



# McAlester City Council

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## NOTICE OF MEETING

### Special Meeting of the City Council Agenda

Tuesday, March 17, 2020 - 5:30 pm  
McAlester City Hall – Council Chambers  
28 E. Washington

John Browne .....	Mayor
Weldon Smith .....	Ward One
Cully Stevens, Vice Mayor .....	Ward Two
Steve Cox .....	Ward Three
James Brown .....	Ward Four
Maureen Harrison .....	Ward Five
Zach Prichard .....	Ward Six
Peter J. Stasiak .....	City Manager
William J. Ervin .....	City Attorney
Cora M. Middleton .....	City Clerk

*This agenda has been posted at the McAlester City Hall, distributed to the appropriate news media, and posted on the City website: [www.cityofmcalester.com](http://www.cityofmcalester.com) within the required time frame.*

*The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.*

*The McAlester City Hall is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 918.423.9300, Extension 4956.*

#### **CALL TO ORDER**

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*Announce the presence of a Quorum.*

#### **ROLL CALL**

#### **SCHEDULED BUSINESS**

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- 1. Discussion and possible action on, the transfer of funds from the City’s Emergency Fund to be used for emergency expenditures due to a nation-wide pandemic of the COVID-19 virus and anticipated revenue reductions as a result of this emergency. *(John Browne, Mayor)*

Executive Summary

Staff recommends the approval of the use of these funds as per the procedure stated in Sec. 2-351 of the McAlester City Code.

- 2. Discussion and possible action on, the increase of the expenditure amount authorized for the City Manager from \$25,000 to \$50,000 before requiring a vote of the Council due to a nation-wide pandemic of the COVID-19 virus and anticipated revenue reductions as a result of this emergency. *(John Browne, Mayor)*

Executive Summary

Staff recommends the approval of this increase previously authorized as per Sec. 2-382 of the McAlester City Code. This will provide immediate access to funds in cases that are deemed emergencies and where delays might endanger public health and welfare.

- 3. Discussion and possible action on, the suspension of the 10-day past due cut off policy for utilities during a nation-wide pandemic of the COVID-19 virus. This has been declared a national emergency. *(John Browne, Mayor)*

Executive Summary

Staff recommends the approval of this action for as long as the national emergency is in force.

**ADJOURNMENT**

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**CERTIFICATION**

*I certify that this Notice of Meeting was posted on this \_\_\_\_\_ day of \_\_\_\_\_ 2020 at \_\_\_\_\_ a.m./p.m. as required by law in accordance with Section 303 of the Oklahoma Statutes and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of McAlester website: [www.cityofmcalester.com](http://www.cityofmcalester.com).*

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**Cora M. Middleton, City Clerk**



# McAlester City Council

## AGENDA REPORT

**Meeting Date:** March 17, 2020      **Item Number:** 1  
**Department:** \_\_\_\_\_  
**Prepared By:** John Browne, Mayor      **Account Code:** \_\_\_\_\_  
**Date Prepared:** March 16, 2020      **Budgeted Amount:** \_\_\_\_\_  
\_\_\_\_\_      **Exhibits:** 1

### Subject

Discussion and possible action on, the transfer of funds from the City's Emergency Fund to be used for emergency expenditures due to a nation-wide pandemic of the COVID-19 virus and anticipated revenue reductions as a result of this emergency.

### Recommendation

Staff recommends the approval of the use of these funds as per the procedure stated in Sec. 2-351 of the McAlester City Code.

### Discussion

### Approved By

	<i>Initial</i>	<i>Date</i>
<b>Department Head</b>	_____	_____
<b>City Manager</b>	P. Stasiak <u><i>PJS</i></u>	<u>3-16-2020</u>

**ARTICLE VI. FINANCE\*****DIVISION 1. GENERALLY****Sec. 2-349. City depositories and general depositories.**

(a) The depositories for the funds of the city shall be as designated by the treasurer. The city treasurer shall deposit daily all public funds received by him in these banks. Funds may be transferred from one depository to the other as the city council may direct by motion or resolution.

(b) The deposits of the city shall be secured as required by state law, including, without limitation, the Security for Local Public Deposits Act, 62 O.S. § 517.4 et seq.  
(Code 1974, §§ 2-7, 2-8; Code 1993, § 2-256)

**Sec. 2-350. Capital improvement fund.**

(a) There is hereby established a capital improvement fund for the purpose of the expansion of the city's infrastructure, purchase of major equipment and the financing of major capital projects, as approved by the city council.

