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CHAPTER 1

ELECTIVE OFFICERS

Section 2-101 Elective Officers of the Town

SECTION 2-101 ELECTIVE OFFICERS OF THE TOWN

In accordance with *Title 11, Oklahoma Statutes 1984, Section 16-205*, the officers of the Town shall be elected as follows:

A. The Board of Trustees shall consist of one Trustee from each Ward of the Town. Each Trustee shall be an actual resident of his respective Ward. The term of office for a Trustee shall be four (4) years beginning at 12:00 noon on the second Monday following the General Municipal Election. The Trustee shall serve until his successor is elected and qualified. The terms of the Trustees shall be staggered so that at the General Municipal Election in 1983 the following Trustees are elected for four (4) year terms:

1. Trustees from odd-numbered Wards.

At the General Municipal Election in 1985 the following Trustees are elected for four (4) year terms:

1. Trustees from even-numbered Wards.

B. The Board of Trustees shall have the authority to appoint a Police Chief.

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CHAPTER 2

BOARD OF TRUSTEES

Section 2-201	Time of Regular Meetings of the Board of Trustees
Section 2-202	Place of Meetings of the Board of Trustees
Section 2-203	Mayor of the Board of Trustees; Election, Duties
Section 2-204	Trustees may be Designated to have Supervision of Various Town Personnel and Activities
Section 2-205	Rules of Order and Procedure

SECTION 2-201 TIME OF REGULAR MEETINGS OF THE BOARD OF TRUSTEES

The Board of Trustees of the Town of Oologah, Oklahoma, shall hold regular meetings on the first Tuesday of each month at 7:00 o'clock P.M., immediately following the conclusion of the Regular Monthly Meeting of the Oologah Municipal Authority, and at such other times as it may prescribe by ordinance, resolution, or otherwise at the Town Hall in Oologah Oklahoma. When the day of the meeting falls upon a day which is a legal holiday in the State, the meeting shall be held on the next succeeding day which is not a holiday. Special meetings may be called by the Mayor or any three (3) Trustees. A majority of all the members of the Board shall constitute a quorum to do business, but a smaller number may adjourn from day to date. (Ord. No. 2014-2, 11/17/14)

SECTION 2-202 PLACE OF MEETINGS OF THE BOARD OF TRUSTEES

Every meeting of the Board of Trustees shall be held in the Town Hall, unless, in case of an emergency, the Mayor designates another place in the Town for the holding of a special meeting. Any adjourned meeting may be held at any other place within the Town designated by the Board of Trustees.

SECTION 2-203 MAYOR OF THE BOARD OF TRUSTEES; ELECTION, DUTIES

A. The Board of Trustees shall elect from among its members a Mayor. The Mayor shall be elected in each odd-numbered year at the first Board of Trustees meeting held after the newly elected officials take office, or as soon thereafter as practicable. The Mayor shall serve until his successor has been elected and qualified, unless such member dies, resigns, or is removed by the Board of Trustees.

B. The Mayor shall preside at meetings of the Board and shall certify to the correct enrollment of all Ordinances and Resolutions passed by it. He shall be recognized as head of the Town government for all ceremonial purposes and shall have such other powers, duties and functions as may be prescribed by law or Ordinance. The Mayor shall have all the powers, rights,

privileges, duties and responsibilities of a Trustee, including the right to vote on questions. During the absence, disability or suspension of the Mayor, the Board shall elect from its members an Acting Mayor. When a vacancy occurs in the Office of the Mayor, the Board shall elect another Mayor from among its members to serve for the duration of the unexpired term.

C. The Mayor of the Board of Trustees may also be referred to as "President of the Board" or "Chief Executive Officer".

D. The Mayor may be removed by a majority of the members of the Board of Trustees on a showing of good cause. The Mayor shall have no vote in such proceeding.

SECTION 2-204 **TRUSTEES MAY BE DESIGNATED TO HAVE SUPERVISION OF VARIOUS TOWN PERSONNEL AND ACTIVITIES**

A. The Mayor shall have supervisory responsibility for the Police Departments and other civic activities.

B. The Board of Trustees may designate various ones of its members or a committee of its members to have supervision of various personnel and activities of the Town (for example, those working on the streets, those working in the water system, etc.); and may give each such Trustee or committee designated an appropriate title. Each such Trustee or committee so designated shall be subordinate to the Board.

