

SB 1406

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THE STATE SENATE  
Wednesday, February 20, 2008

Senate Bill No. 1406  
As Amended

SENATE BILL NO. 1406 - By: BINGMAN of the Senate and McNIEL of the House.

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

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 8-116 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 city manager shall be determined by the governing body of the municipality, or pursuant to Section 10-113 of Title 11 for municipalities governed by the council-manager form of government.

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

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

4 Section 10-112. The council shall appoint a city manager or a  
5 part-time city manager, pursuant to this act, for an indefinite term  
6 by a vote of a majority of all its members. It shall choose the  
7 city manager or part-time city manager solely on the basis of  
8 executive and administrative qualifications with special reference  
9 to the actual experience in, or the knowledge of, accepted practice  
10 in respect to the duties of the office. At the time of appointment,  
11 the city manager or part-time city manager need not be a resident of  
12 the city or state; but during the tenure of holding office the city  
13 manager or part-time city manager shall reside within the city.  
14 City managers or part-time city managers may appoint themselves, or  
15 the council or other authority may appoint or elect the city manager  
16 or part-time city manager, to other offices and positions in the  
17 city government, subject to regulations prescribed by ordinance; but  
18 the city manager or part-time city manager may not receive  
19 compensation for service in such other offices or positions.  
20 Neither the mayor nor any members of the city council may be  
21 appointed city manager or part-time city manager during the term for  
22 which they shall have been elected nor within two (2) years after  
23 they cease to hold such office.

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

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

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

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

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

21 4. Develop and coordinate a financial assistance program for  
22 local government administration functions for those municipalities  
23 qualifying pursuant to this act;

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

5        Provided, however, that nothing in this section shall be  
6 construed to grant the Department the authority to disapprove such  
7 application;

8        ~~5-~~ 6. Cooperate with and provide technical and financial  
9 assistance to counties, cities, municipal corporations and agencies  
10 owned and controlled by them, governmental conferences or councils,  
11 regional planning commissions, community development groups,  
12 community action agencies, Indian tribes and similar agencies  
13 created for the purposes of aiding and encouraging an orderly,  
14 productive and coordinated development of the state, and to  
15 strengthen local planning responsibility and capability;

16        ~~6-~~ 7. Coordinate a program on an experimental basis in world  
17 trade centers in contiguous states for Oklahoma gift manufacturers.  
18 Reimbursement may be required from gift manufacturers participating  
19 in such market space program for funds expended for such purposes.

20 It is the intent of the Legislature that the program:

21        a.    limit the experimental market space program to  
22                Oklahoma gift manufacturers which employ no more than  
23                fifty employees; and

1           b.    limit the amount of reimbursement required from the  
2                    gift manufacturers participating in such market space  
3                    program to an amount not to exceed twenty percent  
4                    (20%) of the gross sales of such manufacturer or not  
5                    to exceed the normal and customary amount received by  
6                    market space representatives in contiguous states.

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

13       ~~7.~~ 8.   Assist the Governor in coordinating the activities of  
14  state agencies which have an impact on the solution of economic or  
15  community development problems and the implementation of economic or  
16  community plans;

17       ~~8.~~ 9.   Encourage and, when requested, assist the efforts of  
18  local governments to develop mutual and cooperative solutions to  
19  their common problems;

20       ~~9.~~ 10.   Study existing legal provisions that affect the  
21  structure and financing of local government and those state  
22  activities which involve significant relations with local  
23  governmental units in cooperation with local governments and

1 agencies owned by them and recommend to the Governor and the  
2 Legislature such changes in these provisions and activities as may  
3 seem necessary to strengthen local government;

4 ~~10.~~ 11. Carry out continuing studies and analyses of the  
5 problems faced by communities within the state and develop such  
6 recommendations for administrative or legislative action as would  
7 appear necessary. In carrying out such studies and analyses,  
8 particular attention should be paid to the problems of regional,  
9 metropolitan, urban, suburban, rural and other areas in which  
10 economic and population factors are rapidly changing;

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

16 ~~12.~~ 13. Collect reasonable personnel costs for staff time spent  
17 in the search for and duplication of records if such time exceeds  
18 one hour; and

19 ~~13.~~ 14. Collect reasonable fees for informational publications  
20 and materials produced by Department of Commerce in accomplishing  
21 its mission.

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

23 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-18-08  
24 - DO PASS, As Amended and Coauthored.