

PART 2 - ADMINISTRATION AND GOVERNMENT

CHAPTER 1

GOVERNMENT ORGANIZATION

SECTION	DESCRIPTION
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2-101	Form of government
2-102	Meetings of the board of trustees
2-103	Mayor's powers and duties
2-104	Town elections
2-105	Town clerk appointment, duties
2-106	Town treasurer, appointment, duties
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2-108	Administrative departments, officers, and agencies
2-109	Bonds for town officers and employees
2-110	Compensation
2-111	Books delivered to successor

SECTION 2-101 FORM OF GOVERNMENT

The town is governed under the board of trustees' form of government. The board of trustees shall consist of five (5) trustees. All powers of the town shall be exercised in the manner prescribed by the town code, by state statute, and in such manner prescribed by ordinances adopted by the town board of trustees.

SECTION 2-102 MEETINGS OF THE BOARD OF TRUSTEES

A. Regular meetings of the board of trustees shall be held on the last Monday of every month at 7:00 p.m. at the town hall unless, in the case of an emergency, the board of trustees designates another place. If such a Monday falls on a town holiday, the regular meeting shall be held at that time on the next day which is not a holiday. Any adjourned meeting may be held at any other place in the town designated by the board of trustees.

B. The board of trustees may from time to time adopt rules to govern the proceedings of the board of trustees.

State Law Reference: See also *Open Meetings Act*, 25 O.S. § 301 et seq.

SECTION 2-103 MAYOR'S POWERS AND DUTIES

The mayor and acting mayor shall have all the powers and duties prescribed by state law, and as may be prescribed by ordinance.

SECTION 2-104 TOWN ELECTIONS

- A. Pursuant to Section 16-302 of Title 11 of the Oklahoma Statutes, the town hereby declares that it shall not be governed by the Oklahoma Town Meeting Act for electing its officers and deciding initiative and referendum questions.
 - B. The town shall elect its officers and decide initiative and referendum questions through elections conducted by the county election board pursuant to Sections 16-101 et seq. of Title 11 of the Oklahoma Statutes.
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SECTION 2-105 TOWN CLERK APPOINTMENT, DUTIES

- A. The town clerk is an officer of the town.
- B. As clerk, the town clerk shall:
 - 1. Keep the journal of proceedings of the board of trustees;
 - 2. Enroll all ordinances and resolutions passed by the board of trustees in a book or set of books kept for that purpose;
 - 3. Have custody of documents, records, and archives as may be provided for by law or by ordinance, and have custody of the town seal;
 - 4. Attest and affix the seal of the town to documents as required by law or ordinance;
 - 5. Have such other powers, duties, and functions related to the statutory duties of the clerk as may be prescribed by law or ordinance.
- C. The pay period for the clerk shall be biweekly in such sum as set in Section 2-110 contingent upon the clerk's performance of the clerk's statutory duties.
- D. The person serving as town clerk may be employed by the town to perform duties not related to the statutory duties of the clerk as an employee of the town. The additional duties shall be performed by the person serving as clerk or as otherwise provided by motion or other action of the town board. The person performing additional duties shall serve at the pleasure of the board and shall perform such duties as may be prescribed by the board. The pay period for performing additional duties shall be the same as for other town employees and in accordance with any personnel policy or other policy of the town. The salary for performing additional duties shall not be subject to constitutional restrictions.
- E. The purpose of this amendment is to simplify the description of duties of the City Clerk and

to eliminate the duty of Municipal Court Clerk from the City Clerk's position. All previous ordinances or amendments to ordinances that describe the duties of City Clerk prior to the enacting of this ordinance are no longer effective.

