

Date: February 4, 2020

AGENDA ITEM COMMENTARY

ITEM TITLE: Receive Report from the City Attorney Regarding the Process and Progress of the Proposed Amendments to the Altus City Charter and the Law that Applies and Consider, Discuss, and Possibly Approve a Resolution Acknowledging Receipt from the Board of Freeholders of the Proposed Amendments in Compliance with Oklahoma Law and Calling for an Election on the Proposed Charter Amendments

BACKGROUND: City Council previously called for the election of a Board of Freeholders to propose amendments to the current Altus City Charter. The Board of Freeholders has proposed 23 Charter amendments. The Oklahoma Constitution, Art. 18, section 3(a) and Title 11 O.S. section 13-101, et seq. appear to be in conflict with Title 26 of Oklahoma statutes in that the time period prescribed for holding the election on the proposed Charter amendments is not an available election date as fixed by Oklahoma statutes.

FUNDING: N/A

EXHIBITS: (a) Resolution 2020-01 of the Board of Freeholders containing all of the proposed Charter amendments, (b) resolution 2020-02 of the Board of Freeholders containing the ballot language suggested by the Board of Freeholders, (c) the proposed Resolution of City Council calling for an election on the proposed Charter amendments and calling for publication and approving ballot language.

RESOLUTION NO. 2020-01

A RESOLUTION OF THE CITY OF ALTUS, OKLAHOMA AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF ALTUS, OKLAHOMA, ON THE 7TH DAY OF APRIL, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF ALTUS, OKLAHOMA, THE QUESTION OF THEIR APPROVAL OR REJECTION OF CHARTER AMENDMENTS PROPOSED BY THE BOARD OF FREEHOLDERS AND AUTHORIZED UNDER ARTICLE XVIII, §3(A) OF THE OKLAHOMA CONSTITUTION AND TITLE 11 O.S. §13-101, ET SEQ. AND ARTICLE VIII, §2 OF THE ALTUS CHARTER.

WHEREAS, the Altus City Council previously called for an election of a Board of Freeholders to propose amendments to the current Altus City Charter (“Charter”); and,

WHEREAS, Article XVIII, §3(a) of the Oklahoma Constitution and Title 11 O.S. §13-105 require that an elected board of freeholders prepare the proposed charter amendments within ninety (90) days of election; and,

WHEREAS, the Board of Freeholders was elected on November 17th, 2019, and their respective terms conclude on or about February 12th, 2020; and,

WHEREAS, Title 11 O.S. §13-106 requires that within twenty (20) days after receipt from the Board of Freeholders the governing body shall publish the proposed Charter amendments; and,

WHEREAS, Article XVIII, §3(a) and requires that the proposed amendments be published in a newspaper of general circulation within the municipality at least once per week for three (3) consecutive weeks after completion by the Board of Freeholders; and,

WHEREAS, Article XVIII, §3(a) requires that the first publication shall be made within twenty (20) days after the completion of the proposed charter amendments after receipt by Council; and,

WHEREAS, the Altus Times is a weekly newspaper of general circulation, which has gone to press for its immediately subsequent publication and the next available publication dates are as follows: (a) February 13th, 2020, (b) February 20th, 2020, and (c) February 27th, 2020; and,

WHEREAS, Article XVIII, §3(a) requires that within thirty (30) days, and not earlier than twenty (20) days after publication, the proposed charter amendments shall be submitted to the qualified electors of said city at a general or special election, which would result in a special election to occur between March 18th, 2020, a Wednesday, and March 28th, 2020; and,

WHEREAS, Title 26 sets the dates of election that may be had and held in the State of Oklahoma and no elections dates are fixed or permitted by state law March 18th, 2020, a Wednesday, and March 28th, 2020; and,

WHEREAS, Article II, §7 of the Altus City Charter currently provides, in pertinent part ... “Except as otherwise provided in this Charter, all powers of the city, including the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council may ... Regulate elections and the initiative and referendum within the limits prescribed by the state constitution and law and this Charter[.]”; and,

WHEREAS, Article VIII, §1 of the current Altus City Charter provides, in part, that “[i]f more than one (1) amendment are [is] proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this Charter may either be in the form of a proposed amendment to a part or parts of the Charter or of a proposed new Charter[.]”; and,

WHEREAS, the nearest election date available under Oklahoma state statutes is April 7th, 2020, and this date provides at least substantial compliance with the Oklahoma Constitution, Oklahoma statutes and the Altus City Charter; and,

WHEREAS, the Altus City Council desires to submit the charter amendments proposed by the Board of Freeholders to the people of Altus by holding an election in the City of Altus, Jackson County, Oklahoma on the 7th day or April, 2020, for the purpose of submitting the proposed amendments to the qualified electors of Altus for their approval or rejection the following twenty-three (23) propositions.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Altus, Oklahoma:

Section I. That the Mayor of the City of Altus, Oklahoma, be and is hereby authorized and directed to call an election to be held in the City of Altus, Oklahoma, on April 7th, 2020, for the purpose of submitting to the qualified electors of the City of Altus, for their approval or rejection, the following twenty-three (23) propositions:

PROPOSITION 1

Shall the Altus City Charter be amended at Article I, §2 to be known as the charter form of government rather than the council-manager form of government.

