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Chapter 2 ADMINISTRATION AND GOVERNMENT

ARTICLE I. IN GENERAL

Sec. 2-1. Form of government.

The form of municipal government for the city is a "mayor-council government." All powers of the city shall be exercised in the manner prescribed by the Charter, or, if the manner is not thus prescribed, then in such manner as the council may prescribe by ordinance.

(Code 1984, § 2-101)

Charter reference(s)—Similar provisions, § 1-2 of the Charter.

Sec. 2-2. Absentee ballots.

Absentee ballots shall be provided for all mayoral and councilmembers elections in the city. Absentee ballots and absentee voting shall conform to applicable state law.

(Code 1984, § 2-102; Ord. No. 1-24-89A)

Secs. 2-3—2-22. Reserved.

ARTICLE II. MAYOR

Sec. 2-23. Mayor; office created; qualifications.

- (a) There is a mayor of the city, who shall be elected by the qualified electors of the city.
- (b) Only qualified electors of the city who have resided within the city for at least one year at the time of their election or appointment to fill a vacancy, shall be qualified for the office of mayor.

(Code 1984, § 2-201)

Charter reference(s)—Similar provisions, § 3-1 of the Charter.

Sec. 2-24. Mayor to be chief executive officer; powers and duties.

The mayor is chief executive officer and head of the administrative branch of the city government. He shall execute the laws and ordinances, and administer the government of the city. He shall be recognized as the head of the city government for ceremonial purposes and by the governor for purposes of military law. He shall:

- (1) Appoint with approval of the council, and when deemed necessary for the good of the service, but without council approval, lay off, suspend, demote, or remove all directors, or heads, of administrative departments and all other administrative officers and employees of the city except as otherwise provided. The council by ordinance or personnel rules may authorize the mayor to make designated appointments without council approval, and that the mayor may appoint his secretary, if any, without council approval;
- (2) Supervise and control, directly or indirectly, all administrative departments, agencies, officers, and employees except as otherwise provided;
- (3) Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable;
- (4) Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year;
- (5) Keep the council advised of the financial condition and future needs of the city, and make such recommendations to the council on matters of policy and other matters as may seem to him desirable; and
- (6) Have such other powers and duties as the Charter prescribes, and such powers and duties consistent with the Charter as the council may prescribe.

(Code 1984, § 2-202)

Charter reference(s)—Similar provisions, § 3-2 of the Charter.

Sec. 2-25. Vice-mayor; election; powers and duties.

At the first meeting after the time prescribed for the beginning of the terms of the newly elected councilmembers, or as soon thereafter as practicable, the council shall elect from its membership a vice-mayor, who shall serve as such until the next such first meeting. The vice-mayor shall act as mayor during the absence,

disability, or suspension of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is chosen and qualifies. If the office of vice-mayor becomes vacant, the council shall elect from its membership another vice-mayor for completion of the unexpired term.

(Code 1984, § 2-203)

Sec. 2-26. Administrative departments; offices; agencies.

There is a department of finance and such other administrative departments, offices, and agencies as this Charter establishes and as the council may establish.

(Code 1984, § 2-204)

Secs. 2-27—2-55. Reserved.

ARTICLE III. COUNCIL

Sec. 2-56. Councilmembers; number; qualifications.

- (a) There is a city council of eight members, which shall consist of two councilmembers from each of the four wards of the city.
- (b) Only qualified electors of the city who reside in the respective wards from which they are elected or appointed to fill a vacancy, and who have resided within the city for at least one year at the time of their election or appointment to fill a vacancy, shall be qualified for the offices of councilmembers.
- (c) A councilman may not hold any administrative office or position in the city government, other than vice-mayor, provided that nothing in the Charter shall prohibit councilmembers who are already volunteer firefighters when elected or appointed from continuing to serve as volunteer firefighters and being paid as such.

(Code 1984, § 2-301)

Charter reference(s)—Similar provisions, § 2-1 of the Charter.

Editor's note(s)—Councilmembers, one per ward, are elected for four-year terms in 1983, with the mayor. The remaining councilmembers are elected, one per ward, in 1985.

Sec. 2-57. Presiding officer of the council.

The mayor, or, in his absence, the vice-mayor, shall preside at meetings of the council. In the absence of both the mayor and the vice-mayor, the council may elect a president pro-tem to preside over a meeting of the council.

(Code 1984, § 2-302)

Sec. 2-58. Council; powers.

