

**MINUTES
ORDINANCE AND INSURANCE COMMITTEE
SPECIAL MEETING
WEDNESDAY, MARCH 8TH, 2023
5:30 P.M.**

THE ORDINANCE AND INSURANCE COMMITTEE MET IN SPECIAL SESSION IN THE COUNCIL CHAMBER, 12 NORTH ROWE STREET, PRYOR, OKLAHOMA AT THE ABOVE DATE AND TIME.

COMMITTEE MEMBERS: CHOYA SHROPSHIRE, DENNIS NANCE, CHRIS GONTHIER, STEVE SMITH (ALTERNATE)

1. CALL MEETING TO ORDER.

The meeting was called to order by Shropshire at 5:30 p.m. Committee members present: Choya Shropshire and Chris Gonthier. Members absent: Dennis Nance.

Others present: Mayor Larry Lees, Dennis Nichols, Lisa Malone, Principal Financial representative Wes Cyrus, Retirement, LLC representative Staci Hitchcock and Kemmie Shropshire.

2. DISCUSS, POSSIBLY APPROVE MINUTES OF THE JANUARY 12TH, 2023 SPECIAL MEETING.

Motion was made by Gonthier, second by Shropshire to approve minutes of the January 12th, 2023 special meeting. Voting yes: Shropshire and Gonthier. Voting no: none.

3. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION REGARDING HIRING RETIREMENT, LLC AS THE THIRD-PARTY ADMINISTRATOR FOR THE CITY'S MONEY PURCHASE PLAN AND THE 457 PLAN.

Motion was made by Gonthier, second by Shropshire to recommend Council action regarding hiring Retirement, LLC as the Third-Party Administrator for the city's Money Purchase Plan and the 457 Plan.

Lisa Malone introduced Wes Cyrus and Staci Hitchcock. Malone explained the issues with the city's current Third-Party Administrator, Beasley & Associates, namely poor communication and customer service. It was stated that there was a change in the law allowing employees to participate in the retirement plans at 18 years of age, but the TPA did not communicate that information to Principal, so eligible employees were being rejected.

Cyrus stated that he has worked with John Hawkins for years and has a great rapport with his office. Cyrus has also worked closely with Retirement, LLC, and has a great rapport with them, as well.

Hitchcock spoke to her company and team. She stated that they are audited annually to be certain they are in complete compliance. Hitchcock stated that they are based out of Oklahoma City and are easily accessible.

Voting yes: Gonthier and Shropshire. Voting no: none.

4. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION, PENDING BUDGET & PERSONNEL COMMITTEE APPROVAL, TO PAY OMAG FOR TWO PROPERTY INSURANCE INVOICES TOTALING \$6,195.00 FOR ADDITIONAL PREMIUM REGARDING THE EMERGENCY CENTER / LIBRARY EXPANSION BUILDING PROJECT AND CONTENTS, AND EXPENSING THE TRANSACTION FROM GENERAL INSURANCE - PROPERTY ACCOUNT #02-201-5045.

Motion was made by Gonthier, second by Shropshire to recommend Council action regarding pending Budget & Personnel Committee approval, to pay OMAG for two property insurance invoices totaling \$6,195.00 for additional premium regarding the Emergency Center / Library Expansion building project and contents, and expensing the transaction from General Insurance - Property Account #02-201-5045. Voting yes: Shropshire and Gonthier. Voting no: none.

5. SCHEDULE NEXT MEETING.

No action.

