

Chapter 2

ADMINISTRATION¹

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ARTICLE I. IN GENERAL

Sec. 2-1. Boundary maps—Corporate limits.

- (a) There shall be maintained in the office of the superintendent of public works, a map depicting the current corporate limits of the city.
- (b) This map shall reflect all current annexation and de-annexation ordinances or orders, shall be kept up-to-date by the superintendent of public works and shall represent the official map of the city's corporate boundaries.
- (c) This map may be combined with the official zoning districts map (see section 2-3) and shall show all streets and alleys; vacated streets and alleys shall not be shown on said map, but shall be redrawn by the methods provided by Oklahoma Statutes.
- (d) This map shall be available for public inspection.

(Code 1977, § 23-2)

Cross references—Certain ordinances not affected by Code, § 1-8; map of cemetery spaces, § 6-9.

State law references—Territory included in a city, 11 O.S. §§ 2-101, 2-104; changing corporate limits, 11 O.S. §§ 21-101 *et seq.*

Sec. 2-2. Same—Wards.

- (a) There shall be maintained, in the office of the superintendent of public works, a map showing the current ward boundaries for the entire corporate limits of the city.
- (b) This map shall be available for public inspection at all times.
- (c) This map shall reflect all annexations to and de-annexations from the city, and shall be kept up-to-date by the superintendent of public works.

(Code 1977, § 23-1)

Charter reference—Wards, § 6-2.

State law reference—Changing wards, 11 O.S. §§ 20-101 *et seq.*

¹*Charter references*—Incorporation, form of government, powers, Art. I; the council, Art. II; city manager and administrative departments, Art. III; department of finance and fiscal affairs, Art. IV; nominations and elections, Art. VI; recall, Art. VII; initiative and referendum, § 8-2; succession in government, Art. X.

Cross references—Cemeteries, Ch. 6; fire prevention and protection, Ch. 7; municipal court, Ch. 11; parks and recreation, Ch. 14; planning and development, Ch. 15; streets, sidewalks and other public areas, Ch. 16; taxation, Ch. 17; utilities, Ch. 18; certain ordinances not affected by Code, § 1-9; license review board for private clubs, § 3-41; city animal pound, § 4-5; electrical inspector, § 5-26; fair housing board, §§ 5-69 *et seq.*; city planner to administer flood hazard prevention ordinances, § 5-94; cemetery board, § 6-1; cemetery department, § 6-2; right of entry, § 7-20; health department, § 8-1; inspection of food service establishments by health officer, § 8-24; private investigator's review committee, §§ 9-40 *et seq.*; traffic commission, § 10-4; traffic-control devices, §§ 10-36 *et seq.*; clerk of municipal court, § 11-6; judges of municipal court, §§ 11-31 *et seq.*; abatement of weeds and trash, §§ 12-26 *et seq.*; certain political advertising as nuisance, § 12-9; duty of water division of public works department, § 18-21; water district, §§ 18.41 *et seq.*; coordinator of industrial waste disposal program, § 18-112.

State constitution reference—Municipal corporations, Art. 18.

State law references—Cities and towns, 11 O.S.; Political Subdivision Tort Claims Act, 51 O.S. §§ 151 *et seq.*; public finance, 62 O.S.; Emergency Interim Executive and Judicial Succession Act, 63 O.S. §§ 685.1 *et seq.*

Annotation—Where the mayor called a special election to submit an ordinance to the electors without having presented the initiative petition to the council, the election was void. *Ex parte Griggs*, 63 Okla. 138, 163 P. 325 (1917).

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Sec. 2-3. Same-Zoning districts.

(a) There shall be maintained in the office of the city superintendent of public works, a map showing the boundaries of all current zoning districts within the entire corporate limits of the city.

(b) This map shall reflect all current zoning ordinance provisions (see Chapter 14 and Appendix A of this Code) and all current ordinances rezoning land, and shall represent the official zoning districts map for the city.

(c) This map may be combined with the official map of the corporate limits of the city. (See section 2-1 of this chapter.)

(d) This map shall be available for public inspection.

(Code 1977, § 23-3)

State law reference—Establishment of zoning districts, 11 O.S. § 43-102.

Sec. 2-4. Council meetings.