(b) The city treasurer is directed to deposit monies in the fund, which shall consist of a certain percentage of revenue derived from the water, sewer, garbage and landfill fees, which shall be determined by the city council from time to time, and any other monies as may be deemed appropriate.  
(Code 1974, § 31-51; Code 1993, § 2-257)

**Sec. 2-351. Emergency fund.**

(a) *Purpose.* The purpose of the emergency fund is to insulate general fund programs and current service levels from large and unanticipated one-

time emergency-expenditure requirements, a revenue reduction due to a change in state or federal legislation, resulting from adverse litigation, or similar unforeseen action.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Emergency* means an unplanned or unforeseen event that may, if not immediately corrected, cause death or injury to the public, or significantly disrupt essential city services, or result in damage to city property, or result in significant environmental damage.

*Emergency fund* means the same fund currently identified as the reserve fund and will be hereafter referred to as the emergency fund.

(c) *Restrictions on use.* This emergency fund will not be used because general fund expenditure growth exceeds budgeted revenue growth. Revenue shortfalls may not be offset by a transfer of funds from the emergency fund.

(d) *Use of emergency fund.* The emergency fund is available to fund one-time emergency requirements. The council may only authorize a fund transfer from the emergency fund after the general fund's budgeted contingency, if any, is exhausted. The emergency fund will only be accessed when the result of emergency expenditures or an unexpected revenue reduction would be that the general fund would likely end the fiscal year with a negative ending fund balance. Any proposed use of the emergency fund will be placed on the council agenda in the form of a budget amendment. Such amendment will be strictly limited to the proposed transfer amount from the emergency fund and the proposed fund and account that will receive the transfer. As part of the agenda item, the city manager shall, as a minimum, provide a written certification to the council identifying in

\*State law references—Municipal finances generally, 11 O.S. § 17-101 et seq.; Municipal Budget Act, 11 O.S. § 17-201 et seq.; public finance generally, 62 O.S. § 11 et seq.; Security for Public Deposits Act, 62 O.S. § 72.1 et seq.; public finance regarding state subdivisions, 62 O.S. § 281 et seq.; contracts and expenditures, 62 O.S. § 310.1 et seq.

substantial detail the nature of the emergency, the total anticipated cost of the emergency, the steps the city has taken to address the emergency and the reason those steps have not eliminated the need for using a portion of the emergency fund.

(e) *Approval of transfers.* An affirmative vote of at least five of the seven councilmembers is required for funds to be transferred from the emergency fund.

(f) *Restoration of fund.* Restoration of the emergency fund will begin the next fiscal year following their use.

(Code 1993, § 2-258; Ord. No. 2291, § 1, 6-10-2008)

**Sec. 2-352. Identity theft prevention program.**

The administrative rules entitled "identity theft prevention program," which are attached to Ordinance No. 2320 and fully incorporated herein by reference, shall be, and same hereby are, completely adopted and approved.

(Code 1993, § 2-300; Ord. No. 2320, § 1, 4-28-2009)

**Secs. 2-353—2-377. Reserved.**

**DIVISION 2. PURCHASES\***

**Sec. 2-378. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Contractual services* means services performed for the city by persons not in the employment of

**\*State law references**—Purchases and sales, 11 O.S. §§ 22-101, 22-104; councilpersons furnishing supplies, 21 O.S. § 355 et seq.; purchase from person with criminal background, 51 O.S. § 24.3; competitive bids, 61 O.S. § 101 et seq.; contracts and expenditures, 62 O.S. § 310.1 et seq.; central purchasing, 74 O.S. § 85.1 et seq.

the city, and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. The term "contractual services" includes travel; freight; express; parcel post; postage; telephone; telegraph; utilities; rents; printing and binding; repairs, alterations and maintenance of buildings, equipment, streets and bridges and other physical facilities of the city; and other services performed for the city by persons not in the employment of the city.

*Professional services* includes all services that involve professional judgment or scientific knowledge, including, but not limited to, engineering, architectural, legal and medical services, and shall exclude only those services specifically governed by section 5.13 of the city Charter.

(Code 1974, § 2-271; Code 1993, § 2-27)

**Sec. 2-379. Authority to make purchases; administrative policies.**

(a) The city manager, or his designee, is hereby authorized to purchase supplies, equipment, materials and/or services in the amount not to exceed \$25,000.00 in a single transaction.