PROPOSITION 2

Shall the Altus City Charter be amended at Article II, §3 to operate to remove a councilmember once he ceases to be a resident of the ward he was elected to serve.

PROPOSITION 3

Shall the Altus City Charter be amended at Article II, §6 to limit reimbursement of councilmembers and the mayor only to justified expenses incurred for travel outside the city limits in the amount of \$200 for a councilmember and \$400 for the mayor.

PROPOSITION 4

Shall the Altus City Charter be amended at Article II, §7 to require Council to inquire into matters of criminal, financial, or personnel abuse, or hostile work environment and to approve reimbursements of expenses incurred for city business by the Council, City Manager and elected officers of the City and to prepare and approve a detailed city government organization chart and review the chart annually and to determine compensation rates for employees assigned additional duties and to adopt a code of ethics to govern interactions between councilmembers and Council and the public.

PROPOSITION 5

Shall Article II, §8 of the Altus City Charter be amended as follows: (a) changing the title to “Council/Employee relations,” (b) prohibiting Council from directing, requesting or participating in the appointment or removal of any person from his employment or requesting the same from the City Manager or an elected official, (c) permitting Council to inquire into criminal, financial, or personnel abuse or hostile work environment in city government, (d) requiring Council to deal with the administrative service and ordinary administrative matters through the City Manager or elected officer.

PROPOSITION 6

Shall Article II, §10 of the Altus City Charter be amended as follows: (a) requiring a candidate for Police Chief to possess 10 years as a full-time sworn law enforcement officer, (b) requiring that the Police Chief meet the qualifications of Title 11 O.S. §34-102(B)-(E) and providing for removal if such qualifications are not met, (c) requiring City Council to review Police Chief salary no less than 3 months prior to the election for the position, but any changes will not be effective during a current term, (d) requiring the Police Chief to prepare and present an annual departmental budget and agenda items for Council, (e) making the Police Chief a member of an agenda committee that consolidates proposed agendas for Council.

PROPOSITION 7

Shall Article II, §11 of the Altus City Charter be amended as follows: (a) requiring City Council to review City Clerk-Treasurer salary no less than 3 months prior to the election for the position, but any changes will not be effective during a current term, (b) requiring the City-Clerk Treasurer to prepare and present an annual departmental budget and agenda items for Council, (e) making the City-Clerk Treasurer a member of an agenda committee that consolidates proposed agendas for Council.

PROPOSITION 8

Shall Article II, §12 of the Altus City Charter be amended as follows: (a) requiring City Council to review Street Commissioner salary no less than 3 months prior to the election for the position, but any changes will not be effective during a current term, (b) requiring the Street Commissioner to prepare and present an annual departmental budget and agenda items for Council, (e) making the Street Commissioner a member of an agenda committee that consolidates proposed agendas for Council.

PROPOSITION 9

Shall Article II, of the Altus City Charter be amended by adding §22 which creates a Budget Committee consisting of the City Manager, Chief of Police, City Clerk-Treasurer, Street Commissioner, Chief Financial Officer and City Attorney and which shall present a consolidated budget to the City Council for approval.

PROPOSITION 10

Shall Article II, of the Altus City Charter be amended by adding §23 requiring all persons of the City, elected or appointed, who have the responsibility of hiring, terminating, promoting, demoting or disciplining City employees to comply with state and federal law, and the Charter and City ordinances, in the hiring, termination and disciplinary process.

PROPOSITION 11

Shall Article II, of the Altus City Charter be amended by adding §24 granting each elected city official the right to present, and to be heard, regarding his/her respective proposed budget and perceived departmental needs, annually to Council and requiring that such presentation and hearing occur before the time of formulating the annual, municipal budget and allowing Council to prescribe the rules and procedure for the presentation and hearing.

PROPOSITION 12

Shall Article III, §1 of the Altus City Charter be amended by removing the residency requirement for the City Manager and allowing Council to set a mileage limit as to the residency of the City Manager as well as allowing a grace period for relocation.

PROPOSITION 13

Shall Article III, §3 of the Altus City Charter be amended by requiring the City Manager: (a) to work in partnership with the elected officials about personnel

matters in the elected official's department, (b) prepare a personnel and fiscal budget for the departments administered by the City Manager, and (c) be a member of the agenda committee along with the Chief of Police, City Clerk-Treasurer, Street Commissioner, City Manager, and City Attorney, which committee shall consolidate proposed agendas and combined agendas in accordance with state statutes for presentation to Council.

PROPOSITION 14

Shall Article III, §4 of the Altus City Charter be amended by allowing the City Council to establish the residency requirements for the City Attorney and clarifying that the City Attorney is the legal advisor to department administrators and the elected officials.

PROPOSITION 15

Shall Article IV, §1 of the Altus City Charter be amended by: (a) changing the captioned title to "City Clerk-Treasurer" and all references in the text of this article and section from "Clerk Treasurer" to "City Clerk-Treasurer."

PROPOSITION 16

Shall Article VI, §2 of the Altus City Charter be amended to require candidates for elected city offices to file a declaration of candidacy with the county election board for their respective wards.

PROPOSITION 17

Shall Article VI, §4 of the Altus City Charter be amended to require that primary election dates shall be held every odd-numbered year on the Second Tuesday in February.

PROPOSITION 18

Shall Article VI, §5 of the Altus City Charter be amended to provide that if more than two candidates file for an elective office the two (2) candidates for each elective office receiving the greatest number of votes cast in the primary election shall proceed to the general election.