SECTION 2-205 **RULES OF ORDER AND PROCEDURE**

A. The Board may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the Board may prescribe. Whenever a Trustee is absent from more than one-half (2) of all meetings of the Board, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

B. The order of business for each meeting of the Board may be as posted on the agenda for the meeting.

C. The following rules of procedure shall apply to any regular or special meeting of the Board unless three (3) Trustees agree to waive the rule or rules:

1. At the request of the Mayor or any Board member, all motions shall be reduced to writing;

2. A motion to reconsider any of the proceedings of the Board shall not be entertained unless it be made by a member who previously voted in the majority;

3. No motion shall be debated or put until it be seconded and stated by the Mayor. It is then and not until then in possession of the Board and cannot be withdrawn but by leave of the Board;

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4. A motion to adjourn shall be in order at any time, except as follows:
 - a. When repeated without intervening business or discussion;
 - b. When made as an interruption of a member while speaking;
 - c. When the previous question has been ordered; or
 - d. While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned;

5. When a question is under debate, no motion shall be received but:
 - a. To adjourn;
 - b. To lay on the table;
 - c. For the previous question;
 - d. To postpone to a day certain;
 - e. To commit;
 - f. To amend; or
 - g. To postpone indefinitely,

which several motions shall have precedence in the order they stand arranged;

6. When a proper motion is made, but information is wanted, the motion is to postpone to a day certain;

7. Matters claiming present attention for which it is desired to reserve for more suitable occasion, the order is a motion to lay on the table; the matter may then be called for at any time. If the proposition may need further consideration at the hands of a committee, the motion is to refer to a committee, but if it need but a few and simple amendments, the Board shall proceed to consider and amend at once;

8. On an amendment's being moved, a member who has spoken on the main question may speak again to the amendment;

9. The question is to be put first on the affirmative and then on the negative side. After the affirmative part of the question has been put, any member who has not spoken before to the question may arise and speak before the negative be put; and

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10. When a question has been moved and seconded and has been put by the presiding officer in the affirmative and negative, it cannot be debated unless under motion for reconsideration.

CHAPTER 3

TOWN CLERK/TREASURER & ENCUMBRANCE OFFICER

Section 2-301 Town Clerk/Treasurer

Section 2-302 Encumbrance Officer

SECTION 2-301 TOWN CLERK/TREASURER

A. The Town Clerk/Treasurer shall be elected by the qualified electors of the Town as stipulated in Section 2-102 of this Part.

B. When the words "Clerk", "Town Clerk", "Treasurer" or "Town Treasurer" are used in this Code or in other Ordinances of the Town, they shall be deemed to mean the Town Clerk/Treasurer unless another meaning is clearly indicated by the context.

C. The Town Clerk/Treasurer shall have custody of the records, books, and papers of the Board of Trustees, and shall keep minutes of its proceedings, as provided by *Oklahoma Statutes, 1984, Title 11, Section 12-109*.

D. The Town Clerk/Treasurer shall collect or receive such revenue and other money for the Town as the law or Ordinances may provide, and shall deposit it in depositories as required by law. Town funds may be disbursed only as provided by law. He shall keep proper records and accounts of all the financial transactions of his office.

E. The Town Clerk/Treasurer shall countersign all warrants properly and legally drawn by the President of the Board of Trustees.

F. The Town Clerk/Treasurer shall be available during normal business hours to provide all public records as required by the *Oklahoma Open Records Act* for inspection, copying, and/or mechanical reproductions during regular business hours. The Clerk will charge twenty-five cents (\$0.25) per page for photo reproduction. For a definition of what records must be open to the public for review, see *Section 24A.5 of Title 51 of the Oklahoma Statutes*.

SECTION 2-302 ENCUMBRANCE OFFICER

The Encumbrance Officer shall keep the appropriation and expenditure records of the Town. The Encumbrance Officer shall serve and be removed at the discretion of the Board of Trustees.

