

**MINUTES OF THE CLINTON CITY COUNCIL  
MARCH 3, 2009**

Minutes of the regular meeting of the Mayor and City Council of the City of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, March 3, 2009 at 5:30 p.m.

A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on February 27, 2009.

Mayor Allen Bryson called the meeting to order with the following present;

**MAYOR:** Allen Bryson

**COUNCIL:** Terry Wheeler, Mark Hendrickson, Bob Marcy, John Jordan

**CITY MANAGER:** Grayson Bottom

**CITY CLERK:** Lisa Anders

**CITY TREASURER:** Debra Blanchard

**DEPUTY CITY CLERK:** Absent

**CITY ATTORNEY:** Ryan Meacham

**NEWS MEDIA:** Gerald Green and Mike Smith

**OTHERS:** Arnold Adams, Brad Aneshansley, Charles Fry, Gene McCullough, Cheryl Lowry and others.

Billy Mucker of the Bethany Baptist Church opened the meeting with prayer and Councilman Bob Marcy led the Pledge of Allegiance.

**AGENDA ITEM NO. 3: CONSENT AGENDA**

- A. Minutes of Regular Meeting of February 3, 2009
- B. Consider Claims

Moved by Councilman Wheeler and seconded Councilman Hendrickson, that Consent Agenda Item No. 3 (a-b) be approved.

Mayor put the motion to a roll call vote:

Aye: Wheeler, Hendrickson, Marcy, Jordan, Bryson

Nay: None

Mayor declared the motion carried.

**AGENDA ITEM NO. 4 ACTION ITEMS**

**4A. CONSIDER APPOINTMENT TO MIDWESTERN OKLAHOMA INDUSTRIAL FOUNDATION**

City Manager Grayson Bottom explained that two members of the MOIF foundation have completed their terms. He said the Mayor makes the appointments and both members, Bob Marcy and Kevin Brittain have agreed to serve if appointed.

Mayor Bryson reappointed Bob Marcy and Kevin Brittain to serve on the Midwestern Oklahoma Industrial Foundation.

**4B. CONSIDER ORDINANCE 916 AMENDING EMPLOYEE RETIREMENT SYSTEM DEFINED BENEFIT PLAN TO INCORPORATE FINAL INTERNAL REVENUE CODE REGULATIONS AND PROVISIONS OF PENSION FUNDING EQUITY ACT**

City Manager Grayson Bottom explained the Oklahoma Municipal Retirement Fund has provided the ordinance that amends the language of the City's retirement plan to incorporate final Internal Revenue Code regulations and provisions of the Pension Funding Equity Act. He said Assistant City Attorney Ryan Meacham has reviewed and approved the ordinance.

Motion was made by Councilman Hendrickson and seconded by Councilman Wheeler to approve Ordinance 916 amending the employee retirement system Defined Benefit Plan to incorporate final Internal Revenue Code regulations and provisions of the Pension Funding Equity Act.

Mayor put the motion to a roll call vote:

Aye: Hendrickson, Wheeler, Marcy, Jordan, Bryson  
Nay: None

Mayor declared the motion carried.

Motion was made by Councilman Hendrickson and seconded by Councilman Marcy to approve the Emergency Clause to Ordinance No. 916.

Mayor put the motion to a roll call vote:

Aye: Hendrickson, Marcy, Wheeler, Jordan, Bryson  
Nay: None

Mayor declared the motion carried.

**4C. DISCUSSION WITH LEGAL COUNSEL REGARDING PENDING LITIGATION INCLUDING AN EXECUTIVE SESSION AS AUTHORIZED BY 25 O.S. ss 307 B.4**

Motion was made by Councilman Wheeler and seconded by Councilman Marcy to go into executive session for discussion with Legal Counsel regarding pending litigation.

Mayor put the motion to a roll call vote:

Aye: Wheeler, Marcy, Jordan, Hendrickson, Bryson  
Nay: None

Mayor declared the meeting in executive session at 6:30 p.m.