Except as otherwise provided in the Charter, all powers of the city shall be vested in the council. Without limitation of the foregoing, the council shall have power, subject to the state constitution, law, and this Charter:

- (1) By ordinance to enact municipal legislation on any and all subjects and matters within the competence of the city to legislate;

- (2) To adopt the budget, raise revenue, and make appropriations; and to regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries, wages, and other compensation of officers and employees, and all other fiscal and business affairs of the city;
- (3) To inquire into the conduct of any office, department, or agency of the city government, and to investigate municipal affairs; and for this purpose, to subpoena witnesses, take testimony, and require the production of evidence; and when making such an inquiry or investigation, to elect one of its members president pro-tem to preside during such time, if it chooses to do so;
- (4) To appoint or elect and remove its own subordinates, the members of the personnel board, the members of the planning commission, the members of the board of adjustment, and other quasi-legislative, quasi-judicial, or advisory personnel, now or when and if established; or to prescribe the method of appointing or electing and removing them;
- (5) To regulate elections and the recall; and
- (6) To create, change, and abolish all offices, departments, and agencies of the city government other than the offices, departments, and agencies created by the Charter; and to assign additional powers and duties consistent with this Charter to offices, departments, and agencies created by this Charter.

(Code 1984, § 2-303)

Sec. 2-59. Regular meetings.

The regular meetings of the mayor and council are held on the first and third Mondays of each month at the hour of 7:00 p.m., or such other times and dates as stated in the notice of meeting issued and posted in accordance with state statutes.

(Prior Code, ch. 8; Code 1984, § 2-304; Ord. No. 130-011916, § 1, 1-16-2016)

Sec. 2-60. Special meetings.

Special meetings of the council shall not be held without public notice being given at least 48 hours prior to the meetings. The city clerk also shall cause written notice of the date, time and place of the meeting to be mailed or delivered to each person, newspaper, wire service, radio station, and television station that has filed a written request for notice of meetings of the public body with the clerk. Such written notice shall be mailed or delivered at least 48 hours prior to the special meeting. In addition, the city clerk shall, at least 24 hours prior to such special meetings, display public notice of the meeting, setting forth thereon the date, time, place and agenda for the meeting. Only matters appearing on the posted agenda may be considered at the special meeting. Such public notice shall be posted in prominent public view at the city hall if no office exists. Twenty-four hours prior public posting shall exclude Saturdays and Sundays and holidays legally declared by the state.

(Prior Code, ch. 8; Code 1984, § 2-305; Ord. No. 6-20-94A)

Sec. 2-61. Nonattendance at meetings.

Whenever a quorum of the council is not present for two successive meetings, whether regular or special or both, the mayor or acting mayor may at the second or any subsequent successive meeting where a quorum is not present, compel the attendance of such absent members by issuing a warrant for their arrest to the police chief or any city police officer who shall forthwith arrest such named members as can be found within the city and are not incapacitated or prevented from attending by circumstances of an emergency nature, and shall bring him or them to the council meeting and enforce his or their attendance for the duration of such meeting.

(Prior Code, ch. 8; Code 1984, § 2-306)

Charter reference(s)—Removal from office for failure to attend more than one-half of the meetings held over a four month period, § 2-7 of the Charter.

Sec. 2-62. Rules of procedure.

The council may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the board may prescribe. The order of business for each meeting of the council shall be as determined from time to time by the council.

(Code 1984, § 2-307)

Sec. 2-63. False statements to the city council.

It shall be an offense for any person, in any manner within any hearing in which an appeal to the city council is made or an application is presented for action by the city council, to knowingly and willfully falsify, conceal or cover-up by any trick, scheme or device a material fact, make any false, fictitious or fraudulent statement or representation, or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry. Any person violating the provisions of this section shall be guilty of an offense and upon conviction shall be punished by a fine of not more than \$100.00, excluding costs and assessments, or by imprisonment in the city jail for a period of not more than ten days or by both such fine and imprisonment.

(Code 1984, § 2-308; Ord. No. 9-16-96, § 2)

Secs. 2-64—2-84. Reserved.

ARTICLE IV. DEPARTMENT OF FINANCE, CLERK AND TREASURER

Sec. 2-85. City clerk; appointment; powers and duties.

The mayor, with approval of the council, shall appoint, and may remove, the city clerk. The city clerk shall serve as clerical officer of the council and shall serve for an indefinite term. The city clerk shall keep the journal of the council proceedings and shall enroll in a book or books kept for the purpose of all ordinances and resolutions passed by it. The city clerk shall be the custodian of all documents, records, and archives as may be provided by applicable law or ordinance. The city clerk shall attest and affix the seal of the city to all documents when required in accordance with applicable law or ordinance and shall have such other powers and duties consistent with the Charter or as may be prescribed by ordinance or applicable law.