PROPOSITION 19

Shall Article VI, §6 of the Altus City Charter be amended to provide that a general election shall be held on the First Tuesday in April in every odd - numbered year to elect successors for those offices the terms of which are expiring.

PROPOSITION 20

Shall Article VII, §2 of the Altus City Charter be amended to change the time periods in the article and section from “10 days” to “10 business days” and providing that the Merit System Board shall be the final arbiter between the City Manager and elected officials as to employment disputes and providing for time periods for hearing any such dispute.

PROPOSITION 21

Shall Article VII, §4 of the Altus City Charter be amended by striking the scrivener’s error of “[he]” from the text.

PROPOSITION 22

Shall Article VII, §12 of the Altus City Charter be amended by striking the scrivener’s error of “Separability” and replacing the word with “Severability.”

PROPOSITION 23

Shall Article VII, §13 of the Altus City Charter be amended by adding elected officials to the specified list of people that must avoid conflicts of interests in selling or bartering anything to the City of Altus and subjecting elected officials to forfeiture of office in the event of a conflict of interest.

Section II. The ballots used at said election shall set out the Propositions as set forth above and shall also contain, in connection with each of the said propositions, the following words:

- FOR
The above Proposition
- AGAINST
The above Proposition

Only the registered, qualified voters of the City of Altus, County of Jackson, Oklahoma, may vote upon the Propositions set forth above.

Section III. The Mayor of the City of Altus, Oklahoma, shall call said election by Proclamation and shall direct the City Clerk to cause the publication of this Resolution and the proposed amendments once per week for three (3) consecutive weeks, with the date of the last publication at least twenty (20) days prior to the date of the election and no more than thirty (30) days prior to the date of the election; that the ballots shall set forth the Propositions to be voted upon substantially as set forth above; that the polls shall be opened at 7:00 o’clock a.m. and shall remain open continuously until they are closed at 7:00 o’clock p.m.; and that the returns of such election shall be made to and shall be canvassed by the Jackson County Election Board.

Section IV. That the full text of the Charter, and the full text of the proposed Charter amendments as set forth in the Board of Freeholders Resolution 2020-01, shall be the text published in the newspaper and shall be available upon request at the Office of the City Clerk.

Section V. That the provisions of this Resolution are hereby declared to be severable and if any section, paragraph, sentence or clause be held invalid or inoperative by any Court of competent jurisdiction, such decision shall not affect any other sections, paragraphs, sentences or clauses hereof.

Section VI. The Charter amendments shall be effective upon approval by a majority of the qualified electors of the City of Altus, at an election held for such purpose, as provided by law, and upon the further approval of the Governor of the State of Oklahoma.

PASSED AND APPROVED by the City Council of the City of Altus, Oklahoma, on this 4th day of February, 2020.

Jack Smiley, Mayor

(SEAL)

ATTEST:

Debbie Davis, City Clerk-Treasurer

Approved as to Form and Legality:

Michael T. Beason, City Attorney

Attachment: Resolution for Council for the Proposed Charter Amendments (2794 : Freeholders)

RESOLUTION OF THE BOARD OF FREEHOLDERS 2020-01

A RESOLUTION OF THE BOARD OF FREEHOLDERS APPROVING THE LISTING OF PROPOSED AMENDMENTS TO THE ALTUS CITY CHARTER, IS ATTACHED AS EXHIBIT "A," AS ACCURATE AND COMPLETE AND DIRECTING THAT THE PROPOSED AMENDMENTS BE SUBMITTED TO THE ALTUS CITY COUNCIL FOR FURTHER ACTION.

WHEREAS, Article 18, §3(a) of the Oklahoma Constitution provides that municipalities with a population in excess of two thousand (2000) citizens may frame and amend a city charter; and,

WHEREAS, the City of Altus is a municipality located within Jackson County, Oklahoma and possessing a population in excess of two thousand (2000) citizens; and,

WHEREAS, Title 11 O.S. §13-101, et seq. provides that municipalities may frame and amend a city charter; and,

WHEREAS, the City of Altus ("City") previously proposed and adopted a Charter which became the organic law of the City on or about September 10th, 2013; and,

WHEREAS, Article VIII, §2 of the Altus City Charter provides that the Altus City Council ("Council") by ordinance may provide for an election of a board of freeholders to prepare and propose amendments to the City Charter; and,

WHEREAS, the Altus City Council previously ordained an election of a board of freeholders for the purpose of proposing amendments to the existing City Charter; and,

WHEREAS, this current Board of Freeholders was duly elected by the citizens of Altus to serve and to propose amendments to the existing City Charter; and,

WHEREAS, this Board of Freeholders has properly decided upon proposed amendments to the existing City Charter and has completed its work within the ninety (90) day time period as required by Article 18, §3(a) of the Oklahoma Constitution; and,

WHEREAS, the amendments to the existing City Charter proposed by this Board of Freeholders are properly and completely set forth in Exhibit "A" attached to this Resolution and incorporated fully by reference;

NOW, THEREFORE, be it resolved by this Board of Freeholders elected on and serving in the years 2019-2020:

Section 1. It is hereby acknowledged and agreed that Exhibit "A" attached hereto is a complete and accurate listing and detail of all proposed amendments to the Altus City Charter voted upon, and approved, by this Board of Freeholders.

