

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL MUNICIPAL ELECTION IN THE CITY OF BLACKWELL, KAY COUNTY, STATE OF OKLAHOMA, TO BE HELD ON JUNE 30, 2020, RESCHEDULED FROM APRIL 7, 2020, DUE TO THE EMERGENCY DECLARED BY THE OKLAHOMA STATE ELECTION BOARD, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED VOTERS OF SAID CITY THE PROPOSITION WHETHER THE SECOND SENTENCE OF ARTICLE II, SECTION 5, ARTICLE II, SECTION 11, ARTICLE IV, SECTION 2, ARTICLE IX, SECTION 5 OF THE BLACKWELL CITY CHARTER SHOULD BE AMENDED BY ELIMINATING CERTAIN APPOINTMENTS BY THE CITY COUNCIL AND PROVIDING THAT THE CITY MANAGER APPOINTS ALL EMPLOYEES OTHER THAN THE CITY MANAGER, MUNICIPAL JUDGE, CITY ATTORNEY, CHIEF FINANCIAL OFFICER AND CITY AUDITOR, WHOSE APPOINTMENTS ARE MADE BY THE CITY COUNCIL; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR SAVINGS; SEVERABILITY; REPEALER; CODIFICATION; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

WHEREAS, the second sentence of Article II, Section 5, Article II, Section 11, Article IV, Section 2, Article IX, and Section 5 of the Blackwell City Charter collectively provide that the City Council hires the city clerk, the chief of police and members of the police force; and

WHEREAS, it is recommended that these charter provisions providing that these appointments be made by the City Council are eliminated and providing that the City Manager appoints all employees other than the city manager, municipal judge, city attorney, chief financial officer and city auditor, whose appointments are made by the City Council.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA:

Section I: AUTHORITY. That pursuant to Sections 13-111 and 16-112 of Title 11, Oklahoma Statutes, and pursuant to the request of the governing body, T. J. Greenfield, Mayor of the City of Blackwell, Oklahoma, is hereby authorized and directed to call a special municipal election to be held in the City of Blackwell on the 30th day of June 2020, for the purpose of submitting to the registered, qualified voters thereof, the following Proposition:

PROPOSITION 3.

Ordinance No. 2020-03 proposes certain amendments to the second sentence of Article II, Section 5, Article II, Section 11, Article IV, Section 2, and Article IX, Section 5 of the Blackwell City Charter providing that the City Council hires the city clerk, the chief of police and members

of the police force. Shall Ordinance No. 2020-03 which eliminates these appointments by the City Council, and except for the City Manager, City Attorney, Municipal Judge, Chief Financial Officer and City Auditor, whose appointments would be made by the City Council, authorizes the City Manager to appoint all other employees, all as more specifically provided for in Ordinance No. 2020-03, be approved?

Section II. ORDINANCE. Subject to voter approval, shall the second sentence of Article II, Section 5, Article II, Section 11, Article IV, Section 2, and Article IX, Section 5 of the Blackwell City Charter be amended to read as follows:

Second sentence of Article II, Section 5. - Meetings of the council; city clerk to act as secretary, appointment of Chief Financial Officer.

A city clerk of said city, who shall act as secretary to the council, and a Chief Financial Officer of said city, shall be appointed by the ~~councilors~~ City Manager.

Article II, Section 11. - City officers and employees—Appointment, term.

There is hereby created the office of municipal judge; and the office of city attorney and the office of the city auditor, ~~and the office of chief of police;~~ and such offices shall be filled by ~~appointment by the mayor at the first meeting of~~ appointed by majority vote of all the city council, subject to confirmation of the council, reserving the right to the mayor to vote upon confirmation. All other employees of said city, whose appointment is not reserved to the City Council shall be appointed by the city manager head of the department under which their duties mainly fall; provided, however, that such appointment shall be subject to the confirmation of the city council. The officers and employees of the City provided for under this section shall hold their positions at the will and pleasure of the appointive power.

Article IV, Section 2. - Same—Powers and duties.

The city manager shall have the following powers and duties: (1) to see that the laws and ordinances are enforced; (2) to appoint, discipline and remove all heads of departments and all subordinate officers and employees of the city except the municipal judge, and the city attorney, chief financial officer, city auditor and other appointments made by the city council ~~and~~ all appointments to be ~~shall be~~ made upon merit and fitness alone; (3) to exercise control over all departments and divisions created herein or that hereafter may be created by the city council; (4) to see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the city attorney who is hereby required to take such steps as are necessary to enforce the same; (5) to attend all meetings of the city council with a right to take part in the discussions but having no vote; (6) to recommend to the city council for adoption such measures as he may deem necessary or expedient; (7) to act as

budget officer and to keep the city council fully advised as to the financial conditions and needs of the city; and (8) to perform such other duties as may be prescribed by the Charter or be required by ordinance or resolution of the city council or in the absence of such Charter provision, ordinance or resolution, to perform such duties of a city manager under the council-manager form of government provided by the laws and constitution of the State of Oklahoma to the extent the same are not in conflict with the provisions of this Charter or the ordinance of the city.

Article IX, Section 5. Reserved. ~~Authority of city council to employ police officers; powers of police.~~

~~Aside from the chief of police, the city council may employ such other members of the police force as may be required to preserve the peace and good order of said city, and such members of the police department, in addition to the powers of enforcing ordinances of the city, shall have the same police powers as are given to a constable in making arrests and in preserving the peace of said city, with power over territory outside the city but in its control, as may be conferred by the laws of the state.~~

Section III. EFFECTIVE DATE. This charter amendment shall become effective if approved by a majority of voters at the June 30, 2020, special municipal election.

Section IV. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the Mayor and City Council of the City of Blackwell that this section of the Blackwell Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VI. REPEALER. All charter provisions, ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section VII. CODIFICATION. This ordinance shall be codified as shown as the second sentence of Article II, Section 5, Article II, Section 11, Article IV, Section 2, Article IX, Section 5 of the Blackwell City Charter.

Section VIII. EMERGENCY. In order to protect the health, safety and welfare of the general public of the City of Blackwell, Oklahoma, and in order to submit this proposed amendment to the City Charter to the voters for their consideration and approval or rejection, an emergency is hereby declared; therefore, this ordinance shall become effective from and after its passage, approval and publication.

Approved and executed this 19^h day of March 2020.

THE CITY OF BLACKWELL, OKLAHOMA



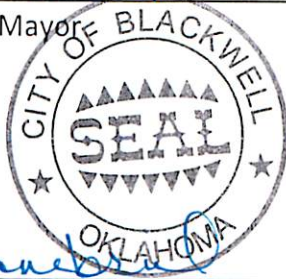
T. J. Greenfield, Mayor

(Seal)

ATTEST:



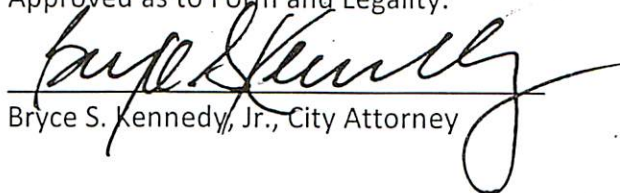
Traci Hanebrink, City Clerk



Approved as to Content:


Janet Smith, City Manager

Approved as to Form and Legality:


Bryce S. Kennedy, Jr., City Attorney