, damage, or inquiry, or any claim in connection with this warranty exceeding the invoice price of the Covered Product delivered.

Optec does not accept liability beyond the remedies set forth in this agreement. Optec will not be liable for any consequential, special, indirect, or punitive damages, even if advised of the possibility of such damages, or for any claim by any third party except as limited by applicable law.



Worldwide Headquarters
1700 S. De Soto Place, Ontario, CA 91761 USA
Phone: +1.800.876.1668 Fax: +1.626.369.7858
www.optec.com



Worldwide Headquarters
1700 S. De Soto Place
Ontario, CA 91761 USA
Phone: 800.876.1688
Fax: 626.369.7858
www.optec.com

Items provided by Optec:

- Unlimited Phone Tech Support
- Unlimited Software Training via scheduled Webinars
- Up to 5 Free contents per month for the 1st 3 months
- Free Software Upgrades for the life of the display
- Manufacturer On-Site Warranty Certification Included

Display Highlights:

- 6mm to 10mm displays use 8,000 NITS High Brightness Chips
- 12mm to 20mm displays use 10,000 High Brightness Chips
- Energy Efficient Fanless Power Supplies
- Utilizes longer louvers than standard louvers to block more sunlight.
- Polycarbonate mask (face) instead of plastic for durability
- High refresh rate of 3840 Hz (SMD)
- Video Frame Rate of 60 FPS (SMD & Discreet)
- Front serviceable
- 10 year parts guarantee
- Optec has been in business for more than 34 years



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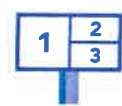
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Utilize a variety of transition effects like scale, rotate, and fade in/out to create dynamic content.



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Create a variety of content layouts with up to 9 user defined media zones.



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Display customized time, temperature, date, numerals/characters, and variable data.



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Up to 100 available hot keys for instantaneous content playback.



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Create or import/export play lists for one or multiple zones and log playback.



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Schedule down to the minute for one or multiple displays.



DISPLAY CONTROLS

Control, network, and adjust displays and settings.



OPERATING SYSTEM

Windows 10, 8, 7 and Vista compatibility.

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BARTLESVILLE, OKLAHOMA (THE “CITY”) MET IN SPECIAL SESSION IN THE COUNCIL CHAMBERS AT CITY HALL LOCATED AT 401 SOUTH JOHNSTONE AVENUE IN SAID CITY ON THE 20TH DAY OF NOVEMBER, 2023, AT 5:30 O’CLOCK P.M.

PRESENT:

ABSENT:

Notice of this Special Meeting was given in writing to the City Clerk of the City of Bartlesville, Oklahoma, at ___ o’clock p.m. on the ___ day of November, 2023, forty-eight (48) hours or more prior to this meeting, and public notice of this meeting, setting forth the date, time, place and agenda was posted at ___ o’clock p.m. on the ___ day of November, 2023, by posting on the City’s Internet website (www.cityofbartlesville.org) and by posting at the entry to City Hall, 401 South Johnstone Avenue, Bartlesville, Oklahoma, 74003, the place of this meeting in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act (as attached hereto). Further, as required by Title 25 Oklahoma Statutes § 311A(9)(b), the City made the notice of a public meeting available to the public in the principal office of the public body (401 South Johnstone Avenue, Bartlesville, Oklahoma, 74003) during normal business hours at least twenty-four (24) hours prior to the meeting.

(OTHER PROCEEDINGS)

It appearing that due and legal notice had been given that said City would offer for sale on this date and at this hour and at this place its \$6,900,000 of Combined Purpose General Obligation Bonds, Series 2023 maturing \$860,000 on December 1, 2025, and \$860,000 annually each year thereafter until paid, except the last payment shall be \$880,000, the governing body proceeded to consider the bids received for the purchase of said Bonds. The following bids were received and considered by the governing body:

Bidders	True Interest Cost	Net Interest Cost	Premium
	___%	\$___	\$___
	___%	\$___	\$___
	___%	\$___	\$___

[Remainder of Page Left Blank Intentionally]

The governing body required each bidder to submit with his bid a sum in cash or its equivalent, equal to two percent (2%) of his bid and, after due consideration of all bids received by the governing body, a motion was made by Councilmember _____ that the Bonds be awarded, sold and delivered to _____, upon fulfillment of the terms set out in said contract and bid for the purchase of said Bonds. Said motion was seconded by Councilmember _____ and was adopted by the following vote:

AYE:

NAY:

(SEAL)

Mayor

ATTEST:

City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF WASHINGTON)

I, the undersigned, the duly qualified and acting Clerk of the City of Bartlesville, Oklahoma, hereby certify that the foregoing is a true and complete copy of an Ordinance authorizing the issuance of Bonds for the purpose therein set out, adopted by the governing body of said City and Transcript of Proceedings of said governing body had at a special meeting thereof duly held on the date therein set out, insofar as the same relates to the sale of Bonds therein described as the same appears of record in my office.

I further certify that attached hereto is a true and complete copy of the public notice of the special meeting of the governing body of the City of Bartlesville, Oklahoma having been given in writing to the City Clerk of Bartlesville, Oklahoma, at ___ o'clock p.m. on the ___ day of November, 2023, and public notice of this meeting, setting forth the date, time, place and agenda was posted at ___ o'clock p.m. on the ___ day of November, 2023, by posting on the City's Internet website (www.cityofbartlesville.org) and by posting at the entry to City Hall, 401 South Johnstone Avenue, Bartlesville, Oklahoma, 74003, the place of this meeting in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act. Further, as required by Title 25 Oklahoma Statutes § 311A(9)(b), the City made the notice of a public meeting available to the public in the principal office of the public body (401 South Johnstone Avenue, Bartlesville, Oklahoma, 74003) during normal business hours at least twenty-four (24) hours prior to the meeting.

WITNESS my hand and seal this 20th day of November, 2023.

(SEAL)

City Clerk

ORDINANCE AUTHORIZING THE ISSUANCE OF 2023 BONDS

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BARTLESVILLE, OKLAHOMA (THE “CITY”) MET IN SPECIAL SESSION IN THE COUNCIL CHAMBERS AT CITY HALL LOCATED AT 401 SOUTH JOHNSTONE AVENUE IN SAID CITY ON THE 20TH DAY OF NOVEMBER, 2023, AT 5:30 O’CLOCK P.M.

PRESENT:

ABSENT:

Notice of this Special Meeting was given in writing to the City Clerk of the City of Bartlesville, Oklahoma, at ___ o’clock p.m. on the ___ day of November, 2023, forty-eight (48) hours or more prior to this meeting, and public notice of this meeting, setting forth the date, time, place and agenda was posted at ___ o’clock p.m. on the ___ day of November, 2023, by posting on the City’s Internet website (www.cityofbartlesville.org) and by posting at the entry to City Hall, 401 South Johnstone Avenue, Bartlesville, Oklahoma, 74003, the place of this meeting in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act (as attached hereto). Further, as required by Title 25 Oklahoma Statutes § 311A(9)(b), the City made the notice of a public meeting available to the public in the principal office of the public body (401 South Johnstone Avenue, Bartlesville, Oklahoma, 74003) during normal business hours at least twenty-four (24) hours prior to the meeting.

(OTHER PROCEEDINGS)

Thereupon the Mayor introduced an Ordinance, which was read by Title by the Clerk, and upon motion by _____, seconded by _____, said Ordinance was adopted by the following vote:

PRESENT:

ABSENT:

and upon motion by _____, seconded by _____, the question of the emergency was ruled upon separately and approved with the following vote:

AYE:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO. ____

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF COMBINED PURPOSE GENERAL OBLIGATION BONDS, SERIES 2023 IN THE SUM OF \$6,900,000 BY THE CITY OF BARTLESVILLE, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; DESIGNATING THE REGISTRAR FOR THE ISSUE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS AND FIXING OTHER DETAILS OF THE ISSUE; APPROVING THE FORMS OF A CONTINUING DISCLOSURE AGREEMENT AND AN OFFICIAL STATEMENT; AUTHORIZING EXECUTIONS AND ACTIONS NECESSARY FOR THE ISSUANCE AND DELIVERY OF THE BONDS; AND DECLARING AN EMERGENCY.

WHEREAS, on the 25th day of August, 2020, pursuant to notice duly given, an election was held in the City of Bartlesville, Oklahoma (the “City”), for the purpose of submitting to the registered qualified electors of such City as Proposition No. 1, the question of the issuance of general obligation bonds for said City in the sum of Three Million Nine Hundred Ninety Three Thousand Dollars (\$3,993,000) to provide funds for the purpose of acquiring, constructing, expanding, renovating, repairing, and/or equipping public safety buildings, facilities, and equipment, all to be owned exclusively by the City (referred to herein as the “Public Safety Buildings and Facilities Bonds”); and

WHEREAS, as shown by the Official Certificate of Votes by the County Election Board of Washington County, Oklahoma, at said election there were cast on Proposition No. 1 by the registered, qualified electors of said City 4,624 votes, which 3,063 were in favor of and 1,561 were against the issuance of said Public Safety Buildings and Facilities Bonds; and

WHEREAS, a lawful majority of the registered, qualified voters voting on Proposition No. 1 cast their ballots in favor of the issuance of Public Safety Buildings and Facilities Bonds, and the issuance thereof has been duly authorized; and

WHEREAS, on the 25th day of August, 2020, pursuant to notice duly given, an election was held in the City for the purpose of submitting to the registered qualified electors of such City as Proposition No. 2, the question of the issuance of general obligation bonds for said City in the sum of One Million Four Hundred Eight Thousand Dollars (\$1,408,000) to provide funds for the purpose of acquiring, constructing, expanding, renovating, repairing, and equipping municipal buildings, facilities, and equipment, all to be owned exclusively by the City (referred to herein as the “Municipal Buildings and Facilities Bonds”); and

WHEREAS, as shown by the Official Certificate of Votes by the County Election Board of Washington County, Oklahoma, at said election there were cast on Proposition No. 2 by the registered, qualified electors of said City 4,630 votes, which 2,999 were in favor of and 1,631 were against the issuance of said Municipal Buildings and Facilities Bonds; and

WHEREAS, a lawful majority of the registered, qualified voters voting on Proposition No. 2 cast their ballots in favor of the issuance of Municipal Buildings and Facilities Bonds, and the issuance thereof has been duly authorized; and

WHEREAS, on the 25th day of August, 2020, pursuant to notice duly given, an election was held in the City for the purpose of submitting to the registered qualified electors of such City as Proposition No. 3, the question of the issuance of general obligation bonds for said City in the sum of Eight Million Two Hundred Seventy Four Thousand Dollars (\$8,274,000) to provide funds for the purpose of constructing, reconstructing, repairing, improving, and rehabilitating existing streets, roads, bridges, and intersections in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements) (referred to herein as the “Street and Bridge Bonds”); and

WHEREAS, as shown by the Official Certificate of Votes by the County Election Board of Washington County, Oklahoma, at said election there were cast on Proposition No. 3 by the registered, qualified electors of said City 4,635 votes, which 3,711 were in favor of and 924 were against the issuance of said Street and Bridge Bonds; and

WHEREAS, a lawful majority of the registered, qualified voters voting on Proposition No. 3 cast their ballots in favor of the issuance of Street and Bridge Bonds, and the issuance thereof has been duly authorized; and

WHEREAS, on the 25th day of August, 2020, pursuant to notice duly given, an election was held in the City for the purpose of submitting to the registered qualified electors of such City as Proposition No. 4, the question of the issuance of general obligation bonds for said City in the sum of Two Million Seven Hundred Twenty Five Thousand Dollars (\$2,725,000) to provide funds for the purpose of constructing, expanding, repairing, which may also include improving, renovating, acquiring and equipping parks and recreational facilities, all to be owned exclusively by the City (referred to herein as the “Parks and Recreational Facilities Bonds”); and

WHEREAS, as shown by the Official Certificate of Votes by the County Election Board of Washington County, Oklahoma, at said election there were cast on Proposition No. 4 by the registered, qualified electors of said City 4,424 votes, which 3,043 were in favor of and 1,381 were against the issuance of said Parks and Recreational Facilities Bonds; and

WHEREAS, a lawful majority of the registered, qualified voters voting on Proposition No. 4 cast their ballots in favor of the issuance of Parks and Recreational Facilities Bonds, and the issuance thereof has been duly authorized; and

WHEREAS, there is currently authorized, yet unissued, \$633,000 of Public Safety Buildings and Facilities Bonds (Proposition No. 1); and

WHEREAS, there is currently authorized, yet unissued, \$1,083,000 of Municipal Buildings and Facilities Bonds (Proposition No. 2); and

WHEREAS, there is currently authorized, yet unissued, \$4,244,000 of Street and Bridge Bonds (Proposition No. 3); and

WHEREAS, there is currently authorized, yet unissued, \$940,000 of Parks and Recreational Facilities Bonds (Proposition No. 4); and

WHEREAS, the City Council of said City pursuant to Title 62, Oklahoma Statutes 2021, Sections 353 and 354, as amended, hereby deems it necessary and beneficial at the present time to sell and issue \$633,000 of said Public Safety Buildings and Facilities Bonds, \$1,083,000 of said Municipal Buildings and Facilities Bonds, \$4,244,000 of said Street and Bridge Bonds, and \$940,000 of said Parks and Recreational Facilities Bonds, and to offer all of said bonds for sale as a combined issue.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BARTLESVILLE, OKLAHOMA:

Section 1. That pursuant to Title 62, Oklahoma Statutes 2021, Section 354, as amended, with respect to the August 25, 2020 election authorization, \$633,000 of said Public Safety Buildings and Facilities Bonds, \$1,083,000 of said Municipal Buildings and Facilities Bonds, \$4,244,000 of said Street and Bridge Bonds, and \$940,000 of said Parks and Recreational Facilities Bonds are hereby combined and are hereby ordered and directed to be issued in accordance with the form as hereinafter set out, in the aggregate principal amount of Six Million Nine Hundred Thousand Dollars (\$6,900,000), which said Bonds shall be designated “Combined Purpose General Obligation Bonds, Series 2023”, shall be dated December 1, 2023, and become due and payable and bear interest from their date until paid as follows:

\$860,000	maturing on	December 1, 2025	at	%
\$860,000	maturing on	December 1, 2026	at	%
\$860,000	maturing on	December 1, 2027	at	%
\$860,000	maturing on	December 1, 2028	at	%
\$860,000	maturing on	December 1, 2029	at	%
\$860,000	maturing on	December 1, 2030	at	%
\$860,000	maturing on	December 1, 2031	at	%
\$880,000	maturing on	December 1, 2032	at	%

Interest shall be payable semi-annually on the 1st day of June and December of each year, commencing on June 1, 2025. The Bonds are issuable as registered Bonds in denominations of \$1,000.00 or any integral multiple thereof, provided when a book entry system is utilized, the Bonds may be represented by one Bond for each maturity of Bonds.

Section 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

[Remainder of Page Left Blank Intentionally]

UNITED STATES OF AMERICA
STATE OF OKLAHOMA

CITY OF BARTLESVILLE, OKLAHOMA

COMBINED PURPOSE GENERAL OBLIGATION BONDS, SERIES 2023

NO. _____ \$ _____

INTEREST RATE: _____% MATURITY DATE: December 1, 20__ DATED DATE: December 1, 2023 CUSIP: _____

KNOW ALL PEOPLE BY THESE PRESENTS: That the City of Bartlesville, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

or registered assigns (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of June and December of each year, commencing on the 1st day of June, 2025.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, NA, Oklahoma City, Oklahoma (herein called the "Paying Agent/Registrar") payable to the order of the Registered Holder and mailed to the address shown in the Registration Record on or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Paying Agent/Registrar.

THE FULL FAITH, CREDIT AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, denomination, totaling the principal sum of Six Million Nine Hundred Thousand Dollars (\$6,900,000) and is issued for the purpose of (i) acquiring, constructing, expanding, renovating, repairing, and/or equipping public safety buildings, facilities, and equipment, all to be owned exclusively by the City (\$633,000), (ii) acquiring, constructing, expanding, renovating, repairing, and equipping municipal buildings, facilities, and equipment, all to be owned exclusively by the City (\$1,083,000), (iii) constructing, reconstructing, repairing, improving, and rehabilitating existing streets, roads, bridges, and intersections in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements) (\$4,244,000), and (iv) constructing, expanding, repairing, which may also include improving, renovating, acquiring and equipping parks and recreational facilities, all to be owned exclusively by the City (\$940,000), all under Section 27, Article 10, of the Oklahoma Constitution and Statutes of the State of Oklahoma complementary, supplementary and enacted pursuant thereto.

