

PART 2

ADMINISTRATION AND GOVERNMENT

Subject	Chapter
Town Board Of Trustees	1
Mayor	2
Town Officers And Personnel	3
Social Security	4
Fire Pension System	5
Records	6

CHAPTER 1

TOWN BOARD OF TRUSTEES

SECTION:

- 2-101: General Powers
- 2-102: Elective Officers Of The Town
- 2-103: Board Of Trustees
- 2-104: Meetings Of The Town Board
- 2-105: Rules Of Order And Procedure
- 2-106: Trustees May Be Designated To Perform Duties

2-101: **GENERAL POWERS¹:**

- A. Pursuant to the provisions of 11 Oklahoma Statutes section 12-101, the Town shall have all the powers, functions, rights, privileges, franchises and immunities granted, or which may be granted to towns governed by the statutory Town Board of Trustees form of government. These powers shall be exercised as provided by law applicable to towns under the Board of Trustees form of government, or, if the manner is not prescribed, then in such manner as the Board of Trustees may prescribe.
- B. The powers, rights and authorities of the Town, including the determination of matters of policy, shall be vested in and exercised by the Board of Trustees. (1984 Code)

2-102: **ELECTIVE OFFICERS OF THE TOWN:**

- A. The following officers of the Town are elected by the registered voters of the Town:
 - 1. One Trustee from each ward of the Town, but all Trustees are elected at large;

1. 11 OS § 12-101.

2-102

2-104

2. Town Clerk; and

3. Town Treasurer. (Prior Code § 1-1)

2-103: **BOARD OF TRUSTEES¹:** The Board of Trustees shall consist of five (5) Trustees, nominated at large and elected at large in the Town. Each Trustee shall be an actual resident of the Town. The term of office for a Trustee shall be four (4) years beginning at twelve o'clock (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 2007, the following Trustees are elected for four (4) year terms:

A. Trustees from Positions 1 and 3 which formerly were Ward 1 and 3.

At the general Municipal election in 2009 the following officers are to be elected to four (4) year terms:

A. Trustees from Positions 2, 4 and 5 formerly Wards 2, 4, and 5; and

B. Clerk-Treasurer.

After the 2009 Municipal election, all Trustees shall be elected for four (4) year terms. (Ord. 2006-1, 1-10-2006)

2-104: **MEETINGS OF THE TOWN BOARD²:**

A. The Board of Trustees shall meet regularly, on the second Tuesday of each month at seven o'clock (7:00) P.M. It may meet at such other times as it may prescribe by ordinance, resolution, or otherwise. Where the day for a 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 two (2) 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 day. (Prior Code §§ 1-2, 1-3; amd. Ord. 87-8, 9-15-1987)

1. 11 OS §§ 12-102, 12-103, 8-102, 16-205, 8-109.

2. 11 OS § 12-107; 25 OS §§ 301 - 314.

- B. Town meetings and planning meetings shall be held at the Luther Community Building, 18120 E. Hogback Rd., Luther, OK 73054. In case of an emergency or the Community Building is unavailable, the Mayor may designate another place in the Town for the holding of a meeting. Any adjourned meeting may be held at any other place within the Town designated by the Board. (Ord. 2017-2, 5-9-2017)

2-105: **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 ($\frac{1}{2}$) 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. (1984 Code)
- B. The order of business for each meeting of the Board shall be as follows:
1. Call to order.
 2. Determination of a quorum.
 3. Approve the minutes prepared by the Town Clerk/Treasurer and subject to additions or corrections by the Board of Trustees.
 4. Report of the Treasurer.
 5. Review of claims.
 6. Agenda item, Trustee one.
 7. Agenda item, Trustee one.
 8. Agenda item, Trustee two.
 9. Agenda item, Trustee two.
 10. Agenda item, Trustee three.
 11. Agenda item, Trustee three.
 12. Agenda item, Trustee four.

13. Agenda item, Trustee four.

14. Agenda item, Trustee five.

15. Agenda item, Trustee five.

16. New business. In accordance with the Open Meeting Act, title 25 Oklahoma Statutes 311.A.9, new business is defined as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

17. Citizen participation. Citizens may address the Board during open meetings on any matter on the agenda prior to the Board taking action on the matter. On any item not on the current agenda, citizens may address the Board under the agenda item citizen participation. Citizens should fill out a citizen's participation request form and give it to the Mayor. Citizen participation is for information purposes only, and the Board cannot discuss, act or make any decisions on matters presented under citizens participation. Citizens are requested to limit their comments to two (2) minutes.

