

**KAY CO. GRAND JURY
SUBMISSION OF QUESTION**

I, Jessica Pepper, formally request the Kay Co. Grand Jury to consider the following question for review.

Is it a Conflict of Interest when Sally Norris the Blackwell City Manger servers as the Treasurer of the Oklahoma Municipal Power Authority (OMPA)?

Title 60 O.S. 178.8 (1977), provides, "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... is an officer, partner principal stockholder, shall directly or indirectly buy or sell goods or services to, or otherwise contract with such trust..."

The Oklahoma Attorney General's Opinion of 1982, over urban renewal authorities states that title 60 O.S. 178.8: "prohibits a commissioner of an urban renewal authority from voluntarily acquiring any 'personal interest' in an urban renewal project. It has been held that for purposed of determining whether a party has a "personal interest' in the outcome of litigation, the term "personal" does not exclude one's interest in performing the functions of governmental employment or office."

City Manager Sally Norris is the Treasurer of the Oklahoma Municipal Power Authority (OMPA), which contracts with the Blackwell Municipal Authority (BMA) to provide electrical power. This is a conflict of interest when Sally Norris could influence the City Council during their discussions as stated in the Blackwell City Charter. The City Charter states in Article IV Section 2, the City Managers duties are, "(5) [t]o attend all meetings of the City Council with a right to take part in the discussion but having no vote; (6) to recommend to the City Council for adoption such measures as he may deem necessary or expedient..."

In the Blackwell Municipal Authority Trust Indenture it states that a manager may be hired. Sally Norris serves in this position over the BMA. However, the Trust Indenture doses not make it clear what the manager's duties are.

This poses a potential problem when the City Council (who as well serves as the BMA) can be influenced into interactions that benefit Sally Norris in her positions with the OMPA and vise versa.

Submitted this day November 28, 2008.

J. Leppaw
Requesting Party

Board of Directors



Walter Allen
City Manager/Elector
Lexington, Oklahoma



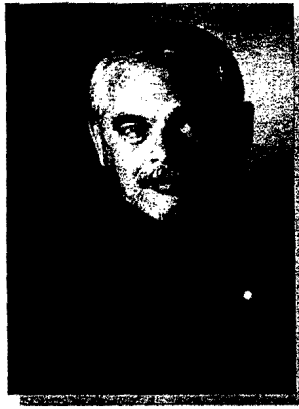
Kathy Grim
Elector
Fairview, Oklahoma



E.J. "Gene" Hahn
Consultant/Elector
Granite, Oklahoma



Robert Johnston
City Manager/Elector
Frederick, Oklahoma



Charles Lamb
Chair
Council Member/Elector
Edmond, Oklahoma
Executive/Finance
Committees



Gary Martin
City Manager/Elector
Ponca City, Oklahoma



Michael R. Nettles
Administrator/Elector
Altus, Oklahoma



Sara "Sally" Norris
Treasurer
City Manager/Elector
Blackwell, Oklahoma
Executive/Finance,



Clyde Shaw
City Manager/Elector



A.L. "Buddy" Veltema
Vice Chair
Elector
Walters, Oklahoma
Executive/Finance
Committees



John Warren
Secretary
Elector
Wynnewood, Oklahoma
Executive/Finance
Committees



James C. Joseph
State Bond Advisor
Ex-Officio Member

Key Personnel

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General Manager

Drake N. Rice
Director of Member
Services

Robin Morecroft, PE
Director of
Engineering Services

David W. Osburn
Director of Operations

Stephanie Maile
Manager of Financial
Services

Bruce Jackson, CPA
Manager of Accounting
Services

C. Max Speegle
General Counsel

Andrea Beals
Administrative
Assistant/HR Specialist



Oklahoma Municipal Power Authority

2300 East Second Street - Post Office Box 1960

Edmond, Oklahoma 73083-1960

Phone: 405/340-5047 - FAX: 405/359-1071

Web Page Address: www.ompaa.com

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Blackwell City Charter

followed for contracts involving an expenditure of five thousand dollars (\$5,000.00), or more as immediately above provided.