The Bonds shall not be subject to redemption prior to maturity.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Paying Agent/Registrar as the Registrar of the City on the Registration Record. This Bond shall be transferrable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15th) day of the month preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

The Registered Holder of this Bond, upon request in writing pursuant to the book-entry-only system or if no longer in effect by surrender of this Bond to the Registrar prior to payment of the entire amount of principal hereof, shall be entitled to be issued, in exchange for this Bond, Bonds in aggregate principal amount equal to the unpaid principal of this Bond in registered Bonds identical herewith except as to respective denominations, in denominations of \$1,000.00 or any whole multiple thereof except one denomination may be in such amount as needed to complete the issue.

IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be executed with the manual or facsimile signature of its Mayor, attested with the manual or facsimile signature of its Clerk, and sealed with a facsimile seal of the City the 1st day of December, 2023.

(SEAL)

Mayor

ATTEST:

City Clerk

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue and is one of the Combined Purpose General Obligation Bonds, Series 2023 of the City of Bartlesville, Oklahoma.

Date of Registration
and Authentication

BOKF, NA, Oklahoma City, Oklahoma

Authorized Officer

STATE OF OKLAHOMA)
)SS
COUNTIES OF WASHINGTON)
 OSAGE

We, the undersigned, District Attorneys and County Clerks respectively, of said Counties, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seals of said Counties this _____ day of _____, 2023.

County Clerk, Washington County, Oklahoma

District Attorney, Judicial District No. 11

(SEAL)

County Clerk, Osage County, Oklahoma

District Attorney, Judicial District No. 10

(SEAL)

FORM OF ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer such Bond on the books kept for registration and transfer of the within Bond, with full power of substitution in the premises.

Dated: _____, _____. _____

Signature guaranteed by:

STATE OF OKLAHOMA)
)SS
COUNTY OF WASHINGTON)

I, the undersigned, the duly qualified and acting Treasurer of the within named City, in said County and State, hereby certify that I have duly registered the within Bond in my office on this ____ day of _____, 2023.

WITNESS my hand the date above written.

Treasurer

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT _____, 2023.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of Bonds of like kind; and that said Bond is a valid and binding obligation according to its tenor and terms, and, under the provisions of Title 62, Oklahoma Statutes 2021, Sections 11, 13 and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said bond appearing in the caption hereto.

Attorney General, *Ex Officio*
Bond Commissioner of the State of Oklahoma

[End of Form of Bond]

SECTION 3. That each of said Bonds shall be executed by manual or facsimile signature of the Mayor and have the facsimile corporate seal of said City imprinted thereon, and be attested by the Clerk of said City by manual or facsimile signature; that said officers be and are hereby authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of said City; have the same registered by the Treasurer, endorsed by the District Attorney(s) and County Clerk(s) and presented to the Attorney General, *Ex-Officio* Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue, for his or her approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purpose of providing funds for the purpose set out in the Bond in Section 2 hereof. The contracts attached hereto between the City and the Financial Advisor, Bond Counsel, Disclosure Counsel and Paying Agent/Registrar, respectively, are hereby ratified and confirmed for fiscal year 2023/2024.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Paying Agent/ Registrar for all registered Bonds issued pursuant to this Ordinance shall be BOKF, NA, Oklahoma City, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United States Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appears on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferrable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment of such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of \$1,000.00 or any integral multiple thereof. The Registrar shall not be obligated to make such transfer after the fifteenth (15th) day of the month preceding any interest payment date until after said latter date. The Record Date for the Bonds shall be the 15th day, whether or not such is a business day, of the calendar month preceding each interest payment date on the Bonds.

SECTION 6. There is hereby created and established a system of registration for uncertificated registered public obligations with respect to the Bonds as provided in the Registered Public Obligations Act of Oklahoma, Title 62 Oklahoma Statutes 2021, Section 582(13)(b), whereby books shall be maintained on behalf of the City by the Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively) are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning in the year 2024, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property of said City, in addition to all other taxes, said sinking fund to be designated “Combined Purpose General Obligation Bonds, Series 2023 Sinking Fund”. Said tax shall be and is hereby ordered certified, levied and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund, which, together with any interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. The Continuing Disclosure Agreement and Official Statement, forms of which are provided herewith and incorporated herein by reference, are hereby approved and the Mayor and City Clerk (or in their absence or incapacity, the Vice Mayor and Deputy Clerk, respectively) are authorized to execute the Continuing Disclosure Agreement and the Mayor or City Manager is authorized to sign the Official Statement for and on behalf of the City.

A Continuing Disclosure Agreement, as a material inducement to the purchaser(s) of the Bonds, in substantially the form of the draft thereof presented at the meeting at which this Ordinance is adopted and to be dated the date of initial delivery of the Bonds, is hereby authorized to be executed and delivered by the Mayor and Clerk (or in their absence or incapacity, the Vice Mayor and Deputy Clerk, respectively). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Agreement shall not be considered an event of default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section. “Continuing Disclosure Agreement” shall mean that certain Continuing Disclosure Agreement executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

The City hereby covenants and agrees for the benefit of the Bondholders to provide annual financial information on the City in accordance with the Continuing Disclosure Agreement and to provide, in a timely manner, notice of events specified in paragraph (b)(5)(i)(C) of Rule 15c2-12 promulgated by the Securities and Exchange Commission. The annual financial information and

any notices of material events will be provided by the City to the Municipal Securities Rulemaking Board via the Electronic Municipal Market Access System (“EMMA”) @ www.emma.msrb.org.

The City authorizes the use of the Official Statement in connection with the sale of the Bonds by the purchaser(s) thereof.

SECTION 9. The Mayor, Vice Mayor, City Manager, Treasurer, Director of Finance and City Clerk are hereby authorized and directed to execute, separately or jointly, and deliver such documents and take such other action as may be necessary or appropriate in order to effectuate the issuance, execution and delivery of the Bonds, including specifically, but not limited to, the Bond forms, tax or tax compliance documents, closing certificates, continuing disclosure or other security or securities-related documents, scope of services agreements for professional services associated with issuance of the Bonds, disbursement orders, or any other letter, representation or certification otherwise necessary and attendant to the issuance and delivery of the Bonds.

SECTION 10. That by reason of said City being without adequate public safety buildings and facilities in the City, and without adequate municipal buildings and facilities in the City, and without adequate streets and bridges in the City, and without adequate parks and recreational facilities in the City, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

[Remainder of Page Left Blank Intentionally]

PASSED AND APPROVED this 20th day of November, 2023.

(SEAL)

Mayor

ATTEST:

City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF WASHINGTON)

I, the undersigned, the duly qualified and acting Clerk of the City of Bartlesville, Oklahoma, hereby certify that the foregoing is a true and complete copy of an Ordinance authorizing the issuance of Bonds for the purpose therein set out, adopted by the governing body of said City and Transcript of Proceedings of said governing body had at a special meeting thereof duly held on the date therein set out, insofar as the same relates to the sale of Bonds therein described as the same appears of record in my office.

I further certify that attached hereto is a true and complete copy of the public notice of the special meeting of the governing body of the City of Bartlesville, Oklahoma having been given in writing to the City Clerk of Bartlesville, Oklahoma, at ___ o'clock p.m. on the ___ day of November, 2023, and public notice of this meeting, setting forth the date, time, place and agenda was posted at ___ o'clock p.m. on the ___ day of November, 2023, by posting on the City's Internet website (www.cityofbartlesville.org) and by posting at the entry to City Hall, 401 South Johnstone Avenue, Bartlesville, Oklahoma, 74003, the place of this meeting in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act. Further, as required by Title 25 Oklahoma Statutes § 311A(9)(b), the City made the notice of a public meeting available to the public in the principal office of the public body (401 South Johnstone Avenue, Bartlesville, Oklahoma, 74003) during normal business hours at least twenty-four (24) hours prior to the meeting.

WITNESS my hand and seal this 20th day of November, 2023.

(SEAL)

City Clerk

I. SUBJECT, ATTACHMENTS, AND BACKGROUND

Consider and take action on a recommendation from the Park Board to approve the installation of exhibits for the Bartlesville Interurban Railway at Robinwood Park and Pathfinder Parkway.

Attachments:

- Photos
- Location Maps
- Historic Map

II. STAFF COMMENTS AND ANALYSIS

The Bartlesville Interurban Railway operated from 1908 to 1920. Streetcars were popular in the United States during this time period, and Bartlesville had one of its own. It had a leg on the far western edge of town, a loop around downtown, and then continued northeast up to Dewey.

During a street resurfacing project last month, part of the Bartlesville Interurban Railway was discovered under pavement at 9th Street and Delaware Street. Bricks and railing were removed and set aside for exhibition purposes in the Bartlesville Area History Museum and potential exhibits elsewhere in the city.

In their regular October meeting, the Park Board discussed several locations and ultimately decided to recommend locating an exhibit within Robinwood Park, south of Silverlake Road at the northeastern edge of the parking lot. Park Board felt this location was appropriate because this part of Silverlake Road runs very close to the historic route of the Interurban Railway. The intention would be to have actual recovered brick and railing laid out to replicate its original configuration. There could also be a sign that that would provide historic context and information via QR code, similar to the one for the bridge in Johnstone Park.

Additionally, Pathfinder Parkway is crossed in two locations by the historic route. Park Board also recommends memorializing the history of the railway at these locations by installing the bricks in their original configuration and stenciling in the railing.

III. RECOMMENDED ACTION

Approve a recommendation to have exhibits for the Bartlesville Interurban Railway installed in Robinwood Park and Pathfinder Parkway.

9th and Delaware Looking East



3rd (Frank Phillips) and Keeler Looking East

Robinwood Exhibit Location



North



Silver Lake Rd

Silver Lake Rd

Silver Lake Rd

Silver Lake Rd

Silver Lake Rd

Silver Lake Rd

Beck Dr

Beck Dr

Beck Dr

208

Pathfinder Crossing Locations



DEWEY STREETS

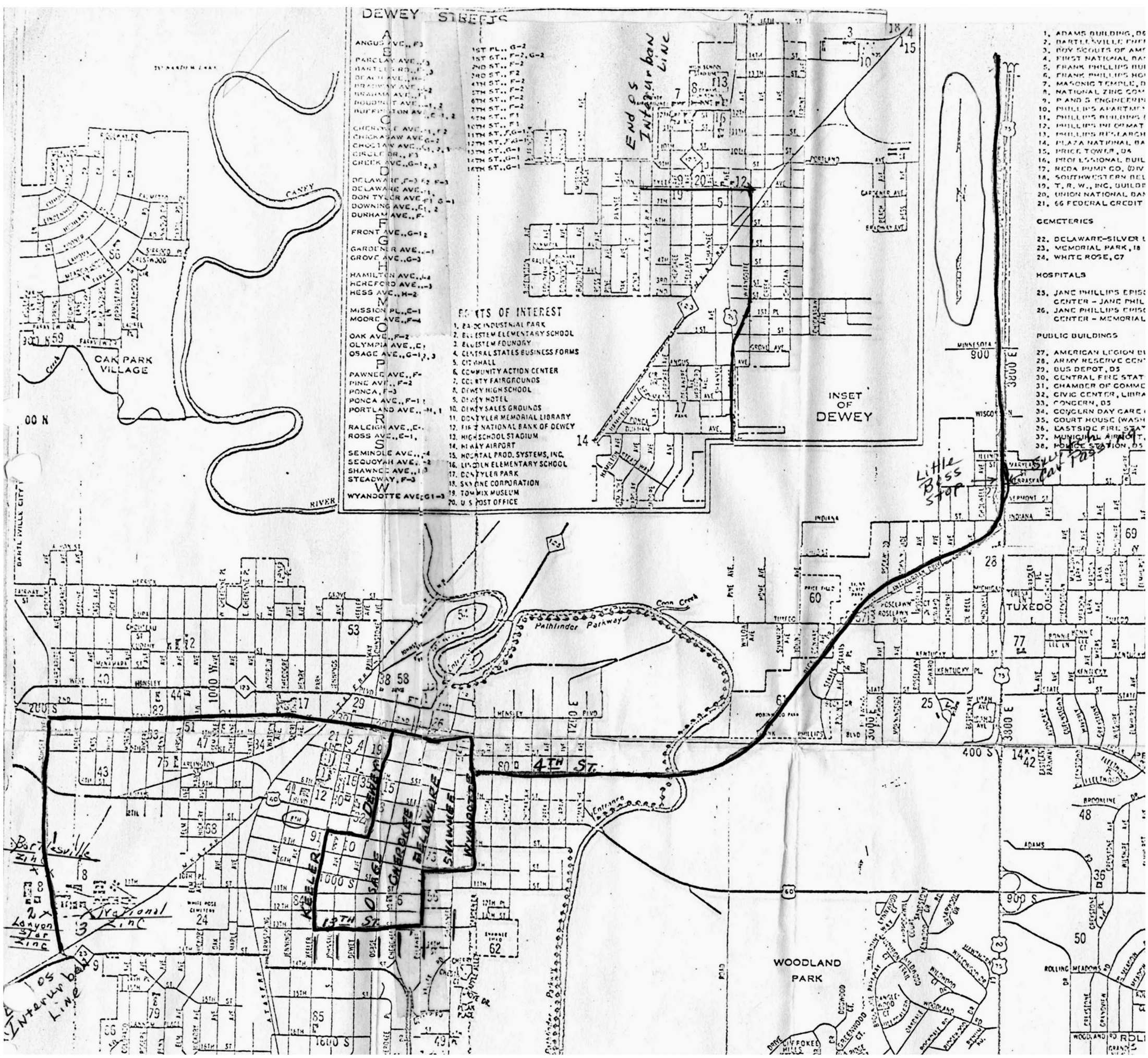
- ANGUS AVE., F3
- PARCLAY AVE., F3
- BARTLETT RD., F-3
- DE ALB AVE., F-3
- BRADWAY AVE., F-2
- BRADWAY AVE., F-2
- RODDING AVE., F-2
- DUFFINGTON AVE., F-1, 2
- CHERRY AVE., F-1, F-2
- CHICKASAW AVE., G-2
- CROSTON AVE., G-1, 2, 3
- CIRCLE DR., F3
- CREEK AVE., G-1, 2, 3
- DELAWARE, F-3 F-3
- DELAWARE AVE., F-1
- DON TYLER AVE., F-1 G-1
- DOWNING AVE., F-1, 2
- DURHAM AVE., F-1
- FRONT AVE., G-1, 2
- GARDNER AVE., F-1
- GROVE AVE., G-3
- HAMILTON AVE., F-1, 2
- HEREFORD AVE., F-1
- HESS AVE., H-2
- MISSION PL., E-1
- MOORE AVE., F-4
- OAK AVE., F-2
- OLYMPIA AVE., E-1
- OSAGE AVE., G-1, 2, 3
- PAWNEE AVE., F-1, F-2
- PINE AVE., F-2
- PONCA, F-3
- PONCA AVE., F-1, 1
- PORTLAND AVE., H-1, 1
- RALPH AVE., E-1
- ROSS AVE., E-1
- SEMINOLE AVE., F-4
- SEQUOIA AVE., F-2
- SHAWNEE AVE., F-3
- STEADWAY, F-3
- WYANDOTTE AVE., G1-3

- POINTS OF INTEREST
1. DEWY INDUSTRIAL PARK
 2. ELLIOTT ELEMENTARY SCHOOL
 3. ELLIOTT FOUNDRY
 4. CENTRAL STATES BUSINESS FORMS
 5. CITY HALL
 6. COMMUNITY ACTION CENTER
 7. COUNTY FAIRGROUNDS
 8. DEWY HIGH SCHOOL
 9. DEWY HOTEL
 10. DEWY SALES GROUNDS
 11. DON TYLER MEMORIAL LIBRARY
 12. FIDELITY NATIONAL BANK OF DEWEY
 13. HIGH SCHOOL STADIUM
 14. HIGHWAY AIRPORT
 15. HORTAL PROD. SYSTEMS, INC.
 16. LINCOLN ELEMENTARY SCHOOL
 17. DON TYLER PARK
 18. SKYLINE CORPORATION
 19. TOM MIX MUSEUM
 20. U. S. POST OFFICE

End of Interurban Line

INSET OF DEWEY

1. ADAMS BUILDING, DE
 2. BARTLETTVILLE FOUNDRY
 3. BOY SCOUTS OF AMERICA
 4. FIRST NATIONAL BANK
 5. FRANK PHILLIPS BUILDING
 6. FRANK PHILLIPS HOTEL
 7. MASONIC TEMPLE, D
 8. NATIONAL ZINC COMPANY
 9. RAND & ENGINEERING
 10. PHILLIPS APARTMENTS
 11. PHILLIPS BUILDING
 12. PHILLIPS HOTEL
 13. PHILLIPS HOTEL
 14. PLATA NATIONAL BANK
 15. PRICE TOWER, DE
 16. PROVISIONAL BUILDING
 17. REDA PUMP CO. DIV.
 18. SOUTHWESTERN BEL
 19. T. R. W., INC. BUILDER
 20. UNION NATIONAL BANK
 21. 66 FEDERAL CREDIT
- CEMETERIES
22. DELAWARE-SILVER
 23. MEMORIAL PARK, 18
 24. WHITE ROSE, C7
- HOSPITALS
25. JANE PHILLIPS EPISCOPAL CENTER - JANE PHILLIPS
 26. JANE PHILLIPS EPISCOPAL CENTER - MEMORIAL
- PUBLIC BUILDINGS
27. AMERICAN LEGION BLDG
 28. ARMY RESERVE CENTER
 29. BUS DEPOT, D5
 30. CENTRAL FIRE STATION
 31. CHAMBER OF COMMERCE
 32. CIVIC CENTER, LIBRARY
 33. CONCERN, D5
 34. CONCERN DAY CARE
 35. COURT HOUSE (WASH)
 36. EASTSIDE FIRE STATION
 37. MUNICIPAL AIRPORT
 38. POLICE STATION, D5



Interurban Line

Little Bess Stop

Little Bess Stop

Little Bess Stop

I. SUBJECT, ATTACHMENTS, AND BACKGROUND

Presentation and discussion of Council Handbook.

