

## CHAPTER 1

### GOVERNMENT ORGANIZATION

**Section 2-101**                      **Council manager form of government.**

**SECTION 2-101**      **COUNCIL MANAGER FORM OF GOVERNMENT.**

The city is government by the statutory council manager form of government. The powers of the city are vested in the city council.

Charter Reference: Council manager form, Section 1-2 of the charter.

## CHAPTER 2

### CITY COUNCIL

Section 2-201	Council, membership.
Section 2-202	Elections held, four-year overlapping terms.
Section 2-203	Time of regular meetings of the council.
Section 2-204	Meetings of the council; duty to attend.
Section 2-205	Council duties.
Section 2-206	Mayor and vice-mayor; duties.
Section 2-207	Compensation.
Section 2-208	Rules of procedure.
Section 2-209	Mayor or councilman to resign before running for other elected city office.

#### **SECTION 2-201      COUNCIL, MEMBERSHIP.**

The council shall be composed of seven (7) members, consisting of one councilman from each of the six (6) wards of the city and the mayor as councilman at large.

Charter Reference: Similar provisions, Section 2-1 of the Charter.

#### **SECTION 2-202      ELECTIONS HELD; FOUR-YEAR OVERLAPPING TERMS.**

The terms of the elected officers shall be staggered so that at any one municipal election, the following officers are to be elected for four-year terms:

1. The mayor; and

At the next municipal election, the following officers are to be elected for three-year terms:

2. Mayor, Councilmen from Wards One (1), Three (3) and Five (5).

At the next municipal election, the following officers are to be elected for three-year terms:

Councilmen from Wards Two (2), Four (4) and Six (6).

Charter Reference: Elections, Section 6-1 of the Charter.

Ed. Note: The mayor, councilmen one (1), three (3) and five (5) are elected in 1987. Councilmen two (2), four (4) and six (6) are elected in 1989.

#### **SECTION 2-203      TIME OF REGULAR MEETINGS OF THE COUNCIL.**

The council of the city shall hold a regular meeting on the first and third Tuesday of every month at 7:30 p.m. If such a Tuesday falls on a holiday, the regular meeting shall be held at that time on the next day which is not a holiday. (Ord. No. 118, 9/2/75)

**SECTION 2-204      MEETINGS OF THE COUNCIL; DUTY TO ATTEND.**

Every meeting of the council shall be held in the council chambers unless, in case of a special or emergency meeting, the mayor or the councilmen calling such special or emergency meeting may designate another place in the city for holding of such meeting. (Prior Code, Sec. 1-2; Ord. No. 429, 2/2/93)

State Law Reference: Open meeting act requirements, 25 OS Sections 301 et seq.  
Charter Reference: Council meetings, Section 2-7 of the Charter.

**SECTION 2-205      COUNCIL DUTIES.**

The duties of the council shall be those prescribed by law and the Charter of the City.

Charter Reference: Council powers, Sections 2-4 et seq of the Charter.

**SECTION 2-206      MAYOR AND VICE-MAYOR; DUTIES.**

A.      The mayor shall preside at meetings of the council and shall certify to the correct enrollment of all ordinances and resolutions passed by it. As councilman at large he shall have the rights and privileges of a councilman. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties except that he shall sign all conveyances and other written obligations of the city as the council may require. The vice-mayor shall act as mayor during the absence, disability or suspension of the mayor.

B.      Every year at the first meeting after the time for the beginning of the term of a newly elected mayor or councilmen or as soon thereafter as practicable, the council shall elect one of its members vice-mayor, who shall serve as such until the next such first meeting.

Charter Reference: Similar provisions, Section 2-2 of the Charter.

**SECTION 2-207      COMPENSATION.**

A.      The mayor or any councilman may receive compensation as such for services rendered the city in accordance with the Charter.

Charter Reference: Procedure for non-emergency compensation ordinance, Section 2-3 of the Charter.

State Law Reference: Salaries of elected officials not to change during term, Const. Art. 23, Sec. 10.

**SECTION 2-208      RULES OF PROCEDURE.**

- A. The council may determine its own rules and may compel the attendance of absent members in the manner and under penalties as the council may prescribe. Whenever a member is absent from more than one-half of all meetings of the council, regular and special, held within any period of four (4) consecutive calendar months, he shall thereupon cease to hold office.
- B. The order of business for each meeting of the council shall be as posted on the agenda for the meeting.
- C. Robert's Rules of Order shall govern matters not included or covered in this code or in rules adopted by the city council.

Charter Reference: Absences to terminate membership, Sec. 2-8 of the Charter.

