

ORDINANCE NO. 2781 NS

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE III, SECTION 2, ARTICLE XIV, SECTION 3, AND ARTICLE XIV, SECTION 5 TO PROVIDE FOR WARD SPECIFIC VOTING; AMENDING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA ARTICLE XV, SECTION 2, REGARDING THE COMPETITIVE BIDDING REQUIREMENTS COMPORTING TO STATE LAW; AMENDING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE III, SECTION 4, AND ARTICLE III SECTION 6 TO ESTABLISH THE TIMING FOR THE SWEARING-IN OF THE MAYOR AND COMMISSIONERS; REPEALING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE V, SECTION 8 TO REMOVE RESIDENCY AND CITIZENSHIP QUALIFICATION REQUIREMENTS FOR CITY EMPLOYEES; AMENDING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE XVI, SECTION 1, TO CLARIFY THE RULES REGARDING CONFLICT OF INTEREST POLICY FOR COMMISSIONERS AND CITY EMPLOYEES OR OFFICERS TO COMPORT WITH STATE LAW; REPEALING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE IX, SECTION 1 WHICH PERTAINS TO SHAWNEE TWIN LAKES REGULATIONS WHICH ALREADY EXIST WITHIN CITY ORDINANCES AND RESOLUTIONS; AMENDING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE XII, SECTION 6(B) CLARIFYING THE CEMETERY PERPETUAL CARE FUND SHALL FOLLOW ALL APPLICABLE STATE LAW; AND ALSO PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER.

WHEREAS, in response to requests from citizens, the business community, and individual Commissioners, the Shawnee City Commission has requested a review of specific provisions of the Shawnee City Charter (“City Charter”); and

WHEREAS, the City of Shawnee staff has conducted a thorough review and investigation into the City Charter and presented seven (7) recommendations for amendments to the City Charter to the City Commission; and

WHEREAS, on March 20, 2023 the City Commission voted affirmatively to place seven (7) recommendations on an election ballot for consideration by the voters; and

WHEREAS, pursuant to the provisions of Article XIV, Section 19, of the City Charter, the proposed amendments must be submitted to the registered voters of the City of Shawnee for their approval before the same become effective.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, STATE OF OKLAHOMA AS FOLLOWS:

The Mayor of the City of Shawnee is hereby authorized and directed to call a special election to be held in the City on the 13th day of June, 2023, for the purpose of submitting to the registered voters of the City of Shawnee the various proposed amendments to the Charter of said City, to-wit:

Section 1: AMENDATORY: Article III, Section 2 of the Charter to the City of Shawnee—Composition of Board of Commissioners; nomination and election of Commissioners shall be amended to read as follows:

The Board of Commissioners shall constitute the governing body of the City. It shall consist of a Mayor, who shall be elected from the City at large; and of six (6) additional Commissioners, each of whom shall file for office from the ward in which the candidate resides and, shall be voted on by the qualified voters in the candidate’s specific ward.

Section 2: AMENDATORY: Article III, Section 4 of the Charter to the City of Shawnee – Terms of office of Mayor and Commissioners shall be amended to read as follows:

Upon election the Mayor and Commissioners shall serve a four (4) year term or until a successor is elected and qualified for a specific seat on the Board of Commissioners. The terms of office of Mayor and Commissioners shall begin with the first regularly scheduled meeting of the Board of Commissioners following the certification of the results of the general election, or runoff election as applicable. The terms of office of those Commissioners or the Mayor elected to fill vacancies at a special election, as provided in Article VIII hereof, shall begin with the first regularly scheduled meeting of the Board of Commissioners following the official results of the special election.

(Ord. No. 2465NS, § 1, 12-5-2011; Ord. No. 2626NS, § 1, 3-4-2018)

Section 3: AMENDATORY: Article III, Section 6 of the Charter to the City of Shawnee – Vice-Mayor shall be amended to read as follows:

The Board of Commissioners shall appoint one (1) of its members Vice-Mayor for a term of one (1) year at the first regularly scheduled meeting of the Board of Commissioners in the month following the general election or runoff election, if applicable that particular year, or on the first regularly scheduled meeting of the Board of Commissioners in July in years without an election. The Vice-Mayor shall act as Mayor during the absence of the Mayor. If the office of Mayor becomes vacant, then the Vice-Mayor shall serve as Mayor until the next general or special municipal election, and until a new Mayor is elected and qualified. Provided, where the office of Mayor becomes vacant and the Vice-Mayor serves as Mayor until the next general or special election, the Commissioner's seat held by the Vice-Mayor shall not be deemed vacant. The Vice-Mayor shall have no authority to make appointments or remove officers appointed by the Mayor, except where a vacancy exists in the office of Mayor and the Vice-Mayor is serving as Mayor until the election of a successor.

