

The City of Muskogee encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28 CFR/36).

FEBRUARY 1, 2018

**NOTICE AND AGENDA
SPECIAL CALL MEETING**

TO: ALL MEMBERS OF THE MUSKOGEE CITY COUNCIL

By virtue of the authority vested in me as Mayor of the City of Muskogee, Oklahoma, I do hereby issue a call for a Special Call Meeting of the Muskogee Council to convene:

DATE: FEBRUARY 5, 2018
TIME: 5:30 P.M.
**PLACE: COUNCIL CHAMBERS, THIRD FLOOR
MUNICIPAL BUILDING, 3RD & OKMULGEE**
ROLL CALL
PURPOSE:

1. Consider an Executive Session to discuss and take possible action on the following:
 - A. Consider the appointment of Bret Smith as Municipal Judge, to serve a full two (2) year term, beginning February 1, 2018 and ending January 31, 2020, unless sooner removed for cause pursuant to Sections 34-89 of the Muskogee City Code, or take other necessary action. (Mayor Bob Coburn)
 - B. Pursuant to Section 307 B.1 Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the employment, and evaluate the performance of City Manager, Mike Miller, and if necessary, take appropriate action in open session. (Councilor Wayne Johnson)
 - C. Pursuant to Section 307 B.1 Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the employment, and evaluate the performance of City Attorney, Roy D. Tucker, and if necessary, take appropriate action in open session. (Councilor Wayne Johnson)
 - D. Pursuant to Section 307 B.1 Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the employment, and evaluate the performance of City Clerk, Tammy L. Tracy, and if necessary, take appropriate action in open session. (Councilor Wayne Johnson)

The City Clerk is hereby authorized to give each member of the Muskogee City Council notice of this Special Call Meeting as provided by the Charter of the City of Muskogee, Oklahoma.

ADJOURN

Special City Council**A.****Meeting Date:** 02/05/2018**Submitted For:** Roy Tucker, City Attorney**Initiator:** Leslie Arnold,
Attorney Secretary**Department:** City Attorney**Staff Information Source:** City Attorney; Mayor

Information**AGENDA ITEM TITLE:**

Consider the appointment of Bret Smith as Municipal Judge, to serve a full two (2) year term, beginning February 1, 2018 and ending January 31, 2020, unless sooner removed for cause pursuant to Sections 34-89 of the Muskogee City Code, or take other necessary action. (Mayor Bob Coburn)

BACKGROUND:

The Mayor of the City of Muskogee is responsible for nominating judges to the Municipal Court. I do hereby nominate Judge, Bret Smith to serve a full two year term.

RECOMMENDED ACTION:

Approve the appointment of Bret Smith as the Municipal Judge, to serve a full two year term, beginning February 1, 2018 and ending January 31, 2020, unless sooner removed for cause pursuant to Sections 34-89 of the Muskogee City Code.

Fiscal Impact**Attachments**Agreement

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2018, by and between the City of Muskogee, Oklahoma, a municipal corporation, acting by and through its duly elected Mayor and Councilmembers, hereinafter called "City," and Bret Smith, hereinafter called "Judge".

RECITALS

WHEREAS, City desires to employ the services of Bret Smith as Municipal Judge of the City of Muskogee, Oklahoma as provided by Section 34-87 of the Muskogee City Code, 2008, as now provided or as may hereafter be amended; and

WHEREAS, it is the desire of the City to provide certain benefits, establish certain conditions of employment and set working conditions of said Judge; and,

WHEREAS, Bret Smith desires to accept employment as Municipal Judge of said City of Muskogee, Oklahoma.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, City and the Judge agree as follows:

I. APPOINTMENT

City hereby appoints and employs Bret Smith as Municipal Judge of City of Muskogee, Oklahoma, to perform the functions and duties specified in Chapter 34 of the Muskogee City Code, 2008 as now provided or as may hereafter be amended, and to perform other legally permissible and proper duties and functions as the Muskogee City Council shall from time to time assign.

II. TERM

2.01. The term of this Agreement shall effective February 1, 2018, and expire on January 31, 2020.

2.02. Pursuant to Section 34-87 the Mayor may nominate Bret Smith to serve an additional term subject to approval of the City Council as provided in said section. Prior to July 10, 2018, the City Council and the Judge may agree in writing to the terms and conditions of any such renewal or modification of this Agreement.

III. TERMINATION

3.01. This Agreement may be terminated by the City and the Judge may be removed from office only for cause in the manner prescribed in Section 34-89, Muskogee City Code, 2008, as now provided or as may hereafter be amended.

3.02. Further, this Agreement may be terminated by the Judge, prior to the expiration date hereof by the Judge's filing a written notice of intent to resign, provided that said written notice of intent to resign shall be

filed with the Mayor of the City of Muskogee at least thirty (30) calendar days prior to the effective date of such resignation. The Judge shall not receive any additional remuneration or benefits conferred upon the Judge by this Agreement from and after the effective date of the Judge's resignation.

