

**Amended as of 3/13/2023 at 10:30 am** Posted at City Hall, 17 Hospital Drive, Eufaula, OK 74432, and at Community Center, 121 High Street, Eufaula, OK 74432 (the location of the meeting) on March 10, 2023, at 4:00 p.m.

## **CITY OF EUFAULA, OK**

Community Center  
121 High Street  
Eufaula, OK 74432



### **SPECIAL NOTICE AND AGENDA OF MEETINGS Tuesday March 14, 2023 5:30 p.m.**

City Council and Eufaula Public Works Authority

The City of Eufaula 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 28CRF/36).

Council Rules of Decorum limit citizen comments on agenda items and public hearings to five (5) minutes. Any person desiring to address the Council during such period is required to sign in with the City Clerk, provide their name, address, and specify the agenda item they wish to address. Remarks shall be directed to the matter being considered and the speaker is allowed to speak only one time. If written materials are to be submitted ten (10) copies should be made available and may not be returned. Under Oklahoma Law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda.

The complete packet of information for the agenda items is available online at  
[CityofEufaulaOK.com](http://CityofEufaulaOK.com)





City Council Agenda Item No. 3

Meeting Date: March 14, 2023

## Agenda Item Memo

**Item Title:** Consideration of Acceptance, Approval, Adoption, Rejection, Amendment, and/or Postponement of Ward 4 Councilman Dan Kirby's resignation.

**Initiator:** Jeb Jones, City Manager

**Information Source:** Jeb Jones, City Manager; Kay Robbins Wall, City Attorney

**Background:** Due to personal circumstances, Mr. Kirby has resigned from the Ward 4 Council seat. This action will accept Mr. Kirby's resignation and inform you of our required action per state statute. In short, within 60 days of the announced resignation (March 9, 2023), the council may appoint a replacement to the open Ward 4 seat. If an appointment is not made within the 60-day window, then by statute, the Council will be required to call a special election within 120 days.

**Council Pillar:** n/a

**Financial Impact:** n/a

**Attachment:** Kirby Resignation, State Statute

**Recommended Action:** Accept the resignation

**From:** [Kay Robbins Wall](#)  
**To:** [Jeb Jones](#)  
**Subject:** Fw: Dan Kirby Resignation  
**Date:** Thursday, March 9, 2023 4:46:47 PM

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Mr. Jones,

For your information.

Thank you,

Taylor  
for Kay Wall

----- Forwarded Message -----

**From:** Dan Kirby <dkirby12@sbcglobal.net>  
**To:** Ward Freeholder <ward-freeholder@cityofeufaulaok.com>; Ward1@cityofeufaulaok.com <ward1@cityofeufaulaok.com>; Ward2@cityofeufaulaok.com <ward2@cityofeufaulaok.com>; Ward 3 <ward3@cityofeufaulaok.com>; Ward4@cityofeufaulaok.com <ward4@cityofeufaulaok.com>; 'Todd Warren' <toddwarren562@gmail.com>  
**Cc:** Kay Robbins Wall <lkrw@sbcglobal.net>  
**Sent:** Thursday, March 9, 2023 at 03:34:59 PM CST  
**Subject:** Dan Kirby Resignation

Dear Mayor and Council,

It has been an honor serving on the City Council of my home town these past two years. However, unforeseen circumstances will no longer allow me to serve the people of Ward #4.

So with regret I am resigning from my elected position of Eufaula City Councilman Ward #4 effective immediately. I know the city is in great hands and you will continue to do the things that make Eufaula prosperous and a great place to live.

God bless.

Sincerely,

Dan Kirby

**Oklahoma Statutes Citationized****Title 11. Cities and Towns****Chapter 1 - Oklahoma Municipal Code****Article Article VIII - Officers - General Provisions****Section 8-109 - Vacancies in Office**

Cite as: O.S. §. \_\_\_\_\_

A. When a vacancy occurs in an office of an elected municipal official except the mayor, the governing body shall appoint, by a majority vote of the remaining members, a person to fill the vacancy until the next general municipal election, or the next biennial town meeting if the municipality is subject to the Oklahoma Town Meeting Act, Section 11-16-301 et seq. of this title, and to serve until a successor is elected and qualified. Any vacancy shall then be filled at the next general municipal election or biennial town meeting by election of a person to complete the balance of any unexpired term. If the vacancy has not been filled within sixty (60) days after it occurs, the governing body shall call for a special election or a special town meeting for the purpose of filling the vacancy for the duration of the unexpired term unless said vacancy occurs or said election would occur within one hundred twenty (120) days prior to the first day of the filing period for the next general municipal election or within one hundred twenty (120) days prior to the next biennial town meeting. If a vacancy is not filled by the special election or at a special town meeting, it shall be filled by appointment as provided for in this subsection.