**SECTION 2-209**      **MAYOR OR COUNCILMAN TO RESIGN BEFORE RUNNING FOR OTHER ELECTED CITY OFFICE.**

An incumbent mayor or councilperson whose term is not expiring in the current election year shall be required to resign effective on the day before election day as mayor or councilperson in order to become eligible for any other city elective office. (Ord. No. 391, 11/21/89)

## CHAPTER 3

### CITY MANAGER

**Section 2-301**                      **City Manager appointment.**

**SECTION 2-301**      **CITY MANAGER APPOINTMENT.**

The council shall appoint a city manager for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications. (Prior Code, Sec. 1-3)

Charter Reference: City manager appointment and duties, see Sections 3-1 et seq of the Charter.

## CHAPTER 4

### CITY CLERK AND TREASURER

<b>Section 2-401</b>	<b>City Clerk.</b>
<b>Section 2-402</b>	<b>Duties of City Clerk.</b>
<b>Section 2-403</b>	<b>City Treasurer.</b>
<b>Section 2-405</b>	<b>Duties of City Treasurer.</b>

#### **SECTION 2-401. CITY CLERK.**

- A. There shall be a clerk for the city.
- B. The city manager shall search and hire a city clerk under whatever terms or conditions

he deems appropriate. The clerk shall report to and be supervised solely and only by the manager. The clerk shall be subject to the city merit system and personnel policies but be exempt from the classification plan for pay purposes. The manager shall have the power to layoff, suspend, demote or remove the clerk for the good of the service. The council, by this section, does elect the city clerk and ratify such action by the city manager on a continuing basis subject to the provisions of the city charter. (Ord. No. 369, 6/21/88)

Charter Reference: City clerk creation and duties, Section 2-6 of the Charter.

#### **SECTION 2-402 DUTIES OF CITY CLERK.**

The clerk shall be clerical officer of the council and keep the journal of the proceedings of the council. He shall enroll in a book kept for the purpose all ordinances and resolutions passed by the council. He shall keep the seal of the city and attest the signature of the mayor or vice-mayor. He shall perform such other duties as may be required by law or ordinance for the city clerk. The city clerk so employed shall be considered subject to the city merit system and policies and procedures manual but in accordance with the city charter be exempt from the classification plan for pay purposes. (Res. 85-18, 3/14/85)

#### **SECTION 2-403 CITY TREASURER.**

There shall be a treasurer for the city to serve as head of the department of finance, appointed by the city manager for an indefinite term.(Prior Code, Sec. 1-5)

Charter Reference: City treasurer, creation and duties, Section 4-1 of Charter.

#### **SECTION 2-404 DUTIES OF CITY TREASURER.**

The treasurer shall collect and receive revenue and other money for the city and deposit all funds coming into his hands in such depositories as the council may designate. He shall maintain a general accounting system for the city government. He shall disburse such funds in the manner provided by applicable law or ordinance. He shall have such other powers, duties and functions as may be prescribed by applicable law or by ordinance.

## CHAPTER 5

### OTHER DEPARTMENTS AND PERSONNEL

<b>Section 2-501</b>	<b>City Attorney.</b>
<b>Section 2-502</b>	<b>City-County health department; director.</b>
<b>Section 2-503</b>	<b>Certain personnel to be bonded.</b>
<b>Section 2-504</b>	<b>Oath.</b>
<b>Section 2-505</b>	<b>Salaries of certain officers not to be changed after election or appointment.</b>
<b>Section 2-506</b>	<b>Attendance at board or committee meetings by members; removal.</b>

#### **SECTION 2-501      CITY ATTORNEY.**

The city attorney is appointed by the mayor with confirmation of council for an indefinite term and is removable by the mayor. The city attorney is an officer of the city. The city attorney is the chief legal adviser of the council and all other officers, departments and agencies of the city government in matters relating to their official powers and duties. He represents the city in proceedings in the courts and performs all services incident to his position which may be required by law or ordinance. (Prior Code, Sec. 1-33)

Charter Reference: Council powers, Sec 2-4 of the charter

#### **SECTION 2-502      CITY-COUNTY HEALTH DEPARTMENT; DIRECTOR.**

The city-county health department of the county and its director shall have the powers of city health department and city health officer respectively for the city. References to health department and health officer or director of the health department in this code and in other ordinances of the city mean the city county health department and its director, unless to context clearly indicates another meaning. (Prior Code, Sec. 1-34)

#### **SECTION 2-503      CERTAIN PERSONNEL TO BE BONDED.**

A. Before entering upon their official duties, the following personnel of the city government shall provide bonds for the faithful performance of their official duties, payable to the city, with a surety company authorized to operate within the state, in such amounts as set or approved by the council:

1. City manager; and
2. City treasurer.

B. The council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded.

- C. The city shall pay the premiums on the bonds. (Prior Code, Sec. 1-43)

State Law Reference: Officers designated by ordinance to give bond, city pay premium, 11 O.S. Section 8-105)

Charter Reference: Sec. 8-8 of the Charter.