(a) The council shall hold a regular meeting at 7:00 p.m., on every second and every fourth Tuesday of every month; provided that, 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. 865, § 1, 10-20-98)

(b) Every meeting of the council shall be held in the council chambers of the city hall, unless, in the event of an emergency, the mayor or the councilmen calling a special meeting designate another place in the city for the holding of the meeting; provided that, any adjourned meeting may be held at any other place within the city designated by the council.

(Code 1977, § 1-3; Ord. No. 679, § 1, 7-5-77)

Charter references—The council, Art. II; nominations and elections, Art. VI; recall, Art. VII; nepotism, § 8-5; council meetings, § 2-6.

Sec. 2-5. City manager.

The city manager shall be the chief administrative officer of the city. He shall have all the powers and duties prescribed for him by City Charter and by other provisions of this Code of Ordinances.

(Code 1977, § 1-9)

Charter references—Council-manager government, § 1-2; appointment and removal of city manager, § 2-4; council to act through manager, § 2-5; city manager generally, Art. III; purchases and sales, §§ 4-3 *et seq.*; public improvements, § 4-5; annual audit, § 4-7; nepotism, compatibility of offices, § 8-5; performance bond, § 8-6; oaths, §§ 8-7 *et seq.*; suspension, demotion and removal of officers and employees, §§ 8-9 *et seq.*

Cross references—City manager to provide animal pound, § 4-32; house moving permit, § 5-50; city manager as member of fire prevention code committee, § 7-47; authority of city manager as to traffic citations, § 10-7; authority of city manager as to traffic-control devices, § 10-37; parking restrictions by city manager, § 10-60; location of loading zones, § 10-63; angle parking, § 10-64; common carrier stands, § 10-65; city manager to give notice of delinquent utility bills, § 18-4; appointment of caretaker of water district, § 18-46.

Sec. 2-6. Absentee ballots.

All municipal elections called under the provisions of Article VI, of the Charter of the City of Pauls Valley shall provide for absentee ballots.

(Ord. No. 808, § 1, 2-19-91)

Secs. 2-7-2-20. Reserved.

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ARTICLE II. BOARDS AND COMMISSIONS²

Sec. 2-21. Scope; appointments; vacancies.

All commissions and boards of the city shall be deemed to come under, and shall abide by, the provisions of sections 2-22 and 2-23. The members of said boards except as otherwise required by law, shall be appointed by the mayor and confirmed by the council. Vacancies shall be filled in the same manner, for the unexpired term. Any member of the board, commission, or trust shall not serve more than two (2) consecutive terms.

(Ord. No. 798, § 1, 5-16-89)

Sec. 2-22. Meetings; minutes to clerk.

Every board and commission shall maintain open and designated periodic meetings for general business, at least six (6) times each calendar year. The minutes of each meeting shall be sent immediately after such meeting to the city clerk. The city clerk shall send to each member of the city council, the city manager and the city attorney a copy of such minutes prior to the next council meeting, to allow a proper study of such minutes.

(Ord. No. 676, § 2, 6-7-77)

Sec. 2-23. Reports.

The chairman or the delegated representative of each board or commission shall present to the council at its first meeting of the month, a report from the board or commission on its progress and planning. This report shall be made by the designated person biannually or two (2) times each year, according to the following schedule:

Board or Commission

Planning and zoning	January and July
Lake	February and August
City Beautification	February and August
Golf course	March and September
Park and tree	April and October
NYA civic center	April and October
Library	May and November
Cemetery	June and December
Senior Citizen ³	June and December
Tourism Board	January and July
Recreation Board	May and November

(Ord. No. 676, § 3, 6-7-77; Ord. No. 686, § 4, 4-4-78; Ord. No. 708, § 1, 2-5-80; Ord. No. 827, § 7, 3-16-92; Ord. No. 867, § 1, 4-27-99; Ord. No. 926, § 3, 4-22-08)

Charter reference—Appointment and removal of board and commission members, § 2-4.

Cross references—Cemeteries, Ch. 6; parks and recreation, Ch. 14; planning and development, Ch. 15.

State law reference—Members of boards and commissions holding other office, 51 O.S. § 6.

²Editor's Note: The trust authorities and the boards established by the city are listed on page 1401.

