

ORDINANCE NO. 2013-20

AN ORDINANCE AMENDING ENID MUNICIPAL CODE, 2003, TITLE 1, ENTITLED "ADMINISTRATION," CHAPTER 8, ENTITLED "OFFICERS AND EMPLOYEES, BOARDS AND COMMISSIONS," SECTION 1-8-3, ENTITLED "MEMBERS OF BOARDS AND COMMISSIONS," TO PROVIDE CLARIFICATION ON ATTENDANCE AND THE CONSEQUENCES FOR FAILURE TO MEET THE ATTENDANCE REQUIREMENT; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 1, Chapter 8, Section 1-8-3 of the Enid Municipal Code, 2003, is hereby amended to read as follows:

1-8-3: MEMBERS OF BOARDS AND COMMISSIONS:

A. Absence ~~F~~from Meetings:

1. Board ~~O~~of Commissioners and Board of Trustees of City Trust Authorities: Whenever any member of the ~~b~~Board of ~~e~~Commissioners and/or a Board of Trustees of City Trust Authorities is absent from more than one-half ($1/2$) of all meetings of the ~~b~~Board of ~~e~~Commissioners and/or the Board of Trustees of a City Trust, regular and special, held within any period of four (4) consecutive months, such member shall thereupon cease to hold such position.
2. Other Boards ~~A~~and Commissions Excepting City Trusts: Any member appointed or confirmed by the ~~e~~City shall cease to hold office whenever:
 - a. That member of a board or commission, that regularly meets on a monthly or more frequent basis, is absent from more than one-half ($1/2$) of all meetings of such board or commission, regular and special, held within any period of four (4) consecutive months; or
 - b. That member of a board or commission, that meets on call or regularly meets on less than a monthly basis, is absent from more than one-half ($1/2$) of all meetings of such board or commission, regular or special, held within any period of twelve (12) consecutive months.

B. Removal; Notice ~~O~~of Charges, Hearing ~~A~~and Appeal:

1. Causes ~~F~~for Removal: Any member of any board or commission, other than members of ~~b~~Board of ~~t~~Trustees of ~~e~~City ~~t~~Trust ~~a~~Authorities, appointed by the ~~m~~Mayor and ~~b~~Board of ~~e~~Commissioners, may be removed from office by the ~~m~~Mayor and ~~b~~Board of ~~e~~Commissioners for any of the following causes:
 - a. Habitual or ~~wilful~~willful neglect of duty;
 - b. Gross partiality in office;
 - c. Oppression in office;
 - d. Corruption in office;
 - e. Extortion or ~~wilful~~willful overcharge of fees in office;
 - f. ~~Wilful~~Willful maladministration;
 - g. Habitual drunkenness;
 - h. Failure to produce and account for all public funds and property in his hands at any settlement or inspection authorized or required by law;
 - i. Violation of any penal statute involving moral turpitude;
 - j. Failure to maintain conditions of office.
2. Charges ~~A~~and Hearing: Prior to removal of a member of a ~~e~~City board or commission ~~for causes other than absence~~, the member shall have been given written notice of the charges and be afforded an opportunity to be heard before the ~~m~~Mayor and ~~b~~Board of ~~e~~Commissioners.
3. Appeal: The decision of the ~~m~~Mayor and ~~b~~Board of ~~e~~Commissioners may be appealed to the ~~d~~District ~~e~~Court of ~~G~~Garfield ~~E~~County if filed within thirty (30) days of the decision of the ~~m~~Mayor and ~~b~~Board of ~~e~~Commissioners. (Ord. 2007-22, 8-7-2007)

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 proceedings 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 City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section V: Codification. This ordinance shall be codified as Title 1, Chapter 8, Section 1-8-3 of the Enid Municipal Code, 2003.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this 5th day of March 2013.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Linda Parks, City Clerk

Approved as to Form and Legality:

Andrea L. Springer, City Attorney