

ORDINANCE NO. 2008-13

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PERRY, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL MUNICIPAL ELECTION IN THE CITY OF PERRY, NOBLE COUNTY, STATE OF OKLAHOMA, TO BE HELD ON NOVEMBER 4, 2008, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED VOTERS OF SAID CITY THE PROPOSITION WHETHER ARTICLE III, SECTION 1 OF THE PERRY CITY CHARTER SHOULD BE AMENDED TO PERMIT THE CITY MANAGER TO RESIDE WITHIN FIVE (5) MILES OF THE CORPORATE BOUNDARY OF THE CITY OF PERRY, RATHER THAN THE CURRENT CHARTER PROVISION WHICH REQUIRES THE CITY MANAGER TO RESIDE WITHIN THE CORPORATE LIMITS OF THE CITY OF PERRY; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR SAVINGS; SEVERABILITY; REPEALER; CODIFICATION; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

WHEREAS, Article III, Section 1 of the Perry City Charter provides that the City Manager must reside within the corporate limits of the City of Perry; and

WHEREAS, a good, qualified candidate for City Manager may not consider taking the position because the candidate may prefer to live on a ranch or farm not available within the corporate limits of the City of Perry; and

WHEREAS, there are no other residency requirements within the government of Perry and the City Council desires the voting electorate to consider whether the City Manager residency requirement be amended to require residency within the City, to include within five (5) miles of the corporate limits of the City of Perry.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PERRY, 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, Chuck Hall, the Mayor of the City of Perry, Oklahoma, is hereby authorized and directed to call a special municipal election to be held in the City of Perry on the 4th day of November 2008, for the purpose of submitting to the registered, qualified voters thereof, the following Proposition:

PROPOSITION 2

"Shall Article III, Section 1 of the Perry City Charter be amended to read as follows:

Section 1. Council to Appoint City Manager.

1. By majority vote of all Council members, the Council shall appoint a City Manager. He shall be chosen by the Council solely upon the basis of his executive and administrative qualifications, without regard to age, gender, race, color, creed, national origin, or disability (provided he is qualified and meets the requirements applicable to his employment), and he need not, when appointed, be a resident of the City or State; but during his tenure of office, he shall reside within five miles of the corporate limits of Perry.

Section II. EFFECTIVE DATE. This charter amendment shall become effective if approved by a majority of voters at the November 4, 2008, special municipal election and upon approval of the Governor of the State of Oklahoma.

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. 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 Perry that this section of the Perry Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

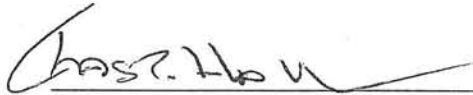
Section V. REPEALER. All charter provisions, ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section VI. CODIFICATION. This ordinance shall be codified as shown in Article IX, Section 2 of the Perry City Charter.

Section VII. EMERGENCY. In order to protect the health, safety and welfare of the general public of the City of Perry, 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.

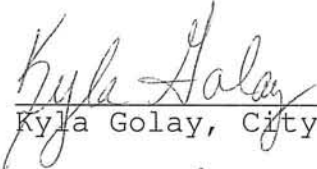
Approved and executed this 2nd day of Sept 2008.

THE CITY OF PERRY, OKLAHOMA



Chuck Hall, Mayor
(Seal)

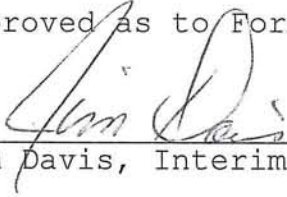
ATTEST:



Kyla Golay, City Clerk



Approved as to Form:



Jim Davis, Interim City Manager

Approved as to Legality:



Bryce S. Kennedy, Jr., City Attorney