Cross references—License review board for alcoholic beverages, § 3-41; fair housing board, §§ 5-69 et seq.; cemetery board, §§ 6-1 et seq.; traffic commission, § 10-4; city beautification commission, § 12-36; golf course board, §§ 14-16 et seq.; park and tree board, §§ 14-31 et seq.; lake board, §§ 14-46 et seq.; planning and zoning commission, §§ 15-16 et seq.

³The Senior Citizens Board was established by Ord. No. 867, § 1, 4-27-99. However, no reporting schedule was specified in that ordinance. The reporting dates listed for this board were suggested by the editor and were adopted by virtue of the Adopting Ordinance set forth on page iii.

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Sec. 2-24. Meeting times of boards and commissions.

(a) Except as otherwise provided by this section, meetings of commissions and boards of the city shall be held only on weekdays excluding legal holidays and shall not commence prior to 12:00 noon nor later than 7:00 p.m.

(b) Except as otherwise provided by this section, meetings of commissions and boards of the city shall be conducted only in a city-owned building or facility.

(c) The provisions of subsections (a) and (b) of this section shall not apply to special circumstances wherein it is necessary for a commission or board to meet at times or at places which are otherwise restricted in said subsections; provided that, except in the case of an emergency, any deviation from the restrictions set forth in said subsections shall be approved by the city council prior to the holding of any meeting in contravention to the restrictions of said subsections.

(Ord. No. 828, § 1, 5-18-93)

Sec. 2-24.1 Absent Board Members.

If any member of a board or commission of the city is absent from more than one-half of all the meetings of such board or commission, regular or special, held within any period of six (6) consecutive calendar months, such member shall thereupon cease to be a member of such board or commission and such member's seat shall be deemed to be vacant.

(Ord. No. 841, § 1, 9-6-94)

Sec. 2-25. Library board.

(a) There shall be a library board consisting of five (5) members appointed for overlapping terms of five (5) years, to serve until their respective successors have been appointed and qualified. The term of each member shall begin on the first Monday in May, in every year. The city council may remove a member for the good of the service.

(b) Every year, at the time prescribed for the beginning of the terms of the new members, or as soon thereafter as practicable, the library board shall elect a chairman, a vice-chairman and a secretary.

(c) The library board shall have supervision and control of the public library or libraries of the city, and shall appoint the librarian or librarians and all their subordinates; provided, that the board may authorize a librarian to appoint his subordinates. The library board may adopt regulations for the administration or operation of the library or libraries, subject to the enactment of ordinances by the city council.

(Code 1977, § 1-32)

Charter reference—Library board generally, § 3-5.

State law reference—Libraries, 11 O.S. §§ 31-101 *et seq.*

Sec. 2-26. N.Y.A. civic center board.

(a) There shall be an N.Y.A. civic center board of five (5) members, all of whom shall be residents of the city. The members shall hold office for overlapping terms of three (3) years, ending on the first Monday in May or until their successors take office. The members of the board shall be appointed solely with reference to their fitness, and shall serve without compensation. Members may be removed with the approval of the city council.

(b) Three (3) members of the board shall constitute a quorum for the transactions of business.

(c) The board shall have charge of the care, management and control of the N.Y.A. civic center, and all related facilities and activities therein. It may make rules and regulations governing the center, subject to ordinances which the council may enact.

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(d) Every year, at the time prescribed for the beginning of the term or terms of a new member or members or as soon thereafter as practicable, the board shall elect a chairman, a vice-chairman, and a secretary. The secretary need not be a member of the board. It shall determine the time and place of its regular meetings, and the chairman or any three (3) members may call special meetings of the board.

(Ord. No. 685, §§ 1-4, 4-4-78; Ord. No. 702, §§ 1-3, 3-6-79; Ord. No. 703, §§ 1-3, 3-20-79)

Cross reference—Parks and recreation, Ch. 14.

State law reference—Community social service centers, 63 O.S. §§ 2051 *et seq.*

Secs. 2-27–2-35. Reserved.

ARTICLE III. CITY DEPARTMENTS GENERALLY⁴

Sec. 2-36. Finance department.

(a) *City clerk.*

(1) *Control of department.* The clerk, as an officer of the city, shall be the head of, and in control of, the department of finance. The clerk shall be removable by the city manager, with the approval of the city council.