B. If a majority of the offices of a governing body become vacant more than sixty (60) days before the beginning of a regular filing period for general municipal elections or more than sixty (60) days before the biennial town meeting, the remaining members of the governing body shall call for a special election or a special town meeting, if the municipality is subject to the Oklahoma Town Meeting Act, to be held as soon as possible in the municipality for the purpose of filling all vacant offices for the remainder of their unexpired terms if the election or town meeting can be held more than sixty (60) days before the beginning of the filing period for the general election or more than sixty (60) days before the next biennial town meeting. The remaining members of the governing body may pay claims in accordance with Section 11-17-102 of this title and, when necessary to avoid financial loss or injury to a person or property, may take any action otherwise authorized for the governing body except the enactment of an ordinance.

C. If all the offices of the governing body become vacant, the municipal clerk or acting municipal clerk shall be the interim mayor until a member of the governing body is elected and qualified. If there is no municipal clerk or acting municipal clerk in office, the municipal treasurer shall serve as interim mayor and acting municipal clerk. If there is no municipal officer in office, the Governor may appoint a registered voter of the municipality as interim mayor and acting municipal clerk. The appointed interim mayor shall give bond for the faithful performance of his duties within ten (10) days after his appointment. The municipality shall pay the premium on the bond.

D. The interim mayor shall exercise the authority of the governing body for only those purposes set out in this section.

1. Within five (5) days of the occurrence of the last vacancy, the interim mayor shall call a special election or a special town meeting, if the municipality is subject to the provisions of the Oklahoma Town Meeting Act, for the purpose of filling the unexpired terms in accordance with subsection B of this section. If all of the offices of the governing body become vacant sixty (60) days or less before the beginning of a regular filing period for general elections or sixty (60) days or less before the next biennial town meeting, the interim mayor shall call the regular general election or the biennial town meeting, whichever is appropriate. If the interim mayor fails or refuses to call an election or town meeting, whichever is appropriate, the board of county commissioners of the county in which the municipality is located shall call the election or town meeting. The county sheriff, or his deputy, shall attend any town meeting called by the board of county commissioners and, if the interim mayor fails to conduct the meeting, shall moderate the meeting. The interim mayor or the sheriff or deputy who is moderating the meeting is authorized to appoint a registered voter of the municipality to take the minutes of the meeting. If the vacancies are not filled by the election or town meeting called for the purpose, the Governor may appoint registered voters of the municipality to fill the vacancies without regard to wards for the balance of the unexpired term.

2. The interim mayor may pay claims in accordance with subsection C of Section 11-17-102 of this title. The interim mayor shall submit a list of such payments to the governing body of the municipality no later than the second regular meeting after the vacancies are filled.

E. To be eligible for appointment to fill a vacancy in an elected municipal office a person must meet the same qualifications required for filing a declaration for candidacy for that office.

**Historical Data**

Laws 1977, HB 1100, c. 256, § 8-109, eff. July 1, 1978; Amended by Laws 1979, HB 1297, c. 44, § 1, emerg. eff. April 9, 1979; Amended by Laws 1984, HB 1669, c. 126, § 6, eff. November 1, 1984; Amended by Laws 1988, SB 597, c. 105, § 16, eff. November 1, 1988; Amended by Laws 1989, SB 162, c. 255, § 1, emerg. eff. May 19, 1989.





City Council Agenda Item No. 4

Meeting Date: March 14, 2023

## Agenda Item Memo

**Item Title:** Consideration of Acceptance, Approval, Adoption, Rejection, Amendment, and/or Postponement to direct the City Manager to place an advertisement to solicit applications for the open Ward 4 Council seat.

**Initiator:** Jeb Jones, City Manager

**Information Source:** Jeb Jones, City Manager

**Background:** Due to Mr. Kirby's resignation, action will be needed to collect applications to fill the Ward 4 council seat. This item will direct the City Manager to advertise and collect applicants for the open seat and provide them to the council for review and future action.

**Council Pillar:** n/a

**Financial Impact:** n/a

**Attachment:** Ward 4 Council Seat Advertisement

**Recommended Action:** Approve action.

# **CITY OF EUFAULA**

## **City Council Ward 4 Vacancy**

The Eufaula City Council currently has a vacancy for the Ward 4 Council seat. Interested citizens must submit a letter of interest and resume that outlines their interest and qualifications by April 14, 2023. State law mandates that the person appointed must be a registered voter at an address within the municipality for at least six (6) months before the appointment. This position requires the applicant to be a resident of Ward 4. Applicants may make their submissions as outlined below:

Mailing:  
City of Eufaula  
Ward 4 Vacancy  
Attn: City Manager, Jeb Jones  
PO Box 684  
Eufaula, OK 74432

Delivering:  
City of Eufaula  
Ward 4 Vacancy  
Attn: City Manager, Jeb Jones  
17 Hospital Dr.  
Eufaula, OK 74432

E-mail  
Jeb Jones, City Manager  
[cm@cityofeufaulaok.com](mailto:cm@cityofeufaulaok.com)