SECTION 2-106 TOWN TREASURER APPOINTMENT, DUTIES

A. The town treasurer is an officer of the town. The treasurer shall:

1. Money due a city or town from sale, release, or rental of any public property, or royalty, or compensation for services of public employees must be paid to the treasurer and credited to the general fund unless directed otherwise by governing board. (*Appendix 62*)
2. If municipal property is insured and the city or town is entitled to receive benefits therefrom, the treasurer is authorized to collect therefrom and deposit such funds in a special account to be used for replacement of the property. (*Appendix 63*)
3. Cities and towns shall, by ordinance, require a withholding of 9% of salaries of firemen and 8% of salaries of policemen for the Firemen's Relief and Pension Fund and Police Pension and Retirement System. (*Appendix 66 & 67*)
4. Under authority of Oklahoma Statute, the city or town treasurer is required to deposit all funds received by him no later than the next banking day in one or more banks which have been designated by governing board as either state or county depositories. (Depositories must be within municipal area, if available, but in no event outside the state. Treasurers of cities of 5,000 or more may deposit surplus funds with the State Treasurer; the County Treasurer is authorized to be the depository for the treasurer of any city or town). (*Appendix 68*)
5. The statutes provide that the state treasury shall be the depository of any surplus funds the treasurer of any city offers for deposit with that office. (*Appendix 69*)
6. The treasurer, when authorized by the governing board through an adopted investment policy, may invest any monies in his custody in government bonds, collateralized certificates of deposit, negotiable certificates of deposit, prime bankers' acceptances, prime commercial paper, collateralized repurchase agreements, and money market funds. Disposition of income may be in general fund, sinking fund, or fund from which investment was made. Sinking fund investments are a good source of revenue. Investments should be scheduled to mature prior to six-month interest obligations or payment of bonds annually. (*Appendix 71 and 88*)
7. City or town treasurer is required to keep a register of all warrants or other evidences of indebtedness directed to treasurer for payment. (*Appendix 73*)
8. Under Title 62 budget law, it is a misdemeanor for a treasurer to register or pay a warrant or other certificate of indebtedness issued in excess of the estimate made and approved by excise board for current fiscal year. (*Appendix 74*)

9. Under Title 62 budget law, it is the duty of every city or town treasurer to pay on presentment any warrant or order properly drawn on any funds in treasurer's custody if there is sufficient cash in the fund. (*Appendix 75*)

10. When there are not sufficient funds to pay any warrants, the treasurer must register the warrants, endorse them as "Not paid for want of funds," and then pay the warrants in the order registered when funds become available. The granting of any priority other than by order of registration subjects the treasurer to a fine from \$100 to \$1,000. (*Appendix 76*)

11. The treasurer could be required to make a financial report when such is required to enable the city or town to receive supplemental appropriation as provided in the statutes.

12. Under Title 68, the County Excise Board may require a filing of temporary appropriations in connection with new budget. (*Appendix 77*)

13. Under Title 62, warrants, bonds, and interest coupons must be numbered by fiscal year series. (*Appendix 78*)

14. The governing boards of cities and towns with a population of less than 5,000 may, by ordinance, designate the County Treasurer as the legal treasurer of that city or town, and the voters of the city or town would not elect the city or town treasurer as long as the ordinance is in effect. (*Appendix 79*)

15. Street Improvement Bonds and Water and Sewer Systems Bonds – It is the duty of the town or city treasurer upon the accumulation of sufficient funds to pay one or more bonds, to pay such bond or bonds. (*Appendix 80*)

B. The city treasurer shall be an officer of the city. Subject to such regulations as the council may prescribe, the city treasurer shall deposit daily funds received for the city in depositories as the council may designate. The city treasurer shall have such other powers, duties, and functions related to statutory duties as may be prescribed by law or by ordinance. The person who serves as city treasurer may be employed by the city to perform duties not related to the position of city treasurer. The salary, if any, for said duties shall be provided for separately by ordinance.

Amended this 20th day of July 2022 Ordinance T-7-2022

SECTION 2-107 TOWN ATTORNEY

The town attorney is an officer of the town, appointed by the mayor with the confirmation of the board of trustees. The town attorney shall have such duties as are prescribed by the town board.

SECTION 2-108 ADMINISTRATIVE DEPARTMENTS, OFFICERS AND AGENCIES

There shall be such other administrative departments, agencies, and officers as the board of trustees may establish.

SECTION 2-109 BONDS FOR TOWN OFFICERS AND EMPLOYEES

The town clerk, town treasurer, and such officers and employees as are designated by the town board of trustees shall, before entering upon the discharge of their duties, execute and file with the town clerk surety bonds issued by a surety company authorized to operate in the state conditioned upon the faithful performance of their duties. The town shall pay the premium on such bonds.