(b) The city manager shall develop such administrative policies as necessary for said purchases to ensure efficient and economical purchasing practices.

(Code 1993, § 2-272; Ord. No. 2219, §§ 2, 3, 1-24-2006)

**Sec. 2-380. General purchases; competitive bidding; exemptions.**

(a) The city manager, or his designee, may purchase the following without giving an opportunity for competitive bidding:

- (1) Supplies, materials, equipment or contractual services whose cost does not exceed \$25,000.00 in a single transaction;



# McAlester City Council

## AGENDA REPORT

Meeting Date: March 17, 2020 Item Number: 2  
Department: \_\_\_\_\_  
Prepared By: John Browne, Mayor Account Code: \_\_\_\_\_  
Date Prepared: March 16, 2020 Budgeted Amount: \_\_\_\_\_  
Exhibits: 1

### Subject

Discussion and possible action on, the increase of the expenditure amount authorized for the City Manager from \$25,000 to \$50,000 before requiring a vote of the Council due to a nation-wide pandemic of the COVID-19 virus and anticipated revenue reductions as a result of this emergency.

### Recommendation

Staff recommends the approval of this increase previously authorized as per Sec. 2-382 of the McAlester City Code. This will provide immediate access to funds in cases that are deemed emergencies and where delays might endanger public health and welfare.

### Discussion

### Approved By

	<i>Initial</i>	<i>Date</i>
Department Head		
City Manager	P. Stasiak <u><i>PJS</i></u>	<u>3-16-2020</u>

- (5) The city council shall review the bid tabulations and recommendations from the city manager, and shall accept or reject any or all bids.

(c) Professional service contracts valued in excess of \$25,000.00 in a single transaction are exempt from the requirements of competitive bidding, but require approval by an affirmative vote of the city council.

(Code 1993, § 2-273; Ord. No. 2219, § 4, 1-24-2006; Ord. No. 2316, § 1, 3-24-2009; Ord. No. 2400, § 1, 9-27-2011)

State law reference—When bid required, 61 O.S. § 103.

**Sec. 2-381. Contract negotiation.**

At the conclusion of any competitive bidding required without the receipt of any bids in response to the published invitation for bids, the city manager is hereby authorized to negotiate contracts to be approved by the city council for the purchase of supplies, materials or equipment in a single transaction or contractual services to be furnished by a single provider, not to exceed the value of \$50,000.00.

(Code 1993, § 2-274; Ord. No. 2304, §§ 1, 2, 10-10-2008)

**Sec. 2-382. Purchases by state office of central purchasing.**

In lieu of the competitive bidding procedures provided in sections 2-380 and 2-381 the city manager is authorized to designate the state office of central purchasing as its agent for the purchase or procurement of any item or service contracted or available to the state under the provisions of the Oklahoma Central Purchasing Act, 74 O.S. § 85.1 et seq. Purchases made under this section valued in excess of \$25,000.00 in a single transaction require approval by an affirmative vote of the city council.

(Code 1974, § 2-31; Code 1993, § 2-275; Ord. No. 2401, § 1, 9-27-2011)

**Sec. 2-383. Contracts for collection services.**

The city may enter into a contract with a collection agency for the provision of collection services for one or more of the following items:

- (1) Debts and accounts receivable, including, but not limited to, unpaid fees, penalties, interest, and other sums due the city, as applicable; or
- (2) Court penalties, costs, fines and fees in cases in municipal court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the court.

If the city enters into a contract with a collection agency pursuant to this section, a collection fee in an amount as provided in chapter 48 on each item described in subsections (1) and (2) of this section referred by the city to the collection agency for collection may be added. If the city enters into such contract with a collection agency and authorizes the collection fee, the court shall order defendants to reimburse the fee arising pursuant to subsection (2) of this section and such court-ordered fee may be collected as provided by law for the collection of any other civil debt or criminal action.

(Code 1993, § 2-276; Ord. No. 2334, § 1, 9-22-2009)

**Secs. 2-384—2-409. Reserved.**

**DIVISION 3. SALE OF SURPLUS OR OBSOLETE PROPERTY**

**Sec. 2-410. Council action required.**

No surplus or obsolete supplies, materials or equipment of a value of more than \$600.00 may be sold until the city council has declared them surplus or obsolete.

