

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3268

By: Bryant and Thornbrugh

AS INTRODUCED

An Act relating to county government; creating the County Home Rule Charter Act; stating short title; allowing any county to adopt or amend a County Home Rule Charter; providing for designation of charter commission subsequent to resolution or petition; stating compensation and designation of charter commission; requiring submission of certain question to voters; specifying contents of such question; providing for replacement of charter commission members; providing for certain county officers to provide services to charter commission; permitting county to expend monies for certain expenses; setting out provisions of charter; allowing charter to provide for governing body; limiting term of service of governing body; providing for powers and duties of governing body; allowing charter to provide for organization, reorganization, establishment and administration of county government; allowing charter to authorize the creation or consolidation of any county office, department or agency except for the district court clerk and county assessor and providing procedures; authorizing any county with such charter to levy, assess and collect taxes and providing limit

thereto; allowing county to amend its charter;
authorizing county with charter to borrow money and
issue obligations if authorized by a vote of
registered county voters; providing for issuance of
county obligations; requiring charters to make
provisions for abandonment, revocation and
amendment of charter subject to a vote of the
registered county voters; providing for self-
execution of charter; construing act; repealing
Sections 1, 2, 3, 4 and 5, Chapter 220, O.S.L. 1992
(19 O.S. Supp. 1997, Sections 8.1, 8.2, 8.3, 8.4
and 8.5), which relate to the County Home Rule
Charter Act; providing for codification; providing
an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 8.6 of Title 19, unless there is
created a duplication in numbering, reads as follows:

Sections 1 through 5 of this act shall be known and may be cited
as the "County Home Rule Charter Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 8.7 of Title 19, unless there is
created a duplication in numbering, reads as follows:

Any county in this state may adopt or amend a County Home Rule
Charter for county government which specifies those powers
appropriate for the government and which are not inconsistent with
the Oklahoma Constitution and laws of this state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8.8 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. Upon a resolution approved by a majority of the members of the board of county commissioners of the county or upon a petition signed by registered voters of the county equal in number to ten percent (10%) of the total number of votes cast in the county for Governor at the immediately preceding gubernatorial election, the members of the proposed charter commission shall be designated as follows:

1. Fifteen members shall be designated by the board of county commissioners. Five members shall be designated by each county commissioner, at least two of whom shall be residents of an unincorporated portion of the county or residents of a municipality other than the largest municipality located within the county. The members designated by each county commissioner shall reside in the district of that county commissioner;

2. Two members shall be designated by the county court clerk, at least one of whom shall be a resident of an unincorporated portion of the county or a resident of a municipality other than the largest municipality located within the county;

3. Two members shall be designated by the county clerk, at least one of whom shall be a resident of an unincorporated portion of the county or a resident of a municipality other than the largest municipality located within the county;

4. Two members shall be designated by the county treasurer, at least one of whom shall be a resident of an unincorporated portion of the county or a resident of a municipality other than the largest municipality located within the county;

5. Two members shall be designated by the county assessor, at least one of whom shall be a resident of an unincorporated portion

of the county or a resident of a municipality other than the largest municipality located within the county; and

6. Two members shall be designated by the county sheriff, at least one of whom shall be a resident of an unincorporated portion of the county or a resident of a municipality other than the largest municipality located within the county.

The members shall be designated and their names filed with the county election board within thirty (30) days from the date the resolution was adopted by the board of county commissioners or the date the petition was filed with the board.

Upon the designation of the members of the proposed charter commission as provided in this subsection, the county election board shall submit to the voters of the county at the next November general election not less than ninety (90) days thereafter, or at a special election called for such purpose, the question:

"Shall a charter commission, to be composed of the following members: _____ be authorized to frame a proposed charter or amend an existing charter for the County of _____?"

 / YES

 / NO"

Nothing in the County Home Rule Charter Act shall be construed to prevent any officer of any municipality located within the county from serving as a member of the charter commission.

B. If the proposition receives approval by a majority of the votes cast thereon, the chairman of the board of county commissioners of the county shall, within sixty (60) days, call an organizational meeting of the charter commission. The commission is hereby authorized to select a chairman and other officers as may be necessary to adopt rules of procedure and to draft a proposed County Home Rule Charter or amendments to an existing charter. The county

clerk shall provide any necessary secretarial staffing for the commission. The district attorney shall provide any necessary legal advice or counsel to the commission. The county shall be permitted to expend monies for incidental office supplies, including the costs of copying, for the commission. The commission shall complete its work on a proposed charter or amendments to an existing charter within one (1) year from the time the organizational meeting of such commission was convened. Any proposed charter or amendments to an existing charter shall be published by the commission in a newspaper of general circulation in the county on at least two occasions. At least seven (7) days shall elapse between the first and last day of publication. The first day of the publication shall be within forty-five (45) days from the date the commission submits its proposed charter or amendments to an existing charter. Copies of the proposed charter or amendments to the existing charter shall be made available for distribution to the qualified voters of the county at the place where meetings of the board of county commissioners of the county are usually held.

