

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1406

By: Bingman of the Senate

and

6 McNiel of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to cities and towns; authorizing
11 certain municipalities to hire part-time city
12 managers; authorizing governing body to determine
13 duties; providing for financial assistance; amending
14 11 O.S. 2001, Section 10-112, as amended by Section
15 1, Chapter 386, O.S.L. 2005 (11 O.S. Supp. 2007,
16 Section 10-112), which relates to city manager
17 appointments; authorizing the council to hire a part-
18 time city manager; providing for financial assistance
19 program for certain municipalities; providing for
20 codification; and providing an effective date.

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

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

A. Any municipality with a population of less than five
thousand (5,000) according to the latest Federal Decennial Census
may employ a part-time city manager. The duties of the part-time

1 city manager shall be determined by the governing body of the
2 municipality, or pursuant to Section 10-113 of Title 11 of the
3 Oklahoma Statutes for municipalities governed by the council-manager
4 form of government.

5 B. Financial assistance for qualifying municipalities may be
6 obtained, upon availability of funding, through a financial
7 assistance program to be developed by the Oklahoma Department of
8 Commerce authorized pursuant to Section 5017 of Title 74 of the
9 Oklahoma Statutes.

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

13 Section 10-112. The council shall appoint a city manager ~~for an~~
14 ~~indefinite term~~ or a part-time city manager, pursuant to this act,
15 by a vote of a majority of all its members subject to the terms of
16 employment established by the council. It shall choose the city
17 manager or part-time city manager solely on the basis of executive
18 and administrative qualifications with special reference to the
19 actual experience in, or the knowledge of, accepted practice in
20 respect to the duties of the office. ~~At the time of appointment,~~
21 ~~the city manager need not be a resident of the city or state; but~~
22 ~~during the tenure of holding office the city manager shall reside~~
23 ~~within the city.~~ City managers or part-time city managers may
24 appoint themselves, or the council or other authority may appoint or

1 elect the city manager or part-time city manager, to other offices
2 and positions in the city government, subject to regulations
3 prescribed by ordinance; but the city manager or part-time city
4 manager may not receive compensation for service in such other
5 offices or positions. Neither the mayor nor any members of the city
6 council may be appointed city manager or part-time city manager
7 during the term for which they shall have been elected nor within
8 two (2) years after they cease to hold such office.

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

12 Contingent on funding, the Oklahoma Department of Commerce may
13 partner with a statewide organization to develop and coordinate a
14 financial assistance program for qualifying municipalities having a
15 population of less than five thousand (5,000) according to the
16 latest Federal Decennial Census to employ a part-time city manager
17 pursuant to Section 8-116 of Title 11 of the Oklahoma Statutes. The
18 statewide organization shall demonstrate to the Oklahoma Department
19 of Commerce that it is exempt from taxation under federal law and
20 designated pursuant to the Internal Revenue Code, 26 U.S.C., Section
21 170(a) and that it has represented municipalities, had statutory
22 functions and conducted training programs for municipalities for at
23 least fifteen (15) years prior to November 1, 2005. It shall
24 further demonstrate that its continuous official purpose is to

1 promote the general welfare of cities and towns, to foster or
2 conduct schools, short courses and other training sessions, to
3 provide technical assistance and consultative services and other
4 aids for the improvement and increased efficiency of city and town
5 government, and to serve as the representative of cities and towns
6 in carrying out the duties and prerogatives conferred on it by state
7 law.

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

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