6. ADJOURN.

Motion was made by Gonthier, second by Shropshire to adjourn at 5:40 p.m. Voting yes: Gonthier and Shropshire. Voting no: none.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING TITLE 1, CHAPTER 6, SECTION 2 "COMPENSATION" AMENDING THE ORDINANCE TO REFLECT CURRENT LEVELS OF COMPENSATION FOR THE MAYOR, CITY CLERK, CITY TRESURER AND CHIEF OF POLICE FOLLOWING COST OF LIVING ADJUSTMENTS ACCRUING THEREON FROM THE DATE OF LAST AMENDMENT OF THE ORDINANCE; AND AMENDING THE ORDINANCE TO REMOVE THE MAYOR'S POSITION FROM RECEIVING COST OF LIVING ADJUSTMENTS TO PAY; AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, THE MAYOR AND CITY COUNCIL FIND IT TO BE PROPER AND IN THE BEST INTEREST OF THE PUBLIC TO PERIODICALLY SET FORTH THE CURRENT RATES OF COMPENSATION FOR THE OFFICES LISTED IN THIS ORDINANCE FOLLOWING COST OF LIVING ADJUSTMENTS OVER TIME, AND

WHEREAS, THE MAYOR AND CITY COUNCIL FIND IT TO BE PROPER AND IN THE BEST INTEREST OF THE PUBLIC FOR THE COMPENSATION OF THE MAYOR TO NOT ACCRUE COST OF LIVING ADJUSTMENTS.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, THAT TITLE 1, CHAPTER 6, SECTION 2 OF THE CITY CODE FOR THE CITY OF PRYOR CREEK, OKLAHOMA BE AMENDED AS FOLLOWS, TO-WIT:

SECTION 1.

1-6-2: COMPENSATION:

A. Officials: Effective at the beginning of the term of office succeeding the present term of office of the mayor, councilmen, city clerk, city treasurer, and chief of police, compensation shall be as follows: (stricken language removed – underlined language added)

1. Mayor: ~~Five thousand eight hundred thirty three dollars thirty four cents (\$5,833.34) per month (\$70,000.00 annually)~~ Seven Thousand Five Hundred Eighty Five Dollars and Thirty Four Cents (\$7,585.34) per month (\$91,024.08 annually) with reimbursement for out of pocket expenses and mileage paid at the rate set by the internal revenue service regulations (26 USCA section 267(b));

2. Councilmen: One hundred dollars (\$100.00) per regular meeting attended; seventy five dollars (\$75.00) per special meeting attended; and fifty dollars (\$50.00) per committee and board meeting attended of which he/she is a member;

3. City clerk: ~~Four thousand one hundred twenty five dollars (\$4,125.00) per month (\$49,500.00 annually);~~ Five Thousand Three Hundred Sixty Five Dollars and Fifty Cents (\$5,365.50) per month (64,386.00 annually).

4. City treasurer: ~~One thousand three hundred seventy five dollars (\$1,375.00) per month (\$16,500.00 annually)~~ One Thousand Seven Hundred Eighty Eight Dollars and Nine Cents (\$1,788.09) per month (\$21,457.08 annually).

5. Chief of police: ~~Five thousand five hundred dollars (\$5,500.00) per month (\$66,000.00 annually).~~ (Ord. 2009-2, 1-6-2009) Seven Thousand One Hundred Fifty One Dollars and Ninety Two Cents (\$7,151.92) per month (85,823.04 annually)

B. Other Personnel: The city council, by motion or resolution, may fix the compensation of other personnel. (1988 Code § 2-404)

C. Cost Of Living Increase: For the positions of city clerk, city treasurer and chief of police, effective with the adoption of the budget for the fiscal year 2009-2010 (July 1, 2009), ~~and for the position of mayor, effective with the adoption of the budget for the fiscal year 2011-2012 (July 1, 2011),~~ any increase in compensation voted by the city council of the city of Pryor Creek, Oklahoma, for the employees of the city of Pryor Creek, Oklahoma, as a whole which is intended to reflect an adjustment based upon an increase in the cost of living for said employees shall be automatically equally applicable to the above stated positions in the fiscal years indicated without a separate and independent vote of the city council. In the event the city council passes increases in compensation for the employees of the city of Pryor Creek, Oklahoma, as a whole which contain adjustments based upon factors other than only a cost of living increase, the city council shall so specify what portion of said increase is attributable to a cost of living adjustment and only that portion shall be automatically applicable to the above stated positions. (Ord. 2009-2, 1-6-2009)

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ___ day of _____, 2023

Zac Doyle, MAYOR

ATTEST:

Courtney Davis, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. Ellis Ritchie, City Attorney

Dated: _____, 2023

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING TITLE 1, CHAPTER 6, SECTION 5 REGARDING "PERSONNEL BOARD" AMENDING MANNER OF SELECTION OF MEMBERS AND ALTERNATE MEMBER OF THE BOARD, AMENDING PROVISION RELATED TO REMOVAL OF A MEMBER FROM THE BOARD, EXCLUDING COUNCIL MEMBERS OR EMPLOYEES FROM SERVING ON THE BOARD, PROVIDING FOR DIVERSITY OF GENDER ON THE BOARD, AND PROVIDING FOR REPEALER AND SEVERABILITY.

WHEREAS, THE MAYOR AND CITY COUNCIL FIND IT IN THE BEST INTEREST OF THE SERVICE OF THE CITY AND IN THE BEST INTEREST OF THE PUBLIC AND EMPLOYEES OF THE CITY TO AMEND THE PROVISION OF THE CODE GOVERNING THE CREATION, COMPOSITION AND DUTIES OF THE PERSONNEL BOARD FOR THE CITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 1, Chapter 6, Section 5 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma, is hereby amended to read as follows, to-wit: (deletions indicated by strike through and additions indicated by underline)

1-6-5: PERSONNEL BOARD:

A. Created; Term: There is hereby established a personnel board, as authorized by the statutes of the state, consisting of three (3) members and (1) alternate member. ~~persons elected by the city council~~ Appointment of members and alternate member shall be made by the Mayor with confirmation of the appointment by the Council. The terms of the members and the alternate member shall be for staggered terms of six (6) years. ~~for staggered six (6) year terms.~~ ~~The city council shall elect the three (3)~~ The terms of the original three (3) members so that the term of one member will shall expire on the first Monday in May at seven thirty o'clock (7:30) P.M. in each succeeding even numbered year following the enactment of this ordinance in order to achieve the staggered terms of service. The term of the alternate member shall expire on the first Monday in May at seven thirty o'clock (7:30) P.M. in the next succeeding even numbered year following the enactment of this ordinance. The terms of their successors shall be for six (6) years, beginning at seven thirty o'clock (7:30) P.M. on the first Monday in May. ~~in every even numbered year.~~ Members shall serve until their successors are ~~elected~~ appointed by the Mayor and qualified confirmed by the Council. ~~The city council, by a vote of a majority of its members~~

The Mayor, after adequate opportunity for a public hearing, may remove a member for the good of the service, and may fill the vacancy for the unexpired term. The Board shall consist of mixed representation of two (2) female and two (2) male members, one of which will serve as the alternate member. The members of the Board may not be comprised of City Council Members or City Employees.

B. Officers; Meetings: At the time prescribed for the beginning of the term of a each newly elected appointed member, or as soon thereafter as practicable, the members of the personnel board shall elect a chairman, a vice chairman and a secretary. The secretary need not be a member of the board. The board shall determine the time and place of its regular meetings and the chairman or two (2) members may call special meetings of the board.

C. Duties: The personnel board shall hold a public hearing on the appeal of any layoff, suspension, demotion, disciplinary action or removal of ~~an officer or an employee of the City~~ who has completed a probationary period of six (6) months, ~~or given adequate opportunity therefor~~, as soon as practicable after an appeal has been filed. The personnel board shall not have a duty or authority to act concerning employees of the Municipal Utility Department which by Charter are under the authority of the Municipal Utility Board. The duty and authority to act of the Personnel Board shall extend to all non-elected employees of the City.

D. Report Findings And Recommendations: The personnel board shall report in writing its findings and recommendations to the mayor as the municipal officer designated by the City's Charter, Section 32, in the charge of appointment of all employees of the City. ~~where the appellant is a subordinate of the mayor, or to the respective authority having power of removal.~~

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3 SEVERABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ___ day of _____, 2023

ATTEST:

ZAC DOYLE, MAYOR

COURTNEY DAVIS, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2023