Sec. 7. Rules of procedure at meetings of boards.

The City Council shall make its own rules of procedure and may make such rules as it may see fit to insure the attendance of all members at the regular meetings.

Sec. 8. Right of people to propose charter amendments reserved.

The people of the City of Blackwell hereby reserve to themselves the right to propose amendments to this Charter as provided by the Constitution and Laws of the State of Oklahoma.

Sec. 9. Recording of ordinances, resolutions in book.

All ordinances and resolutions upon their final passage shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the presiding officer and the City Clerk.

ARTICLE IV

Sec. 1. City manager -- Authority of city to appoint; compensation; special election.

The City Council shall appoint a City Manager, who shall be the administrative head of the municipal government under the direction and supervision of the City Council; and the City Manager shall hold office at the pleasure of the City Council. The City Manager shall be appointed without regard to political beliefs and need not be a resident of the City of Blackwell at the time of appointment. The City Council may designate some qualified person to execute the function of the office of City Manager during the absence or disability of the City Manager.

The salary of the City Manager shall be as from time to time determined by the City Council and a majority of the City Council shall be necessary for the passage of any ordinance fixing or changing such salary.

Sec. 2. Same -- Powers and duties.

The City Manager shall have the following powers and duties: (1) to see that the laws and ordinances are enforced; (2) to appoint, discipline and remove all heads of departments and all subordinate officers and employees of the City except the Municipal Judge, and the City Attorney, all appointments to be made upon merit and fitness alone; (3) to exercise control over all departments and divisions created herein or that hereafter may be created by the City Council; (4) to see that all terms and conditions imposed in

favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the City Attorney who is hereby required to take such steps as are necessary to enforce the same; (5) to attend all meetings of the City Council with a right to take part in the discussions but having no vote; (6) to recommend to the City Council for adoption such measures as he may deem necessary or expedient; (7) to act as Budget Officer and to keep the City Council fully advised as to the financial conditions and needs of the City; and (8) to perform such other duties as may be prescribed by the Charter or be required by ordinance or resolution of the City Council or in the absence of such Charter provision, ordinance or resolution, to perform such duties of a City Manager under the council-manager form of government provided by the laws and Constitution of the State of Oklahoma to the extent the same are not in conflict with the provisions of this Charter or the ordinance of the City.

ARTICLE V

Sec. 1. Municipal court.

A Municipal Court is hereby established for the City of Blackwell and to preside over said Court there is hereby created one Municipal Judge; and all proceedings coming before the Municipal Court in said City shall be heard and determined by the Municipal Judge. Such Court shall have jurisdiction as follows: (1) to have original jurisdiction, to hear and determine all violations of the ordinances of said City and violations of this Charter; (2) jurisdiction in proceedings had for the collection of licenses, fees and all other revenues as provided by ordinance, except such actions as may fall within the exclusive jurisdiction of other courts, or such other actions for violation of City ordinances as may be made triable before other courts by the Constitution and Laws of the State.

An appeal may be had and taken from said Municipal Court in the same manner and in the same way and within the same time and to the same court as is provided or may hereinafter be provided by the Laws and the Constitution of the State of Oklahoma for appeals from police courts of cities of the first class existing under the Laws of Oklahoma; and the appeal bond, in case of appeal, to be conditioned the same as is or may be provided by the Laws of the State of Oklahoma providing for appeals from police courts of cities of the first class.

In all offenses charged before the Municipal Court the accused shall be entitled to release on an appearance bond until trial in such an amount as may be fixed by the Municipal Judge and all forfeitures of bonds, including appeal and appearance bonds, shall be collected by an appropriate action instituted by the City Attorney of said City. Such actions may be brought in any court having jurisdiction of such matters under the Laws of the State. All moneys collected in such proceedings shall be turned in to the City treasury.