Section 2. This Resolution and the proposed Charter amendments attached as Exhibit "A" shall be submitted to the Altus City Council, as the legislative body of and for the City of Altus, in order that the Altus City Council may take all lawful, proper and necessary action.


PASSED AND APPROVED this 17th day of January, 2020, by the Board of Freeholders of the City of Altus, Jackson County, Oklahoma.



Stacy Belanger, Chairperson, Ward IV



Timothy Scott, Vice Chairperson, Ward III



Allen Collins, Ward I




Sherri Dirickson, Ward III




Linda Walker, Ward II



Jeremy Bailey, Ward II




Ron Osterhout, Ward IV




Tom Buchanan, Ward I





Debbie Davis
Altus City Clerk/Treasurer

Approved as to form and legality:



Michael T. Beason
City Attorney for the City of Altus

Attachment: pdf Version of the Signed Resolution of Proposed Charter Changes (2794 : Freeholders)

EXHIBIT "A"PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF ALTUS

1. Art. I, §2.

Proposed Amendment**"Sec. 2. - Form of government.**

- a. The city shall have all powers possible for a city operating under a home rule Charter to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.
- b. The municipal government provided by this Charter shall be known as the "~~council-manager~~ **charter form** government." All powers of the city shall be exercised in the manner prescribed by this Charter, or, if the manner is not prescribed, then in such manner as the council may prescribe by ordinance."

2. Art. II, §3.

Proposed Amendment**"Sec. 3. – Removal from Office.**

If a councilmember ceases to be a resident of the city ward he was elected to serve the council member shall no longer be a member of the council. The mayor, a councilmember or any other person elected to an office of the City of Altus may be removed for any cause specified by applicable state law for the removal of officers and by the method or methods specified thereby or is convicted of a crime of moral turpitude."

3. Art. II, §6.

Proposed Amendment**"Sec. 6. - Council: Salary.**

"The mayor and each councilmember shall not receive compensation for their services as mayor or councilmember. The mayor and council members may receive justified expenses for travel and related costs during their term only for travel outside the city limits of the City of Altus. The limit for justified expenses for travel outside the city limits shall be as follows: ~~The~~ The mayor may receive not to exceed in excess of four hundred dollars (\$400.00) per month and each councilmember may receive not to exceed in excess of two hundred dollars (\$200.00) per month ~~for miscellaneous expenses incurred subject to biannual review.~~"

4. Art. II, §7.

Proposed Amendment**“Sec. 7. - Council: Powers.**

Except as otherwise provided in this Charter, all powers of the city, including the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council ~~may~~ **shall**:

- a. Appoint and remove the city manager as provided in this Charter;
- b. By ordinance enact local legislation;
- c. Raise revenue, make appropriations, regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the city, subject to the provisions of the state constitution and law and this Charter;
- d. By ordinance establish a pension and retirement system for any or all groups of the officers and employees in the service of the city, either alone or in cooperation with the state or federal government or both;
- e. ~~Inquire into the conduct of any office, department or agency of the city and investigate municipal affairs~~ **or field concerns on criminal, financial, or personnel abuse, or hostile work environment of any office, department or agency of the city and investigate municipal affairs relevant to specific inquiry.**
See Article II, Section 8 – Council Employee Relations;
- f. Appoint or elect and remove its own subordinates, the members of the personnel board, the members of the planning commission, the members of the zoning board of adjustment and other quasi-legislative or quasi-judicial officers and authorities, when and if established, or prescribe the method of appointing or electing and removing them;
- g. Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge;
- h. Regulate elections and the initiative and referendum within the limits prescribed by the state constitution and law and this Charter;
- i. By ordinance regulate the organizations, powers, duties, and functions of the municipal court and of the minor violations bureau, if and when established, within the limits prescribed by the state constitution and law and this Charter;

- j. By ordinance create, change and abolish offices, departments and agencies other than the offices, departments and agencies established by this Charter; and by ordinance assign additional functions and duties to offices, departments and agencies established by this Charter.
- k. Council shall be responsible for approving reimbursements of expenses incurred in City business for the Council, City Manager and elected officers of the City. Council has the authority to establish the approval process.
- l. City Manager and elected officers shall prepare a detailed organization chart of city departments, offices and agencies which shows all positions of the city. The Council shall approve the organization chart and review it annually. Council shall approve salary/pay scale ranges and job descriptions for each position except those covered by collective bargaining agreements. Review of the organization charts and salary/pay scales shall be performed annually as part of the budget approval process.
- Council shall determine compensation rates for employees who are assigned additional duties beyond those of that employee's primary position.
- m. Council shall adopt a code of ethics which shall govern the interactions between Council members and between Council and the public."

5. Art. II, §8.

Proposed Amendment

~~"Sec. 8. - Council not to interfere in appointments and removals. Council/Employee relations.~~

Neither the council nor any of its members may direct or request the appointment of any person to, or his removal from, office or employment by the city manager or by any other authority including elected officials, or, except as provided in this Charter, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purpose of inquiry into criminal, financial, or personnel abuse or hostile work environment, the council and its members shall deal with the administrative service solely through the city manager or elected officer and neither the council nor any member thereof may give orders on ordinary administrative matters to any subordinate of the city manager or elected officer either publicly or privately."

