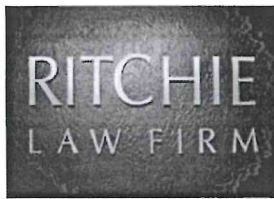


**THE RITCHIE LAW FIRM**

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K. Ellis Ritchie	Hannah Gerhart, CP
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*Office Manager:*  
Jara Jaques

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July 31, 2017

**Mayor and Council  
(Distributed for Agenda Packet Supplement)**

**Re: City Attorney Report Regarding City Administrator**

**Dear Mayor and Council,**

Per your request I have completed an evaluation of the City Administrator position as set forth in our City Code relative to conflicts in provisions of same with the City Charter and other provisions of the City Code.

My opinion is that the creation of the City Administrator position and the drafting of the code provisions by which it was created "Overlap" provisions relating to duties, responsibilities, and powers of the Mayor, but have been drafted in such a manner that they do not necessarily "Conflict" with the provisions of the Charter and Code concerning the duties, responsibilities, and powers of the Mayor.

The provisions concerning the City Administrator were drafted in such a manner as to facilitate the ability to employ a City Administrator without changing the form of city government from that of the Strong Mayor-Council form of government.

Generally speaking, implementation of the provisions concerning the City Administrator position under the city's code would be somewhat like a "chief executive officer" - "chief operations officer" relationship. The City Administrator would function under the authority of the Mayor and Council as an assistant conducting the day to day business of the City under the authority of the Mayor and Council. The Mayor would still be signing documents and performing the tasks set forth in the Charter and Ordinances, however the City Administrator would be the person serving in authority directly under the Mayor carrying out the day to day operations under the Mayor's authority.

I have included a concise listing of duties, responsibilities, and powers of the respective positions for your convenience and for purposes of assisting in discussion on this topic.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Ellis Ritchie", with a stylized flourish at the end.

**K. Ellis Ritchie**

**City Administrator Position Under City Code:**

1. Appointed by Mayor with approval of Council. Term of appointment is indefinite. Person serves at the pleasure of the Mayor and Council. 1-6E-2 and 1-6E-6(A)
2. Qualifications to serve as administrator: 1-6E-3
  - a. 25yrs
  - b. working knowledge of government accounting
  - c. registered voter of Pryor Creek (resident of city)
  - d. college degree in public administration or experience qualification
3. Duties: 1-6E-7
  - a. administrative assistant to Mayor
  - b. supervises the operations of all departments subject to authority of Mayor
  - c. serves as purchasing agent for the city. All purchases over \$500 have to be approved by administrator.
  - d. serves as the budget officer for the city
  - e. serves as personnel officer, Has power to hire and fire and advance personnel subject to approval by Mayor
  - g. recommends policy matters to mayor and council
  - h. coordinates boards and committees
  - i. supervises bidding and specifications
  - j. coordinates federal and state programs with city
  - k. any other duties given by Mayor and Council
4. Powers: 1-6E-8
  - a. responsible for city property. Purchase and sale subject to approval of Mayor and Council.
  - b. sets administrative rules and regulations and administers same subject to Mayor and Council.
  - c. investigate and examine operations and matters of the city and report to Mayor and Council.
  - d. appear before city council, boards and committees
  - e. All powers and duties subject to authority of Mayor and Council.

**Mayor Position under Charter and Code:**

**Charter Section 36:**

- a. signs all contracts and legal documents of city
- b. calls special elections
- c. serves as full-time chief administrative officer and supervises all branches of government.
- d. administers enforcement of laws and ordinances
- e. power to dismiss employees
- f. power to investigate operations and employees
- g. veto power on ordinances
- h. advise council on needs of city
- i. other duties assigned by council

**City Code Provisions:**

Basically, the code provisions overlap and mirror those of the administrator position. Actually, the Administrator position was drafted to mirror the powers and duties of the Mayor since it was created later.

# Change Order

No. 1

Date of Issuance: July 31st, 2017

Effective Date: \_\_\_\_\_

Project: 2017 Asphalt Street Repairs	Owner: City of Pryor Creek, OK	Owner's Contract No.: PRY 16-03
Contract: No. 1		Date of Contract: July 5, 2017
Contractor: H&G Paving Contractors, P.O. Box 624, Muskogee, OK 74402		Engineer's Project No.: PRY 16-03

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description: The finding of unstable material at design depth after removing the pavement system has resulted in sufficient quantity that a means to remove

The unstable subgrade material as the situation presents. This change order will provide a fixed unit price to address these unknown conditions to avoid unnecessary delays to the contractor and return the streets to full usage as school traffic begins.

Attachments: (List documents supporting change): Email statement from the Contractor addressing the unit price for the work.

Letter from the Engineer regarding the need for the unit price quantity and approving the unit price value as reasonable and fair.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: <u>\$355,380.90</u>	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): <u>150</u> Ready for final payment (days or date): <u>150</u>
[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: <u>\$ N/A</u>	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: Substantial completion (days): <u>N/A</u> Ready for final payment (days): <u>N/A</u>
Contract Price prior to this Change Order: <u>\$ 65 / cy of unstable soil R&amp;R</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>150</u> Ready for final payment (days or date): <u>150</u>
[Increase] [Decrease] of this Change Order: <u>Area 285' x 10.5' X 2.0' = 221.67 cy.</u> <u>\$ 14,408.33</u>	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): <u>0</u> Ready for final payment (days or date): <u>0</u>
Contract Price incorporating this Change Order: <u>\$ 369,789.23</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>150</u> Ready for final payment (days or date): <u>150</u>

RECOMMENDED:

By: Steve Powell  
Engineer (Authorized Signature)

Date: 7-31-17

Approved by Funding Agency (if applicable): N/A

ACCEPTED:

By: \_\_\_\_\_  
Owner (Authorized Signature)

Date: \_\_\_\_\_

ACCEPTED:

By: [Signature]  
Contractor (Authorized Signature)

Date: 7/31/17