IV. REMUNERATION AND BENEFITS

4.01. During the term of this Agreement the City agrees to provide the Judge remuneration and benefits as follows:

(a) Salary. During the term of this Agreement, the Judge shall be paid the annual sum of thirty-seven thousand thirty eight dollars and forty cents (\$37,038.40) payable in bi-weekly payments coinciding with the payroll cycle of the City of Muskogee employees.

(b). Benefits. The Judge, pursuant to the City of Muskogee Benefit Plan, is eligible for coverage/participation in said benefit plan. The City will provide medical, dental, and vision insurance coverage pursuant to the Muskogee Benefit Plan for the Judge and will pay one hundred percent (100%) of the premium for said employee coverage. The Judge at his option may include his family as family is defined in the Muskogee benefit Plan at the expense of the Judge. No deviation from the coverage provided in the plan may be negotiated into this agreement. The Judge shall not be entitled to any other benefits provided to other employees of the City of Muskogee except as set out herein.

(c) Schools and Conferences. The City shall pay for the Judge's travel, meals, lodging and registration to one (1) Judges' Conferences (continuing legal education seminars) in Oklahoma each calendar year during the term of this Agreement for the continuing education and professional development necessary for maintaining qualifications for the office as well as for the good of the City.

(d) Memberships and Associations. City shall pay for the Judge's annual memberships in the Oklahoma Municipal Judges Association.

(f) Compensation and Additional Jobs. The Judge shall receive no other compensation for the position of Municipal Judge of the City of Muskogee except as here above provided.

(g) Workers Compensation and Liability. For the purposes of this agreement the Judge shall be considered an employee of the City of Muskogee for inclusion within the terms and limitations of liability of the Oklahoma Governmental Tort Claims Act. The Judge shall be an employee as defined in Title 85, Oklahoma Statutes, should an on the job injury occur while on the premises of the City.

V. EVALUATION

The City Council may review and evaluate the performance of the Judge during the term of this Agreement in Executive Session. Said review and evaluations shall be conducted once each year. The Council shall provide the Judge an adequate opportunity to discuss his evaluation with the Council. In effecting the provisions of this section, the City Council and the Judge mutually agree to abide by the provisions of applicable laws.

VI. REPORTS

The Judge shall submit a written or oral report to the City Council upon request during the term of this Agreement. Such report will include information on the Municipal Court as deemed appropriate by the Mayor, the Council or the Judge.

VII. WRAP UP

The Judge shall not be permitted to practice law which would be in conflict or create a conflict of interest as defined by applicable state statute and the Oklahoma Rules of Professional Conduct of the Oklahoma Bar Association with his employment with the City of Muskogee after his acceptance of this appointment

IN WITNESS WHEREOF, the City of Muskogee has caused this Agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Clerk and the Judge has signed and executed this Agreement the day and year first above written.

CITY OF MUSKOGEE, OKLAHOMA
A Municipal Corporation,

BY: _____
JOHN R. COBURN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

Approved as to form and legality this _____ day of _____, 2018.

ROY D. TUCKER
CITY ATTORNEY

BRET SMITH, MUNICIPAL JUDGE

Special City Council

B.

Meeting Date: 02/05/2018

Submitted For: Mike Miller, City Manager

Initiator: Tammy Tracy, City Clerk

Department: City Clerk

Staff Information Source: Councilman Wayne Johnson

Information

AGENDA ITEM TITLE:

Pursuant to Section 307 B.1 Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the employment, and evaluate the performance of City Manager, Mike Miller, and if necessary, take appropriate action in open session. (Councilor Wayne Johnson)

BACKGROUND:

The City Attorney advises that matters pertaining to employment of any individual salaried public officer or employee are appropriate items for Executive Session, and that all matters discussed therein are confidential and not open to public disclosure.

RECOMMENDED ACTION:

Convene in Executive Session to discuss the employment, and evaluate the performance of City Manager, Mike Miller, and if necessary, take appropriate action in open session. (Councilman Wayne Johnson)

Fiscal Impact

Attachments

No file(s) attached.

Special City Council

C.

Meeting Date: 02/05/2018

Submitted For: Mike Miller, City Manager

Initiator: Tammy Tracy, City Clerk

Department: City Clerk

Staff Information Source: Councilmman Wayne Johnson

Information

AGENDA ITEM TITLE:

Pursuant to Section 307 B.1 Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the employment, and evaluate the performance of City Attorney, Roy D. Tucker, and if necessary, take appropriate action in open session. (Councilor Wayne Johnson)

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Fiscal Impact

Attachments

No file(s) attached.

Special City Council

D.

Meeting Date: 02/05/2018

Submitted For: Mike Miller, City Manager

Initiator: Tammy Tracy, City Clerk

Department: City Clerk

Staff Information Source: Councilmman Wayne Johnson

Information

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