6. Art. II, §10.

Proposed Amendment**“Sec. 10. – Police Chief.**

There shall be a Chief of Police of the City of Altus, who shall be an officer of the City, elected by a majority of the registered voters of the City voting in an at large election at the time of election of the mayor. The Chief of Police shall be elected for a term of four (4) years and may serve an indefinite number of terms of office. A candidate for the office of Police Chief must at the time of filing for office be a “peace officer” certified by the Oklahoma Council of Law Enforcement Education and Training, CLEET. The candidate must have at least ten (10) years’ experience as a full time sworn law enforcement officer of a federal, state, county, or city law enforcement department.

The Chief of Police shall meet the qualifications required in Oklahoma State Statutes Title 11. “Cities and Towns Sec. 11-34-102 Chief of Police – Powers, duties and functions – Qualifications.” Paragraph B through E. The Chief of Police shall be removed from office if he fails to meet these qualifications.

The salary for the elected Police Chief shall be established by ordinance of the council. **Salary adjustments shall not take effect during the current term of office of the police chief. The City Council must review and determine if salary adjustments are to be made for the position of Chief of Police no less than three months prior to the regularly scheduled election for the position of Chief of Police.** The elected police chief shall be considered an employee of the City of Altus for all purposes including but not limited to the approved benefits such as vacation, sick leave and pension. The elected Police Chief shall be an employee for the purposes of the Oklahoma Governmental Tort Claims Act **and that right shall not be infringed.**

The officers of the City of Altus Police Department shall be regular employees of the city and shall be subject to all rules, regulations, policies and ordinances for the administration of city personnel. The elected Police Chief shall supervise and ~~control~~ **administer** the personnel of the police department and operation of the City of Altus Police Department ~~subject to the provisions of Article III of this Charter.~~

The Chief of Police shall prepare agenda items for Council meetings pertaining to the police department and furnish necessary data and facts for decisions. The Chief of Police shall be a member of an agenda committee consisting of the Chief of Police, City Clerk-Treasurer, Street Commissioner, City Manager, and City Attorney. The agenda committee shall consolidate proposed agendas and the City Clerk-Treasurer shall publish the combined agenda in accordance with state statutes. The agenda committee shall develop its procedures by which it operates.

The Chief of Police shall prepare a police department personnel and fiscal budget annually. The Chief of Police shall be responsible for the administration of his department’s budget as approved by the Council. The Chief of Police shall submit to the Council a report

as of the end of the fiscal year on the finances and administrative activities of the police department.

The Police Chief shall act in partnership with the City Manager and in compliance with Article VII, §2(d) of this Charter in addressing the hiring, termination, promotion or discipline of a subordinate employee within the Altus Police Department.”

7. Art. II, §11

Proposed Amendment

“Sec. 11. – City Clerk – Treasurer.

There shall be a ~~city clerk – treasurer~~ City Clerk - Treasurer of the City of Altus, who shall be an officer of the city, elected by a majority of the registered voters of the City voting in an at large election. The ~~city clerk – treasurer~~ City Clerk - Treasurer shall be elected for a term of four (4) years and may serve an indefinite number of terms of office. The salary ~~for~~ of the elected City Clerk - Treasurer shall be established by ordinance of the Council. Salary adjustments shall not take effect during the current term of the office of the City Clerk - Treasurer. The City Council must review and determine if salary adjustments are to be made for the position City Clerk-Treasurer no less than three months prior to the regularly scheduled election for the position of City Clerk-Treasurer.

The ~~elected city clerk~~ City Clerk - Treasurer shall be considered an employee of the City of Altus for the purposes of the Oklahoma Governmental Tort Claims Act for all purposes including but not limited to the approved city benefits such as vacation, sick leave and pension. The elected City Clerk – Treasurer shall be an employee for the purposes of the Oklahoma Governmental Tort Claims Act and that right shall not be infringed.

The ~~city clerk – treasurer~~ City Clerk - Treasurer shall have such powers, duties, and functions as may be prescribed by law or by ordinance. In addition, the ~~elected city clerk – treasurer~~ City Clerk - Treasurer shall supervise and ~~control~~ administer the personnel and operation of the office of the ~~city clerk – treasurer~~ City Clerk – Treasurer.

The City Clerk - Treasurer shall prepare an agenda for Council meetings pertaining to the City Clerk – Treasurer Office and furnish necessary data and facts for decisions. The City Clerk-Treasurer shall be a member of an agenda committee consisting of the Chief of Police, City Manager, City Clerk-Treasurer, Street Commissioner, and City Attorney. The agenda committee shall consolidate proposed agendas and the City Clerk-Treasurer shall publish the combined agenda in accordance with state statutes. The agenda committee shall develop the procedures by which it operates.

The City Clerk - Treasurer shall prepare that office’s personnel and fiscal budget annually. The City Clerk-Treasurer shall be responsible for the administration of his department’s budget as approved by the City Council. The City Clerk – Treasurer shall

submit to the Council a report as of the end of the fiscal year on the finances and administrative activities of the City Clerk – Treasurer Office.

The City Clerk-Treasurer shall act in partnership with the City Manager and in compliance with Article VII, §2(d) of this Charter in addressing the hiring, termination, promotion or discipline of a subordinate employee within the City Clerk-Treasurer’s department.”