Attachments:

Council Handbook

II. STAFF COMMENTS AND ANALYSIS

On October 16, the City Council reviewed and discussed the proposed City Council Handbook. As a review, accepted best practices for municipalities dictate that municipal governing boards should adopt some form of policy document to help guide the actions of the current, and perhaps more importantly, future Councils. This guidance helps to ensure consistency and stability for the organization that can endure beyond current leadership. The attached handbook allows for the formal adoption of best practices, rules, and expectations of conduct.

In addition to guiding Councils as a whole, the handbook is extremely useful as an orientation for new Councilmembers. This document provides a comprehensive guide and resource for new Councilmembers that is an official document of the City. With this handbook, the Council can ensure that future members of this body receive proper guidance as they navigate this complex organization and their new responsibilities.

The attached handbook has undergone an extensive review and rewriting process. The handbook began as an OMAG model handbook, was reviewed by all Directors, rewritten to fit our organization, reviewed by legal and communications, approved by the City Manager, and is now ready for Council input.

The handbook covers a variety of topics that fit primarily within the following broad categories:

- Conduct, ethics, and conflict of interest
- Responsibilities as an elected official
- Understanding municipal trusts and authorities
- Best practices for elected officials

Some of the more important topics that you'll find within these categories in the handbook are:

- Council vs Staff responsibilities
- Legal fiduciary duties (obedience, loyalty, and care)
- Open Meetings and Records
- Ethics and conflicts of interest (this is an existing Council resolution)
- Council meeting rules (this is an existing Council resolution)

- Roles and responsibilities of Mayor, Vice-Mayor, and Council
- Council interaction with other Councilmembers, Staff, the public, other agencies, boards and committees, and media

It is important to remember that this is a policy document to help guide ALL councils into the future, so while many of the topics on this list are common sense for all of us today, they were drawn from common problem areas of municipalities around the State.

While some may hesitate to adopt a document that they fear may be “used against us”, I believe the greater risk lies in not adopting clear policies and expectations. One of the highest responsibilities of my position is to help prepare our organization for a future without myself and the incredible group of City Councilmembers and Directors I have today. I believe this document is a critical step in that preparation.

During our October meeting, there was discussion about the strengths and weaknesses of the document and Council’s preferences. After that meeting, Staff made several amendments to the document that should address most, if not all, of Council’s concerns. The revisions cover:

- Included a disclaimer that clarifies that sections that are not a restatement of law or policy do not establish policy or legal guidance. This disclaimer may be found on page 1 of the executive summary in the second paragraph.
- Made changes throughout the document to modify the tone of the document. All efforts were made to ensure that the document does not diminish the Council’s authority in the organization.
- Various other improvements.

The attached document is an amalgamation of the best documents used by other cities modified specifically for our circumstances. It incorporates an incredible amount of work by both Council and Staff, and Staff believes it to be the most thorough and comprehensive Council handbook in the State. We are excited to present this final document for your consideration and recommend approval.

III. RECOMMENDED ACTION

Approve the Council handbook as presented.



Best Practices Handbook

DRAFT

*Approved by
Bartlesville City Council*

[Insert date adopted here]

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- V. APPENDICES:
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 - d. ROSENBERG’S RULES OF ORDER
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 - g. BARTLESVILLE NEXT STRATEGIC PLAN

EXECUTIVE SUMMARY

Educating ourselves and creating a more stable local government should be the goal of all elected officials. With a more stable government, the City of Bartlesville can successfully meet the needs of our community. This handbook aims to help provide stability by compiling resources to assist in orienting and training the City Council.

Many of the resources in this handbook carry the weight of some form of law or policy (statute, ordinance, resolution, policy, etc.). However, there are many components of this handbook that provide additional context and explanation. These sections do not establish policy or legal guidance and are not binding upon the Council. Instead, they are intended to provide guidance and illustration.

OUR VISION: A Leading Community by Choice

OUR MISSION: Through collaboration, we strive to provide exceptional public service and enhance the distinctive character of our community.

OUR VALUES:

- *INTEGRITY* – Do the right thing; the rest will follow. We hold ourselves to the highest level of honesty, truthfulness, and ethical conduct.
- *COMMUNITY* – We are both responsive and proactive in our efforts to help Bartlesville realize our potential.
- *SERVICE* – We are dedicated to providing effective and timely customer service with courtesy and respect in a fiscally sound manner.
- *TEAMWORK* – We collaborate on common goals for the greater good of our community.
- *COMMUNICATION* – We share information and ideas in a clear, open, and timely manner.
- *INNOVATIVE* – Ours is a “do things differently, do different things” mindset in our approach as community builders.

BEST PRACTICES RESOLUTION

The City Council adopted the following best practices policy by resolution to help ensure that successful operational traditions are sustained over time. These best practices deal with public transparency, Council accountability, engagement in the operations of the City, and staff responsibility. The following resolution defines the “best practices” of the City:

- A. Elected Official Accountability:** The Council shall ensure Council accountability through:
- a. Attendance reporting to ensure other members and the public are aware of the attendance history of the elected officials.
 - b. An annual training event with staff to review ethics, finances, and operations, and to address the expectations and goals of the City, including a self-assessment of the accomplishments and improvements needed by Council and management to achieve the goals of the City.
 - c. The use of Council committees dealing with topics as the Council deems appropriate.
 - d. The use of well-defined purchasing policies of the City to ensure management and staff are clear concerning the purchasing policies and expectations of the City.

- e. A “Code of Conduct” for Council that is reviewed annually by Council and readily available for Council reference. (See section below concerning ethics and meeting conduct.)

B. Management and Staff Accountability: The Council shall ensure management and staff accountability through:

- a. An annual evaluation and review of the City via the attached Stability Test.
- b. An annual strategic planning session with management to evaluate the expectations and goals of the City for the immediately preceding year, and to ensure that the expectations and goals of the City have been met and are clearly defined for both the Council and management in the coming year and years.
- c. Monthly financial and expenditure reports provided to Council on a timely basis.
- d. Direction to all City employees that a “whistleblower” policy exists for the City.
- e. Compliance with a well-defined purchasing policy of the City.
- f. An annual report of the departments of the City that outlines the activities of each department, including the risks, liabilities and any litigation involving the City.

Setting these minimal standards will ensure stability and continuity in operations.

COUNCIL/STAFF INTERACTIONS IN A COUNCIL-MANAGER GOVERNMENT:

Understanding the appropriate interactions between the City Council and City employees begins by understanding the governmental role of the parties. The City Council serves as the legislative (and in some circumstances judicial) arm of the City, while the City Manager is the executive responsible for day-to-day operations. The Council is responsible for appointment of the City Manager, but the City Manager, and not the Council, is responsible for all other employees of the City (except the City Attorney, Municipal Judge, and City Treasurer). It is important to remember that Council appointees work for the City and City Council as a whole, and not any single Councilmember.

Regardless of the above, for most cities, one of the most difficult issues to deal with between the City, the City Manager, and the City employees is the question of involvement of the City Council in personnel matters. State statute and our Charter specifically and clearly deal with this issue by providing that Councilmembers may not:

- A. direct or request the City Manager to appoint or remove officers or employees;
- B. participate in any manner in the appointment or removal of officers and employees of the City, except as provided by law;
- C. give orders on ordinary administrative matters to any subordinate of the City Manager, either publicly or privately.

Examples of behavior that violates personnel rules would include:

- A. Councilmembers directing office personnel to perform any duties on behalf of the Council member; if anything is needed from City employees, that request should be directed to the City Manager;

- B. Councilmembers should respect the chain of command at an emergency scene. Councilmembers may offer assistance by providing food, drinks, or assisting the Incident Commander in whatever way is appropriate;
- C. If Councilmembers have ideas for how work may be better performed, these should be communicated to the City Manager and not front-line staff.

In this form of government, the Council serves as a policymaking, legislative body and does not manage day-to-day operations. The Council serves an important and respected role in our community but is important that Council and Staff alike respect the boundaries created in our form of government.

In addition, Councilmembers should be aware that certain groups within the City are represented by state sanctioned unions. Various unions representing City employees may seek to influence Councilmembers in regards to pending negotiations, arbitrations, or other matters. It is important for Councilmembers to limit their participation in negotiations with the unions to a "formal" participation, wherein they would participate through the appropriate channels and not do so in private meetings or in informal circumstances. Informal meetings circumvent the goals set by the Council as a group and by management in its attempt to reach a conclusion. To allow one Councilmember to be informally involved in negotiations, and to have private meetings with the various unions without the knowledge or involvement of management or other Councilmembers, circumvents not only management's attempts to resolve the dispute but also undermines the authority of the Council as a whole. The best approach concerning these issues is to have a clear understanding by the Council as a whole and not have individual members handling matters on their own.

In order to preserve the integrity of the above rules and principals, the City Council shall follow the protocol listed below when communicating with City Staff:

- **City Manager** – as the Council's employee, contact may be made with the City Manager by any ordinary means: in person, via text, phone, email, etc.
- **Department Directors** – contact should be made for purposes of inquiry only. Our charter prohibits Councilmembers from providing direction to any City employee who reports to the City Manager.
 - The City Manager should be copied on all communications between Councilmembers and Staff. Written communication is preferred. If the communication occurred in person or via phone, the City Manager should be notified of the communication and its content immediately after it occurred.
- **Union Representatives** – Councilmembers should not meet or communicate with union representatives about city matters. If a Union Representative attempts to communicate with the Councilmember about city matters, then the Councilmember should notify the City Manager of the communication, its content, and who attempted the communication.
- **Other City Employees** – as a general rule, Councilmembers should not communicate directly with city employees below the rank of Director. If such communication occurs, the City Manager should be notified immediately after it occurred.

SUCCEEDING AS AN ELECTED OFFICIAL

Policy-Making: Public policy determines what services will be provided to the residents and the level of those services, what kinds of development will occur in the community, and what the community's future will be. Elected officials have public policy-making responsibilities. Because policies created affect everyone in the community in some way, the very best is demanded of public officials. Therefore, there are three major jobs elected officials have when creating policy:

1. Set a Goal

To create an effective policy, elected officials must set a strategic direction in which to proceed to achieve a specific goal or vision. Goals should be realistic, achievable, and in the public's best interest. Without a goal, it can be easy to lose sight and direction of the policy's purpose and importance to the community.

2. Achieve the goal

Adopt policies aimed at accomplishing the goals set in step 1. Policymaking requires measurement of the consequences of policy decisions against the community's vision, values, and goals. It can be difficult to determine what makes a "good" policy. The following qualities may assist in that determination:

- There is public support.
- The policy is fair and equitable and does not impose disproportional impacts on interest groups.
- Throughout the policy-making process, officials analyzed the impact a policy will have and measured the consequences of policy decisions against the community it affects.
- Officials maintained clear goals while considering a range of alternatives and assessed the impacts of alternatives.
- The policy is relevant and addresses an issue or problem that is generally perceived as significant to the community.
- The policy can be implemented, has a reasonable chance of working, and there are clear assignments for responsibilities for implementation.
- The results are monitored.

3. Monitor results

There is always a risk that policy decisions will not accomplish their intended goal or will have an unintended negative impact. To gauge effectiveness, monitoring results is necessary. One way to monitor the results of a policy is to get reports and updates on the policy. Good monitoring systems may provide early warning of failure and the opportunity to alter or abandon a policy before the policy negatively affects the public.

Fiduciary Duties: The public delegates governing authority to public officials to exercise discretion over the public treasury and to create laws that will affect their lives. The public official, once elected, appointed, or hired, is in a superior position to that of the individual citizen due to specialized governmental knowledge and the ability to advise, deliberate, and participate in the representative process. And finally, the public trusts that the public official will act in the public's best interest. Fiduciaries are under rigorous obligations that ensure compliance with their roles and responsibilities. Those obligations are:

1. The Duty of Obedience

The duty of obedience requires that elected officials comply with applicable laws and regulations, act in accordance with the City's policies, and carry out the City's mission to serve its constituents appropriately. Public officials should ensure that they carry out their intended purpose and not engage in unauthorized activities.

2. The Duty of Loyalty

Public officials have an absolute obligation to put the public's interest before their own direct or indirect personal interests. The public official breaches this obligation when he or she benefits at the public expense. Prohibited benefits can be financial (such as engaging in pay to play politics- or participating in decisions that favorably impact an official's business, property, or investments), career related (such as using public office and/or public resources to obtain future employment or political position), or personal (such as benefits to family members or close associates). Note if general ethical duties to family/friends conflict with duty to the public, the public duty must prevail.

3. The Duty of Care

The duty of care requires that the public official competently and faithfully execute the duties of the office. Under duty of care fall such obligations as the duty to manage assets competently and be good stewards of the public treasury, to use due diligence in the selection and supervision of staff, to follow the rules and to uphold the constitution and laws of the jurisdiction. Examples of breach of this duty include failure to attend meetings, failure to investigate, failure to engage in the deliberative process, and failure to vote.

COUNCIL CONDUCT WITH THE PUBLIC: IN PUBLIC MEETINGS

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

- Be welcoming to guests and provide them the courtesy of your attention when they speak.
- Councilmembers should actively listen to speakers. For many, the act of speaking to the Council is disconcerting, and the Council's actions can reassure or discourage them during their engagement.
- Personal attacks are never appropriate. Councilmembers (and staff) should treat each other, the public, and staff with courtesy and respect.

OPEN MEETING ACT SUMMARY

Meetings of public bodies are governed by the Oklahoma Open Meeting Act. **A violation of the Open Meeting Act can result in criminal charges against the individual Councilmember.** The Open Meeting Act has four areas that cause the most concern:

1. Defining Meeting: The Open Meeting Act defines a meeting as "the conducting of business of a public body by a majority of its members being personally together." As you can see by the definition, an informal get-together involving three Councilmembers can constitute a

"meeting." Further, to be considered a meeting, there is no requirement that there be a vote taken, so a violation can occur even if there is only discussion. A "meeting" may occur even through email or some other indirect means. It is even possible for a "meeting" to occur if one Councilmember discusses a topic with two other Councilmembers separately. However, a quorum of Councilmembers being present together does not constitute a meeting if no business is discussed (i.e. Chamber Gala, Boy Scout Patron Dinner, etc.)

2. Notice and Agenda: State law requires that an agenda be posted for any meeting that is to be held. If an item is not posted on an agenda, with the exception of new business that is discussed later, it should not be discussed or acted upon at a meeting of the Council. (If three of you meet informally and discuss City business, a violation of the Act occurs by the failure to post an agenda.)
3. Consent Agenda: A consent agenda is used by cities to allow approval, by one motion and vote, of a number of items that are considered routine. Staff will recommend those items that are included; any Councilmember who wants a vote on any individual item can remove the item from consent. Council can further discuss any item that was removed from the consent agenda. It is advisable for a Councilmember to notify the City Manager prior to the meeting if an item will be pulled. This will ensure that the appropriate City staff will be present to provide information on the item.
4. New Business: New business for purposes of the Open Meeting Act is defined as "any matter not known about or which could not have been reasonably foreseen prior to posting of the agenda." New business is only allowed during Regular Meetings and is not allowed at special or emergency meetings.

Based on the above definition, if an item arises under the New Business portion of the Council agenda, the first question by the Council should be whether that matter could have been placed on the agenda. If it could have and was not, it should not be discussed and no action should be taken; the matter should be placed on the next agenda so the public, not just those present at the meeting, will be on notice that the City may take some action in regard to that item. There is a mistaken assumption many times that New Business is a general catchall that can be used to discuss any item.

There is no requirement under the Open Meeting Act that the Council allow the public to appear at a meeting and discuss any item they want under the "New Business" portion of the agenda. The only purpose of the New Business portion is to allow the Council to discuss those matters that are not on the agenda because they could not have been placed on the agenda due to the time in which they arose.

Actions made in violation of the Oklahoma Open Meetings Act are invalid. Any person willfully violating the Open Meetings Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment.

