

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1406 By: Bingman of the Senate  
3 and  
4 McNiel of the House  
5  
6  
7

8 ( cities and towns - authorizing municipalities to  
9 hire part-time city managers - codification -  
10 effective date )  
11  
12

13 AUTHOR: Add the following House Coauthor: Martin (Steve)  
14 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
15 entire bill and insert

16 "An Act relating to cities and towns; authorizing  
17 certain municipalities to hire part-time city  
18 managers; authorizing governing body to determine  
19 duties; providing for financial assistance; amending  
20 11 O.S. 2001, Section 10-112, as amended by Section  
21 1, Chapter 386, O.S.L. 2005 (11 O.S. Supp. 2007,  
22 Section 10-112), which relates to city manager  
23 appointments; authorizing the council to hire a  
24 part-time city manager; providing for financial  
assistance program for certain municipalities;  
providing for codification; and providing an  
effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 8-116 of Title 11, unless there  
4 is created a duplication in numbering, reads as follows:

5 A. Any municipality with a population of less than five  
6 thousand (5,000) according to the latest Federal Decennial Census  
7 may employ a part-time city manager. The duties of the part-time  
8 city manager shall be determined by the governing body of the  
9 municipality, or pursuant to Section 10-113 of Title 11 of the  
10 Oklahoma Statutes for municipalities governed by the council-manager  
11 form of government.

12 B. Financial assistance for qualifying municipalities may be  
13 obtained, upon availability of funding, through a financial  
14 assistance program to be developed by the Oklahoma Department of  
15 Commerce authorized pursuant to Section 5017 of Title 74 of the  
16 Oklahoma Statutes.

17 SECTION 2. AMENDATORY 11 O.S. 2001, Section 10-112, as  
18 amended by Section 1, Chapter 386, O.S.L. 2005 (11 O.S. Supp. 2007,  
19 Section 10-112), is amended to read as follows:

20 Section 10-112. The council shall appoint a city manager ~~for an~~  
21 ~~indefinite term~~ or a part-time city manager, pursuant to this act,  
22 by a vote of a majority of all its members subject to the terms of  
23 employment established by the council. It shall choose the city  
24 manager or part-time city manager solely on the basis of executive

1 and administrative qualifications with special reference to the  
2 actual experience in, or the knowledge of, accepted practice in  
3 respect to the duties of the office. ~~At the time of appointment,~~  
4 ~~the city manager need not be a resident of the city or state; but~~  
5 ~~during the tenure of holding office the city manager shall reside~~  
6 ~~within the city.~~ City managers or part-time city managers may  
7 appoint themselves, or the council or other authority may appoint or  
8 elect the city manager or part-time city manager, to other offices  
9 and positions in the city government, subject to regulations  
10 prescribed by ordinance; but the city manager or part-time city  
11 manager may not receive compensation for service in such other  
12 offices or positions. Neither the mayor nor any members of the city  
13 council may be appointed city manager or part-time city manager  
14 during the term for which they shall have been elected nor within  
15 two (2) years after they cease to hold such office.

16 SECTION 3. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 5017.8 of Title 74, unless there  
18 is created a duplication in numbering, reads as follows:

19 Contingent on funding, the Oklahoma Department of Commerce may  
20 partner with a statewide organization to develop and coordinate a  
21 financial assistance program for qualifying municipalities having a  
22 population of less than five thousand (5,000) according to the  
23 latest Federal Decennial Census to employ a part-time city manager  
24 pursuant to Section 1 of this act. The statewide organization shall

1 demonstrate to the Oklahoma Department of Commerce that it is exempt  
2 from taxation under federal law and designated pursuant to the  
3 Internal Revenue Code, 26 U.S.C., Section 170(a) and that it has  
4 represented municipalities, had statutory functions and conducted  
5 training programs for municipalities for at least fifteen (15) years  
6 prior to November 1, 2005. It shall further demonstrate that its  
7 continuous official purpose is to promote the general welfare of  
8 cities and towns, to foster or conduct schools, short courses and  
9 other training sessions, to provide technical assistance and  
10 consultative services and other aids for the improvement and  
11 increased efficiency of city and town government, and to serve as  
12 the representative of cities and towns in carrying out the duties  
13 and prerogatives conferred on it by state law.

14 SECTION 4. This act shall become effective November 1, 2008."

15 Passed the House of Representatives the 23rd day of April, 2008.

16

17

18 \_\_\_\_\_  
Presiding Officer of the House of  
Representatives

19

20 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

21

22

23 \_\_\_\_\_  
Presiding Officer of the Senate

24