

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 5

By: Long of the Senate

and

Roach of the House

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, approval or petition; stating compensation and designation of charter commission; requiring submission of certain question to voters; specifying contents of such question; requiring organizational meeting; authorizing selection of officers, adoption of rules of procedure, and drafting of proposed charter or amendments to existing charter; setting time limit; requiring publication and distribution of proposed charter or amendments; requiring submission of certain questions to the voters; providing for effectiveness of charter or amendments; setting out provisions of charter; allowing charter to provide for governing body; requiring charter provide that county government be separate and distinct from municipal government; 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 and providing procedures; authorizing any county with such charter to levy, assess and collect taxes and providing limit thereto; requiring county assessor always be elected; allowing county to amend its charter; authorizing county with charter to borrow money and issue obligations if authorized by a vote of requested county voters; providing for issuance of county obligations and providing limit thereto; 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. 1998, 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 such 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 said county. The members designated by each county commissioner must reside in that county commissioner's district;

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 chair of the board of county commissioners of the county shall, within sixty (60) days, call an organizational meeting of the charter commission. Such commission is hereby authorized to select a chair 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. Such commission shall complete its work on a proposed charter or amendments to an existing charter within six (6) months from the time said 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 such 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. 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 said purpose by the board of county commissioners, the question:

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

YES

NO"

Said charter or said amendments shall become effective if approved by a majority of the registered voters voting 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 said charter, would devolve by law to the board of county commissioners or any other county governmental board, agency, commission or council. Said 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. The county assessor shall always be elected.

C. In addition to the powers herein provided 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 said 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. The supporting tax for such obligations 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 such charter, subject only to the requirement that a majority of the registered voters of the county must approve such 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:

SECTION 6. REPEALER Sections 1, 2, 3, 4 and 5, Chapter 220, O.S.L. 1992 (19 O.S. Supp. 1998, Sections 8.1, 8.2, 8.3, 8.4 and 8.5), are hereby repealed.

SECTION 7. This act shall become effective July 1, 1999.

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.

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