EXECUTIVE SESSIONS

Executive sessions can only be held for certain specific reasons, such as to discuss pending litigation or claims, the purchase of property, union negotiations and the employment, hiring, appointment, promotion, demotion, discipline or resignation of an individual, salaried, public officer or employee.

Executive sessions cannot be used to discuss general personnel problems of the City or a department and cannot be held unless they are listed on the agenda. The Open Meeting Act also requires a specific listing of the type of matter being discussed in an executive session; therefore, executive sessions are limited to the specific item to be discussed. Other general City business cannot be discussed at that time. Any action taken as a result of an executive session must be voted on in public.

Executive sessions are intended as private, confidential meetings in which the private discussions cannot be disclosed by any of those present. The “City,” and not the individuals present, own that right to confidentiality, and only the “City,” by a vote of the elected officials, can agree to disclose the private discussion.

ATTENDANCE

Attendance at City Council meetings by members is addressed by statute (the City charter is silent). Any Councilmember who misses more than half of the regular and special meetings that occur within any four-month time period forfeits, as a matter of law, their office. There are no exceptions to the statutory requirement, no ability of the City to waive that requirement, and no action for removal that is required. The forfeiture occurs as a matter of law without any affirmative vote by the other members.

AGENDA CREATION

The agenda will be created by staff based on their knowledge of what business items need to be considered by the Council. The City Manager will consult with the Mayor prior to publishing the agenda.

Any Councilmember may add an item to the agenda by requesting that the City Manager add it.

PERSONAL LIABILITY

Councilmembers acting within their authority and without intent, or acting under advice of counsel, are granted several protections under law. However, Councilmembers acting inappropriately, and with knowledge of the facts, may be subject to personal liability including under 62 OK Stat § 62-372 which provides for penalties of triple the amount of the inappropriate transaction.

“...triple the amount of all such sums of money so paid, or triple the value of property so transferred, as a penalty, to be recovered at the suit of the proper officers of the state or such county, city, town or school district, or of any resident taxpayer thereof, pursuant to Section 373 of this title; provided, however, no action for personal liability shall lie against any such officer for a transaction approved in good-faith reliance on advice of legal counsel for the public entity...”

LEGAL PROTECTIONS

Councilmembers will be defended and indemnified by the City and its insurance carrier in the event that they are sued while acting within the scope of their duties. If a Councilmember is sued for actions taken outside of the scope of their duties or if a Councilmember is deemed to be willfully negligent in the execution of their duties, the City and its insurance carrier may deny defense and/or indemnification.

DRAFT

CONDUCT, ETHICS & CONFLICT OF INTEREST

One of the more dangerous and sensitive subjects involving Councilmembers is the question of conflict of interest. The topic is especially troublesome because the penalty for a Councilmember may be severe.

SUMMARY OF CONFLICT OF INTEREST AND STATUTES

In general, the conflict of interest statutes fall into four categories, as follows:

- A.** A general prohibition that precludes any City officer, employee, or family member of any officer or employee from doing any business of any type with the City. The violation of the statute is a misdemeanor, the contract or agreement entered into is void as a matter of law, and any member voting to approve the contract is personally liable for the amount of the transaction. These laws typically define the family member via degrees of consanguinity (blood) or affinity (marriage).

 - A first-degree relative is defined as a relative which includes the individual's parents, full siblings, or children and their spouses
 - A second-degree relative includes the individual's grandparents, grandchildren, aunts, uncles, nephews, nieces or half-siblings and their spouses
 - A third-degree relative is defined as a relative which includes the individual's first-cousins, great-grandparents or great grandchildren and their spouses
- B.** A series of statutes exist dealing with public trust that preclude the public trust from contracting with trust members or their families. If that conduct occurs, the trustee is removed as a matter of law and the contract is void. Further, the public trust statutes preclude bidding in certain instances by family members and again results in any contract approved, even after the bid, being void and the member who has a conflict being guilty of a felony.
- C.** There are public finance statutes that provide that no contract with a Councilmember or in which a member "directly or indirectly is interested" will be valid. The contract is treated as void. The purpose of the statute is to provide an additional safeguard concerning the expenditure of monies by public bodies in which individual Councilmembers are receiving some interest.
- D.** In addition to the above three conflict of interest statutes, there is also a criminal statute that provides that it is unlawful for any Councilmember to sell materials, supplies or other goods to the City. Any such contract is also void. All members voting yes are personally liable for the amount of the purchase; fines and criminal penalties are provided for.

Lastly, if you serve on the board of directors of a company doing business with the City, a conflict exists that will require you to recuse yourself from the discussion and voting on those business dealings.

Per the above statutes, the best approach in dealing with possible conflicts is to act with caution. The very basic summary of the rule is that the City cannot contract with any Councilmember or family of any Councilmember. This rule applies even if the Councilmember involved abstains/recuses and does not participate in the agreement.

The most likely situation is one in which there is not a direct conflict but some appearance of a conflict because of other business dealings or family members. In those instances, the potential conflict should be disclosed and investigated, and a decision made as to whether the potential conflict is an actual conflict.

The statutes that regulate Councilmembers fall into the following four categories:

1. COUNCILMEMBERS PROHIBITION FROM DOING BUSINESS WITH THE CITY

The following statute prohibits Councilmembers from doing business with the City (irrelevant sections of the statute are excluded):

11 Okla.Stat. §8-113 - Prohibited Conduct (Art. 16 Sec. 9 Municipal Charter)

- A.** Except as otherwise provided by this section, no municipal officer or employee, or any business in which the officer, employee, or spouse of the officer or employee has a proprietary interest, shall engage in:
 - 1. Selling, buying, or leasing property, real or personal, to or from the municipality;
 - 2. Contracting with the municipality; or
 - 3. Buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidence of indebtedness of the municipality.
- E.** For purposes of this section, "employee" means any person who is employed by a municipality more than ten (10) hours in a week for more than thirteen (13) consecutive weeks and who enters into, recommends or participates in the decision to enter into any transaction described in subsection A of this section. Any person who receives wages, reimbursement for expenses, or emoluments of any kind from a municipality, any spouse of the person, or any business in which the person or spouse has a proprietary interest shall not buy or otherwise become interested in the transfer of any surplus property of a municipality or a public trust of which the municipality is beneficiary unless the surplus property is offered for sale to the public after notice of the sale is published.
- F.** For purposes of this section, "proprietary interest" means ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage that constitutes a controlling interest but shall not include any interest held by a blind trust.
- G.** Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor. Any transaction entered into in violation of the provisions of this section is void. Any member of a governing body who approves any transaction in violation of the provisions of this section shall be held personally liable for the amount of the transaction.

- H. Notwithstanding the provisions of this section, any officer, director, or employee of a financial institution may serve on a board of a public body. Provided, the member shall abstain from voting on any matter relating to a transaction between or involving the financial institution in which they are associated and the public body in which they serve.

2. PUBLIC TRUST CONFLICTS STATUTE

The following statute applies to public trusts and limits the activity of trustees of those trusts:

60 Okla.Stat. §178.8 - Conflict of Interest - Transactions Exempt

- A. Except with regard to residents of a facility for aged persons operated by a public trust, who are trustees of the public trust operating the facility and who comprise less than a majority of the trustees, a conflict of interest shall be deemed to exist in any contractual relationship in which a trustee of a public trust, or any for-profit firm or corporation in which such trustee or any member of his or her immediate family is an officer, partner, principal stockholder, shall directly or indirectly buy or sell goods or services to, or otherwise contract with such trust. Upon a showing thereof, such trustee shall be subject to removal and such contract shall be deemed unenforceable as against such trust unless the records of such trust shall reflect that such trustee fully and publicly disclosed all such interest or interests, and unless such contractual relationship shall have been secured by competitive bidding following a public invitation to bid.

The following types of transactions are exempt from the aforementioned provisions of this section:

1. The making of any loan or advance of any funds to, or the purchase of any obligations issued by such public trust, in connection with the performance of any of its authorized purposes;
2. Any legal advertising required by law or indenture or determined necessary by the trustees of such public trust;
3. The performance by any bank, trust company or similar entity or any services as a depository; or
4. The sale of any public utility services to such public trust, in which the price of said services is regulated by law.

It shall be the duty of each public trust to compile a list of all conflicts of interest for which its trustees have made disclosure. It shall also be the duty of each trust to compile a list of all dealings between its trustees and the trust that involve the exempted transactions listed above. Such lists shall be compiled semiannually for periods ending June 30 and December 31 of each year. Such lists shall be compiled on forms prescribed by the Oklahoma Tax Commission and shall be matters of public record. Copies of such lists shall be filed with the Secretary of State by September 1 and March 1 of each year.

3. PUBLIC COMPETITIVE BIDDING ACT PROHIBITION FOR BIDDING

The following statute applies to contracts entered into pursuant to the Oklahoma Public Competitive Bidding Act:

61 Okla.Stat. §114 - Conflict of Interest

The chief administrative officer and members of the governing body of the awarding public agency authorizing or awarding or supervising the execution of a public construction contract, and their relatives within the third degree of consanguinity or affinity, are forbidden to be interested directly or indirectly through stock ownership, partnership interest or otherwise in any such contract. Contracts entered into in violation of this section shall be void. Persons willfully violating this section shall be guilty of a felony and shall be subject to removal from office.

4. CRIMINAL STATUTES

The following criminal statutes may apply to Councilmembers in certain circumstances (irrelevant sections of the statutes are excluded):

21 Okla.Stat. §355 - Furnishing Public Supplies for Consideration-Exceptions

- A. It shall be unlawful for any member of any board of county commissioners, City Council or other governing body of any city, board of trustees of any town, board of directors of any township, board of education of any city or school district, to furnish, for a consideration any material or supplies for the use of the county, city, town, township, or school district.
- C. It shall not be unlawful for any member of any board of county commissioners, City Council or other governing body of any city, board of trustees of any town, board of directors of any township, or board of education of any school district to vote to purchase materials or supplies from a business that employs a member of the governing body or employs the spouse of a member if the member or the spouse of a member has an interest in the business of five percent (5%) or less.

21 Okla.Stat. §344 - Personal Interest of Official in Transaction-Penalty

- A. Except as otherwise provided in this section, every public officer, being authorized to sell or lease any property, or make any contract in his or her official capacity, who voluntarily becomes interested individually in such sale, lease or contract, directly or indirectly, is guilty of a misdemeanor.
- B. The provisions of this section shall not apply to:
 - 1. Municipal officers who are subject to the provisions of Section 8-113 of Title 11 of the Oklahoma Statutes; and
 - 2. Conservation district board members participating in programs authorized by Section 3-2-106 of Title 27A of the Oklahoma Statutes.

Willful violation of these requirements is a felony, and contracts entered into in violation of these requirements shall be deemed void.

CODE OF ETHICS FOR ELECTED OFFICIALS (RESOLUTION 3226)

The following is the Code of Ethics for the City of Bartlesville. This Code was enacted to ensure that, over time, consistent rules are applied to those who may be elected. The Code of Ethics is in place, and has as its foundation, the principle that the governing body should enact rules for its conduct, and should be responsible to ensure that those rules are enforced.

1. Conflict of Interest

- a. An official or employee may not use his/her position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows, or has a reason to believe may result in personal or financial benefit, not shared with a substantial segment of the city's population, for any of the following persons or entities (no group of government employees may be considered "a substantial segment" for the purposes of this provision):
 1. himself or herself;
 2. a member of his or her household, including a domestic partner and his or her dependents, or the employer or business of any of these people;
 3. a sibling or step-sibling, step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner;
 4. an outside employer or business of his or hers, or of his or her spouse or domestic partner;
 5. a customer or client;
 6. a person or entity from whom the official or employee has received an election campaign contribution of more than \$200 in the aggregate during the past election cycle (this amount includes contributions from a person's immediate family or business);
 7. a substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner; or
 8. a nongovernmental civic group, union, social, charitable, or religious organization of which he or she (or his or her spouse or domestic partner) is an officer, director or board member.
- b. It is a violation of this code for an official or employee to, within two years of entering city employment or service, award a contract or participate in a matter benefiting a person or entity that formerly employed him or her.

2. Legislators Employed by City

A member of the legislative body has a conflict of interest with respect to any labor contract to which he or she, or a member of his or her household, may be a party, and with respect to an appropriation to any City department or agency through which he or she, or a member of his or her household, is employed.

3. Recusal from Participation

- a. An official or employee must refrain from acting on or discussing, formally or informally, a matter before the city, if acting on the matter, or failing to act on the matter, may personally or financially benefit any of the persons or entities listed in subsection 1 of this section.
- b. An official or employee must refrain from acting or discussing, formally or informally, a matter involving a person who appointed or recommended him or her for that position, if he or she is aware of such appointment or recommendation.
- c. A board or agency member must decide whether to recuse him or herself if he or she is requested to recuse from participation in a matter for the reason that he or she has a conflict of interest, by:
 1. another member,
 2. a party to the current matter, or
 3. anyone else who may be affected by a decision relating to this matter.
- d. Recusal at a meeting requires a public announcement, to be made on the record and reflected in the minutes, including the reason for recusal if the reason is set forth in this section. The recusal should be marked as a “recusal” in the minutes.
- e. Rule of Necessity: If recusal would leave a board with less than a quorum capable of acting, members must disclose their conflicts on the public record to be reflected in the minutes, but they may then vote. If an official or employee is the only person authorized by law to act, the official or employee must disclose the nature and circumstances of the conflict.

4. Gifts

The Code states that no official or employee may solicit or accept (directly or indirectly) anything of value that could reasonably be expected to influence a vote, official or employee action, or judgment or be considered a reward for any official or employee action or inaction.

5. Preferential Treatment

An official or employee may not, directly or indirectly, in a positive or negative sense, treat anyone, including himself and his family, preferentially. That is, in any way other than in a manner generally accorded to city residents.

6. Confidential Information

An official or employee, a former official or employee, a contractor or a consultant may not use confidential information, obtained formally or informally as part of his or her work for the City or due to his or her position with the City, to further his or her own or any other person or entity's personal or financial interests.

7. Political Activities

An official or employee, or municipal candidate may not knowingly request, or authorize anyone else to request, that any subordinate or potential future subordinate participate in an election campaign or make a political contribution. Nor may he or she engage in any political activity while on duty for the City, with the use of city funds, supplies, vehicles, or facilities, or during any period of time during which he or she is normally expected to perform services for the City, for which compensation is paid.

(Note that this code does not restrict voluntary political contributions or political activity by any official or employee or employee.)

8. Patronage

No official or employee may promise an appointment or the use of his or her influence to obtain an appointment to any position as a reward for any political activity or contribution.

9. Falsely Impugning Reputation

An official or employee may not falsely impugn the reputation of a city resident. If an official or employee believes his or her accusation to be true, and then learns that it was false, even in part, he or she should apologize in the same forum the accusations were made. A failure to so apologize within a reasonable period of time after learning of the falseness of the accusations will create the presumption that the conduct was fully intentional.

10. Honesty in Applications for Positions

No person seeking to become an official or employee or consultant or contractor may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or service for the City.

11. Whistle-Blower Protection.

Neither the City nor any person, including an official or employee, may take or threaten to take, directly or indirectly, official or employee or personal action, including but not limited to discharge, discipline, personal attack, harassment, intimidation, or change in job, salary, or responsibilities, against any official or employee, employee, or other person (or against any member of their family) because that person, or a person acting on his or her behalf, reports, verbally or in writing regarding an alleged violation of this code. The provisions of this section are not applicable when the complainant, witness, or reporter of a violation made accusations or other statements that were malicious and false. A violation of this section is a violation of this code.

COUNCIL MEETING RULES OF CONDUCT (RESOLUTION 3661)

The following is the Rules of Conduct and Meeting Format for the City of Bartlesville. Similar to the Code of Ethics, this Code was enacted to ensure that, over time, consistent rules are applied to those who may be elected. In addition, these rules are established to ensure that Council meetings are conducted in an orderly, professional manner.

Section 1. Format of Meeting

- A. The Chairman/Mayor shall preserve order and decorum at Council meetings.
- B. Council meetings will be televised unless held in a location without normally available technical support, or in a workshop meeting where no action is planned.
- C. Public comment, titled "Citizens to be Heard", will be received at all Council meetings excepting where the Council is the subordinate meeting.
 - 1. Public comment shall be limited to citizens of Bartlesville or those residing within 10 miles of Bartlesville City Hall.
 - 2. Individuals who wish to address the Council shall sign in prior to the start of the meeting, indicating their name and residential address.
 - 3. Public comment will be received prior to the first agenda action item.
 - 4. Each individual wishing to make public comment will be limited to three (3) minutes for their presentation, with a total of fifteen (15) minutes for the entire public comment portion unless extended by the Mayor or a majority of the Council.
 - 5. When called upon by the Chairman/Mayor, individuals will come forward to the podium and state their name. Time permitting, persons who did not sign in will be recognized after everyone who has signed in has spoken and will state their name and residential address.
- D. The Mayor or a majority of the Council may open up a specific agenda item for public comment. The public comment will be limited to five (5) total minutes unless extended by the Mayor or a majority of the council and will be specific to the specific agenda item.
 - 1. Public comment shall be limited to citizens of Bartlesville or those residing within 10 miles of Bartlesville City Hall.
 - 2. When called upon by the Chairman/Mayor, individuals will come forward to the podium and state their name and residential address.
- E. Any person, during the course of a Council meeting, who engages in behavior that disrupts the meeting or speaker will be asked to leave by the Chairman/Mayor. If said person refuses to leave, they may be subject to removal.