SECTION 2-110 COMPENSATION

Compensation of elected officers of the town shall be provided by the ordinances of the town. The compensation of other officers and employees shall be set by motion or resolution.

AMENDMENT – COMPENSATION

The pay for the Town Elected Officials for the Town of Kiowa shall be amended as follows:

Compensation of elected officers of the town shall be provided by the ordinances of the town. The compensation of other officers and employees shall be set by motion or resolution.

Compensation for elected officials is as follows:

REGULAR MONTHLY PAY

POSITION	AMOUNT
MAYOR	\$300.00
COUNCIL	\$150.00
CLERK	\$300.00
TREASURER	\$300.00

SPECIAL OR EMERGENCY MEETINGS \$50.00 \$35.00

Extra compensation will be for extra duties other than provided for in the Oklahoma State Statutes for clerk and treasurer of \$1,476.00 per month. Compensation for extra duties can be changed by motion and majority vote of the Town Board of Trustees or by resolution.

Elected officials will be reimbursed actual reasonable expenses accrued while on out-of-town classes or workshops, when receipts are submitted for said expenses.

The effective date of this ordinance shall be April 2009. Passed January 26th, 2009.

Compensation shall only be rendered if officials report for all workshops and meetings (excluding excused absences, which then shall be deducted at a pro-rated percentage for given month). Clerk & Treasurer shall be paid at a pro-rated daily amount based on 22 days per month for each day present. Additional pay will only be rendered to Clerk or Treasurer when actual hours (excluding meal periods) multiplied times National Minimum Wage exceeds Monthly Pay, at which point will be paid hours times minimum wage.

SPECIAL OR EMERGENCY MEETINGS are defined as any bulletined meeting other than the regular monthly meeting, excluding workshops and classes. A maximum of two meetings a month payable.

Elected officials will be reimbursed actual reasonable expenses accrued while on out-of-town classes or workshops, when receipts are submitted for said expenses.

SECTION 2-111 BOOKS DELIVERED TO SUCCESSOR

All books, vouchers, monies, or other property belonging to the corporation in charge or possession of any officer of the same shall be delivered to his successor when qualified.

CHAPTER 2

RETIREMENT AND PENSIONS

ARTICLE A – SOCIAL SECURITY

SECTION DESCRIPTION

2-201 Town officers and employees under federal social security

ARTICLE B – FIRE FIGHTERS PENSION AND RETIREMENT SYSTEM

SECTION DESCRIPTION

2-211 System created

2-212 System to be operated in accordance with law

ARTICLE A – SOCIAL SECURITY

SECTION 2-201 Town officers and employees under federal social security

A. It is hereby declared to be the policy of the town to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this section, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance as authorized by the Federal Social Security Act, and amendments thereto. In pursuance of this policy, the town shall take such action as may be required by applicable state or federal laws or regulations.

B. The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Department of Human Services as agent or agency, to secure coverage of employees and officials as provided in Subsection A hereof.

C. Withholdings from salaries or wages of employees and officials for the purpose provided in Subsection A hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws or regulations.

D. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, which shall be paid over to the state or federal agency designated by said laws or regulations.

E. The town shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.

F. There is hereby excluded from this section any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town.

G. There is hereby excluded from this section any authority to make an agreement with respect to any position or any employee or official, compensation for which is on a fee basis, or any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations.

ARTICLE B – FIRE FIGHTERS PENSION AND RETIREMENT SYSTEM

SECTION 2-211 System created

There is hereby created, for the purpose of providing pension retirement allowance and other benefits for fire fighters of the town, a fire fighters pension and retirement system. It is declared to be the official policy of the town to participate in the pension system as provided by state law.

State Law Reference: Firefighters' Pension System, 11 O.S. § 49-101 et seq.

SECTION 2-212 System to be operated in accordance with law

A. The fire fighters pension and retirement system as established by Sections 49-100.1 et seq. of Title 11 of the Oklahoma Statutes is hereby adopted by reference.

B. The local board of trustees of the fire fighters pension and retirement system, servicing the fire fighters of the town, shall be constituted as provided by state law and shall have the powers and duties prescribed thereby.

