

1 ENGROSSED SENATE
2 BILL NO. 1406

By: Bingman of the Senate
and
McNiel of the House

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7 [cities and towns - authorizing municipalities to
8 hire part-time city managers - codification -
9 effective date]

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

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

15 A. Any municipality with a population of less than five
16 thousand (5,000) according to the latest federal decennial census
17 may employ a part-time city manager. The duties of the part-time
18 city manager shall be determined by the governing body of the
19 municipality, or pursuant to Section 10-113 of Title 11 for
20 municipalities governed by the council-manager form of government.

21 B. Financial assistance for qualifying municipalities may be
22 obtained, upon availability of funding, through a financial
23 assistance program to be developed by the Oklahoma Department of
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1 Commerce authorized pursuant to Section 5017 of Title 74 of the
2 Oklahoma Statutes.

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

6 Section 10-112. The council shall appoint a city manager or a
7 part-time city manager, pursuant to this act, for an indefinite term
8 by a vote of a majority of all its members. It shall choose the
9 city manager or part-time city manager solely on the basis of
10 executive and administrative qualifications with special reference
11 to the actual experience in, or the knowledge of, accepted practice
12 in respect to the duties of the office. At the time of appointment,
13 the city manager or part-time city manager need not be a resident of
14 the city or state; but during the tenure of holding office the city
15 manager or part-time city manager shall reside within the city.
16 City managers or part-time city managers may appoint themselves, or
17 the council or other authority may appoint or elect the city manager
18 or part-time city manager, to other offices and positions in the
19 city government, subject to regulations prescribed by ordinance; but
20 the city manager or part-time city manager may not receive
21 compensation for service in such other offices or positions.
22 Neither the mayor nor any members of the city council may be
23 appointed city manager or part-time city manager during the term for

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1 which they shall have been elected nor within two (2) years after
2 they cease to hold such office.

3 SECTION 3. AMENDATORY 74 O.S. 2001, Section 5017, is
4 amended to read as follows:

5 Section 5017. In addition to other functions and
6 responsibilities of the Oklahoma Department of Commerce, the
7 Department shall:

8 1. Administer or coordinate state programs and projects
9 relating to economic or community issues for the planning and
10 carrying out of the acquisition, preservation, use and development
11 of land and provision of public facilities and services for fully
12 carrying out the state's role in related federal grant or loan
13 programs;

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

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

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1 4. Develop and coordinate a financial assistance program for
2 local government administration functions for those municipalities
3 qualifying pursuant to this act;

4 5. Coordinate and review applications for federal assistance as
5 required by the federal government and review all other applications
6 for participation in any federal grant or loan program by any public
7 body.

8 Provided, however, that nothing in this section shall be
9 construed to grant the Department the authority to disapprove such
10 application;

11 ~~5.~~ 6. Cooperate with and provide technical and financial
12 assistance to counties, cities, municipal corporations and agencies
13 owned and controlled by them, governmental conferences or councils,
14 regional planning commissions, community development groups,
15 community action agencies, Indian tribes and similar agencies
16 created for the purposes of aiding and encouraging an orderly,
17 productive and coordinated development of the state, and to
18 strengthen local planning responsibility and capability;

19 ~~6.~~ 7. Coordinate a program on an experimental basis in world
20 trade centers in contiguous states for Oklahoma gift manufacturers.
21 Reimbursement may be required from gift manufacturers participating
22 in such market space program for funds expended for such purposes.
23 It is the intent of the Legislature that the program:

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

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

16 ~~7.~~ 8. Assist the Governor in coordinating the activities of
17 state agencies which have an impact on the solution of economic or
18 community development problems and the implementation of economic or
19 community plans;

20 ~~8.~~ 9. Encourage and, when requested, assist the efforts of
21 local governments to develop mutual and cooperative solutions to
22 their common problems;

23 ~~9.~~ 10. Study existing legal provisions that affect the
24 structure and financing of local government and those state

1 activities which involve significant relations with local
2 governmental units in cooperation with local governments and
3 agencies owned by them and recommend to the Governor and the
4 Legislature such changes in these provisions and activities as may
5 seem necessary to strengthen local government;

6 ~~10.~~ 11. Carry out continuing studies and analyses of the
7 problems faced by communities within the state and develop such
8 recommendations for administrative or legislative action as would
9 appear necessary. In carrying out such studies and analyses,
10 particular attention should be paid to the problems of regional,
11 metropolitan, urban, suburban, rural and other areas in which
12 economic and population factors are rapidly changing;

13 ~~11.~~ 12. Develop and test model or demonstration programs and
14 projects, which may include contracting to administer certain
15 functions or services of the state for such purposes and otherwise
16 provide a program of practical research in the solution of community
17 problems;

18 ~~12.~~ 13. Collect reasonable personnel costs for staff time spent
19 in the search for and duplication of records if such time exceeds
20 one hour; and

21 ~~13.~~ 14. Collect reasonable fees for informational publications
22 and materials produced by Department of Commerce in accomplishing
23 its mission.

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