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CHAPTER 4

TOWN ATTORNEY

Section 2-401 Town Attorney; Appointment; Duties, Etc.

SECTION 2-401 TOWN ATTORNEY; APPOINTMENT; DUTIES, ETC.

A. The Board of Trustees may appoint a Town Attorney, and/or may secure the services of an attorney or attorneys on a contractual basis when needed.

B. The Town Attorney, when and if appointed, shall be the legal advisor of the Board, all Officers, Departments and Agencies of the Town government in matters relating to their official powers and duties. He shall represent the town in proceedings in the courts. He shall perform all services incidental to his position which may be required by law or Ordinance.

Agencies, Officers & Employees

CHAPTER 5

HEALTH OFFICER

Section 2-501 Health Officer

SECTION 2-501 HEALTH OFFICER

The Board of Trustees may appoint a Town Health Officer. Also the Director of the Cooperative Health Department of the County and his authorized representative may perform the duties and functions of a Town Health Officer.

Agencies, Officers & Employees

CHAPTER 6

OTHER PERSONNEL

Section 2-601	Other Personnel may be Appointed, Etc.
Section 2-602	Appointment of Personnel in Emergencies

SECTION 2-601 OTHER PERSONNEL MAY BE APPOINTED, ETC.

The Board of Trustees may appoint such other officers and employees as it deems desirable to work in the water system, in the cemetery, and on the streets and to perform other appropriate duties and functions (including inspectors of the building trades), may determine their compensation by Motion or Resolution, and may demote, suspend, lay off or remove all such personnel solely for the good of the service.

SECTION 2-602 APPOINTMENT OF PERSONNEL IN EMERGENCIES

The Mayor may, in an emergency situation, appoint such other officers and employees as he may deem necessary to protect the health, safety and welfare of the citizens of the Town during the existence of the emergency, subject to the approval of the Board of Trustees as soon as a special meeting or regular meeting can reasonably be called or held therefor. The Board of Trustees may determine the compensation of such emergency employees by motion or resolution and may direct the demotion, layoff or removal of such personnel at the conclusion of such emergency. For the purposes of this Section, the term "emergency" shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affecting the health, safety or welfare of the citizens of the Town.

Agencies, Officers & Employees

CHAPTER 7

OFFICIAL BONDS

Section 2-701 Official Bonds

SECTION 2-701 OFFICIAL BONDS

The Board shall require the Town Clerk/Treasurer, the Town Police Chief, each Police Officer, and any other officers and employees as it may designate by ordinance or otherwise to give bond for the faithful performance of duties in such amount and form as the Board shall prescribe. The Town shall pay the premiums on such bonds. The Town may require the officer to secure the bond within ten (10) days after his election or appointment.

State Law Reference: Officers bonds, Okla. Stat. An. Tit 11, Section 8-105.

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CHAPTER 8

OATHS

Section 2-801 Oaths

SECTION 2-801 OATHS

All officers, elective and appointive, including salaried employees of the Town, shall, within five (5) days of their election or appointment and before entering upon the duties of the respective offices, take and subscribe to the following oath or affirmation, to-wit:

I, _____, do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will faithfully discharge the duties of the Office of _____; that I have not paid or contributed, either directly or indirectly, any money or other valuable thing to procure my nomination, election or appointment, except necessary and proper expense expressly authorized by law; that I have not knowingly violated any election law of the state or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to the Office of _____, other than compensation allowed by law."

Agencies, Officers & Employees

CHAPTER 9

CONTINUATION AFTER EXPIRATION OF TERM

Section 2-901 Officers to Continue until Successors are Elected or Appointed and Qualified

SECTION 2-901 OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED OR APPOINTED AND QUALIFIED

Every officer who is elected or appointed for a definite term shall continue to serve thereafter until his successor is elected or appointed and qualifies, unless his services are sooner terminated by the resignation, disqualification, removal, death, abolition of the office or other legal manner.