(Code 1984, § 2-401; Ord. No. 150-081919, § I, 8-19-2019)

Sec. 2-86. City treasurer; powers and duties.

The mayor, with approval of the council, shall appoint, and may remove, the city treasurer. Subject to and in accordance with the city Charter, applicable law, and such ordinances as the council may adopt, the city treasurer shall collect and receive revenue and other money for the city, be responsible for its custody, safekeeping, deposit and disbursement, maintain a general accounting system for the city government, and have such other powers and duties consistent with the Charter and as may be prescribed by ordinance or applicable law. The city treasurer shall serve for an indefinite term.

(Code 1984, § 2-402; Ord. No. 150-081919, § II, 8-19-2019)

Sec. 2-87. Finance director.

The mayor, with approval of the council, shall appoint, and may remove, the finance director. The finance director shall serve for an indefinite term and shall have duties as provided by ordinance or delegation.

(Code 1984, § 2-403; Ord. No. 2/18/80A; Ord. No. 150-081919, § III, 8-19-2019)

Secs. 2-88—2-117. Reserved.

ARTICLE V. OTHER OFFICERS AND EMPLOYEES

Sec. 2-118. Personnel policies.

Specific policies and rules governing employment with the city shall be as established and adopted by the mayor and approved by council from time to time. Those policies are adopted as though fully set forth in this article.

(Code 1984, § 2-509)

Sec. 2-119. Bonds of officers and employees.

The city treasurer, and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

(Code 1984, § 2-203)

State law reference(s)—Bonds for officers and treasurer, 11 O.S. § 8-105.

Sec. 2-120. Oath or affirmation of office.

Every officer of the city, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed in the city clerk's office.

(Code 1984, § 2-504)

Sec. 2-121. Salaries of elected officers.

- (a) The salaries of the elective officials of the city shall be payable as provided by ordinance.
- (b) An ordinance changing the compensation of the mayor or councilmembers shall not change the compensation of any such officer:
 - (1) For his current term of office during which the ordinance is adopted; nor
 - (2) For the succeeding term of the office when such succeeding term begins within less than three months after adoption of the ordinance.

Such an ordinance, unless it is an initiated ordinance, shall be published in full in a newspaper of general circulation within the city within ten days after its final passage.

- (c) The mayor and councilmembers may be reimbursed for reasonable expenses incurred in the discharge of their official duties.

(Prior Code, ch. 20; Code 1984, § 2-505)

Sec. 2-122. Maintenance allowance.

The elective officials may receive such maintenance allowance to reimburse them for the expenses necessarily incurred by them in operating their private automobiles or other privately owned equipment in furtherance of the business of this city as the council may from time to time determine by resolution, entered upon the minutes.

(Prior Code, ch. 20; Code 1984, § 2-506)

Sec. 2-123. Salaries of employees.

The salaries of all the appointive officers of the city and all of the employees of the city in any of its departments whatsoever, including the water department, may be fixed from time to time by the city council in such sums and amount as the city council may determine from time to time and in conformity with the budget prepared for the fiscal year in which such services are performed. Any person appointed to any office, or any person or any employee of the city accepts the appointment and employment under the provisions of this section. The salary and emoluments of such officers and employees may be changed from time to time as the budget and finances of the city may demand and according to the best judgment of the city council for that purpose.

(Prior Code, ch. 20; Code 1984, § 2-507)

Sec. 2-124. Full-time employees, compensation.

- (a) No full-time employee of the city, including elected officials shall receive pay or compensation for services or labor performed other than in the position he holds as full-time employee.
- (b) The term "part-time employee" means an employee who draws less than the full salary per month for the position in which he is serving, or who is employed on a seasonal job.

(Prior Code, ch. 20; Code 1984, § 2-508)

Secs. 2-125—2-146. Reserved.

ARTICLE VI. RETIREMENT AND PENSIONS

DIVISION 1. GENERALLY

Secs. 2-147—2-168. Reserved.

DIVISION 2. FIREFIGHTERS' PENSION SYSTEM

Sec. 2-169. 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 members from the fire department. The board shall have the membership, organization, powers, duties and functions as prescribed by 11 O.S. § 49-103 et seq.

(Code 1984, § 2-710)

State law reference(s)—Firefighters' retirement and pension law, 11 O.S. § 49-100.11 et seq.

Sec. 2-170. Fund to be operated in accordance with law.

The city's firefighters' pension and retirement system and fund shall be operated in accordance with state law relating to the fund and system.

(Code 1984, § 2-711)

Secs. 2-171—2-192. Reserved.

DIVISION 3. POLICE PENSION SYSTEM

Sec. 2-193. Name of system.