(Code 1974, § 2-42; Code 1993, § 2-286; Ord. No. 2126, § 1, 3-13-2001)



# McAlester City Council

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## AGENDA REPORT

**Meeting Date:** March 17, 2020      **Item Number:** 3  
**Department:** \_\_\_\_\_  
**Prepared By:** John Browne, Mayor      **Account Code:** \_\_\_\_\_  
**Date Prepared:** March 16, 2020      **Budgeted Amount:** \_\_\_\_\_  
\_\_\_\_\_      **Exhibits:** 1

### Subject

Discussion and possible action on, the suspension of the 10-day past due cut off policy for utilities during a nation-wide pandemic of the COVID-19 virus. This has been declared a national emergency.

### Recommendation

Staff recommends the approval of this action for as long as the national emergency is in force.

### Discussion

### Approved By

	<i>Initial</i>	<i>Date</i>
<b>Department Head</b>		
<b>City Manager</b>	P. Stasiak <u><i>PS</i></u>	<u>3-16-2020</u>



shall be made therefor and collected by the city treasurer. In any case, such minimum charge shall be the regular minimum charge at the current rates in effect at the time of billing.

(Code 1974, § 31-48; Code 1993, § 106-74)

**Sec. 106-68. When due and payable; delinquency.**

Charges for water service by meter and otherwise shall be due and payable monthly on dates to be determined by the city, and each bill will be stamped with a past due date. If such bill is not paid on or before the past due date stamped thereon, a ten percent penalty will be added. If the bill is not paid within ten days after the past due date stamped thereon, a ten percent penalty will be added. If the bill is not paid within ten days after the past due date stamped thereon, the connection will be cut off, without notice, by the city. In this event, an additional charge as provided in

chapter 48 for first offense shall be added to the bill for turning the water off, and for repeat offenses a charge as provided in chapter 48 will be added for turning the water off. When water is turned off by the city for non-payment and the city discovers water is on at the residence, without the city's or superintendent's authority, an additional fee as provided in chapter 48 will be charged to the homeowner or applicant on the account. When an account has been off and locked and the lock has been tampered with or removed, a fee as provided in chapter 48 will be assessed to the account and the meter will be re-locked or removed from the location. An additional fee as provided in chapter 48 shall be charged to pull the meter. Each day or part of a day during which such violation is continued or repeated shall constitute a separate offense. These fees are in addition to any other penalties for violation of code or legal offenses.

(Code 1974, § 31-49; Code 1993, § 106-75; Ord. No. 2207, § 1, 9-27-2005; Ord. No. 2499, 5-13-2014)

**Sec. 106-69. Estimate in case of defective meter.**

If a water meter is out of order or fails to register properly, the consumer shall be charged on an estimate made of the average monthly consumption during the last three months when the meter was in good condition or from what the city may consider to be the most reliable data for making such estimate.

(Code 1974, § 31-50; Code 1993, § 106-76)

**Sec. 106-70. Raw water sales.**

(a) Raw water sales shall be allowed from any city-owned water source as approved by the city manager or his representative.

(b) The rate of the raw water furnished shall be as provided in chapter 48 with the city manager or his representative having authority to negotiate a higher price, a barrel being established as 42 gal-

lons. The minimum rate shall be increased three percent annually beginning January 1, 2011, and adjusted each January 1 of every year thereafter.

(c) All connections, piping, meters, and other accessories shall be furnished by the customer.

(d) Meters provided shall be adequate for the flow utilized and approved by the city manager or his representative. Meters shall have been calibrated and certified within one year of date of use and shall be within plus or minus two percent accuracy. Certification shall be provided to the city manager or his representative.

(e) All connections shall provide a backflow prevention device at the withdrawal location and an air gap at the discharge location. Each connection will be subject to the approval of the city manager or his representative.

(f) All fuel, oil, or other potential contaminants of the water source shall have a containment system adequate to contain any potential spill. The containment system shall be subject to the approval of the city manager or his representative.

(g) The customer shall be responsible for the raw water once removed from the city's water source and responsible for meeting all state and federal regulations.

(h) The customer shall provide the city water office all required billing information prior to installing water connection. Meter reading shall also be provided to the city water office prior to installing connection to the raw water source and monthly meter readings shall also be provided. Payment for raw water usage shall meet the requirements of section 106-68.

(i) In the event of a shortage of water, or the supply of water available to the city is otherwise diminished in the city's determination to make performance of the sale impossible, such sale may be cancelled.