8. Art. II, §12.

Proposed Amendment

“Sec. 12. – Street Commissioner

There shall be a ~~street commissioner~~ **Street Commissioner** of the City of Altus, who shall be an officer of the city, elected by a majority of the registered voters of the City voting in an at large election ~~at the time of the election of the mayor~~. The street commissioner shall be elected for a term of four (4) years and may serve an indefinite number of terms of office. The salary of the elected street commissioner shall be established by ordinance of the Council. Salary adjustments shall not take effect during the current term of the office of the street commissioner. **The City Council must review and determine if salary adjustments are to be made for the position of Street Commissioner no less than three months prior to the regularly scheduled election for position of Street Commissioner.**

The ~~elected~~ Street commissioner shall be **considered** an employee ~~for the purposes of the Oklahoma Governmental Tort Claims Act~~ **of the City of Altus for all purposes including but not limited to the approved city benefits such as vacation, sick leave and pension. The elected street commissioner shall be an employee for the purposes of the Oklahoma Governmental Tort Claims Act and that right shall not be infringed.**

The street commissioner shall have such powers, duties, and functions as may be prescribed by law or by ordinance. **In addition, the street commissioner shall supervise and administer the personnel and operation of the office of the street commissioner.**

The Street Commissioner shall prepare an agenda for Council meetings pertaining to the City Street Commissioner’s Office and furnish necessary data and facts for decisions. The Street Commissioner shall be a member of an agenda committee consisting of the Chief of Police, City Clerk-Treasurer, Street Commissioner, City Manager, and City Attorney. The agenda committee shall consolidate proposed agendas and the City Clerk - Treasurer shall publish the combined agenda in accordance with state statutes. The agenda committee shall develop its procedures by which it operates.

The Street Commissioner shall prepare a street department personnel and fiscal budget annually. The Street Commissioner shall be responsible for administration of his department’s budget as approved by the Council.

The street commissioner shall submit to the Council a report as of the end of the fiscal year on the finances and administrative activities of the street department.

The Street Commissioner shall act in partnership with the City Manager and in compliance with Article VII, §2(d) of this Charter in addressing the hiring, termination, promotion or discipline of a subordinate employee within the Street Commissioner's department.

9. Art. II, §22.

Proposed Amendment

“Sec. 22 – Budget Committee.

There shall be a budget committee consisting of the City Manager, the Chief of Police, the City Clerk-Treasurer, the Street Commissioner, the Chief Financial Officer and the City Attorney. The budget committee shall present a consolidated budget to the City Council for approval. The budget committee shall develop its procedures by which it operates.”

10. Art. II, §23.

Proposed Amendment

“All persons of the City, whether elected, appointed or otherwise, who have the responsibility of hiring, terminating, promoting, demoting or disciplining City employees shall abide by, and comply with, applicable federal and state laws and rules, and applicable provisions of this Charter, and applicable provisions of the Altus Municipal Code. This Charter section shall not enlarge, diminish or modify the provisions or rights of any Collective Bargaining Agreement that a city employee may be subject to.”

11. Art. II, §24

Proposed Amendment

“Each elected city official shall have the right to present, and to be heard, regarding his respective proposed budget and perceived departmental needs, annually to Council. The presentation of the elected officials proposed budget and perceived needs shall occur at or before the time of formulating the annual, municipal budget. Council shall prescribe the rules, procedure and venue for such presentation and hearing.”

12. Art. III, §1.

Proposed Amendment**“Sec. 1. - City manager: Appointment, term, qualifications, removal.**

“There shall be a city manager. The council shall appoint him for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the city or state; but, during his tenure of office, he shall reside within the city a mileage limit set by council at hiring and allowing a “grace period” for relocation. No councilman may be appointed city manager during the term for which he shall have been elected or within two (2) years after the expiration of his term. The council may suspend or remove the city manager at any time by a vote of a majority of all its members.”

13. Art. III, §3

Proposed Amendment**“Sec. 3. - City manager: Powers and duties.**

The city manager shall be chief executive officer and head of the administrative branch of the city government. He shall execute the laws and ordinances, and administer the government of the city as provided by this charter, and shall be responsible therefore to the council. He shall:

- a. Appoint, discipline, promote and when necessary for the good of the service, remove ~~all~~ nonelected heads of administrative departments and other administrative officers and employees of the city except as otherwise provided in this Charter and except as he or the council by ordinance may authorize the head of a department, an officer or an agency to appoint, discipline, promote, and or remove subordinates in such department, office or agency, subject to such merit system regulations as the council may ordain; This duty shall be performed in partnership with elected officials should a personnel action of a subordinate of an elected official be involved and in conformance with Article VII, Section 2, paragraph d.
- b. Supervise and ~~control~~ administer all administrative departments, offices and agencies, other than those supervised and administered by elected officials, directly or indirectly;
- c. Prepare a personnel and fiscal budget annually and submit it to the council, ~~and be responsible for the administration of the budget after it goes into effect~~ for those administrative departments under the City Manager’s management. The City Manager shall be responsible for the administration of his departments’ budgets as approved by the City Council;

- d. Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of all administrative departments ~~the city~~ for the preceding year;
- e. Keep the council advised of the financial condition and future needs of the city; make monthly reports to the council as to delinquent accounts receivable and accounts payable, and make such recommendations as may, to him, seem desirable;
- f. Prepare an agenda for the council meetings and furnish necessary data and facts for decisions for those administrative departments under control of the City Manager. The City Manager shall be a member of an agenda committee consisting of the Chief of Police, City Clerk-Treasurer, Street Commissioner, City Manager, and City Attorney. The agenda committee shall consolidate proposed agendas and the City Clerk-Treasurer shall publish the combined agenda in accordance with state statutes.