**SECTION 2-504**     **OATH.**

All officers, elective and appointive, before entering upon the duties of the respective offices, shall take and subscribe to the oath of office prescribed by the state constitution. (Prior Code, Sec. 1-44)

Charter Reference: Similar provisions, Sec. 8-9 of the Charter.

**SECTION 2-505**     **SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT.**

In no case shall the salary or emoluments of any city officer elected 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. This shall not apply to officers chosen for indefinite terms nor to employees. (Prior Code, Sec. 1-47)

**SECTION 2-506**     **ATTENDANCE AT BOARD OR COMMITTEE MEETINGS BY MEMBERS; REMOVAL.**

Any member of a board or committee established by and for the benefit of the city, either by ordinance or otherwise, is required to make every reasonable effort to attend all meetings of the board or committee. If any board or committee member is absent from more than fifty percent (50%) of scheduled meetings, regular or special, in any four (4) month period, that member shall be subject to removal and replacement by the city council of the city, without further notice. (Ord. No. 310, 2/4/86; Ord. No. 405, 2/19/91)

## CHAPTER 6

### SOCIAL SECURITY

<b>Section 2-601</b>	<b>Declaration of policy to come under coverage.</b>
<b>Section 2-602</b>	<b>Execution of agreement with state agency.</b>
<b>Section 2-603</b>	<b>Withholdings.</b>
<b>Section 2-604</b>	<b>Contributions.</b>
<b>Section 2-605</b>	<b>Records and reports.</b>
<b>Section 2-606</b>	<b>Exclusions.</b>

#### **SECTION 2-601      DECLARATION OF POLICY TO COME UNDER COVERAGE.**

It is hereby declared to be the policy and purpose of the city to extend, at the earliest date, to the eligible employees and officials of the city the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and all amendments thereto, and Sections 121 et seq. of Title 51 of the Oklahoma Statutes. In pursuance of this policy, the officers and employees of the city shall take such action as may be required by applicable state or federal laws or regulations. (Prior Code, Sec. 1-63)

State Law Reference: Social security coverage for local governments, 51 O.S. Section 125.

#### **SECTION 2-602      EXECUTION OF AGREEMENT WITH STATE AGENCY.**

The mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of Section 2-601 of this code. (Prior Code, Sec. 1-64)

#### **SECTION 2-603      WITHHOLDINGS.**

Withholdings from salaries or wages of employees and officials for the purposes provided in Section 2-601 of this code are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws and regulations. (Prior Code, Sec. 1-65)

#### **SECTION 2-604      CONTRIBUTIONS.**

Employer contributions shall be paid from amounts appropriated for these purposes from available funds to the designated state or federal agency in accordance with applicable state or federal laws or regulations. (Prior Code, Sec. 1-66)

#### **SECTION 2-605      RECORDS AND REPORTS.**

The city shall keep such records and submit such reports as may be required by applicable state or federal laws or regulations. (Prior Code, Sec. 1-67)

**SECTION 2-606    EXCLUSIONS.**

Excluded from this chapter authorizing the extension of social security benefits to city officers and employees are the following:

1. Any authority to make any agreement with respect to any positions, employee or official covered or authorized to be covered as of the initial effective date of this chapter by any other ordinance creating any retirement system for any employee or official of the city; or
2. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official engaged in rendering services or an emergency nature, or any position, employee or official engaged in rendering services in part-time positions, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations. (Prior Code, Secs. 1-68, 1-69)

**CHAPTER 7**

**RETIREMENT AND PENSIONS**

**ARTICLE A**

**POLICE PENSION SYSTEM**

**Section 2-701** Police pension system.

**ARTICLE B**

**FIRE PENSION SYSTEM**

**Section 2-710** Fire pension and retirement system.

**ARTICLE C**

**EMPLOYEE RETIREMENT SYSTEM**

**Section 2-720** Employee retirement system created.

**Section 2-721** Administration.

**Section 2-722** Fund.

**Section 2-723** Appropriations.

**Section 2-274** Execution.

**ARTICLE A**

**POLICE PENSION SYSTEM**

**SECTION 2-701 POLICE PENSION SYSTEM.**

It is hereby declared to be the purpose and intention of the city to establish and adopt the police pension and retirement system as provided by the laws of the state. (Prior Code, Secs. 1-70 et seq.)