Agencies, Officers & Employees

CHAPTER 10

COMPENSATION

Section 2-1001	Compensation of Certain Personnel Determined by Ordinance
Section 2-1002	Compensation: When Set by Motion or Resolution; Number and Classes of Personnel
Section 2-1003	Salaries of Certain Officers not to be Changed after Election or Appointment

SECTION 2-1001 COMPENSATION OF CERTAIN PERSONNEL DETERMINED BY ORDINANCE

A. The officials of the Town of Oologah shall receive the following annual compensation:

Mayor	\$ 600.00	(\$150.00 quarterly)
Members of the Board of Trustees, each:	\$ 300.00	(\$75.00 quarterly)
Town Clerk/Treasurer	\$1,200.00	(\$300.00 quarterly)

(Ord. No. 2011-01, 02/01/11)

B. Compensation shall be paid to each Town official at the end of each calendar quarter. (Ord. No. 2011-01, 02/01/11)

C. In addition to those sums provided to the Board of Trustees for attendance of meetings, per paragraph A above, those Board members shall receive the additional sum of \$35.00 for each special or emergency meeting called. (Ord. No. 2011-02, 02/01/11)

SECTION 2-1002 COMPENSATION: WHEN SET BY MOTION OR RESOLUTION; NUMBER AND CLASSES OF PERSONNEL

A. The compensation of all other officers and employees excepting those whose compensation the law requires to be set by Ordinances, may be determined by Motion or Resolution adopted by the Board of Trustees, and may be changed at any time in the same manner.

B. Except as the law provides otherwise, the Board of Trustees may determine or regulate the number and classes of officers and employees.

**SECTION 12-1003 SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED
AFTER ELECTION OR APPOINTMENT**

In no case shall the salary or emoluments of any Town officer elected or appointed for a definite term be changed after his election or appointment or during his term of office unless by operation of an Ordinance passed prior to such election or appointment (such being prohibited by the *Oklahoma Constitution, Article 23, Section 10*). Provided that this shall not apply to officers chosen for indefinite terms nor to employees.

CHAPTER 11

REMOVAL, ETC.

Section 2-1101 Board of Trustees may Promote, Lay Off, Suspend, Demote and Remove

SECTION 2-1101 BOARD OF TRUSTEES MAY PROMOTE, LAY OFF, SUSPEND, DEMOTE AND REMOVE

Appointments and promotions in the service of this statutory Town Board of Trustees government shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and lay offs shall be made solely for the good of service. The Board, by Ordinance, may establish a merit system and provide for its organization and functioning, and provide for personnel administration and regulation of personnel matters. The Board of Trustees may remove for cause any appointive officer by a majority vote of its members.

Administration and Government

CHAPTER 12

COLLECTION OF DEBTS

Section 2-1201	Collection Agency
Section 2-1202	Oklahoma Tax Commission Claims

SECTION 2-1201 COLLECTION AGENCY

A. The Town Clerk, and with respect to Paragraph 2 below, the Court Clerk, subject to the approval of the Board of Trustees, may enter into a contract with a collection agency for the provision of collection services for one or more of the following items:

1. Debts and accounts receivable, including, but not limited to, unpaid fees, penalties, interest, and other sums due the Town, as applicable; or
2. Court penalties, costs, fines and fees in cases in municipal court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the Municipal Court.

B. A contract with a collection agency pursuant to this Section may authorize the addition of a collection fee in an amount not to exceed thirty-five percent (35%) on each item described in Subsection A of this Section that has been referred to the collection agency for collection. If the Town enters into such contract with a collection agency and authorizes the collection fee, the Municipal Court shall order the defendant to reimburse the fee arising pursuant to paragraph 2 of Subsection A of this Section and such court-ordered fee may be collected as provided by law for the collection of any other civil debt or criminal action.

State Law: Title 68 Section 22-128, Oklahoma Statutes.

SECTION 2-1202 OKLAHOMA TAX COMMISSION CLAIMS

A. The Town may collect a debt, unpaid fines and cost or final judgment of at least Fifty Dollars (\$50.00) from an individual who has filed a state income tax return by filing a claim with the Oklahoma Tax Commission requesting that the amount owed to the municipal court be deducted from any state income tax refund due to that individual. The claim shall be filed electronically in a form prescribed by the Tax Commission and shall contain information necessary to identify the person owing the debt, including the full name and Social Security number of the debtor.