The system herein established for the purpose of providing pension retirement allowances and other benefits for police officers, their spouses and children, shall be designated and known as the Police Pension and Retirement System of the City of Bristow, and by such name all of its business transacted, all of its funds handled, and all of its cash and securities and other property be held.

(Code 1984, § 2-720)

Sec. 2-194. Board of trustees.

There is hereby created a board of trustees which shall have the operation and management of the police pension and retirement system of the city, which board of trustees shall consist of the city clerk, city treasurer, and three members of the police department of the city, which is designated and known as the board of trustees of the pension and retirement system of the city.

(Code 1984, § 2-721)

Sec. 2-195. State police pension and retirement provisions adopted.

The city hereby adopts the provisions of the state law governing the state police pension and retirement system and amendments thereto for the purpose of providing the police officers of the city with a retirement program. The city agrees to make contributions to the system in such amounts as are required by law.

(Code 1984, § 2-722)

State law reference(s)—Police pension and retirement system, 11 O.S. §50-101 et seq.; option to establish local board, 11 O.S. § 50-106.1; joining state system, 11 O.S. § 50-106.3; contributions to be paid by municipality and police members, 11 O.S. §§ 50-109, 50-110.

Secs. 2-196—2-217. Reserved.

DIVISION 4. EMPLOYEE RETIREMENT SYSTEM

Sec. 2-218. Employee retirement system created.

Pursuant to the authority conferred by state law, 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, and approved and adopted, effective as of January 1, 2020, the amended and restated plan designated "Employee Retirement System of the City of Bristow, Oklahoma, Defined Benefit Plan," (hereinafter called "system"), an executed counterpart of which is marked exhibit "A" (joinder agreement) and exhibit "B" (amended and restated plan) attached to the ordinance from which this section derived.

(Code 1984, § 2-730; Ord. No. 108-111510, § 1, 11-15-2010; Ord. No. 111-101711, § 1, 10-17-2011; Ord. No. 113-121911, § 1, 12-19-2011; Ord. No. 120-050712, § 1, 5-7-2012; Ord. No. 121-060412, § 1, 6-4-2012; Ord. No. 122-061013, § 1, 6-10-2013; Ord. No. 128-092115, § 1, 9-21-2015; Ord. No. 154-111819, § 1, 11-18-2019)

Sec. 2-219. 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. 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 of Oklahoma as a part of the Oklahoma Municipal Retirement Fund in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The city 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 nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the county excise board.

(Code 1984, § 2-731; Ord. No. 108-111510, § 2, 11-15-2010; Ord. No. 111-101711, § 1, 10-17-2011; Ord. No. 113-121911, § 1, 12-19-2011; Ord. No. 120-050712, § 1, 5-7-2012; Ord. No. 121-060412, § 1, 6-4-2012; Ord. No. 122-061013, § 1, 6-10-2013; Ord. No. 128-092115, § 2, 9-21-2015; Ord. No. 154-111819, § 2, 11-18-2019)

Sec. 2-220. 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 the system and the fund in accordance with the provisions of the defined benefit plan. Any appropriation so made to maintain the system and fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes and shall be paid into the fund when available, to be duly transferred to the Oklahoma Municipal Retirement Fund.

(Code 1984, § 2-732; Ord. No. 108-111510, § 3, 11-15-2010; Ord. No. 111-101711, § 1, 10-17-2011; Ord. No. 113-121911, § 1, 12-19-2011; Ord. No. 120-050712, § 1, 5-7-2012; Ord. No. 121-060412, § 1, 6-4-2012; Ord. No. 122-061013, § 1, 6-10-2013; Ord. No. 128-092115, § 3, 9-21-2015; Ord. No. 154-111819, § 3, 11-18-2019)

Sec. 2-221. Execution.

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 system instrument, and to do all other acts and things necessary, advisable, and proper to put said system and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart attached to the ordinance from which this section derived as exhibit "A" and exhibit "B", which has been duly executed as aforesaid simultaneously with the passage of the same and made a part hereof, is hereby ratified and confirmed in all respects.

This committee is hereby authorized and directed to proceed immediately on behalf of the city 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.

(Code 1984, § 2-733; Ord. No. 108-111510, § 4, 11-15-2010; Ord. No. 111-101711, § 1, 10-17-2011; Ord. No. 113-121911, § 1, 12-19-2011; Ord. No. 120-050712, § 1, 5-7-2012; Ord. No. 121-060412, § 1, 6-4-2012; Ord. No. 122-061013, § 1, 6-10-2013; Ord. No. 128-092115, § 4, 9-21-2015; Ord. No. 154-111819, § 4, 11-18-2019)