18. Trustee comments/general remarks.

19. Adjourn. (Ord. 2017-1, 5-9-2017)

C. The following rules of procedure shall apply to any regular or special meeting of the Board unless two (2) 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;

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,

2-105

2-106

any member who has not spoken before to the question may arise and speak before the negative be put;

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; and

11. Except as otherwise provided in this Code or by action of the Town Board, "Roberts' Rules of Order" shall govern parliamentary procedure for the Town Board. (1984 Code)

2-106: TRUSTEES MAY BE DESIGNATED TO PERFORM DUTIES:

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, such as streets, water systems and so on, 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. (Prior Code § 1-6)

CHAPTER 2

MAYOR

Section 2-201 Election and duties of the mayor.

SECTION 2-201 ELECTION AND DUTIES OF THE MAYOR.

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 trustee terms begin, or as soon thereafter as practicable. The mayor shall serve until his successor has been elected and qualified.

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, duties and responsibilities of a trustee, including the right to vote on questions.

C. During the absence, disability or suspension of the mayor, the board shall elect from among 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. (Prior Code, Secs. 1-4, 1-5 in part)

State Law Reference: Election of town mayor, acting mayor, 11 O.S. Sections 12-104, 12-105.

CHAPTER 3

TOWN OFFICERS AND PERSONNEL

SECTION:

- 2-301: Clerk Duties
- 2-302: Treasurer Duties
- 2-302.1: Town Clerk-Treasurer
- 2-302.2: Pay Period, Salary And Benefits For Town Clerk-Treasurer
- 2-302.3: Additional Pay For Town Clerk For Extra Duties
- 2-303: Town Attorney; Appointment And Duties
- 2-304: Health Officer
- 2-305: Other Personnel
- 2-306: Bonds
- 2-307: Salaries
- 2-308: Compensation Of Employees; Number And Classes Of
Personnel
- 2-309: Salaries Of Certain Officers Not To Be Changed After Election
Or Appointment
- 2-310: Oaths
- 2-311: Officers To Continue Until Successors Are Elected And
Qualify
- 2-312: Board Of Trustees May Lay Off, Suspend, Demote And
Remove
- 2-313: Other Employee Benefits

2-301: **CLERK DUTIES¹:**

- A. The town clerk-treasurer is an elected official of the town. As the town clerk, the town clerk-treasurer shall:
 - 1. Keep the journal of the proceedings of the board;
 - 2. Enroll in a book kept for that purpose all ordinances and resolutions passed by the board;

1. 11 OS §§ 12-109, 16-205, 8-109.

2-301

2-302.1

3. Have custody of documents, records and archives as may be provided by law or 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; and
5. Have such other powers, duties and functions as may be prescribed by law or ordinance or by the board. (Prior code §§ 1-7, 1-8; amd. Ord. 87-9, 9-15-1987)

2-302: TREASURER DUTIES^{1,2}:

A. As the treasurer, the town clerk-treasurer shall:

1. Maintain accounts and books to show where and from what source all monies paid to him have been derived and to whom and when any monies have been paid;
2. Deposit daily funds received for the town in depositories as the board may designate; and
3. Have such other powers, duties and functions as may be prescribed by law or ordinance.

The clerk-treasurer's books and accounts shall at all times be subject to examination by the board. (Prior code §§ 1-9, 1-10)

2-302.1: TOWN CLERK-TREASURER:

- A. There is hereby created the office of town clerk-treasurer, who shall be elected for a term of four (4) years, beginning at the municipal general election held in 1989, and thereafter for a term of four (4) years as provided by law for election of the town treasurer. A town clerk-treasurer shall be appointed to fill the vacant clerk-treasurer position after the adoption of this section.
- B. The town clerk-treasurer shall have and exercise all powers and duties assigned to him by statute and ordinance and such other authority as may be granted to him by the board of trustees. All

1. 11 OS § 12-110; 19 OS § 645.
2. See section 7-101 of this code.

powers and duties assigned to the town clerk on or before the effective date of this section by section 2-301 of this chapter, or by statute, ordinance or the board of trustees, shall be transferred to and held and exercised by the town clerk-treasurer from and after July 28, 1987. All powers and duties assigned to the town treasurer on or before the effective date of this section by section 2-302 of this chapter, or by statute, ordinance or the board of trustees, shall be transferred to and held and exercised by the town clerk-treasurer from and after July 28, 1987.

