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CITY OF OWASSO, OKLAHOMA

RESOLUTION 2014-19

A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF OWASSO, OKLAHOMA FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED VOTERS OF SAID CITY PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF OWASSO, OKLAHOMA, IN ARTICLE 2, SECTIONS 2-7, 2-13; ARTICLE 4, SECTIONS 4-3, 4-4; ARTICLE 6, SECTION 6-1, 6-9; ARTICLE 8, SECTION 8-15; SETTING BALLOT LANGUAGE; AND DESIGNATING TO THE SECRETARY OF THE ELECTION BOARD OF TULSA COUNTY THE PRECINCTS TO BE OPENED AND CLOSED.

WHEREAS, under the provision of Article 9, Section 9-1, the Charter of the City of Owasso, Oklahoma, may be amended by proposals submitted by the Council, and at a general or special election ratified by a majority of the qualified electors voting, and approved by the Governor as provided by the State Constitution; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWASSO, OKLAHOMA:

SECTION 1:

That an election be held March 3, 2015 for the purpose of submitting to the qualified voters of the City of Owasso, for their ratification or rejection, amendments to the Charter of the City of Owasso, Oklahoma; and

SECTION 2:

These proposed Charter amendments shall be placed on the same ballot as the election of Owasso City Council representation for Wards 1 and 2. Should there be no need for a primary election for whatever reason, the date of the election to decide these Charter amendments shall remain on March 3, 2015; and

SECTION 3:

That the City Council of the City of Owasso hereby certifies to the Tulsa County Election Board that Tulsa County precincts #750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760 and Rogers County precincts #31 and 130 are to be opened; and Tulsa County precinct #21 and Rogers County precincts #6, 21, 29, and 30 are to remain closed as there are no residents of Owasso in those precincts; and

SECTION 4:

The proposed amendments to the Charter of the City of Owasso, Oklahoma shall read as follows:

ARTICLE 2, THE COUNCIL

Section 2-7 Council: Meetings

The council shall hold at least one regular meeting every month, such time as it may prescribe by ordinance or otherwise. The mayor or any three ~~councilmen~~ councilors may call special meetings. All meetings of the council, except executive sessions held ~~to discuss personnel matters~~ as authorized by law, shall be open to the public, and the journal of its proceedings shall be open to public inspection.

Section 2-13 Ordinances: Passage, When in Effect

Every proposed ordinance shall be read, by title only unless a majority vote of the council request reading in its entirety, and a vote of a majority of all the ~~councilmen~~ councilors shall be required for its passage. The vote on final passage of every ordinance shall be by yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten days after its passage, every ordinance shall be published in full or by number, title, and a brief gist in a newspaper of general circulation within the city. Every ordinance except an emergency ordinance, so published, shall become effective thirty days after its final passage unless it specifies a later time; provided that a franchise for a public utility shall not go into effect until the ordinance granting it has been published in full in a newspaper of general circulation within the city and has been approved at an election by a vote of a majority of the qualified electors voting on the question.

ARTICLE 4, DEPARTMENT OF FINANCE; FISCAL AFFAIRS

Section 4-3 Sale of Property Valued at More Than \$250,000.00

The sale of any city property, real or personal, including public utilities, or of any interest therein, the value of which is more than \$250,000.00 may be made only (1) by authority of an affirmative vote of a majority of the qualified electors of the city who vote on the question of approving or authorizing the sale at an election, or (2) by authority of a special non-emergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation within the city within ten days after its passage, and shall include a section reading substantially as follows: "Section --. This ordinance shall be referred to a vote of the electors of the city if a sufficient and lawful referendum petition is properly filed within thirty days after its passage; otherwise it shall go into effect thirty days after its passage." The sale of an entire public utility may be authorized only as provided in (1) hereinabove.

Section 4-4 Public Improvements

Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements; provided that the council may authorize the City Manager to award such contracts not exceeding an amount to be determined by the council and subject to such regulations as the council may prescribe. A contract for public improvements ~~of more than \$2,000.00~~ may be awarded only to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the council may prescribe and in compliance with the Oklahoma Public Competitive Bidding Act of 1974. All bids may be rejected, and further notice and opportunity for competitive bidding may be given.

ARTICLE 6, ELECTIONS

Section 6-1. Nomination and Election; Terms; Nonpartisan Elections; Etc

d. The ~~councilmen~~ councilors shall serve for the terms indicated, and until their respective successors are elected and qualify. Council terms shall begin on the first ~~Monday~~ meeting in May in the year in which they are elected. If a ~~councilman-elect~~ councilor-elect fails to qualify within one month after the beginning of the term, that office shall become vacant, and the vacancy shall be filled as other vacancies in the council are filled.

