

ORDINANCE NO. 3972-A

AN NEW ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA CREATING SECTION 2-136, APPLICATION OF UNIFORM METHOD OF FILING VACANCIES ON BOARDS AND COMMISSIONS; PUBLIC TRUSTS OR OTHER ENTITIES; UNIFORM METHODOLOGY ESTABLISHED, WITHIN ARTICLE V, BOARDS AND COMMISSIONS, DIVISION 1, GENERALLY; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Muskogee finds it necessary for the public purpose, and for efficiency of governmental operations to create a uniform method for filling vacancies on all boards, commissions and public trusts of the City in which the City is authorized to fill said vacancies.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AS FOLLOWS:

A NEW ORDINANCE

Section 1. A new Section 2-136, within Article V, Boards and Commissions, Division 1, Generally, is hereby created to read as follows:

2-136 APPLICATION OF UNIFORM METHOD OF FILLING VACANCIES ON BOARDS AND COMMISSIONS; PUBLIC TRUSTS; UNIFORM METHODOLOGY ESTABLISHED.

(a) Unless otherwise provided by the Charter of the City of Muskogee, the methodology created by this section shall apply to the filling of vacancies to all boards and commissions of the City, as well as, to all public trusts or other entities in which authority to fill vacancies is granted to either the Mayor or the City Council.

(b) Where a vacancy exists, each member of the City Council, including the Mayor, shall be afforded the power of appointment of one member to such board, commission, public trust or other entity, subject to approval of the City Council; provided, however, that where a member of the City Council serves on such board, commission, public trust or other entity, he or she shall have no further power of appointment, but may vote on such other appointments when required. Vacancies occurring as a result of resignation or removal shall be filled for the remainder of any unexpired term.

(c) All vacancies shall be filled as they arise on a rotating basis in order of seniority of the Council membership in accordance with section (b). It shall be the responsibility of the City Clerk to maintain a directory of appointments by Council member per cycle. A cycle shall mean the preceding nine (9) appointments to any board, commission, public trust or other entity. Upon the occurrence of a vacancy as described by this section, the most senior member who has not yet exercised his or her power of appointment within the cycle shall be notified and requested to make a nomination within thirty (30) days of being notified in writing by the City Clerk; provided, however, where a Council member fails to tender a nomination within said time frame,

his or her power of appointment shall be deemed to be waived, with his or her power of appointment advancing to the next senior member. A member who has waived his or her power of appointment shall not be permitted another appointment until the next cycle.

(d) Where two or more members have the same seniority or where more than one vacancy occurs, the power of appointment shall be determined by random selection pursuant to a method determined by the City Clerk; provided each member shall, unless waived, be afforded the power of one appointment per cycle.

Section 2. CODIFICATION. The proceeding Sections shall be codified as follows: Article V, Boards and Commissions, Division 1, Generally, Section 2-136 Application of Uniform Method of Filling Vacancies on Boards and Commissions; Public Trusts; Uniform Methodology Established, all in the City of Muskogee Code of Ordinances.

Section 3. REPEALER. All ordinances or parts of ordinances not specifically identified which are in direct conflict herewith are repealed only to the extent of the conflict.

Section 4. SEVERABILITY. Should any part section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

Section 5. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days from the date of publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS _____ DAY OF JULY, 2015.

CITY OF MUSKOGEE

JOHN R. COBURN, MAYOR

ATTEST:

PAMELA S. BATES, CITY CLERK

Approved as to form and legality this _____ day of July, 2015.

ROY D. TUCKER, CITY ATTORNEY