Section 2. Rules of Order

- A. All council meetings will be managed by "Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21's Century". In case of any conflict, Section 1 of this resolution will take precedence. See attached Rules of Order.
- B. Council members will recuse themselves from any agenda item for conflicts of interest as defined in the city's Ethics Policy.
- C. All votes will be tallied in accordance with the Oklahoma Open Meetings Act.
- D. No council action will be nullified by any unintentional parliamentary or format violation or oversight.

MEETING SIGN-IN SAMPLE

WELCOME:

In accordance with State law, tonight’s meeting of the City Council is a business meeting in which the Council will consider only the specific items listed on the agenda. The agenda items are proposed by Council and staff as pending issues necessary for the City. Citizen input is allowed regarding any agenda item at the beginning of the meeting during “Citizens to be Heard.” By Council policy, citizens must sign in, comments are limited to three minutes with a total for all speakers of 15 minutes, should be directed to the Mayor, and should be presented in a civil and business-like manner that shows respect to your fellow citizens. Due to State law, this is a chance for you to be heard by the Council, but the Council cannot engage in a discussion with citizens during this portion of the meeting. If you will leave your phone number or email, Council or staff will respond to any questions you may have.

This meeting, as are other meetings of the City, is governed by rules of conduct and a Code of Ethics approved by the City Council. That Code requires that the members of the City Council continue the long tradition in our City of civility during meetings, proper conduct toward each other, staff and the public, and open discussion of issues without personal attack or animosity. The Council expectations regarding civility apply to all employees of the City and to the public.

We look forward to your input and a productive meeting.

**PLEASE SIGN-IN ONLY
IF YOU WISH TO SPEAK DURING THE CITIZENS TO BE HEARD AGENDA ITEM**

Name	Address	Email (optional)	Phone (optional)

OVERVIEW OF ROLES & RESPONSIBILITIES

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Oklahoma State Statutes, City Charter and Code of Ordinances, and the Municipal Handbook from the Oklahoma Municipal League.

MAYOR

- Acts as the official head of the City for all ceremonial purposes and military law.
- Chairs Council meetings.
- Selects substitute for City representation when Mayor cannot attend.
- Makes judgment calls on proclamations.
- Leads the Council into an effective, cohesive working team.
- Signs documents on behalf of the City.
- Acts as the primary point of contact between the City Manager and City Council as defined in City Manager's contract.

VICE MAYOR

- Performs the duties of the Mayor if the Mayor is absent or disabled.
- Chairs Council meetings at the request of the Mayor.
- Represents the City at ceremonial functions at the request of the Mayor.

COUNCILMEMBERS

- All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes.
- No Councilmember has more power than any other Councilmember, and all should be treated with equal respect.

RESPONSIBILITY OF ALL COUNCILMEMBERS

- Fully participate in Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others, including the public, other Councilmembers, and employees of the City.
- Prepare in advance of meetings and be familiar with issues on the agenda.
- Represent the City at ceremonial functions at the request of the Mayor.
- Be respectful of other people's time.
- Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in our government.
- Provide contact information with the administration in case an emergency or an urgent situation arises.
- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities to increase team effectiveness.
- Review Council procedures, such as this Council Handbook.

MEETING CHAIR

The Mayor will chair official meetings of the City Council, unless the Vice Mayor or another Councilmember is designated as chair of a specific meeting.

The Chair shall:

- Maintain order, decorum, and the fair and equitable treatment of all speakers.
- Keep discussion and questions focused on specific agenda items under consideration. Make parliamentary rulings with advice, if requested, from the City Attorney, who shall act as an advisory parliamentarian.

POLICY ROLE OF THE CITY COUNCIL

Councilmembers shall respect and adhere to the structure of the City government as outlined by Oklahoma Statutes and City Charter. The Councilmembers' roles are defined by these sources and shall not interfere in those areas of operation that are the responsibility of others. Except when specifically allowed by statute, Councilmembers should not interfere with the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

POLICIES & PROTOCOL RELATED TO CONDUCT

- A. Ceremonial Events:** Requests for a City representative at ceremonial events will be coordinated by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Councilmember should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Councilmembers at their homes are presumed to be for unofficial, personal consideration.
- B. Correspondence Signatures:** City staff will assist, through the management of the City, in the preparation of any official correspondence needed by the Council. Councilmembers should be aware that all correspondence, including email and text, generated by them in their official capacity may be subject to the Open Records Act and, as such, will be a public record subject to inspection by any member of the public.
- C. Endorsement of Candidates:** Councilmembers have the right to endorse candidates for all Council seats or other elected offices. However, it is inappropriate to mention endorsements during Council meetings or other official City meetings.
- D. Public Meeting Hearing Protocol:**
 - a. The applicant or appellant shall have the right to speak first. The chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The applicant or appellant will be allowed to make closing comments. The chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly. After the close of a public hearing, no more public testimony will be accepted unless the chair reopens the public hearing.

- b. Councilmembers should not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Councilmembers are not appropriate until after the close of the public hearing. Councilmembers should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

E. Travel Expenses: All Council travel, in which the Councilmember expects to officially represent the City and/or be reimbursed by the City for travel costs, must be approved in accordance with the City's travel and expense reimbursement policy and included in the City Council budget.

F. Proclamations: Proclamations are ceremonial documents issued at the discretion of the Mayor. They provide an opportunity for the Council to recognize exceptional events, organizations, and people and to increase public awareness of issues having community-wide significance to the City of Bartlesville. Proclamations will be issued in accordance with the attached Proclamation Guidelines.

COUNCILMEMBER CONDUCT WITH ONE ANOTHER

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of our community. In all cases, this common goal should be acknowledged even as the Council may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS

- A.** Disagreement is expected and welcome in a healthy debate but belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments are counterproductive and by this policy, not permitted in public meetings.
- B.** It is the responsibility of the chair to keep the comments of Councilmembers on track during public meetings. Councilmembers should honor efforts by the chair to focus discussion on current agenda items. Any disagreements about procedure may be resolved by following procedures outlined in our parliamentary procedure.
- C.** Councilmembers should avoid remarks that may be deemed offensive. If a Councilmember is offended by the words of another Councilmember, the offended Councilmember may call for a point of order at an appropriate time, explain their concern, and request corrective action from the offending Councilmember.
- D.** Councilmembers have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

- A. Be aware of the insecurity of written notes, voicemail messages, texts, and email. Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voice mail messages, text messages, and emails should be treated as potentially "public" communication.
- B. Elected officials are always on display and as such must always be aware that private conversations may be remarked by others. Elected official's actions, mannerisms, and language are monitored by people around them who they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

COUNCIL CONDUCT WITH CITY STAFF

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

- A. **Treat All Staff as Professionals:** Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected.
- B. **Limit Contact to Specific City Staff:** Questions of City staff and/or requests for additional background information should be directed through the City Manager. Materials supplied to a Councilmember in response to a request will be made available to all members of the Council, so that all have equal access to information.
- C. **Never Publicly Criticize an Individual Employee:** Councilmembers should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's supervisor(s). Comments about staff performance should only be made through the City Manager via private correspondence or conversation.
 - a. Councilmembers should only be involved in administrative duties that relate to their service on committees established by the Council and those involving Council agenda items in which management is presenting the item to the Council for consideration.
 - b. Councilmembers should not unduly influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits, except to the extent those items involve Council agenda items or items presented to Council committees.
- D. Council requests for additional staff support, even in high priority or emergency situations, should be made through the City Manager, who is responsible for allocating City resources in order to maintain a professional, well-run city government.

COUNCIL ACCESS AND USE OF PUBLIC FACILITIES AND EQUIPMENT

The Council acknowledges that the powers bestowed on Council by state law are granted to the Council as a whole, and not to individual Councilmembers. As such, the powers granted to Council are only exercised in public meetings in compliance with the Oklahoma Open Meeting Act.

Councilmember use of any City equipment or facilities must be authorized and provided through the proper channels and shall be made in accordance with the policies of the City.

COUNCIL CONDUCT WITH THE PUBLIC: IN UNOFFICIAL SETTINGS

- A.** Councilmembers will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to share what the Councilmember knows and to refer to City staff for further information. Individual Councilmembers should refrain from making promises on behalf of the Council or City staff (repair a street, solve a drainage problem, install street signs, etc.).
- B.** It is acceptable to disagree publicly about an issue, but Councilmembers should refrain from criticizing other Councilmembers or staff.
- C.** Councilmembers are constantly being observed by members of the community every day they serve in office. Their behaviors and comments serve as models for proper deportment in the city. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

COUNCILMEMBER CONDUCT WITH OTHER PUBLIC AGENCIES

- A. Be Clear About Representing the City or Personal Interests:** If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember must clearly state:
 - a.** Whether his or her statement reflects personal opinion or is the official stance of the City.
 - b.** Whether this is the majority or minority opinion of the Council. If the Councilmember is representing the City, the member must support and advocate the official City position on an issue, not a personal viewpoint.
 - c.** If the Councilmember is representing another organization whose position is different from the City, the member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

- B. Correspondence Also Should Be Equally Clear About Representation:** City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the City Manager for filing as part of the permanent public record.

COUNCILMEMBER CONDUCT WITH BOARDS AND COMMISSIONS

The City has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards and commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- A. If Attending a Board or Commission Meeting to Which You Are Not Appointed, Be Careful to Only Express Personal Opinions:** Councilmembers may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer - could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.
- B. Limit Contact with Board and Commission Members to Questions of Clarification:** It is acceptable for Councilmembers to contact board or commission members in order to clarify a position taken by the board or commission, but it would not be acceptable for a Councilmember to lobby or attempt to unduly influence members of that board.
- C. Remember That Boards and Commissions Serve the Community:** The City Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council. However, board and commission members do not report to individual Councilmembers.
- D. Keep Political Support Away from Public Forums:** Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for office, but not in an official forum in their capacity as a Councilmember.
- E. Inappropriate Behavior May Result in Consequences:** Inappropriate behavior by a board or commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council for appropriate action.

COUNCIL CONDUCT WITH THE MEDIA

Councilmembers are frequently contacted by the media for background and quotes.

- A. The Best Advice for Dealing with The Media is to Never Go "Off the Record":** Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. However, one bad experience can be catastrophic. Remember, words that are not said cannot be quoted.

- B. The City Employs a Professional Media Relations Officer:** The City's official position will be coordinated by the City's management staff. Typically, the Mayor or Director closest to the situation will provide any comment necessary, but other Councilmembers with special knowledge of a situation may be asked by management to comment as well.
- C. Choose Words Carefully and Cautiously:** Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

SANCTIONS

- A. Public Disruption:** Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting, removed from the Council chambers, and/or have public comment rights suspended for future meetings.
- B. Inappropriate Staff Behavior:** Councilmembers should refer to the administration any City staff who do not follow proper conduct in their dealings with Councilmembers, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions.
- C. Councilmembers Behavior and Conduct:** City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded by the Council, formally censured by the Council, or lose seniority and/or committee assignments. Serious infractions of the Code of Ethics, the Code of Conduct, or other items included in this handbook could lead to other sanctions as deemed appropriate by the Council.

Councilmembers should point out to the offending Councilmember infractions of the Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought to the full Council in a public meeting.

If the violation of the Code of Conduct is outside of the observed behaviors by the Mayor or Councilmembers, the alleged violation should be referred to the Mayor. The City Council should ask the appropriate staff member to investigate the allegation and report the findings to the City Council. It is the City Council's responsibility to take the next appropriate action. These actions can include, but are not limited to discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as, to recommend sanction options for Council consideration.

City staff shall provide a copy of the Council Code of Ethics to the members of all City boards and commissions to ensure they are familiar with the guidelines established by the City Council.

Additional ethical restrictions, based on state law, apply to any financial conflict of interest issue that may arise, and those issues should be addressed on an individual basis as they arise.

MONETARY AND NON-MONETARY BONUSES

When the season of giving is upon us, it is within the human spirit to give. While not limited to the holiday season, this is often the time of year municipalities might want to give employees and elected officials a Christmas bonus or perhaps a turkey or ham. Although the intent is good, it can cause confusion for City employees and members of the governing body. OK Const. Article 10 §14 states that “Except as otherwise provided by this section, taxes shall be levied and collected by general laws, and for public purposes only, et al.” Basically, this prohibits gifts or donations of public funds directly by the payment of money, including providing free rent, utilities, or other services, or indirectly by lending public equipment or the labor of public employees when the primary benefit goes to a private corporation, association, or individual.

Oklahoma State Laws have strict regulations about changing an elected official’s salary while he/she is in office, but what about giving a turkey or a ham? It seems harmless, but if the turkey or ham was purchased with public funds, it could be considered an emolument (fringe benefit). Laws in Oklahoma prohibit an elected or appointed official’s salary or emolument to be changed after his or her election and/or appointment. Municipal employees may receive a Christmas bonus or a turkey/ham as compensation, but this is a matter of policy.

It is important to consult with your city attorney when implementing a policy for the expenditure of public funds. Relying and acting upon the advice of your municipal attorney offers a measure of protection that otherwise you would not have if you act without consultation.

PROCLAMATION GUIDELINES

Proclamations are ceremonial documents issued at the discretion of the Mayor. They provide an opportunity for the Council to recognize exceptional events, organizations, and people and to increase public awareness of issues having community-wide significance to the City of Bartlesville.

Proclamations are issued for:

- Public awareness
- Charitable fundraising campaigns
- Arts and cultural celebrations
- Special honors

Proclamations will not be issued for:

- Matters involving political controversy, ideological or religious beliefs, or individual conviction
- Events or organizations with no direct relationship to the City of Bartlesville
- Campaigns or events contrary to City policies

Other:

- The Mayor reserves the right to modify or deny any proclamation request.
- More than one cause can be proclaimed simultaneously.

- An organization does not have exclusive rights to the day, week or month.
- Proclamations should reflect inclusiveness, not exclusiveness, and recognize that the strength of our democracy is our diversity.
- The issuance of any proclamation does not indicate mayoral endorsement of the event or the consent of the event being proclaimed only that it is the mayor's judgement that the proclamation falls within this policy.
- Proclamations are not typically issued for individuals. Depending on the occasion or event, a letter may be provided.

Who can make a proclamation request?

- Request must be made by a Bartlesville resident or other person affiliated with a Bartlesville business or organization.

How should a proclamation request be made?

- All requests must be made in writing. Request can be mailed, e-mailed, faxed or hand-delivered. If mailed, emailed, or faxed, please call to verify receipt by our office.
- Requests should be made at least 10 business days in advance of the date the document is needed. Please include:
 - Contact person's first and last name, address, and telephone number.
 - A brief summary and/or background of the event or organization.
 - The name and date (s) of the day, week, month or event to be proclaimed.
 - A date when the proclamation is needed

Direct proclamation requests to:

Office of the Mayor
Attn: Executive Assistant City of Bartlesville
401 S. Johnstone
Bartlesville, OK 74003
Ph: 918-338-4282
Email: rebanes@cityofbartlesville.org

EXAMPLE SOCIAL MEDIA IMPRESSUM

The following statement will be used on all official City social media, particularly Facebook, so we can confidently hide or delete comments. It is also advised that Councilmembers add this to any official social media site that they use to communicate with the public.

Social media comment policy

Comments posted to this page will be monitored. The City of Bartlesville reserves the right to hide or remove comments, including those that have obscene language or sexual content, threaten or defame any person or organization, violate the legal ownership interest of another party, support or oppose political candidates or ballot propositions, promote illegal activity, promote commercial services or products, promote individual causes, websites or social media sites or are not topically related to the particular posting.

DRAFT

CONFIDENTIALITY AGREEMENT FOR EXECUTIVE SESSION

The agreement below is a sample agreement that will be utilized for all executive sessions. This agreement will help to protect all parties.

This Confidentiality Agreement between the parties signing below establishes that all information discussed, heard or read in the City Council Executive Session on _____, will not be released, copied, discussed or shared in any manner with any individual other than City Councilmembers present in the Executive Session, members of City staff present during the Executive Session, and other persons authorized by the City Council to be present in the Executive Session. Breach of this Confidentiality Agreement may result in personal liability and potential violation of the Oklahoma Open Meeting Act.

I have read the above statement regarding confidentiality and agree to abide by it to the best of my ability.

