

**ORDINANCE NO. 3972-A**

**AN ORDINANCE AMENDING THE CITY OF MUSKOGEE, OKLAHOMA CODE OF ORDINANCES, SECTION 2-136, APPLICATION OF UNIFORM METHOD OF FILLING VACANCIES ON BOARD AND COMMISSIONS, PUBLIC TRUSTS OR OTHER ENTITIES; WITHIN ARTICLE V, BOARDS AND COMMISSIONS, DIVISION 1, GENERALLY; PROVIDING FOR THE POWER OF APPOINTMENT SPECIFIC TO EACH BOARD, COMMISSION, PUBLIC TRUST OR ENTITY; PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.**

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

**AMENDED ORDINANCE**

**Section 1.** Section. 2-136, Application of Uniform Method of Filling Vacancies on Board and Commissions; Public Trusts; Uniform Methodology Established, within Article V, Board and Commissions, Division 1, Generally, is hereby amended to read as follows:

(a) Unless otherwise provided by the Charter of the City of Muskogee, the methodology created by this section shall apply to the filling of vacancies to all boards and commissions of the city, as well as, to all public trusts or other entities in which authority to fill vacancies is granted to either the Mayor or the City Council. It is the specific intent of this provision to allow each member of the City Council to have an equitable opportunity to appoint a member to all such entities.

(b) Where a vacancy exists, each member of the City Council, including the Mayor, shall be afforded the power of appointment of one member to each board, commission, public trust or other entity, subject to approval of the City Council; provided, however, that where a member of the City Council serves on such board, commission, public trust or other entity, he or she shall have no further power of appointment, but may vote on such other appointments when required. Vacancies occurring as a result of resignation or removal shall be filled for the remainder of any unexpired term. Any boards, commissions, public trusts or other entities which have a membership fewer than nine shall be entitled to be filled on a rotating basis, ensuring that each member is provided the opportunity to exercise the power of appointment.

(c) All vacancies shall be filled as they arise on a rotating basis in order of seniority of the Council membership in accordance with section (b). It shall be the responsibility of the City Clerk to maintain a directory of appointments by Councilmember. Upon the occurrence of a vacancy as described by this section, the most senior member who has not yet exercised his or her power of appointment on a particular board, commission, public trust or other entity shall be notified and requested to make a nomination within 30 days of being notified in writing by the City Clerk; provided, however, where a Councilmember fails to tender a nomination within said time frame, his or her power of appointment shall be deemed to be waived, with his or her power

of appointment advancing to the next senior member. A member who has waived his or her power of appointment shall not be permitted another appointment until all other Council members have made an appointment.

(d) Where two or more members have the same seniority or where more than one vacancy occurs, the power of appointment shall be determined by random selection pursuant to a method determined by the City Clerk; provided each member shall, unless waived, be afforded the power of one appointment per board, commission, public trust or other entity.

**Section 2. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed to the extent of the conflict only.

**Section 3. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS 28th DAY OF AUGUST, 2017.

CITY OF MUSKOGEE

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JOHN R. COBURN, MAYOR

ATTEST:

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TAMMY TRACY, CITY CLERK  
(seal)

Approved as to form and legality this 28th day of August, 2017.

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ROY TUCKER, CITY ATTORNEY