Perform such other duties as this Charter may prescribe and such duties as the council may prescribe, consistent with this Charter.”

14. Art. III, §4.

Proposed Amendment

“Sec. 4. - City attorney and office of the city attorney.

- a. The city council shall appoint, by at least five affirmative votes, a city attorney who will serve at the pleasure of the council for an indefinite term. The city attorney shall be chosen solely on the basis of his legal qualifications and experience. At the time of appointment, the city attorney must be admitted to practice law in this state, must be a member of the Oklahoma Bar Association in good standing and have been in the general practice of law for a minimum of five (5) years or as a full time city attorney or assistant city attorney for a minimum of three (3) years. ~~During his tenure of office the city attorney shall reside within the corporate limits of the city.~~ The city council shall establish residency requirements for the city attorney during his tenure of office. The city attorney shall be responsible for all actions and proceedings wherein the city shall be a party plaintiff or defendant, or otherwise a party in interest. The city attorney shall be legal advisor to the mayor, council, city manager, department ~~directors~~ administrators, and elected officers in relation to their duties, shall perform duties required of him by statutes, and perform such other lawful duties as may be required of him by the council. ~~While this position is appointed by the council the position of city attorney reports directly to the city manager.~~ The council may suspend or remove the city attorney at any time by a vote of a majority of all its members.
- b. There shall be created an office of the city attorney which shall be administered

by the city attorney. The personnel of the office of the city attorney shall be regular employees of the city and shall be subject to all rules, regulations, policies and ordinances for the administration of city personnel.

15. Art. IV, §1.

Proposed Amendment

“Sec. 1. - City ~~treasurer~~ Clerk-Treasurer: duties.

The city ~~treasurer~~ Clerk-Treasurer shall collect or receive all revenue and other money receivable by the city, and shall deposit them daily in such depositories as the council may designate. The city ~~treasurer~~ Clerk-Treasurer shall maintain a general accounting system for the city government.”

16. Art. VI, §2.

Proposed Amendment

“Sec. 2. - Terms of mayor and other councilmen; nonpartisan elections; how nominated and elected.

At the elections in 2015 and every four (4) years thereafter, the mayor, the chief of police, the street commissioner and the appropriate councilmember from the four (4) wards shall be elected for terms of four (4) years. At the elections in 2017, the clerk – treasurer and the appropriate councilmember from the four wards shall be elected for a term of four (4) years and every four (4) years thereafter they shall be elected for terms of four (4) years. The terms of the mayor, councilmembers and other elected officers shall begin at 7:30 p.m. on the first Monday after the time prescribed for the general election of the year in which they are respectively elected. If the mayor-elect, councilman-elect or other elected officer fails to qualify within one (1) month thereafter, his office shall be vacant, and the vacancy shall be filled according to this Charter. The mayor, councilmembers or other elected officer shall serve for the terms for which they were elected and until their respective successors are elected and qualified.

The candidates for councilmember shall ~~be nominated by the qualified electors of the respective wards in which they are running~~ file a declaration of candidacy with the county election board for their respective wards. Councilmembers elected in the general election of 2015 shall be elected at large by the registered voters of the City of Altus and shall have terms as setout above. Councilmembers elected at the general election of 2017 shall be elected by majority vote of the registered voters voting in candidate’s respective ward and shall have terms as setout above. The offices of mayor, chief of police, clerk - treasurer and street commissioner shall be elected at large by the registered voters of the City of Altus.”

17. Art. VI, §4.

Proposed Amendment**“Sec. 4. - Primary elections: Time, when not held, etc.**

A primary election shall be held every odd-numbered year on the Second Tuesday in ~~January~~ **February**, or such other date as required by state statute or the Oklahoma ~~County~~ **State** Election Board, to nominate candidates for the offices the terms of which are expiring; provided that, if no more than one (1) person is a candidate for the office to be filled, they all shall be not only nominated, but also elected and no primary or general election shall be held unless other questions have been placed on the ballot for the election. If only two (2) persons file for an office, they shall be nominated and the primary election shall serve as the general election for the office for which they filed and the person receiving the majority of votes in that election shall be elected to the office for which s/he filed.”

18. Art. VI, §5.

Proposed Amendment**“Sec. 5. - Primary election: Who nominated or elected.**

If more ~~that~~ **than** two candidates file for an elective office the two (2) candidates for each elective office receiving the greatest number of votes **cast** in the primary election shall ~~be nominated~~ **proceed to the general election**; provided that, if one (1) of the candidates for an office receives a majority of all votes cast for that office, he alone shall be not only nominated, but also elected and the names of the candidates for that office shall not appear on the ballot for the general election.”

19. Art. VI, §6.

Proposed Amendment**“Sec. 6. - General election: Time; when not held; who elected.**

A general election shall be held on the First Tuesday in ~~March~~ **April** in every odd - numbered year to elect successors for those offices the terms of which are expiring. The candidate for each office receiving the greatest number of votes for that office shall be elected.”