(Ord. No. 2465NS, § 2, 12-5-2011; Ord. No. 2626NS, § 2, 3-4-2018)

Section 4: REPEALER: Article V, Section 8 of the Charter to the City of Shawnee – Qualifications for city employees shall be repealed in its entirety:

Section 5: REPEALER: Article IX, Section 1 of the Charter to the City of Shawnee – Swimming, water skiing and surfboard riding in and on the Shawnee Twin Lakes shall be repealed in its entirety:

Section 6: AMENDATORY: Article XII, Section 6(b) of the Charter to the City of Shawnee – Audits; maintenance of funds; limitations on use of certain funds shall be amended to read as follows:

(b) The City of Shawnee shall abide by all Oklahoma statutes and regulations regarding cemetery perpetual care fund requirements as they relate to municipalities.

...

State law reference(s)—Perpetual care funds, 36 O.S. § 7101 et seq.; annual audit of books and accounts, 11 O.S. § 17-105 et seq.; funds generally, 11 O.S. § 17-212; trusts for perpetual care, 11 O.S. § 26-201 et seq.

Section 7: AMENDATORY: Article XIV, Section 3 of the Charter to the City of Shawnee – Nominees shall be amended to read as follows:

In the general election where three (3) or more candidates have filed for the same office, the two (2) candidates receiving the greatest number of votes for that office shall be nominated to stand in the general runoff election. If one (1) candidate receives a majority of all votes cast at the general election for that office that candidate is *ipso facto* elected thereto. The candidate shall be issued a certificate of election and the candidate's name shall not appear upon the general runoff election ballot. In case of a tie at the general runoff election, the elected candidate shall be determined by the flip of a coin. If one (1) of the two (2) candidates nominated for the general runoff election dies, removes from the city or from the ward, or withdraws before the general runoff election, the remaining candidate is elected *ipso facto*. The candidate shall be issued a certificate of election and the candidate's name shall not appear upon the general runoff election ballot.

(Ord. No. 1899NS, § 2, 10-5-1998)

Section 8: AMENDATORY: Article XIV, Section 5 of the Charter to the City of Shawnee – Qualification of voters shall be amended to read as follows:

In either the general or general runoff election provided for hereunder, only such persons shall be qualified to vote as electors therein as are qualified and registered under the general statutes of Oklahoma providing for qualification and registration of electors, and only such electors as are residents of the City of Shawnee. All such qualified and registered electors residing in the City of Shawnee may vote for the position of Mayor in the general or general runoff election. All such qualified and registered electors residing in a specific ward may vote for the position of Commissioner running for election in that specific ward.

(Ord. No. 1899NS, § 4, 10-5-1998)

State law reference(s)—Voter registration, 26 O.S. § 4-101 et seq.

Section 9: AMENDATORY: Article XV, Section 2 of the Charter to the City of Shawnee – Bidding requirements shall be amended to read as follows:

The City of Shawnee shall abide by all Oklahoma statutes and regulations regarding competitive bidding requirements as they relate to municipalities.

State law reference(s)—Public competitive bidding act of 1974, 61 O.S. § 101 et seq.

Section 10: AMENDATORY: Article XVI, Section 1 of the Charter to the City of Shawnee – Commissioners not to hold public employment; City officer and employees not to be interested in City contracts shall be amended to read as follows:

The City of Shawnee shall abide by all Oklahoma statutes and regulations regarding conflict of interest policies for Commissioners, City employees, and City officers.

State law reference(s) – 11 O.S. § 8-106 and 8-113.

Section 11: That the remaining portions of the Articles and Sections referred to herein shall remain unchanged.

Section 12: That the amendments of the City Charter proposed herein shall be effective as provided by Law.

Section 13: SEVERABILITY. The provisions of this ordinance are severable and, if any sentence, clause, phrase, provision, or other portion of this Ordinance shall be held invalid, the decision of a court of competent jurisdiction, such a holding shall not affect or impair the validity of any of the remaining parts or provisions of this ordinance.

PASSED AND APPROVED this 20th day of March, 2023.

ATTEST:

(SEAL)



Lisa Laszone
LISA LASYONE, CMC, CITY CLERK

[Signature]
ED BOLT, MAYOR

Approved as to form and legality this 20th day of March, 2023.

[Signature]
JOSEPH M. VORNDRAN
CITY ATTORNEY