

ORDINANCE NO. 4054-A

AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA AMENDING CHAPTER 80, URBAN RENEWAL AUTHORITY, SECTION 80-102, URBAN RENEWAL AUTHORITY; REQUIRING COUNCIL APPOINTMENT PROCESS OCCUR BY WARD; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

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

AN AMENDED ORDINANCE

Section 1. The City of Muskogee Code of Ordinances, Chapter 80, Urban Renewal Authority, Section 80-102, Urban Renewal Authority, is hereby amended to read as follows:

SEC. 80-102. - URBAN RENEWAL AUTHORITY.

- (a) There is hereby created in the City of Muskogee, a public body corporate to be known as the "City of Muskogee Urban Renewal Authority."
- (b) The city council shall appoint a board of commissioners consisting of five members. The term of office of each such commission member shall be for three years. There shall be one member chosen from each ward of the city with one member being chosen at large. The representatives from ward one and ward two shall serve initial terms of one year. The representatives of ward three and ward four shall serve initial terms of two years. The member serving the at large appointment shall serve a term of three years. Only the representatives of wards one and two may be reappointed for one full term of three years. The initial appointments, regardless of the calendar date when such appointments are made, shall expire on the August 31 closest to the full one-, two- or three-year term to which such members are appointed. Thereafter, and after the expiration of initial terms, all members shall serve terms of three years. Commission members shall be appointed in accordance with the procedure established by City Code 2-136; provided, any vacancy required to be filled from a specific ward shall be so nominated by a Council member of the respective ward. All terms of office, including initial appointments shall expire as of August 31 and new terms shall commence on September 1 of the calendar year.
- (c) The mayor shall designate from appointed commission members, a chairman and vice chairman who shall serve terms of one year, beginning September 1st of each calendar year, or until a successor is named. Should the mayor fail to designate a chairman or vice chairman within 30 days after the separation date of the former chairman, the commission may elect a chairman or vice chairman from its membership by a simple majority vote of its members. The chairman, and in his absence the vice chairman, shall call and preside over meetings of the board of commissioners, direct the recording of minutes of its deliberations, and appoint committees and assign their respective activities. The authority shall appoint a secretary from among its members.

- (d) A commissioner shall receive no compensation for his services but shall be entitled to necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and qualified. A certificate of the appointment or reappointment and oath of office of all commission members shall be filed with the city clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commission member. The official oath of office shall serve as the certificate of appointment. Commissioners shall not be personally liable for obligations of the urban renewal authority.
- (e) The powers of an urban renewal authority shall be exercised by the commissioners. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the authority and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners. Any person may be appointed as a commissioner if he has resided for three years within the city or an area annexed to the city and is otherwise eligible for such appointment.
- (f) The city manager shall be the executive director of the urban renewal authority unless a conflict exists between his duties as city manager and as executive director. In which event the authority may employ an executive director and the urban renewal authority may employ technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. The authority shall receive legal services from the office of the city attorney unless the city attorney shall determine that an actual conflict exists between the duties of his office to the city and the authority. In such event, and only in such event, may the authority employ or retain its own legal counsel and legal staff. In addition if the city is unable to provide other necessary services the authority [may] contract for any services necessary to its operation under this article.
- (g) An urban renewal authority authorized to transact business and exercise powers under this Code shall file, with the mayor and city council, on or before August 31 of each year, a report of its activities for the preceding fiscal year ending June 30, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of such fiscal year. At the time of filing the report, the authority shall publish in a newspaper of general circulation in the area of operation, a notice to the effect that such report has been filed with the mayor and city council and that the report is available for inspection during business hours in the office of the city clerk. If the authority shall establish an office the report shall also be available in said office.
- (h) A commission member may be removed from office prior to the expiration of the term for which he was appointed only for inefficiency or neglect of duty or misconduct in office by a two-thirds majority vote of the city council after hearing based on charges which are written and a copy delivered to such commission member at least ten days before such hearing. A commission member may represent himself at such hearing or be represented by counsel. Any member who fails to attend three of four consecutive regular or special meetings shall automatically cease to be a member.

Section 2. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 3. 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 4. EFFECTIVE DATE. This ordinance shall take effect within 30 days of publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS ____ DAY OF _____. 2018.

CITY OF MUSKOGEE

JOHN R. COBURN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(seal)

Approved as to form and legality this _____ day of _____, 2018.

ROY D. TUCKER, CITY ATTORNEY