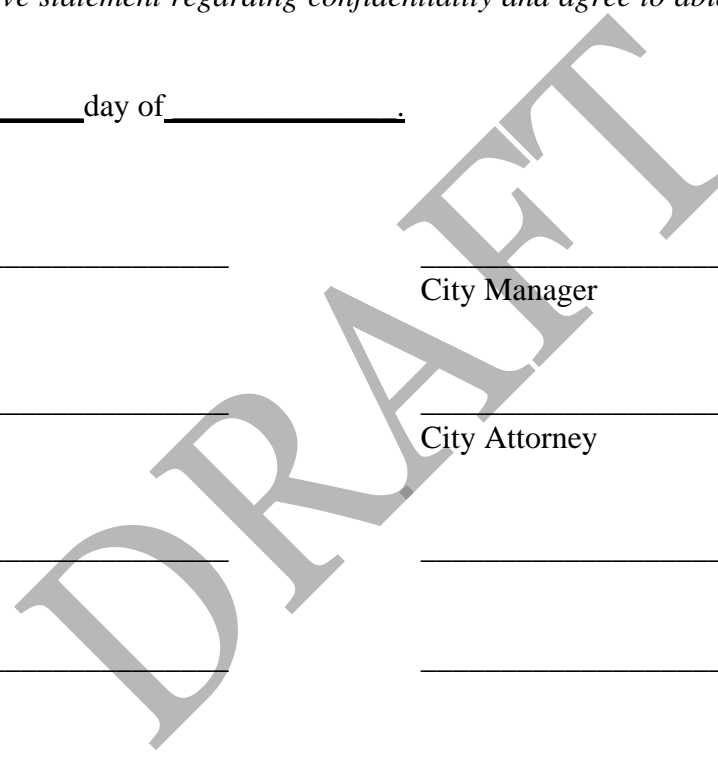
Signed on this _____ day of _____.

Mayor

City Manager

Vice Mayor

City Attorney



CITY COUNCIL DISCLOSURE OF INTEREST FORM

The following sample form must be signed by all Councilmembers so that conflicts of interest can be evaluated and violations may be avoided.

The undersigned, in accordance with City Ordinance and State Law, hereby discloses the following Conflict of Interest:

- A. I have an interest in following issue that is pending:
- B. My conflict exists because of the following:
- C. Does the transaction involve any of the following:
 - a. Selling, buying, or leasing property, real or personal, to or from the municipality;
 - b. Contracting with the municipality; or
 - c. Buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidence of indebtedness of the municipality.

If yes, AND you or an immediate family member are engaging in that activity, the action is illegal. If your interest is in a company doing business with the City and your interests consists of a "proprietary interest" or ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage that constitutes a controlling interest, the transaction is illegal. Does this section apply to your transaction? YES / NO

- D. Competitive Bidding. Is the contract for a construction project involving more than \$50,000? If yes, you are forbidden to be interested directly or indirectly through stock ownership, partnership interest or otherwise in any such contract. Does this section apply to your transaction? YES / NO
- E. I have an interest in an issue that will appear on a City Council agenda, as follows:
 - a. I understand that because my interest is a personal or family interest in which I have a financial risk in the outcome of the vote, I am precluded from voting on this issue. I understand I can present factual information to the board as a member of the public could, and understand that even though I am not legally required to leave the room during the Council's discussion of this matter, that I have been advised I should do so. Does this section apply to your transaction?
YES / NO
 - b. I or a family member has an interest in an issue appearing before Council. I do not have any direct or indirect financial interest in the outcome of the vote, and am making this disclosure to avoid any allegation that I had an inappropriate conflict of interest. Does this section apply to your transaction?
YES / NO

Dated this _____ day of _____, 20__

Signature

City Clerk

City Attorney

UNDERSTANDING MUNICIPAL TRUSTS AND AUTHORITIES

Oklahoma law allows for the creation of a public trust for limited purposes. In doing so, the City gains some advantages in the ability to finance projects and some other differences in how it can conduct its business. The greatest advantage is the ability to sell revenue bonds to finance construction of public utilities or other projects that can be funded by the revenue that is created. The revenue bonds can be approved and sold by a vote of the Trustees of the Trust and do not require a vote of the people, as do general obligation bonds that are used by the City to finance projects.

Many trusts in Oklahoma have been created to allow that flexibility. The trust is a separate, legal entity and therefore, is required to have separate meetings and separate agendas for its meetings. The Trustees of the Trust are designated by the trust documents and many times will be elected officials of the City. Although we sometimes refer to the two entities as the same, they really are not. Each entity has its own budget, has its own financial structure, and does business in specific areas without mingling its financial affairs with the other entity. All of the Open Meeting and Open Record restrictions that apply to the City will apply to the trust. The Trust Indenture should be reviewed to determine the specific powers of the trustees of the trust that governs its operations.

PUBLIC TRUSTS.

State law allows “public trusts” to be created to carry out projects that otherwise could not be conducted by the City. The primary purpose of a public trust is to create more flexibility in financial transactions that the City is able to use in operations, primarily because of constitutional limitations. The trust will qualify as a public trust only if the trust has a purpose that is public in nature and the City has agreed to be the beneficiary of the trust. Public trusts are also subject to the Open Meetings Act and many of the regulations that govern the City. The City has formed the following trusts:

Bartlesville Municipal Authority (BMA) – The Bartlesville Municipal Authority was created originally to finance projects and developments for the City’s water and wastewater utilities. The Authority’s purpose was expanded to include financing of certain street projects. The governing body of the Authority is the same as the City Council. City staff provides staff support.

Bartlesville Education Authority (BEA) – The Bartlesville Education Authority was created to assist the Bartlesville Public School District with financing and construction of a ninth grade center at the Bartlesville High School and the renovation of Central Middle School. The governing body of the Authority is the same as the City Council. City staff provides staff support. All professional costs (audit, accounting, etc.) are paid by Bartlesville Public Schools.

Bartlesville Development Authority (BDA) – The Bartlesville Development Authority was originally created to finance certain facilities for the purpose of promoting economic development in the City of Bartlesville and surrounding areas. Currently, the operations of the City’s economic development program are operated through this trust. It is comprised of a five-member board of directors. The BDA employs professional staff.

Bartlesville Redevelopment Trust Authority (BRTA) – The Bartlesville Redevelopment Trust Authority (formerly known as the Bartlesville Downtown Trust Authority) was originally created to finance, develop, redevelop, restore, and beautify the downtown Bartlesville area. It also now oversees the program plans for TIFs 1 and 2. The Board of Trustees consists of six members appointed by the City Council and one City Councilmember. The BRTA employs professional staff.

Bartlesville Community Center Trust Authority (BCCTA) – The Bartlesville Community Center Trust Authority was created to develop, finance, and operate the Bartlesville Community Center for cultural and recreational activities for the citizens of Bartlesville and surrounding areas. The Board of Trustees consists of eight members that are appointed by the City Council and one City Councilmember. The BCCTA employs professional staff.

Bartlesville History Museum Trust Authority (BHMTA) – The Bartlesville History Museum Trust Authority was created to establish, improve, maintain, administer, and operate facilities for use as a history museum. The Board of Trustees consists of eight members appointed by the City Council and one City Councilmember. City staff provides staff support.

Bartlesville Library Trust Authority (BLTA) – The Bartlesville Library Trust Authority was created to encourage, finance, and promote the Bartlesville Public Library. The City Council appoints all of the members of the Board of Trustees. City staff provides staff support.

Bartlesville Adult Center Trust Authority (BACTA) – The Bartlesville Adult Center Trust Authority was created to encourage, finance, and promote cultural and recreational activities for the older citizens of Bartlesville. The Board of Trustees consists of six members that are appointed by the City Council. Volunteers provide all staff support.

PUBLIC TRUST CONFLICTS STATUTE

The following statute applies to public trusts and limits the activity of trustees of those trusts:

60 Okla.Stat. §178.8 - Conflict of Interest - Transactions Exempt

- A.** Except with regard to residents of a facility for aged persons operated by a public trust, who are trustees of the public trust operating the facility and who comprise less than a majority of the trustees, a conflict of interest shall be deemed to exist in any contractual relationship in which a trustee of a public trust, or any for-profit firm or corporation in which such trustee or any member of his or her immediate family is an officer, partner, principal stockholder, shall directly or indirectly buy or sell goods or services to, or otherwise contract with such trust. Upon a showing, thereof, such trustee shall be subject to removal and such contract shall be deemed unenforceable as against such trust unless the records of such trust shall reflect that such trustee fully and publicly disclosed all such interest or interests, and unless such contractual relationship shall have been secured by competitive bidding following a public invitation to bid.

The following types of transactions are exempt from the aforementioned provisions of this section:

1. The making of any loan or advance of any funds to, or the purchase of any obligations issued by, such public trust in connection with the performance of any of its authorized purposes;
2. Any legal advertising required by law or indenture or determined necessary by the trustees of such public trust;
3. The performance by any bank, trust company or similar entity or any services as a depository; or
4. The sale of any public utility services to such public trust, in which the price of said services is regulated by law.

It shall be the duty of each public trust to compile a list of all conflicts of interest for which its trustees have made disclosure. It shall also be the duty of each trust to compile a list of all dealings between its trustees and the trust that involve the exempted transactions listed above. Such lists shall be compiled semiannually for periods ending June 30 and December 31 of each year. Such lists shall be compiled on forms prescribed by the Oklahoma Tax Commission and shall be matters of public record. Copies of such lists shall be filed with the Secretary of State by September 1 and March 1 of each year.

Contracts entered into in violation of these provisions can be deemed unenforceable, and the penalty can include removal from office.

BEST PRACTICES FOR ELECTED OFFICIALS

BUILDING STABILITY

Our goals should be the same for the Mayor, elected Councilmember, and City employees — that we want the following things in our City government:

- A. **Stability:** Everyone we deal with needs our government to be stable, meaning predictable, reliable, and consistent in how we do business.
- B. **Fulfilling:** Our City government experience should be fulfilling for everyone involved, from the highest ranking to the lowest ranking person associated with our government. We get there by accomplishing well-defined, positive goals, and by leaving it better than we found it.
- C. **Enjoyable:** We deal with difficult issues sometimes, but the experience of working to make our government better should be enjoyable for everyone involved.

The more stable our City is, the more fulfilling and enjoyable our service will be. The following stability test was created as a way to measure how our City is doing. The 10 categories used were chosen based on input from a number of municipal officials, with the idea that we should identify the broad areas that should be measured to determine how well our communities are functioning. This test will be completed annually to identify areas for improvement and to measure how we have improved year to year.

- 1. Financial Stability:** Do you have enough money to operate?
 - a. Create a written policy that establishes financial goals for the city, approved by Council resolution that gives clear direction to staff.
 - b. Determine an appropriate reserve policy with realistic goals.
 - c. Present clear, simple, monthly reports to elected officials.
- 2. Governing Body Stability:** How stable is your governing body?
 - a. Hold an annual training, including training to staff and elected officials about meeting protocol.
 - b. Plan to hold an annual retreat to set goals.
 - c. Have a code of ethics for elected officials.
 - d. Have a best practices resolution for oversight.
 - e. Be professional.
- 3. Meetings:** How productive are your meetings?
 - a. They should, first and foremost, be conducted as business meetings.
 - b. Have respect for fellow elected officials.
 - c. Have and abide by clear meeting rules.
 - d. Include a good balance of public input limited to agenda topics.
 - e. Attend meetings in other cities and learn from them.

4. **Employees:** How good is your workforce?
 - a. How do you instill pride in their work?
 - b. Improve uniforms and appearance with employee help.
 - c. Provide a good salary and benefits.
 - d. Create a sense of being a part of the team that works toward a common goal.
 - e. Show appreciation to your employees.

5. **Public Image:** What does the public think of your City?
 - a. Having good, professional meetings will help.
 - b. Emphasize what you do well.
 - c. What do your City properties look like?
 - d. What does your City equipment look like?
 - e. Do you show appreciation to vendors?
 - f. Do you pay on time?

6. **Crisis Management:** How do you handle a crisis?
 - a. Understand everyone's role.
 - b. Understand operations before an event.
 - c. Have elected officials tour emergency management facilities and understand who is in charge.

7. **Economic Development:** Are you involved in economic development?
 - a. Have you set goals for economic development?
 - b. Does the city own land for development?
 - c. Do you have an economic development director or contract?

8. **Planning & Goal Setting:** How well do you plan and set goals for city projects?
 - a. Hold an annual or regular goal-setting meeting with written results.
 - b. Have short term and long term planning.
 - c. Have clear communication, including action steps.

9. **Administration:** How stable has your upper management been?
 - a. Identify the strengths and weaknesses of a good working relationship.
 - b. Communicate about expectations.
 - c. Build and maintain trust between the elected officials and the administration.

10. **Communication:** How well do you communicate?
 - a. Create a communications system that is agreed to, that may include:
 - i. Monthly or weekly reports
 - ii. Annual reports
 - iii. City newsletter
 - iv. Employee newsletter
 - v. Email of important events
 - b. If possible, have Council committees.
 - c. The City Manager should have some informal time with elected officials.

If you can find stability in these 10 areas, your City will operate more efficiently and achieve greater success throughout the years.

I. SUBJECT, ATTACHMENTS, AND BACKGROUND

Presentation and possible action on Best Practices Resolution.

Attachments:

Best Practices Resolution

II. STAFF COMMENTS AND ANALYSIS

On October 16, the City Council reviewed and discussed the proposed City Council Handbook. The Council Handbook is included on tonight's agenda as a separate item. However, one of the resolutions included as part of the Handbook is a Best Practice Resolution. It has been discussed as part of the Handbook presentations, but it must be adopted separately.

III. RECOMMENDED ACTION

Approve the best practices resolution as presented.

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING THE BEST PRACTICES OF THE BARTLESVILLE CITY COUNCIL.

WHEREAS, it is necessary to ensure stability in the operations of the City of Bartlesville that the Council adopt best practices relating to the operations of the Council; and

WHEREAS, the City Council, among other things, wishes to ensure accountability and transparency for elected officials and staff.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BARTLESVILLE, OKLAHOMA, AS FOLLOWS:

A. Elected Official Accountability: The Council shall ensure Council accountability through:

- a. Attendance reporting to ensure other members and the public are aware of the attendance history of the elected officials.
- b. An annual training event with staff to review ethics, finances, and operations, and to address the expectations and goals of the City, including a self-assessment of the accomplishments and improvements needed by Council and management to achieve the goals of the City.
- c. The use of Council committees dealing with topics as the Council deems appropriate.
- d. The use of well-defined purchasing policies of the City to ensure management and staff are clear concerning the purchasing policies and expectations of the City.
- e. A “Code of Conduct” for Council that is reviewed annually by Council and readily available for Council reference. (See section below concerning ethics and meeting conduct.)

B. Management and Staff Accountability: The Council shall ensure management and staff accountability through:

- a. An annual evaluation and review of the City via the attached Stability Test.
- b. An annual strategic planning session with management to evaluate the expectations and goals of the City for the immediately preceding year, and to ensure that the expectations and goals of the City have been met and are clearly defined for both the Council and management in the coming year and years.
- c. Monthly financial and expenditure reports provided to Council on a timely basis.
- d. Direction to all City employees that a “whistleblower” policy exists for the City.
- e. Compliance with a well-defined purchasing policy of the City.
- f. An annual report of the departments of the City that outlines the activities of each department, including the risks, liabilities and any litigation involving the City.

Setting these minimal standards will ensure stability and continuity in operations.

APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE
CITY OF BARTLESVILLE THIS _____ DAY OF _____, _____.

Dale Copeland, Mayor
City of Bartlesville

City Clerk
City of Bartlesville

I. SUBJECT, ATTACHMENTS, AND BACKGROUND

Presentation and discussion of proposed charter amendments.

Attachments:

- Art. 2 & 3 revisions related to elections
- Art. 4 revisions related to recalls
- Art. 16 revisions related to purchasing and contracting

II. STAFF COMMENTS AND ANALYSIS

On October 16, the Council met to discuss several items related to governance of our City. In particular, there was extended discussion related to potential charter amendments to consider for a future charter election. Staff proposed revisions to Articles 2, 3, and 16 relating to elections and purchasing. Council also requested language to clarify Article 4 related to recall petitions.

Attached are 3 separate redline proposals related to these charter amendments as more fully described below.

Art. 2 & 3 – shall be amended to provide changes to Council terms, election dates, and other miscellaneous items.

- Council terms shall be extended from 2 years to 3 years.
- Council terms shall be staggered, so that no more than 2 council members' terms are expiring at the same time.
- Council election dates shall be moved from November to April.
- Clarified that elections and campaigns are to be held on a non-partisan basis

Art. 4 – shall be amended to clarify requirements, provide a reasonable timeline for completion, and other miscellaneous items.

