

ORDINANCE NO. 2020-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA, AMENDING PART II, CHAPTER 16, SECTION 16-11 OF THE BLACKWELL MUNICIPAL CODE 2020 ENTITLED "DESIGNATION OF CHIEF MUNICIPAL COURT OFFICER TO SERVE AS COURT CLERK, DUTIES OF COURT CLERK; USE OF MONEY RECEIVED BY COURT CLERK", AUTHORIZING AND ESTABLISHING THE POSITION OF MUNICIPAL COURT OFFICER WHO SHALL SERVE AS THE COURT CLERK OR CLERK OF THE COURT; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

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

Section I: Part II, Chapter 16 of the Blackwell Municipal Code 2020 is hereby amended by the amendment of Section 16-11 which shall read as follows:

Sec. 16-11. Designation of Chief Municipal Court Officer to Serve as Court Clerk, duties of Court Clerk; use of money received by Court Clerk.

(a) Pursuant to Title 11, Section 27-109 of the Oklahoma Statutes, as amended, the governing body hereby establishes and authorizes the position of municipal court officer who shall serve as the court clerk or clerk of the court. The court clerk shall have authority to carry out the duties of the position as required by law; provided that the person who serves as court clerk may separately perform other duties for the city. The clerk of the court shall:

- (1) Assist the judge in recording the proceedings of the court, preparation of writs, processes, or other papers;
- (2) Administer oaths required in judicial or other proceedings before the court;
- (3) Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;
- (4) Perform such other clerical duties in relation to the proceedings of the court as the judge shall direct; and
- (5) Receive and give receipt for and disburse or deliver to the city clerk all fines, forfeitures, fees, deposits, and sums of money properly payable to the municipal court. Such funds and sums of money, while in the custody of the clerk, shall be deposited and disbursed upon checks as directed by the city council.

(b) All of the fees, fines, and forfeitures which come into the municipal court shall be paid by the clerk of the court to the city clerk. Such deposits shall be credited to the fund designated by the council.

(b) All of the fees, fines, and forfeitures which come into the municipal court shall be paid by the clerk of the court to the city clerk treasury. Such deposits shall be credited to the fund designated by the council.

(c) The City Manager shall appoint, direct and supervise, the Court Clerk or may assign a designee to perform these functions and duties. After appointment, all discipline of the Court Clerk, including re-assignment and separation from employment, shall be within the sole discretion of the City Manager.

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. 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.

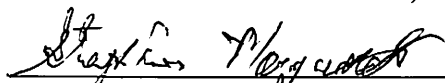
Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

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 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. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order immediately provide for the appointment of the Chief Municipal Court Officer to serve as Court Clerk or Clerk of the Court; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this 17th day of December 2020.

THE CITY OF BLACKWELL, OKLAHOMA


Stephen Marquardt, Mayor

Approved as to Content:


Janet Smith, City Manager



(Seal)

ATTEST:

Traci Hanebrink
Traci Hanebrink, City Clerk

Approved as to Form and Legality:

Bryce S. Kennedy, Jr.
Bryce S. Kennedy, Jr., City Attorney