C. If any charter commission member is unable or unwilling to serve, the member shall be replaced with a new commission member by the appointing authority who designated the original commission member. The new member shall have the same duties, powers and responsibilities as the original commission member.

D. Within ninety (90) days after the commission submits its proposed charter or amendments to an existing charter to the board of county commissioners of the county, the officer or agency responsible for certifying public questions shall submit to the voters of the county at the next regular countywide election or at a special election which may be called for the purpose by the board of county commissioners, the question:

"Shall the proposed charter (or amendments) for _____ County be adopted?"

YES

NO"

The charter or the amendments shall become effective if approved by a majority of the votes cast thereon, subject to provisions of the Oklahoma Constitution and laws of this state.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8.9 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. A charter shall set forth the structure of the county government and the manner in which it is to function. The charter may provide for a governing body, which may be other than as presently constituted, which shall be elective, and service shall be upon the qualifications, terms, plan of representation and conditions of tenure and compensation as may be fixed by the charter. The charter shall provide that the county government shall be separate and distinct from any municipal government within the county. The term for service of the governing body shall not exceed four (4) years. In addition to the powers and duties provided by the charter, the governing body shall exercise all powers and discharge all duties which, in the absence of the provisions of the charter, would devolve by law to the board of county commissioners or any other county governmental board, agency, commission or council. The charter may provide for the organization, reorganization, establishment and administration of the government of the county, including the control and regulations of the performance of and the compensation for all duties required in the conduct of county affairs. The charter may authorize the governing body to create or consolidate any county office, department or agency, define the duties thereof, fix the compensation for service therein, make the same elective or appointive, and prescribe the

time, qualifications and conditions of tenure in any such county office, department or agency.

B. Any county electing to operate pursuant to such charter as authorized by the provisions of this act shall have the power by charter provision to levy, assess and collect taxes pursuant to the provisions of Section 20 of Article X of the Oklahoma Constitution. The limit of the aggregate taxes which may be levied, assessed and collected by such county shall not exceed the limit or total fixed, or hereafter fixed, by the Oklahoma Constitution or by statute.

C. In addition to the powers provided in this act and in addition to powers included in County Home Rule Charters, any county may amend its charter to include powers, functions and duties which may be provided for by the Oklahoma Constitution or by statute.

D. Any county operating pursuant to such charter as authorized by the provisions of this act shall have the power to borrow money for all lawful purposes under its charter, including the refunding of a lawful debt, in a manner conforming to the Oklahoma Constitution and the general laws of the state, and may issue obligations for such purposes. Such obligations and such tax to be levied to meet the liability shall not be valid unless authorized by a vote of the registered voters of the county pursuant to the provisions of the laws of this state. County obligations maturing after a period of five (5) years shall be issued to mature serially, fixing the first maturity of principal at a time not to exceed two (2) years after the date of the issuance of such obligations. The obligations may pledge the full faith and credit of the county, but in no event shall the aggregate obligations so issued, in principal amount outstanding at any one time, exceed the constitutional limits for such obligations and indebtedness, and its supporting tax shall constitute a first and superior lien upon the property taxable in such county.

E. Charters adopted shall make appropriate provisions for the abandonment, revocation and amendment of the charter, subject only to the requirement that a majority of the votes cast thereon must approve the proposal. The provisions of the County Home Rule Charter Act shall be self-executing.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8.10 of Title 19, unless there is created a duplication in numbering, reads as follows:

Nothing contained in this act shall be deemed to authorize the adoption of charter provisions contrary to or inconsistent with the sovereignty and established public policies of this state, and no provision having such effect shall be valid.

SECTION 6. REPEALER Sections 1, 2, 3, 4 and 5, Chapter 220, O.S.L. 1992 (19 O.S. Supp. 1997, Sections 8.1, 8.2, 8.3, 8.4 and 8.5), are hereby repealed.

SECTION 7. This act shall become effective July 1, 1998.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-9306

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