- C. From and after the effective dates provided herein, all references to the town clerk or the town treasurer in the ordinances of the town shall mean the town clerk-treasurer. (Ord. 87-6, 7-28-1987; amd. Ord. 87-9, 9-15-1987)

2-302.2: PAY PERIOD, SALARY AND BENEFITS FOR TOWN CLERK-TREASURER:

- A. The salary for the town clerk-treasurer shall be sixty dollars (\$60.00) per month for the performance of the statutory duties of the office.
- B. The board of trustees may hire the clerk-treasurer as an employee to take care of the nonstatutory duties; or it may hire a separate individual. The salary and other benefits for that employee shall be set by the board. (Ord. 2010-02-18, 2-18-2010)

2.302.3: ADDITIONAL PAY FOR TOWN CLERK FOR EXTRA DUTIES: The town clerk for the town of Luther shall receive four hundred dollars (\$400.00) per month for extra duties as the floodplain administrator, which extra duties are not related to the statutory duties of town clerk found at 11 Oklahoma Statutes section 12-109. (Ord. 12-1-08a, 12-9-2008)

2-303: TOWN ATTORNEY; APPOINTMENT AND DUTIES: The board of trustees may appoint a town attorney or may secure the services of an attorney or attorneys on a contractual basis when needed. The town attorney, when and if appointed, shall be the legal adviser 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

2-303

2-308

services incident to his position which may be required by law or ordinance.
(Prior code § 1-27)

2-304: **HEALTH OFFICER:** The board of trustees may appoint a town health officer. The county health officer or any qualified personnel of the state department of health may perform the duties and functions of a town health officer. (Prior code § 1-28)

2-305: **OTHER PERSONNEL:** The board of trustees may appoint such other officers and employees as it deems desirable and may determine their compensation by motion or resolution, and may demote, suspend, lay off or remove all such personnel at pleasure in compliance with due process and other requirements of law. (Prior code § 1-36)

2-306: **BONDS¹:** 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 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 officers are required to secure the bond within ten (10) days after their election or appointment. (Prior code § 1-37)

2-307: **SALARIES²:** The compensation of all elective town officers shall be fixed by ordinance. (Prior code § 1-40; amd. Ord. 80-6, 1-6-1981; Ord. 82-6, 12-21-1982)

2-308: **COMPENSATION OF EMPLOYEES; 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 ordinance, may be determined by motion or resolution adopted by the board of trustees, and may be changed at any time in the same manner.

1. 11 OS § 8-105.

2. 11 OS § 12-113.

2-308

2-313

- B. Except as the law provides otherwise, the board of trustees may determine or regulate the number and classes of officers and employees. (Prior code § 1-41)

2-309: 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 state constitution, article 23, section 10. This provision shall not apply to officers chosen for indefinite terms nor to employees. (Prior code § 1-42)

2-310: OATHS:

- A. All officers of the town, but not employees, are required to take the oath or affirmation of office prescribed by the state constitution before they enter upon their duties.
- B. Both officers and employees are currently required to take and subscribe to the loyalty oath prescribed by state law. (Prior code § 1-38)

2-311: OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND QUALIFY: 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 resignation, disqualification, removal, death, abolition of the office, or other legal manner. (Prior code § 1-39)

2-312: BOARD OF TRUSTEES MAY LAY OFF, SUSPEND, DEMOTE AND REMOVE: In accordance with applicable law and constitutional due process, the board of trustees or any other proper authority may lay off, suspend, demote or remove any officer or employee whom it appoints or elects, or whose successor it may appoint or elect. (Prior code § 1-43)

2-313: OTHER EMPLOYEE BENEFITS: The board of trustees may execute any and all necessary agreements to provide

2-313

2-313

whatever employee benefits are required by state law or which the trustees determine to be necessary for proper and just protection of all town employees. (Prior code § 1-54)

CHAPTER 4

SOCIAL SECURITY

Section 2-401	Declaration of policy to come under coverage.
Section 2-402	Execution of agreement with state agency.
Section 2-403	Withholdings.
Section 2-404	Contributions.
Section 2-405	Records and reports.
Section 2-406	Exclusions.

SECTION 2-401 DECLARATION OF POLICY TO COME UNDER COVERAGE.

It is hereby declared to be the policy and purpose of the town to extend, at the earliest date, to the eligible employees and officials of the town 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 town shall take such action as may be required by applicable state or federal laws or regulations. (Prior Code, Sec. 1-47)

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

SECTION 2-402 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 2-401 of this code. (Prior Code, Sec. 1-48)

SECTION 2-403 WITHHOLDINGS.

Withholdings from salaries or wages of employees and officials for the purposes provided in Section 2-401 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. 1-49)

SECTION 2-404 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. 1-50)

SECTION 2-405 RECORDS AND REPORTS.

The town clerk shall keep such records and submit such reports as may be required by applicable state or federal laws or regulations. (Prior Code, Sec. 1-51)

SECTION 2-406 EXCLUSIONS.