20. Art. VII, §2.

Proposed Amendment**“Sec. 2. - Merit system.**

- a. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness, and removals and demotions shall be made solely for the good of the service. Better to achieve these ends, the council shall establish, within six (6) months after adoption of this Charter, a merit system and personnel rules to provide for the proper organization and functioning and for proper personnel 18 administration. The policies established shall apply to all employees except as may be provided for employees under contract. All policies established shall be consistent with and not contrary to state statutes. Policies in existence at the time of the adoption of this Charter shall continue until the policies required by this Section are adopted.
- b. Merit System Board, Membership—Term of office—Vacancy— Removal— Compensation.
 1. There shall be a Merit System Board to hear appeals by employees relating to lay off, suspension, demotion or removal as provided hereafter. The board shall consist of three members appointed by the council on nomination by the mayor for overlapping six year terms. The term of one member shall begin July first in every even-numbered year. The council shall appoint the original members so that the term of one will expire at that time in each of the first three succeeding even-numbered years. A member may not hold any other office or position in the city government. The council, by a vote of at least six affirmative votes after adequate opportunity for a public hearing, may remove a member for cause; and the vote shall be by roll call and shall be entered in the journal. The council on nomination by the mayor shall fill vacancies for the unexpired terms. Members shall serve without compensation unless the council provides otherwise.
 2. At the time prescribed for the beginning of the term of a newly appointed member or as soon thereafter as practicable, the board shall elect a chairman, a vice-chairman, and a secretary; and the secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairman or two (2) members may call special meetings. The chairman shall have power to administer oaths and affirmations.
 3. The merit system board shall have power to subpoena employees of the city and other persons to testify and to produce documents and other effects as evidence.
- c. Hearing before the merit system board.

1. The city manager or any other authority who lays off, suspends without pay for more than ten (10) **business** days, demotes, or removes any employee in the classified service after a probationary period of six months, shall, at that time or within two days thereafter, deliver, or have delivered, or mail by registered, certified, or similar special mail, to the employee a written statement of the reason or reasons for the layoff, suspension, demotion, or removal.
 2. Such employee may appeal in writing to the merit system board. The appeal must be filed with the city clerk for transmittal to the board, within ten (10) **business** days after receipt of notice of the layoff, suspension, demotion, or removal.
 3. As soon as practicable thereafter, the board shall hold a public hearing on the appeal, or give an adequate opportunity therefore, and shall report in writing its findings and recommendations, in cases of subordinates of the city manager, to the city manager, and in other cases to the respective authorities having power of removal. The city manager or other authority having power of removal shall then make a final decision in writing regarding the appellant's layoff, suspension, demotion, or removal, as the case may be; provided, that, if the board finds that the layoff, suspension, demotion, or removal was made for a political reason or reasons or for any other reason or reasons than the good of the service, it shall veto the layoff, suspension, demotion, or removal, and the action by the city manager or other authority shall be nullified thereby.
- d. Merit System Board shall be final arbiter between City Manager and elected officials concerning employment disputes. City Manager or elected official involved in the dispute must notify the Merit System Board in writing within 30 days of the dispute arising. Merit System Board must convene a hearing involving the City Manager and the elected official within 30 days of the notice being received by the Merit System Board. The Merit System Board shall issue a final binding decision within 30 days of the hearing.**

21. Art. VII, §4.

Proposed Amendment

“Sec. 4. - Outside activities.

It shall be the duty of every full-time city employee to devote his energies to the faithful performance of the duties assigned him and ~~he~~ shall not engage in any occupation, business or enterprise for personal profit or gain during the hours he is in the employee [employment] of the city; nor shall he do any act or thing that will tend to bring discredit upon him or the city. No city employee is to be restrained from engaging in a legitimate activity on his own time that does not impair said employee's efficiency or ability to do his work while in the service of the city.”

22. Art. VII, §12.

Proposed Amendment**“Sec. 12. - ~~Separability~~ Severability clause.**

If a court of competent jurisdiction should hold any section or part of a section of this Charter invalid, such holding shall not affect the remainder of this Charter nor the context in which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with that section or part of a section.

If a court of competent jurisdiction holds a part of this Charter invalid or if a change in the state constitution or law renders a part of this Charter invalid or inapplicable, the council by ordinance may take such appropriate action as will enable the city government to function properly.”

23. Art. VII, §13.

Proposed Amendment**“Sec. 13. - Conflict of interests.**

- a. Neither the mayor, any ~~councilmember~~ **councilmembers, elected officers**, nor the city manager shall sell or barter anything to the city or to a contractor to be supplied to the city; or make any contract with the city; or purchase anything from the city other than those things which the city offers generally to the public (as for example, utility services), and then only on the same terms as are offered to the public. Any such official violating this section, upon conviction thereof, shall thereby forfeit his office. Any violation of this section, with the knowledge, express or implied, of the person or corporation contracting with the city, shall render the contract voidable by the city manager or the council. This subsection shall not apply in cases in which the city acquires property by condemnation.
- b. Any member of the council or of any board, commission, or other plural authority, shall abstain from voting on any matter in which he has a financial or 22 personal interest and may participate in discussion on that matter only to the extent permitted by law.
- c. The council by ordinance or personnel rules may further regulate conflict of interests and ethics of officials and employees of the city.”