State Law Reference: Police pension and retirement system, 11 O.S. Sections 50-101 et seq.; Option to establish local board, 11 O.S. Section 50-106.1; Joining state system, 11 O.S. Section 50-106.3; Contributions to be paid by municipality and police members, 11 O.S. Sections 50-109 and 50-110.

**ARTICLE B**

**FIRE PENSION SYSTEM**

**SECTION 2-710 FIRE PENSION AND RETIREMENT SYSTEM.**

A. There is hereby created a local firefighter's pension and retirement board composed of the mayor, the clerk, the treasurer and three (3) members from the fire department. The board shall have the membership, organization, powers, duties and functions as prescribed

by Sections 49-103 et seq. of Title 11 of the Oklahoma Statutes.

B. It is hereby declared to be the purpose and intention of the city, by this article, to adopt the firefighter's pension system as provided by the laws of the state. (Prior Code, Secs. 1-49 et seq.)

State Law Reference: Firefighter's retirement and pension law, joining state system, 11 O.S. Sections 49-101 et seq.

## ARTICLE C

### EMPLOYEE RETIREMENT SYSTEM

#### **SECTION 2-720    EMPLOYEE RETIREMENT SYSTEM CREATED.**

Pursuant to the authority conferred by the laws of the state and for the purpose of encouraging continuity and meritorious service on the part of city employees and thereby promoting public efficiency, there is hereby authorized, created, established, approved and adopted, effective as of August 1, 1986, the funded pension plan designated "Employee Retirement System of Choctaw, Oklahoma" (hereinafter called "system"), an executed counterpart of which is marked "Exhibit A" to ordinance adopting the system. (Ord. No. 330, 8/5/86)

Ed. Note: Exhibit A is on file in the city clerk's office and is subject to public inspection. Ordinances amending the system are listed in the Ordinance Table. Ordinance No. 345, 5/5/87, adopted Amendment No. 1)

State Law Reference: Authority of city to establish retirement systems, procedure, 11 O.S. Sections 48-101 et seq.

#### **SECTION 2-721    ADMINISTRATION.**

For the purpose of administration of the system there is hereby established a board of trustees, which shall be the members of the city council of the city as now existing or as from time to time elected or appointed and constituted. The powers and duties of the board of trustees shall be set forth in the system instrument marked "Exhibit A" as mentioned in Section 2-720. (Ord. No. 330, 8/5/86)

#### **SECTION 2-722    FUND.**

A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the system. All contributions to such fund shall be paid over to and received in trust for such purpose by the city treasurer, who shall be the treasurer of the system. Such fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns and municipal trusts in the state as a part of the Oklahoma Municipal Retirement Fund, in accordance with a duly executed contract for such purpose which contract shall be executed by the board of trustees as soon as feasible. The city treasurer shall hold such contributions in the form received and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement fund, as duly authorized and directed by the board of trustees. The fund shall be non-fiscal. The fund and system shall be evaluated each year for actuarial soundness by a qualified actuarial firm.

(Ord. No. 330, 8/5/86)

**SECTION 2-723    APPROPRIATIONS.**

The city is hereby authorized to incur the necessary expenses for the establishment, operation and administration of the system and to appropriate and pay the same. In addition, the city is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions, to maintain its retirement system and the fund on a sound actuarial basis in accordance with the respective biannual actuarial valuation. Any appropriation so made to maintain the system and fund shall be for deferred wages or salaries or the payment of necessary expenses of operation and administration, including separate annual appropriations to be transferred to the Oklahoma Municipal Retirement Fund. (Ord. No. 330, 8/5/86)

**SECTION 2-723    EXECUTION.**

A.     The mayor and city clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the original system instrument, and to do all other acts and things necessary, advisable and proper to put the system and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Section 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart marked as "Exhibit A", which has been duly executed as aforesaid simultaneously with the passage of this ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

B.     This board of trustees agrees to pool and combine the fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment according to the terms of the Trust Indenture of Oklahoma Municipal Retirement Fund, a public trust. (Ord. No. 330, 8/5/86)

## CHAPTER 8

### ABSENTEE BALLOT PROCEDURES

**Section 2-801**                      **Absentee ballots authorized.**

**SECTION 2-801**      **ABSENTEE BALLOTS AUTHORIZED.**

Absentee ballots shall be provided for all primary, general and special elections in the city in accordance with state and federal election laws. (Ord. No. 508, 9/15/98; Ord. No. 300, 11/19/85)