

1 STATE OF OKLAHOMA

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

3 SUBCOMMITTEE RECOMMENDATION
4 FOR ENGROSSED

5 SENATE BILL NO. 1406

By: Bingman of the Senate

and

McNiel of the House

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9 SUBCOMMITTEE RECOMMENDATION

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; amending 74 O.S. 2001, Section
19 5017, which relates to the Department of Commerce;
20 adding certain responsibility; providing for
21 codification; and providing an effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 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. AMENDATORY 74 O.S. 2001, Section 5017, is
10 amended to read as follows:

11 Section 5017. In addition to other functions and
12 responsibilities of the Oklahoma Department of Commerce, the
13 Department shall:

14 1. Administer or coordinate state programs and projects
15 relating to economic or community issues for the planning and
16 carrying out of the acquisition, preservation, use and development
17 of land and provision of public facilities and services for fully
18 carrying out the state's role in related federal grant or loan
19 programs;

20 2. Administer and coordinate state programs and projects
21 relating to economic opportunity, manpower planning and federal
22 public service employment for fully carrying out the state's role in
23 related federal grant or loan programs;

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1 3. Where not otherwise authorized by state law, provide state
2 participation with cities, towns, counties and other municipal
3 corporations in financing public works projects and service
4 programs. The assisted projects and programs shall be consistent
5 with local, regional and state comprehensive plans and policies;

6 4. Develop and coordinate a financial assistance program for
7 local government administration functions for those municipalities
8 qualifying pursuant to this act;

9 5. Coordinate and review applications for federal assistance as
10 required by the federal government and review all other applications
11 for participation in any federal grant or loan program by any public
12 body.

13 Provided, however, that nothing in this section shall be
14 construed to grant the Department the authority to disapprove such
15 application;

16 ~~5-~~ 6. Cooperate with and provide technical and financial
17 assistance to counties, cities, municipal corporations and agencies
18 owned and controlled by them, governmental conferences or councils,
19 regional planning commissions, community development groups,
20 community action agencies, Indian tribes and similar agencies
21 created for the purposes of aiding and encouraging an orderly,
22 productive and coordinated development of the state, and to
23 strengthen local planning responsibility and capability;

1 ~~6.~~ 7. Coordinate a program on an experimental basis in world
2 trade centers in contiguous states for Oklahoma gift manufacturers.
3 Reimbursement may be required from gift manufacturers participating
4 in such market space program for funds expended for such purposes.
5 It is the intent of the Legislature that the program:

- 6 a. limit the experimental market space program to
7 Oklahoma gift manufacturers which employ no more than
8 fifty employees; and
- 9 b. limit the amount of reimbursement required from the
10 gift manufacturers participating in such market space
11 program to an amount not to exceed twenty percent
12 (20%) of the gross sales of such manufacturer or not
13 to exceed the normal and customary amount received by
14 market space representatives in contiguous states.

15 For purposes of this paragraph, "gift manufacturer" means any
16 Oklahoma manufacturer who manufactures apparel products, lumber and
17 wood products, furniture and fixtures, ceramics, paper and allied
18 products, rubber and miscellaneous plastic products, leather and
19 leather products, stone, clay, and glass products, fabricated metal
20 and other similar items normally sold to persons for gift purposes;

21 ~~7.~~ 8. Assist the Governor in coordinating the activities of
22 state agencies which have an impact on the solution of economic or
23 community development problems and the implementation of economic or
24 community plans;

1 ~~8.~~ 9. Encourage and, when requested, assist the efforts of
2 local governments to develop mutual and cooperative solutions to
3 their common problems;

4 ~~9.~~ 10. Study existing legal provisions that affect the
5 structure and financing of local government and those state
6 activities which involve significant relations with local
7 governmental units in cooperation with local governments and
8 agencies owned by them and recommend to the Governor and the
9 Legislature such changes in these provisions and activities as may
10 seem necessary to strengthen local government;

11 ~~10.~~ 11. Carry out continuing studies and analyses of the
12 problems faced by communities within the state and develop such
13 recommendations for administrative or legislative action as would
14 appear necessary. In carrying out such studies and analyses,
15 particular attention should be paid to the problems of regional,
16 metropolitan, urban, suburban, rural and other areas in which
17 economic and population factors are rapidly changing;

18 ~~11.~~ 12. Develop and test model or demonstration programs and
19 projects, which may include contracting to administer certain
20 functions or services of the state for such purposes and otherwise
21 provide a program of practical research in the solution of community
22 problems;

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1 ~~12.~~ 13. Collect reasonable personnel costs for staff time spent
2 in the search for and duplication of records if such time exceeds
3 one hour; and

4 ~~13.~~ 14. Collect reasonable fees for informational publications
5 and materials produced by Department of Commerce in accomplishing
6 its mission.

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

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