

ENROLLED HOUSE
BILL NO. 1420

By: Cannaday and Moore of the
House

and

Ballenger of the Senate

An Act relating to cities and towns; amending Section 1, Chapter 304, O.S.L. 2008 (11 O.S. Supp. 2008, Section 8-116), which relates to part-time city managers; authorizing certain municipalities to hire part-time city planners; authorizing governing body to determine duties; amending 11 O.S. 2001, Section 10-112, as last amended by Section 2, Chapter 304, O.S.L. 2008 (11 O.S. Supp. 2008, Section 10-112), which relates to city manager and part-time city manager appointments; authorizing the council to hire a part-time city planner; amending Section 3, Chapter 304, O.S.L. 2008 (74 O.S. Supp. 2008, Section 5017.8), which relates to the development and coordination of a financial assistance program for certain municipalities; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 304, O.S.L. 2008 (11 O.S. Supp. 2008, Section 8-116), is amended to read as follows:

Section 8-116. 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 or a part-time city planner. 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 of the Oklahoma Statutes~~ this title for

municipalities governed by the council-manager form of government. The duties of the part-time city planner shall be determined by the governing body of the municipality.

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.

SECTION 2. AMENDATORY 11 O.S. 2001, Section 10-112, as last amended by Section 2, Chapter 304, O.S.L. 2008 (11 O.S. Supp. 2008, Section 10-112), is amended to read as follows:

Section 10-112. The council shall appoint a city manager ~~or~~, a part-time city manager, or a part-time city planner, pursuant to this act, by a vote of a majority of all its members subject to the terms of employment established by the council. It shall choose the city manager ~~or~~, part-time city manager, or part-time city planner solely on the basis of executive and administrative qualifications with special reference to the actual experience in, or the knowledge of, accepted practice in respect to the duties of the office. At the time of appointment, the city manager need not be a resident of the city or state; but during the tenure of holding office the city manager shall reside within the city. City managers ~~or~~, part-time city managers, or part-time city planners may appoint themselves, or the council or other authority may appoint or elect the city manager ~~or~~, part-time city manager, or part-time city planner to other offices and positions in the city government, subject to regulations prescribed by ordinance; but the city manager ~~or~~, part-time city manager, or part-time city planner may not receive compensation for service in such other offices or positions. Neither the mayor nor any members of the city council may be appointed city manager ~~or~~, part-time city manager, or part-time city planner during the term for which they shall have been elected nor within two (2) years after they cease to hold such office.

SECTION 3. AMENDATORY Section 3, Chapter 304, O.S.L. 2008 (74 O.S. Supp. 2008, Section 5017.8), is amended to read as follows:

Section 5017.8 Contingent on funding, the Oklahoma Department of Commerce may partner with a statewide organization to develop and coordinate a financial assistance program for qualifying municipalities having a population of less than five thousand

(5,000) according to the latest Federal Decennial Census to employ a part-time city manager or a part-time city planner pursuant to Section ~~± 8-116 of this act~~ Title 11 of the Oklahoma Statutes. The statewide organization shall demonstrate to the Oklahoma Department of Commerce that it is exempt from taxation under federal law and designated pursuant to the Internal Revenue Code, 26 U.S.C., Section 170(a) and that it has represented municipalities, had statutory functions and conducted training programs for municipalities for at least fifteen (15) years prior to November 1, 2005. It shall further demonstrate that its continuous official purpose is to promote the general welfare of cities and towns, to foster or conduct schools, short courses and other training sessions, to provide technical assistance and consultative services and other aids for the improvement and increased efficiency of city and town government, and to serve as the representative of cities and towns in carrying out the duties and prerogatives conferred on it by state law.

SECTION 4. This act shall become effective November 1, 2009.

Passed the House of Representatives the 26th day of February,
2009.

Presiding Officer of the House of
Representatives

Passed the Senate the 7th day of April, 2009.

Presiding Officer of the Senate