- All signatures on a recall petition must be obtained within 90 days of the filing of the petition with the City Clerk.
- City Clerk shall have 30 days to fulfill his legal duties described in our charter.
- Council members cannot be recalled in the first or last four months of their term.

Art. 16 – shall be amended to make purchasing and contracting more efficient and consistent throughout the organization.

- Authorizes Council to set a limit for City Manager's purchasing and contracting authority.
- Authorizes Staff to utilize purchasing consortiums that have been approved by Council to make purchases.
- Authorizes City Manager to sign contracts that do not exceed the limits established by Council.

These draft redlines have been reviewed by the City Attorney, but Staff and the City Attorney would like to engage a firm to review these proposals and draft all necessary documents to place these items on the April 2024 election.

III. RECOMMENDED ACTION

Discussion only. Final documents will be returned for Council action following engagement of outside counsel.

- PART I
- AMENDED CHARTER OF THE CITY OF BARTLESVILLE
ARTICLE 2. ELECTIVE OFFICERS, CITY COUNCIL

ARTICLE 2. ELECTIVE OFFICERS, CITY COUNCIL

Section 1. Except as otherwise provided in this Amended Charter, all powers of the city and the determination of all matters of policy shall be vested in the city council, subject to distribution and delegation of all such powers as may be provided in this Amended Charter. Without limitation of the foregoing, the council may, if warranted:

- (a) Appoint and remove persons to those positions enumerated in Article 2, Section 5 to which the power of appointment and removal is vested in the City Council.
- (b) Enact, implement and enforce local legislation subject to such limitation as may now or hereafter be imposed by the State Constitution and law.
- (c) Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitation as may now or hereafter be imposed by the State Constitution and law.
- (d) Inquire into the conduct of any office, department or agency of the city and investigate municipal affairs or authorize such inquiry or investigation.
- (e) Appoint or elect and remove by majority vote its own subordinates, members of commissions, trusts, boards, and other quasi-legislative or quasi-judicial officers and authorities, when and if established, or prescribe the method of appointing or electing and removing them.
- (f) Regulate the organization and functioning of the municipal court and of the minor violations bureau, when and if established, within the limits prescribed by the State Constitution and this Amended Charter.
- (g) Create, change and abolish offices, departments and agencies other than the offices, departments and agencies established by this Amended Charter; and assign additional functions and duties to offices, departments and agencies established by this Amended Charter.
- (h) Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge.
- (i) Adopt a corporate seal and alter it at pleasure. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 2. The council shall consist of five members, one council member from each of the five wards of the city. The terms of the members will be ~~two-three~~ years. For the purpose of transitioning from the prior elected terms of ~~four-two~~ years to terms of ~~two-three~~ years, elections will be held for all wards on ~~April 5, 2011~~, with the term to start on the first Monday of May, ~~2011~~, and the term of office for each ward will end when the new council is sworn in on the first Monday in December of 2012. The first election for city council members for two year terms will be in November of 2012, with the members to be sworn in on the first Monday in December following the election. However, in the event that the Governor does not approve this Amended Charter in time to call for an election for all wards to be held in April of 2011, elections will be held in April of 2011 for wards 1, 3 and 5, with the terms to start on the first Monday of May, 2011, and the terms of office for these wards will end on the first Monday of December, 2012, and the terms of office for members from wards 2 and 4 will end on the first Monday in December, 2012. The initial term for the council member for ward 1 shall be one year, and an election shall be held in April 2026 for this ward with the next term to start in May 2026 and expire in May 2029. The initial term for the council members from wards 2 and 3 shall be two years, and an election shall be held in April 2027 for these wards with the next term to start in May 2027 and expire in May 2030. The initial term for the council members from wards 4 and 5 shall be two years, and an election shall be held in April 2028 for these wards with

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~~the next term to start in May 2028 and expire in May 2031.~~ The council members shall be qualified electors of the city for six months prior to the time of their election and each council member must be a qualified resident of his respective ward for six months prior to the time of his election. Each Council member's primary residence shall be located in his ward and must remain so throughout the tenure of office. For the purpose of this section, primary residence shall mean the place where the council member actually resides for the majority of each calendar year and the address listed by the council member as his abode for purposes of reporting to State and Federal agencies and which would qualify for a "homestead exemption" of the property if the property is owned by the council member. If a council member ceases to be a resident of the ward in which elected to represent, he shall thereupon cease to be a member of the council. ~~However, a council member holding office prior to the adoption of this Amended Charter may continue to hold office even if that member moves from one ward to another within the city limits.~~ A council member must have a record free of felony convictions. A council member must be at least twenty-five (25) years of age at the time of his election to office. No council member may hold any position in the city government by appointment of the city manager ~~and any former employee of the city shall not be eligible to serve as a council member until it has been at least 3 years since their employment ended.~~ A member of the city council shall hold no other public office which would constitute a conflict of interest according to State Statutes. (Amended by vote of the electorate at an election held on November 2, 2010.)

Section 3. The number of wards of the city shall not be changed except by amendment of the Charter; but whenever it shall appear to the city council that it is to the best interest of the city to change either the boundary or name, or both the boundary and the name, of any ward or wards of the city, the city council may, by a vote of two-thirds of its members, order and cause the same to be done. Provided, that no such change shall be made until notice of the proposed change shall be given thirty days thereto, by inserting a notice of such proposal at least one time in a newspaper published in the city. Provided, that if and when a petition shall be presented to the council, signed by fifty-five percent of the qualified electors of the city, as shown by the preceding general municipal election, praying for a change in the name, number, or boundary of wards of the city, the council shall, within ten days after the filing of such petition, change such wards to conform to the prayer of the petition, but no such change shall take effect, except for election purposes, until after the next general election and until the installation of officers.

Section 4. The council members, before entering upon the discharge of the duties of their respective offices, shall each take and subscribe the oath of office prescribed by the Constitution of the State of Oklahoma, and such additional oath as may be prescribed by the city council.

Section 5. The city council shall appoint from among its members a mayor and a vice-mayor, requiring three affirmative votes, who each shall serve terms of ~~two-three~~ years. The mayor or vice mayor may be removed from their respective positions by three affirmative votes. The mayor shall preside at meetings of the council and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties except that he shall sign all warrants, checks, or other orders for the disbursement of money, conveyances, and such other written obligations of the city as the council may require. The vice-mayor shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term. If, by succession to the office of mayor or otherwise, the office of vice-mayor becomes vacant, the council shall appoint another vice-mayor by three affirmative votes. The rights, responsibilities, authority and powers of the mayor and vice mayor are restricted to what the Amended Charter specifically delineates to the position of mayor and vice mayor. However, they shall have all of the rights, responsibilities, authority and powers as any other duly elected representative of any ward. (Amended by vote of the electorate at an election held on November 2, 2010.)

Section 6. If a vacancy shall occur in the office of any council member the council shall appoint an eligible person to fill the vacancy until the next ~~general~~ municipal election, subject, as are other council members, to recall.

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ARTICLE 2. ELECTIVE OFFICERS, CITY COUNCIL

A vacancy shall exist when an elective officer fails to qualify within thirty days after notice of his election, dies, resigns, moves from the ward elected from, unless subject to the grandfather provision set forth in Section 2 hereof, absents himself continuously for three months, except on account of sickness, is convicted of a felony, is adjudged mentally incompetent, or shall be recalled under the provisions of this Amended Charter or may be removed pursuant to State law. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 7. The council shall hold regular meetings on the first Monday of each month, and at such other time or times as the council may, by ordinance, designate, and may hold such adjourned meetings as it may find necessary or convenient for the dispatch of its business; provided, that if a regular meeting falls on a legal holiday the meeting shall be held on the next succeeding day. Special meetings of the council may be called by the mayor, or by three council members, at any time, on such notice as ~~the council may prescribe by ordinance~~required by State law.

Section 8. The council shall sit with open doors at all legislative sessions and shall keep a journal of all its proceedings, which shall be a public record. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 9. ~~Within sixty (60) days of the approval of the Amended Charter by the Governor, meeting rules of procedure will be adopted by the city council. They will remain in effect until modified by the city council.~~ Each city council elected in successor years will undertake a review of the meeting rules of procedure to determine whether changes or additions are warranted. ~~In addition, within sixty (60) days of the approval of the Amended Charter by the Governor, the city council shall adopt rules regarding the process to be followed for appointment, replacement and removal of members to all commissions, board and trusts covered by the provisions of Article 2, Section 1 of the Amended Charter, which process will remain in effect until modified by the city council. Each city council elected in successor years will undertake of review of the procedures to determine whether changes are appropriate.~~ *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 10. A majority of the members of the council shall constitute a quorum for the transaction of business. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 11. The council members shall receive no salary but shall be paid an attendance fee of ten dollars for each meeting of the council attended; but in no event shall payment be made for more than four meetings of the council during any one calendar month.

Section 12. The terms of office of a newly elected city council shall begin at 7:00 o'clock p.m., on the first Monday of the month following each election and they shall hold their first meeting and be inducted into office at that time, or as soon thereafter as may be possible. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 13. ~~Within sixty (60) days of the approval of the Amended Charter by the Governor, the city council will be charged to develop and adopt a Code of Ethics applicable to all elected officials, employees and Board members which will remain in effect until modified by the city council.~~ Each city council elected in successor years will undertake a review of the Code of Ethics to determine whether any changes are appropriate. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

ARTICLE 3. NOMINATION AND ELECTIONS

Section 1. Beginning in ~~November-April~~ of 201225, and for each ~~two-years~~ thereafter, an ~~general~~ election will be called in ~~November-April~~ per the Election Board ~~in even numbered years~~, in accordance with the laws of the State of Oklahoma in force at the time of holding such elections. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

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ARTICLE 3. NOMINATION AND ELECTIONS

Section 2. All city elections shall be conducted on a nonpartisan basis. No declaration of candidacy ~~or ballot~~ or any promotional material of a candidate shall contain any party emblem, sign or designation, and there shall be nothing thereon to indicate any affiliation of the candidate.

Section 3. The provisions of the State Constitution and law relating to elections shall govern every election of whatever kind of this city insofar as they are applicable and are not superseded by this Amended Charter or by ordinance.

Section 4. The qualifications for electors in every election of this city shall be those prescribed by the State Constitution and law.

Section 5. The council members who are to be from each of the five (5) wards of the city as required by Article 2, Section 2 of the Charter, shall be elected ~~at the general election~~ by wards, each council member to be elected by the registered voters in the ward in which he or she resides.

ARTICLE 4. RECALL OF ELECTIVE OFFICERS

Section 1. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, may be removed from office for any cause specified by applicable State law for the removal of officers and by the method or methods prescribed thereby. In addition, he is subject to removal by recall by the voters of the city. The procedure to affect such removal from office by recall shall be as follows: *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 2. A verified petition, signed by a number of qualified electors equal to twenty per cent of the registered voters in the ward of the city council member sought to be recalled at the time the petition is filed, shall be submitted to city clerk, along with a show cause statement of 200 words or less, demanding the removal of one or more of such elective officers. All signatures shall have been obtained within ninety days of the filing of the petition with the city clerk. It shall be the duty of the city clerk, upon receipt of a petition for recall, to send a copy of the petition, along with all signature pages, to the city council member sought to be recalled by registered mail. The city clerk shall have ~~ten-thirty (1030)~~ working days in which to ascertain whether the petition has been prepared and circulated as required and whether the required number of qualified voters have signed the petition for recall. The city clerk shall notify the mayor, in writing, whether the petition for recall meets the criteria set forth herein. Upon being informed by the city clerk that the petition for recall meets the criteria set forth above, it shall be the duty of the mayor of the city, within ten days thereafter, to issue a proclamation calling a special election, for the purpose of such recall only, setting forth the question to be voted upon at such election, in a newspaper published and of general circulation within the city. Such election shall be called at the next available election date in conformance with State law. In case of petition of the mayor, the election shall be called by the vice-mayor. After calling of such election, the said petition shall remain in the office of the city clerk. The signatures to such petition need not all be appended to one paper, but each signatory shall add to his signature his place of residence, giving the street and number if any, or if not numbered, the number of lot and block. Some qualified voter who signs such petition shall make oath before an officer competent to administer oaths that the statements made in such petition are true, and some qualified voter who signs such petition shall make oath to each paper containing signatures that each signature appended to such paper is the genuine signature of the person whose name purports to be thereto subscribed. The city council may impose a monetary penalty against the person or persons circulating the petition upon a determination that the names of unqualified electors have been knowingly attached to the petition, such monetary penalty equal to all cost incurred by the city in attempting to validate the petition for recall, including attorney fees. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 3. The form of ballot at such special election shall be as follows:

Recall of Elective Officers
Shall (name of officer) be removed from
office of (name of office)?

YES

NO

The voter who desires to vote for the removal of the officer shall stamp in the square to the left of the word "YES." The voter who desires to vote for the retention in office of the officer shall stamp in the square to the left of the word "NO."

If a simple majority of the duly qualified electors voting at such election shall vote "YES," the officer shall be deemed removed and his office vacated. If a simple majority of such electors shall vote "NO," such officer shall

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continue to serve as such. Upon successful removal, the city council will appoint a replacement for the seat for the remainder of the term vacated subject to all other terms of this Amended Charter. Any replacement must be a qualified elector of the respective ward at the time of appointment. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 4. Such special election shall in all respects be conducted, returned, and the result thereof declared as provided by the Constitution and laws of the State of Oklahoma in force at the time of such election.

Section 5. No recall petition shall be filed against any officer ~~until he shall have held his office for at least four months~~ during the first or last four months of his term; nor within six months after an election has been held upon a previous petition for recall of the same officer.

Section 6. No person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to an office or employment of the city within one year after such recall or resignation.

The method of removal by recall is cumulative and not exclusive. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

ARTICLE 16. GENERAL PROVISIONS

Section 1. ~~No contract shall be entered into by the city council in excess of the amount appropriated, and no contract shall be binding upon the city unless it has been signed by the mayor, and attested by the city clerk, and the expense thereof encumbered in the proper fund liable for payment of the same, and whenever the contracts encumbered in any fund equal the appropriation made therefore, no further contract shall be signed by the mayor or attested by the city clerk for payment from such fund.~~ No contract shall be binding upon the city unless it has been signed by the mayor, attested by the city, and encumbered in the proper fund liable for payment of the same unless the amount of said contract is less than the amount of the ordinance described in Section 4 of this Article.

Section 2. Every contract in any sum exceeding the amount set by State law with any person or persons, for the purpose of making any public improvements or constructing any public building or making repairs on the same shall require the party contracted with to furnish a bond with good and sufficient sureties to the City of Bartlesville in a sum not less than the sum total in the contract, conditioned that such contractor or contractors pay all indebtedness incurred for labor or material furnished in the construction of said public building or in making said public improvements.

Section 3. Every contract in any sum exceeding the amount set by state law with any person or persons for the purpose of making any public improvements, ~~or constructing any public building or making repairs on the same~~ shall be based on specifications approved by the city council and shall be awarded to the lowest and best bidder after advertisement for bids has been published in not less than three issues of a daily newspaper, or in not less than two issues of a weekly newspaper of general circulation in the city. The council may let the contract to the lowest and best bidder or may reject all bids. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 4. Every contract ~~or purchase~~ in any sum exceeding the amount established by ordinance by the city council for the purpose of purchasing supplies, materials, ~~or equipment,~~ or other necessary items shall be awarded to the lowest and best bidder after advertisement for bids has been published in not less than three issues in a daily newspaper, or in not less than two issues of a weekly newspaper of general circulation in the city. The council may let the contract to the lowest and best bidder or may reject all bids. Provided, however, that items available through the State of Oklahoma's central purchasing contracts or other purchasing coalitions approved by the Council may be purchased ~~from the State's vendor~~ directly without bidding ~~as these items have already been processed through a similar, rigorous competitive bidding process.~~ For items to be purchased directly from the State of Oklahoma's central purchasing contracts or other purchasing coalitions approved by the Council, local vendors should be allowed to match the price. The City Manager or his designee may sign all contracts that do not exceed the amount established by the ordinance referenced in this section. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 5. When property of the city becomes obsolete or surplus, and no longer needed by said city, the city manager shall determine the value thereof, before the same is offered for sale. The city manager may then dispose of the property in the manner which is most advantageous to the city. The city council shall set by ordinance the maximum value of the property the city manager is authorized to dispose of without council approval.