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

Administration and Government

Sec. 2-406

Sec. 2-406

1. Any authority to make any agreement with respect to any position, 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; 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 not authorized to be covered by applicable state or federal laws or regulations.

(Prior Code, Secs. 1-52, 1-53)

CHAPTER 5

FIRE PENSION SYSTEM

Section 2-501 Local Fire Pension and Retirement Board.
Section 2-502 Fund to be operated in accordance with law.
Section 2-503 Contributions to fund.

SECTION 2-501 LOCAL FIRE PENSION AND RETIREMENT BOARD.

There is hereby created a local firefighters' 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 Section 49-103 et seq. of Title II of the Oklahoma Statutes. (Prior Code, Sec. 1-44, brought up to date to reflect 1981 state law)

State Law Reference: Firefighters' retirement and pension law, 11 O.S. Sections 49-101 et seq.

SECTION 2-502 FUND TO BE OPERATED IN ACCORDANCE WITH LAW.

The town's firefighters' pension and retirement system and fund shall be operated in accordance with state law relating to the fund and system. (Prior Code, Sec. 1-45)

SECTION 2-503 CONTRIBUTIONS TO FUND.

A. The clerk shall deduct from the salaries or wages of each paid member of the fire department the amounts which are required by applicable state law. If the members of the fire department, by a majority vote of its paid members, vote to increase the amount of the deductions, the amounts authorized by this subsection shall be increased to reflect the amounts approved by the majority vote. The treasurer of the town shall deposit monthly in the Oklahoma Firefighters Pension and Retirement Board the amounts deducted pursuant to this subsection. Any amounts deducted from the salary or wages of a fire department member shall be made at the time of each payroll. The deductions shall be set forth in the payroll so that each member may be able to ascertain the exact amount which he is contributing.

B. The town treasurer shall deposit monthly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money which are required by applicable state law for each paid member of the fire department.

C. For each volunteer member of the fire department, the town treasurer shall deposit yearly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money which are required by applicable state law. These amounts may be revised according to actuarial studies and amounts as set by the Oklahoma Firefighters Pension and Retirement Board. (Prior Code, Sec. 1-46)

CHAPTER 6

RECORDS

SECTION:

2-601: Disposition Of Municipal Records

2-601: **DISPOSITION OF MUNICIPAL RECORDS:** The town of Luther and the Luther public works authority may destroy, sell for salvage or otherwise dispose of the following papers, documents and records after the expiration of the time specified. The time shall be computed from the end of the fiscal year in which the paper, document or record was created, unless specified otherwise. For the purposes of this section, the terms "paper, document or record" includes any electronic, photostatic, disc, microphotographic or any other form of storage of the record when the original record no longer exists.

This section does not require the retention of documents that are not public records.

The minutes or journal of proceedings and ordinances shall not be destroyed under this section, and shall be maintained as otherwise required by law.

Nothing in this section shall prohibit alternative storage as set out in 11 Oklahoma Statutes 22-132.

One year:

Parking citations, one year from date of issuance

Two years:

Fire run contracts two (2) years after date of expiration

Inspection records for water meters and sewer inspections

2-601

2-601

Miscellaneous petitions and letters addressed to the governing body on items not addressed elsewhere in this section

Municipal court warrants

Utility accounts receivable ledger or register

Utility billing ledger or register

Utility cash receipts ledger or register

Water, sewer, garbage, and utility receipts and statements which have been previously audited

Five years:

Bond receipts and fine receipts

Bonds

Checks

Claims

Claims that have been denied

Court dockets

Election tabulations and returns

Garnishment records

Information and complaints

Inspection records other than water meters and sewer inspections

License applications

Paid general obligation and revenue bonds

Paid street improvement, sewer and sidewalk district bonds

Payrolls

Purchase orders

2-601

2-601

Special, primary and general election payrolls

Successful and unsuccessful bids for purchase or furnishing of equipment, material and improvements

Traffic tickets and receipts

Vouchers

Warrants

Withholding statements

Ten years:

Appropriation ledgers

Cash receipt book or register for the general fund, the street and alley fund, any bond fund or sinking fund, and all other trust funds that have been audited

Inventories

Sidewalk assessment records, except payment records

Fifteen years:

Sewer and improvement district records, except payment records

None of the above mentioned records, papers or documents pertaining to pending litigation shall be disposed of until such litigation is finally terminated.

No documents covered by a "litigation notice" or "hold" shall be destroyed until such hold is released.

Testing laboratory results or inspections records of public improvements shall not be destroyed during the life of the improvements.

E-mails shall be treated as other documents, papers and records of the same type, and shall be retained or disposed of depending upon its content. (Res. 2011-03-1, 3-8-2011)