**RECONVENE**

Motion was made by Councilman Marcy and seconded by Councilman Hendrickson to go enter into regular session

Mayor put the motion to a roll call vote:

Aye: Marcy, Hendrickson, Jordan, Wheeler, Bryson  
Nay: None

Mayor declared the meeting in regular session at 6:40 p.m.

No action taken

**5. CITY MANAGER'S REPORT**

City Manager Grayson Bottom reported that budget worksheets have been passed out in preparation for the annual budget workshops and budget passage.

City Manager Bottom informed the Council of a new reverse 911 system that could contact resident by land-line or cell telephone to make them aware of public announcements. Examples of usage of the system could be notification of water line breaks, schools closings, road closings, weather alerts and other public announcements. He said a survey would be taken of citizens to see if they would be willing to pay the proposed rate of \$.20 per month that could be added to the monthly water bills.

**6. AUDIENCE PARTICIPATION**

None

**AGENDA ITEM NO. 7: ADJOURNMENT**

Moved by Councilman Marcy and seconded Councilman Hendrickson, to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Marcy, Hendrickson, Wheeler, Jordan, Bryson

Nay: None

Mayor declared the meeting adjourned at 6:50 P.M.

AN ORDINANCE OF THE CITY OF CLINTON, OKLAHOMA

ORDINANCE NO. 916

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN OF THE CITY OF CLINTON, OKLAHOMA, TO INCORPORATE THE FINAL IRC SECTION 415 REGULATIONS AND PROVISIONS OF THE PENSION FUNDING EQUITY ACT; AND AMENDING THE DEFINED CONTRIBUTION PLAN OF THE CITY OF CLINTON, OKLAHOMA, TO INCORPORATE THE FINAL IRC SECTION 415 REGULATIONS; AND AMENDING THE DEFINED CONTRIBUTION PLAN FOR THE POSITION OF CITY MANAGER OF THE CITY OF CLINTON, OKLAHOMA, TO INCORPORATE THE FINAL IRC SECTION 415 REGULATIONS; PROVIDING FOR EMPLOYER PICKUP OF MANDATORY CONTRIBUTIONS FOR THE DEFINED BENEFIT PLAN; PROVIDING FOR EFFECTIVE DATE, PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, OKLAHOMA:**

Section 1. The Employee Retirement System, Defined Benefit Plan and Defined Contribution Plan and Defined Contribution Plan for the position of City Manager of the City of Clinton, Oklahoma, is hereby amended as shown on the attached Exhibit "A" and "B" and "C", which is incorporated herein by reference.

Section 2. All ordinances in conflict herewith are hereby repealed.

Section 3. Whereas, the Defined Benefit Plan contains provisions which are intended to constitute a pick-up program by the Employer which satisfies the requirements of section 414(h)(2) of the Internal Revenue Code of 1986 (the "Code"); and in accordance with the provisions of the plan, Mandatory Contributions (as defined in the Plan) are designated "picked-up" by the employer so as to not be included in Plan Participants' gross income for Federal income tax purposes as provided in Section 414(h)(2) of the Code. All Mandatory Contributions are to be paid by the employer in lieu of contributions by the Plan Participant. No Participant in the Plan shall have the option of choosing to receive the amounts of Mandatory Contributions directly in lieu of having such amounts paid by the employer to the Trustees of the Plan.

Section 4. If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of this ordinance, notwithstanding such holding.

Section 5. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Clinton and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

\*\*\*END\*\*\*

The foregoing ordinance was introduced before the Clinton City Council on the 3 day of March, 2009, and was duly adopted and approved by the Mayor and City Council of the City of Clinton on the 3 day of March, 2009, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

ATTEST:

Lisa Anders  
CITY CLERK

Ally Bay  
MAYOR

Approved as to form and legality on \_\_\_\_\_

[Signature]  
CITY ATTORNEY