Section 6. No appointed officer or employee of the city shall give or promise to give to any other person, any portion of his compensation or any money or valuable thing or promise of employment to any person, in consideration of having been appointed to any office or employment, and if any such promise or gift be made, the person making or accepting such gift or promise shall forfeit his office or employment and be debarred and disqualified from being appointed or employed in the service of said city. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

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Section 7. Any employee of the city who shall, while employed by the city, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, for his personal use, from any person or corporation dealing with the city, or any subordinate or employee, or from any candidate or applicant for any position as employee, or subordinate under him, shall forfeit his office and be forever debarred and disqualified from holding any position in the service of the city. This provision shall not be construed to prohibit accepting items of nominal value from vendors or other persons or entities doing business with the city. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 8. No member of the city council, nor any appointive officer or any employee of the city, shall be directly or indirectly in the employ of any person, company, or corporation holding or seeking to hold any franchise of the City of Bartlesville, or shall receive, directly or indirectly, any wages, commission, gift or favor, or payment from any such franchise holder. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 9. No member of the city council or any other officer or employee of said city shall be directly or indirectly interested in any work, business, or contract, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by ordinance or resolution of the city council; nor be the surety of any person having any contract work or business with said city for the performance of which security may be required, nor be the surety on the official bond of any officer of the city. Contracts in violation of said provisions shall be void.

Section 10. No demand for money against the city shall be approved, allowed, or paid unless it shall be in writing, dated, and sufficiently itemized to identify the expenditure, and shall first be approved by the city manager or his designee and the head of the department creating or authorizing the demand. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 11. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law or by this Charter, shall be liable to said city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

Section 12. All books and records in every office and department shall be open to the inspection of any citizen at any time during business hours, except as exempted by state law.

Section 13. It shall be the official duty of every officer or person in the employ or service of said city, when it shall come to his knowledge that any contract or agreement with said city or with any officer has been or is about to be violated by the other contracting party, forthwith to report to the city manager or the city council all facts and information in his possession concerning such matter, and a failure to do so shall render vacant his office or position.

Section 14. Ten or more resident taxpayers of the city may seek to maintain an action in the proper court to restrain the execution of an illegal, unauthorized or fraudulent contract of said city, or prevent any payment upon any illegal, unauthorized or fraudulent contract or agreement on behalf of said city, or to restrain any disbursing officer of said city from paying any illegal, unauthorized or fraudulent bill, claim or demand against said city or any salary or compensation of any person in its administrative services, whose appointment has not been made in pursuance of the provisions of law. Prior to initiating any such legal action, ten or more resident taxpayers must submit a written notice to the city council specifically outlining the action sought to be restrained. The written and verified notice must contain the signature of each taxpayer and his residence address within the city limits. No legal action may be initiated on such notice until thirty days after receipt by the city council of the notice in order to allow the city council an adequate opportunity to respond to the notice either by agreeing with such demand or initiating legal action to determine the validity of the proposed action. Ten or more resident taxpayers who believe that an illegal, unauthorized or fraudulent contact has been entered into by the city; or that an illegal, unauthorized or fraudulent payment has been made on said contract, or that an unlawful transfer of public

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property or monies has occurred, or that public funds have been paid or public property transferred in settlement of a fraudulent or void claim, may submit a written demand, signed and verified by each of the taxpayers, upon the city council to initiate proper proceeding to recover the property or funds. No legal action may be initiated by the taxpayers until thirty days after receipt by the city council in order to allow the city council an adequate opportunity to respond to the demand. Upon refusal, failure or neglect of the city council to take action after receipt of the demand, the taxpayers may then initiate an action in the name of said city, against the officer making payment, and his surety or sureties and the party receiving the same, or any combination thereof to recover the amount so paid, and all amounts recovered, after deducting all expense of the action, shall be paid into the city treasury. Any such action must be brought within one year of the payment of the funds or the transfer of the property. However, no action for personal liability shall lie against an officer or employee of the city for a transaction approved in good faith reliance on the advice of legal counsel for the city or which has been submitted to a court of competent jurisdiction for a determination of legality. In case said taxpayers are not successful in such action, they shall pay all costs. In no event shall the city ever be liable for the payment of such costs. This provision shall be the exclusive procedure available to taxpayers seeking to bring a qui tam action against any city officer or employee. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 15. All officers authorized by Federal or State law, the mayor, the city manager, the city treasurer, the city clerk, the municipal judge, and such other officers as the city council may authorize, may administer oaths.

Section 16. Every officer of the city, before entering upon the duties of his office, shall take and subscribe the oath or affirmation of office prescribed by the State Constitution.

Section 17. The city clerk, the city treasurer, and such other officers and employees of the city as the city council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company or companies authorized to operate within the State. The city shall pay the premium on such bonds.

I. SUBJECT, ATTACHMENTS, AND BACKGROUND

Presentation and discussion of proposed changes to the City Council Public Comment Policy.

Attachments:

- Redline Copy of Amended Meeting Rules Resolution
- Proposed City Council Public Comment Policy

II. STAFF COMMENTS AND ANALYSIS

On December 5, 2022, the City Council adopted Resolution 3661 establishing a format and rules of order for the conduct of City Council meetings. This resolution replaced all previous resolutions relating to this topic. The major changes from previous meetings rules were related to public comment.

Resolution 3661 attempted to clarify guidance for public comment and place additional rules. Our current rules for public comment are summarized below:

- “Citizens to be Heard” will be received at all Council meetings, unless the Council is the subordinate meeting.
- Only citizens of Bartlesville or those residing within 10 miles of City Hall may participate.
- Citizens must sign in prior to the meeting.
- Citizens are limited to 3 minutes and the total public comment session is limited to 15 minutes.
- Citizens shall make all comment from the podium and must state their name.
- Any agenda item may be opened to public comment by a majority of the Council or the Mayor.

Our current rules are deficient in a few areas which are summarized below:

- There are no rules of behavior for citizens participating in public comment.
- “Citizens to be Heard” allows for citizens to address the Council on any topic. This is fraught with peril and will almost certainly lead to unintentional violations of the Open Meetings Act.

While most citizens conduct themselves with the decorum expected in a City Council business meeting, the growing amount of disrespect and distrust for all government officials is leading to behavior that would have been unacceptable a few years ago. In order to create an environment where citizens and officials may share comments, thoughts, and ideas, clear expectations should be established for behavior of parties participating in our meetings.

As such, the proposed policy provides rules for participation. As the City Council meeting is a limited public forum, the Council is within its rights to establish and enforce these rules. The rules are simple and non-restrictive. Existing rules are highlighted in blue below, and new rules are highlighted in green.

- Participation is limited to citizens or those living within 10 miles of City Hall.
- Time shall be limited to 3 minutes for the entire Council meeting.
 - Participation in public hearings shall not count against this time limit. Speakers shall have 3 minutes for each public hearing.
- Speakers shall address all comments to the Mayor.
- Speakers shall follow the Mayor's instructions.
- Speakers shall not denigrate individuals or organizations.
- Speakers shall not use violent, profane, obscene, defamatory, or fraudulent speech.
- Speakers shall adhere to time limits.
- Speakers shall stay on topic.

The more concerning deficiency in our current rules is that we allow comment on any topic. This practice is likely to lead to OMA violations. Most cities with well run meetings have either eliminated citizens to be heard entirely or limited comment under this section to items on the agenda.

The proposed policy would split citizen participation into 3 categories:

- “Public Comment on Agenda Items” will replace our current “Citizens to be Heard” at the beginning of our meeting. It will allow our citizens to comment on any agenda item before they are considered by Council. This practice aligns with the purpose of our Council meetings, since these are business meetings of the City Council. Town halls are another type of meeting altogether where off agenda comments are appropriate.
- “Public Hearings” are defined by State law and will be held whenever required. Comments during Public Hearings are always restricted to the agenda item.
- “Citizen Agenda Items” is a new addition to our meeting agendas. In order to comply with the Open Meetings Act, there should be no discussion that is not included on an agenda posted in accordance with State law.
 - This item will occur last on our agenda.
 - Citizens must request to be included on the agenda in advance.
 - Citizens must obtain a Council member sponsor.
 - Mayor will determine what Citizen Agenda Items will be included.
 - Items must relate to City business not already included on an agenda within the last year.

The proposed policy also includes forms necessary to enact this policy. If Council wishes for Staff to proceed with the preparation of the final documents, then clean copies will be returned at a future meeting for Council's consideration. Assuming Council adopts the proposed handbook as well, then it will be amended by inserting the new resolution, policy, and forms.

Staff believes that the attached resolution and policy provides an excellent balance between efficiency, State law, and citizen participation. Similar (and sometimes more restrictive) rules have already been adopted in Tulsa, Oklahoma City, Broken Arrow, Owasso, and others major cities in our region.

III. RECOMMENDED ACTION

Discussion only.

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING A FORMAT AND RULES OF ORDER FOR THE CONDUCT OF CITY COUNCIL MEETINGS AND REPEALING CONFLICTING RESOLUTIONS.

WHEREAS, the Charter of the City of Bartlesville requires that the Council adopt a written policy determining its own rules of procedure subject to the governing laws of the State of Oklahoma and the United States of America.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BARTLESVILLE, OKLAHOMA, THAT:

The City Council meetings of the City of Bartlesville shall be conducted in accordance with the following rules and meeting format:

Section 1. Format of Meeting

- A. The Chairman/Mayor shall preserve order and decorum at Council meetings.
- B. Council meetings will be televised unless held in a location without normally available technical support, or in a workshop meeting where no action is planned.
- C. Public comment, ~~titled "Citizens to be Heard"~~, will be received at all Council meetings excepting where the Council is the subordinate meeting in accordance with the adopted City Council Public Comment Policy.
 - ~~1. Public comment shall be limited to citizens of Bartlesville or those residing within 10 miles of Bartlesville City Hall.~~
 - ~~2. Individuals who wish to address the Council shall sign in prior to the start of the meeting, indicating their name and residential address.~~
 - ~~3. Public comment will be received prior to the first agenda action item.~~
 - ~~4. Each individual wishing to make public comment will be limited to three (3) minutes for their presentation, with a total of fifteen (15) minutes for the entire public comment portion unless extended by the Mayor or a majority of the Council.~~
 - ~~5. When called upon by the Chairman/Mayor, individuals will come forward to the podium and state their name. Time permitting, persons who did not sign in will be recognized after everyone who has signed in has spoken and will state their name and residential address.~~
- ~~D. The Mayor or a majority of the Council may open up a specific agenda item for public comment. The public comment will be limited to five (5) total minutes unless extended by the Mayor or a majority of the council and will be specific to the specific agenda item.~~
 - ~~1. Public comment shall be limited to citizens of Bartlesville or those residing within 10 miles of Bartlesville City Hall.~~
 - ~~2. When called upon by the Chairman/Mayor, individuals will come forward to the podium and state their name and residential address.~~
- E.D. _____ Any person, during the course of a Council meeting, who engages in behavior that disrupts the meeting or speaker will be asked to leave by the Chairman/Mayor. If said person refuses to leave, they may be subject to removal.

Section 2. Rules of Order

- A. All council meetings will be managed by "Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21's Century". In case of any conflict, Section 1 of this resolution will take precedence. See attached Rules of Order.
- B. Council members will recuse themselves from any agenda item for conflicts of interest as defined in the city's Ethics Policy.
- C. All votes will be tallied in accordance with the Oklahoma Open Meetings Act.
- D. No council action will be nullified by any unintentional parliamentary or format violation or oversight.

Section 3. All previous resolutions regarding the Council rules of conduct are hereby repealed.

APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF BARTLESVILLE THIS 5TH DAY OF DECEMBER, 2022.

Dale Copeland, Mayor
City of Bartlesville

City Clerk
City of Bartlesville

CITY OF BARTLESVILLE
CITY COUNCIL PUBLIC COMMENT POLICY
Updated and Approved by Council: _____

It is the policy of the City Council of the City of Bartlesville to encourage citizen participation in our local government. As such, the City Council wishes to provide opportunity for the citizens of Bartlesville to comment on issues related to our local government. In order to encourage participation, provide opportunity for comments, and adhere to the Oklahoma Open Meetings Act, the following rules shall be followed for citizen participation at Council meetings.

- A. Rules for citizen participants at City Council meetings.
1. Participation shall be limited to current citizens of Bartlesville or those residing within 10 miles of Bartlesville City Hall.
 2. Speakers will have three (3) minutes for the entire City Council meeting. However, participation in public hearings shall not count against this time limit.
 - a. Public hearings shall be limited to three (3) minutes per person, per hearing.
 3. Speakers shall address all comments to the Mayor or presiding officer.
 4. Speakers shall follow the directions of the Mayor or presiding officer at all times.
 5. Speakers shall not denigrate individual Councilmembers, City staff, other organizations, or individuals.
 6. Speakers shall not use speech which is defamatory, profane, obscene, fraudulent or which is intended to incite violence, as a threat of violence, or “fighting words”.
 7. Speakers shall adhere to all time limitations.
 8. Speakers shall stay on topic.
- B. Opportunities for public comment shall be provided at all Council meetings except where the Council is the subordinate meeting.
1. “Public Comment on Agenda Items.” Individuals who wish to address the Council about an agenda item shall complete and turn in the proper form prior to the start of the meeting, indicating at minimum their name, residential address, the agenda item they wish to address, and if they are in favor or opposition to the item.
 - a. “Public Comment on Agenda Items” will be received prior to the first agenda action item and limited to fifteen (15) minutes total unless extended by the Mayor or a majority of the Council.

- b. The public may provide comment on any agenda item except the following under this section: Call to Order, Roll Call, Invocation, Public Comment on Agenda Items, Citizen Agenda Items, City Manager and Staff Reports, City Council Comments, and Adjournment.
2. "Citizen Agenda Items." Individuals who wish to address the Council about city business that is not included as an agenda item shall complete and turn in the proper form at least one week prior to the meeting date when they would like to speak to the Council. The form shall indicate at a minimum their name, address, email, phone number, requested meeting date, name of Council sponsor, and a description of the topic they wish to present.
 - a. "Citizen Agenda Item" will be received as the last item(s) on the agenda prior to adjournment and will not be televised.
 - b. Individuals wishing to participate under this section of the agenda must obtain a current City Council sponsor and indicate said sponsor on their form.
 - c. The Mayor or presiding officer must approve all requests for "Citizen Agenda Items" before they are included on an agenda.
 - d. Submitting a form does not guarantee inclusion on an agenda.
 - e. Items must relate to City business not already included on an agenda within the last year.
3. The Mayor or a majority of the Council may open up a specific agenda item for public comment. The public comment will be limited to five (5) total minutes unless extended by the Mayor or a majority of the council and will be specific to the specific agenda item.

BARTLESVILLE CITY COUNCIL PUBLIC COMMENT REQUEST
FOR ITEMS NOT INCLUDED ON THE REGULAR AGENDA

Name (please print): _____

Address: _____

Email address: _____

Phone: _____

Your organization (if any): _____

Requested Council Meeting Date: _____

Name of Sponsoring Councilmember: _____

TOPIC: Please be very specific in describing the issue you wish to address to the Council.

OTHER INFORMATION:

- 1. Timing of Submission of Request:** Your request to speak must be received at least one (1) week before the Council meeting at which you wish to speak, meaning no later than 5 p.m. the preceding Monday.
- 2. Supporting Materials:** Please include with your application one (1) complete set of any material or documentation you would like the Councilmembers to review.
- 3. Placement of Request on Council Agenda:** Completion and submission of this request does not guarantee that your topic will be placed on the City Council Meeting Agenda.
- 4. Time Limit:** Council Rules provide that anyone addressing the Council is allowed three (3) minutes total for the entire meeting.

You may submit your request as follows:

Mail: Elaine Banes
Bartlesville City Council
401 S Johnstone Ave
Bartlesville, OK 74003

Email: rebanes@cityofbartlesville.org

Sign Here: _____ **Date:** _____

City Staff or City Council may contact you prior to the meeting date to obtain more information about your request or to better address your concerns. If we are unable to contact you, then your item may be delayed.

BARTLESVILLE CITY COUNCIL PUBLIC COMMENT REQUEST
FOR ITEMS INCLUDED ON THE REGULAR AGENDA

Name (please print): _____

Address: _____

Email address: _____

Phone: _____

Your organization (if any): _____

Agenda Item Number/Letter: _____

_____ I wish to speak IN FAVOR of this item.

_____ I wish to speak IN OPPOSITION to this item.

_____ I do not wish to speak, however please record my _____ SUPPORT _____ OPPOSITION

Rules for addressing the Council:

- I will follow the Mayor's instructions.
- I will maintain decorum at all times.
- I will address all comments to the Mayor or Chairman.
- I will not denigrate the Council, Staff, other organizations, or other individuals.
- I will stay on the topic I have indicated on this form.
- I will adhere to the time limitations.
- I will not use speech which is:
 - Defamatory;
 - Profane or obscene;
 - Intended to incite violence;
 - Intended as a threat of violence or as "fighting words"; or
 - Fraudulent.
- I understand that violations of these rules may result in my expulsion from the meeting and the loss of speaking privileges at future meetings.

Sign Here: _____ Date: _____

This complete form must be submitted prior to the start of the meeting in order to address the Council.

This form is to provide public comment to the Council for items which are included on the agenda. If you wish to address the Council on items related to other City business which is not included on this agenda, then you must submit a separate form one (1) week before the meeting at which you would like to speak.