Administration and Government

1. The Town Clerk or Court Clerk shall send notice to the debtor by regular mail at the last-known address of the debtor as shown by the records of the Tax Commission when seeking to collect a debt not reduced to final judgment. The Town Clerk or Court Clerk shall send notice to the judgment debtor or municipal court defendant by first class mail at the last-known address of the judgment debtor or municipal court defendant as shown by the records of the Tax Commission when seeking to collect a final judgment or unpaid municipal fines and cost. The notice shall state:

- a. that a claim has been filed,
- b. the basis for the claim,
- c. that the Town has applied to the Tax Commission for any portion of the tax refund due to the debtor or municipal court defendant which would satisfy the debt, unpaid municipal fines and cost, or final judgment in full or in part,
- d. that the debtor or municipal court defendant has the right to contest the claim by sending a written request to the Town Clerk or Court Clerk for a hearing to protest the claim, and if the debtor or municipal court defendant fails to apply for a hearing within sixty (60) days after the date of the mailing of the notice, the debtor or municipal court defendant shall be deemed to have waived his or her opportunity to contest the claim,
- e. that a collection expense of five percent (5%) of the gross proceeds owed to the Town or municipal court shall be charged to the debtor or municipal court defendant and withheld from the refund upon final determination of the debt or final judgment at the hearing or upon failure of the debtor to request a hearing, and
- f. if the taxpayer settles the outstanding debt, unpaid municipal fines and costs, or final judgment with the Town before the time to contest the claim expires, the Town Clerk or Court Clerk shall notify the Tax Commission in writing or by electronic media that the claim has been released.

2. In the case of a joint return, the notice shall state:

- a. if the taxpayer settles the outstanding debt,
- b. the name of any taxpayer named in the return against whom no debt, no unpaid fines and cost, or final judgment is claimed,
- c. the fact that a debt, unpaid municipal fines and cost, or final judgment is not claimed against the taxpayer,
- d. the fact that the taxpayer is entitled to receive a refund if it is due regardless of the debt, municipal fines and cost, or final judgment asserted against the debtor or municipal court defendant.

Administration and Government

e. that in order to obtain the refund due, the taxpayer must apply, in writing, for a hearing with the Town or municipal court, as applicable, named in the notice within sixty (60) days after the date of the mailing of the notice, and

f. if the taxpayer against whom no debt, no unpaid municipal fines and cost, or final judgment is claimed fails to apply in writing for a hearing within sixty (60) days after the mailing of the notice, the taxpayer shall have waived his or her right to a refund.

B. If the Town or municipal court receives a written request for a hearing from the debtor or taxpayer against whom no debt, no municipal fines and cost, or final judgment is claimed the Town or municipal court shall grant a hearing according to the provisions of the Administrative Procedures Act, Section 250 et seq., of Title 75 of the Oklahoma Statutes. It shall be determined at the hearing whether the claimed sum is correct or whether an adjustment to the claim shall be made. Pending final determination at the hearing of the validity of the debt, unpaid fines and cost, or final judgment asserted by the Town or municipal court no action shall be taken in furtherance of the collection of the debt, unpaid fines and cost, or final judgment. Appeals from actions taken at the hearing shall be in accordance with the provisions of the Administrative Procedures Act.

C. Upon final determination at a hearing, as provided for in Subsection B of this Section, of the amount of the debt, unpaid fines and cost, or final judgment or upon failure of the debtor or taxpayer against whom no debt, no unpaid fines and cost, or final judgment is claimed to request such a hearing, the Town or municipal court shall submit in the manner prescribed by the Tax Commission notification of the action taken on the claim and a request that the amount owed, including the collection expense, be deducted from the tax refund due to the debtor and transferred to the Town or municipal court. However, if the tax refund due is inadequate to pay the collection expense and debt, unpaid fines and cost, or final judgment, the balance due shall be a continuing debt or final judgment until paid in full.

Administration and Government