Section 6-9 Political Activity of Officers and Employees

~~a. — No officer or employee of the city except the councilmen and personnel who receive no compensation for their services, may work for or against, or attempt to influence, the nomination, election, or defeat of any candidate for councilman, or the recall of any councilman; but this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote.~~

~~b. — Any person who violates this section shall be punished, upon conviction thereof, by a fine not exceeding twenty dollars including costs. Such violation shall constitute cause for removal from office or employment; and if the regular removal authority has not already removed an officer or employee who violates this section, he shall be automatically removed by conviction of violating this section effective at the time the conviction becomes final.~~

No City Councilor or officer or employee of the city shall directly or indirectly solicit, coerce or attempt to coerce any employee to participate in or to refrain from participation in the nomination, election, or defeat of any candidate for City Councilor, or the recall of any City Councilor; but this shall not prohibit the ordinary exercise of one's right to express opinions and to vote.

ARTICLE 8, OFFICERS AND EMPLOYEES GENERALLY

~~Section 8-15 Feminine Gender~~

~~When the masculine gender is used in this Charter, it shall also include the feminine unless the masculine alone is clearly indicated. All references to the masculine gender shall be removed from the charter and replaced by a gender-neutral term.~~

SECTION 5:

In accordance with Title 11, Oklahoma Statutes, Section 13-106, the proposed Charter amendments and an announcement of the date for the charter election shall be published in a newspaper of general circulation within the City of Owasso once per week for three (3) consecutive weeks. The date for the charter election shall not be less than twenty (20) days nor more than thirty (30) days after the last publication.

SECTION 6:

The ballot titles shall read as follows:

PROPOSITION NO. 1

(Proposed Charter Amendment – Article Two, Section 2-7)

This proposition will amend the Charter to conform with the Oklahoma Open Meeting Act as it relates to Executive Sessions.

_____ FOR THE PROPOSITION – YES
_____ AGAINST THE PROPOSITION – NO

PROPOSITION NO. 2

(Proposed Charter Amendment – Article Two, Section 2-13)

This proposition will specify that each proposed Ordinance is to be read by title only unless a majority vote of the City Council requests the Ordinance be read aloud in its entirety.

_____ FOR THE PROPOSITION – YES
_____ AGAINST THE PROPOSITION – NO

PROPOSITION NO. 3
(Proposed Charter Amendment – Article Four, Section 4-3)

This proposition will require passage of a non-emergency clause ordinance or a vote of the people before the City Council or Authority Trustees may sell city property, real or personal, valued at more than \$250,000.

FOR THE PROPOSITION – YES
 AGAINST THE PROPOSITION – NO

PROPOSITION NO. 4
(Proposed Charter Amendment – Article Four, Section 4-4)

This proposition will incorporate the competitive bidding procedures for public improvements as outlined in the Oklahoma Public Competitive Bidding Act of 1974.

FOR THE PROPOSITION – YES
 AGAINST THE PROPOSITION – NO

PROPOSITION NO. 5
(Proposed Charter Amendment – Article Six, Section 6-1)

This proposition will change the date on which a newly elected City Councilor begins the term of office from the first Monday in May to the first meeting in May.

FOR THE PROPOSITION – YES
 AGAINST THE PROPOSITION – NO

PROPOSITION NO. 6
(Proposed Charter Amendment – Article Six, Section 6-9)

This proposition will prohibit any City Councilor, officer, or employee from directly or indirectly soliciting, coercing, or attempting to coerce any employee to participate in or to refrain from participation in any City Council election or Councilor recall.

FOR THE PROPOSITION – YES
 AGAINST THE PROPOSITION – NO

PROPOSITION NO. 7
(Proposed Charter Amendment – Article Eight, Section 8-15)

This proposition will replace all masculine language in the Charter with gender neutral language.

_____ FOR THE PROPOSITION – YES
_____ AGAINST THE PROPOSITION – NO

APPROVED AND ADOPTED this 16th day of December, 2014 by the City Council of the City of Owasso, Oklahoma.



Jeri Moberly
Jeri Moberly, Mayor

ATTEST:

Sherry Bishop
Sherry Bishop, City Clerk

Approved as to Form:

Julie Lombardi
Julie Lombardi, City Attorney

Filed Tulsa County
Election Board

DEC 17 2014
1:13pm

by A. Wiedman