
Thursday, July 9, 2009

Judge Thornbrugh says council overstepped their bounds

By Jo-Ann Jennings | Updated 2:34 p.m., Thursday, July 9, 2009

Following a hearing at 1:30 p.m., Tuesday, July 7, Judge Thomas Thornbrugh said that the Bixby City Council had overstepped their authority on several levels, according to Chris Camp, attorney for Cheryl Sasser who is on administrative leave. Camp said the council did not have the authority to make several of the decisions recently made without the vote of the people. The hearing was called after Sasser filed a lawsuit against the City of Bixby and the city council for terminating her job by combining the offices of the City Treasurer and the City Clerk.

On June 22, 2009, the Bixby City Council approved combining the offices of the City Treasurer and City Clerk. Monday, July 6, 2009, at a special 10:45 a.m. city council meeting, the council approved an ordinance combining the two departments. According to Camp, Thornbrugh said that the ordinance is invalid, void and illegal and that the decisions made on June 22 were also invalid.

According to Camp, Sasser can only be terminated for just cause. If the city council uses the ordinance as a basis for taking against Sasser, then the council will be found in contempt of court. The judge ruled that under the city charter, the city clerk's office and the city treasurer's office cannot be combined absent a vote of the citizens of Bixby.

The court heard testimony from Sasser, former city manager Micky Webb, and City Manager, Blu Hulsey.

In response to a question from the Bixby Bulletin editor to ensure she had heard correctly, Camp said, "The only punishment will be contempt of court if the council tries to take any action based on the illegal ordinance. Ms. Sasser will likely notify Tulsa County District

Attorney, Tim Harris of the open meeting violation at which the council discussed an emergency declaration in private and then voted to OK the item even though it had not been listed or otherwise referred to on the agenda.”

The Bulletin is awaiting a response from City Attorney Phil Frazier.

The reasons for the judge’s decision, according to Camp, were printed in the July 9, 2009, edition of the Bixby Bulletin and may be found at bixbybulletin.com. (below)

The Court’s minutes read on OSCN regarding Tuesday’s hearing said, “Thornbrugh, P. Thomas: hearing on plaintiff’s application for temporary injunction held. Chris Camp and Andrew Harrison present for plaintiff. Phil Frazier present for defendant. Jodi Terry court reporter. Three witnesses sworn. Plaintiff’s application for temporary injunction is granted. City ordinance ruled invalid. Plaintiff’s counsel to draft order.”