CHAPTER 3

TOWN RECORDS

SECTION DESCRIPTION

- 2-301 Appointment of official custodians
 - 2-302 Designation of additional record custodians
 - 2-303 Duties of custodians
 - 2-304 Requests to be directed to custodians
 - 2-305 Procedures regarding both inspection and copying of open public records
 - 2-306 Procedures regarding inspection of open public records
 - 2-307 Procedures regarding copies of open public records
 - 2-308 Fees
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SECTION 2-301 APPOINTMENT OF OFFICIAL CUSTODIANS

The following town official is hereby appointed as official custodian for purposes of the Oklahoma Open Records Act and is charged with responsibility for compliance with that act with respect to the following listed public records:

Town clerk – All public records kept and maintained in the town clerk's office and all other public records not provided for elsewhere in this chapter.

State Law Reference: *Open Records Act*, 51 O.S. §§ 24A.1 to 24A.18.

SECTION 2-302 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS

A. Each of the official custodians appointed in Section 2-301 of this code is hereby authorized to designate any subordinate officers or employees to serve as record custodian. The record custodians shall have such duties and powers as are set out in the Oklahoma Open Records Act.

B. Whenever an official custodian shall appoint another person as a record custodian, he shall notify the town clerk of such designation, and the town clerk shall maintain a register of all such designations.

SECTION 2-303 DUTIES OF CUSTODIANS

All town officials and employees appointed or designated under this chapter shall:

- protect public records from damage and disorganization;
- prevent excessive disruption of the essential functions of the town;
- provide assistance and information upon request;
- ensure efficient and timely action and response to all applications for inspection of public records; and
- carry out the procedures adopted by this town for inspecting and copying open public records.

SECTION 2-304 REQUESTS TO BE DIRECTED TO CUSTODIANS

A. All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Oklahoma Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.

B. Whenever any town official or employee appointed or designated as a custodian under this chapter is presented with a request for access to, or copy of, a public record which the custodian does not have in his possession and which he has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

SECTION 2-305 PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS

A. The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:

- Consistent with the policy, duties, and procedures established by the Oklahoma Open Records Act, record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records;
- Record custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied;
- Record custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time;
- All inspections and copying of open public records shall be performed by or under the supervision of the record custodian responsible for such records;
- All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution;
- All record inspection and copying forms are to be completed by the person requesting the record. The record custodian may demand reasonable identification of any person requesting a record;
- Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has demanded that prepayment of all or part of such fees is made. Fees are to be paid to the record custodian or town clerk;
- The record custodian or town clerk shall demand full or partial prepayment of fees whenever the estimate of such fees exceeds the amount set out in Section 2-308 of this code;
- No record search or copying fee shall be assessed against officers or employees of the town who make requests which are reasonably necessary to the performance of their official duties;
- Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;
- Removal of open public records from the office where kept and maintained, for purposes of inspection or the making of copies, shall not be permitted;
- The above procedures, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the record custodian.

SECTION 2-306 PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS

A. The following procedures are hereby adopted and shall be applied by every official custodian and record custodian:

- Record custodians shall handle all inspection requests in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records;
- All request forms must be completed by the party requesting the record. In all cases the party so requesting must sign his or her individual name to the form. Written requests

shall be made on the form provided by the record custodian and presented to the record custodian;

- A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the custodian shall assist in making such identification;
- The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the town clerk.

SECTION 2-307 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS

A. The following procedures apply regarding copies of records:

- Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records;
- All request forms must be completed by the party requesting the copies. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian;
- Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such records;
- No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge.

SECTION 2-308 FEES

A. Where a request has been made for the inspection of an open public record, no fee shall be charged.

B. A fee per page as set by the board of trustees by motion or resolution shall be charged for photocopying an open public record, such fee to cover the cost of labor, materials, and equipment.

C. For copying any open public record which cannot be reproduced by photocopying, such as a computer printout or a blueprint, the requester shall be charged the actual cost to the town, including the cost of labor, materials, and equipment.

D. A search fee shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be the actual cost to the town of producing the record, including the cost of labor, materials, and equipment.

E. A record custodian may demand prepayment of a fee whenever the estimated amount exceeds Twenty Dollars (\$20.00). The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction, or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.