(2) *Collection, deposit of revenue; a accounting system.* The city clerk shall collect or receive revenue and other money for the city, and shall deposit the same daily with the city treasurer, or for the city treasurer, in an account or accounts maintained by the city treasurer in a depository or depositories. The city clerk shall maintain a general accounting system for the city government.

(b) *City treasurer.*

(1) *Appointment within department.* Within the department of finance, there shall be a city treasurer, who shall be an officer of the city, appointed by the city manager, with approval of the city council, for an indefinite term, and removable by the city manager, with approval by the city council.

(2) *Deposit of funds.* The city treasurer shall deposit daily all funds received for the city, in such depositories as the city council may designate and shall disburse such funds in the manner provided by applicable laws or ordinance.

(c) *Deputy City Clerk.*

(1) Within the department of finance, there shall be a deputy city clerk, who shall be an officer of the city, appointed by the city manager, with approval of the city council, for an indefinite term, and removable by the city manager, with approval by the city council.

(2) The deputy city clerk shall serve in the absence of the city clerk or when it is inconvenient for the city clerk to perform his or her duties and shall have such further duties as the city manager or city clerk shall assign.

(d) *Deputy City Treasurer.*

(1) Within the department of finance, there shall be a deputy city treasurer, who shall be an officer of the city, appointed by the city manager, with approval of the city council, for an indefinite term, and removable by the city manager, with approval by the city council.

⁴**Charter reference**—City manager and administrative departments, Art. III
Cross references—Fire department, §§ 7-16 *et seq.*; municipal court, Ch. 11.

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- (2) The deputy city treasurer shall serve in the absence of the city treasurer or when it is inconvenient for the city treasurer to perform his or her duties and shall have such further duties as the city manager or city treasurer shall assign.
- (e) Same person may hold certain offices.
 - (1) The same person may hold both the office of city clerk and the office of city treasurer.
 - (2) The same person may hold both the office of deputy city clerk and the office of deputy city treasurer.

(Code 1977, § 1-13; Ord. 885, §1, 1-9-01)

Charter references—Department of finance, § 3-3, Art. IV; city clerk generally, §§ 2-7, 4-1; when votes of council entered in journal, §§ 2-11, 2-13; ordinances, etc., adopted by reference, § 2-15; codification of ordinances, § 2-16; recall petition, § 7-2; performance bond, § 8-6; oaths, §§ 8-7 *et seq.*; city treasurer generally, § 4-2.

Cross references—Licenses and business regulations, Ch. 9; taxation, Ch. 17; utilities, Ch. 18; alcoholic beverage taxes, § 3-16; city clerk as waterworks secretary, § 18-1.

State law reference—Commission on training municipal clerks, treasurers and finance officers, 11 O.S. §§ 52-101 *et seq.*

Sec. 2-37. Department of public works.

(a) *Superintendent.* The superintendent of public works, as an officer of the city, shall be the head of the department of public works and have supervision and control of said department. He shall be appointed for an indefinite term by, and may be removed by, the city manager.

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(b) *Divisions.* The department of public works shall have the following divisions, with division chiefs appointed as provided by the City Charter and powers and duties as respectively indicated:

<i>Name of Division</i>	<i>Chief of Division</i>	<i>Powers and Duties of Division</i>
Street division	Superintendent	Maintain city streets (including alleys and storm sewers)
Water division	Superintendent	Maintain and operate the water system and sanitary sewer system
Park division	Superintendent	Maintain and operate city parks and other city recreational facilities
Planning and Inspection division	Superintendent, otherwise referred to as the building official	Make inspections of buildings, plumbing, electrical installations, heating, sewer, water, street and other physical facilities, as now exist or hereafter may be provided by ordinances and codes of the city
Sanitation division	Superintendent	Collect and dispose of garbage and other refuse

(c) *Additional divisions; powers and duties.* The city manager or the city council may create divisions within the departments as needed and may further delineate the powers and duties listed hereinbefore.

(d) *Force account work.* The department of public works shall perform such force account work as may be directed by the city manager or city council. The work shall be done through one or more of the divisions listed hereinbefore or through a division or divisions created for that purpose. "Force account" is defined as a separate finance account used for a specific purpose.

(Code 1977, § 1-14)

Charter reference—Acquisition of property for public works, § 1-3.

Cross references—Parks and recreation, Ch. 14; planning and development, Ch. 15; streets, sidewalks and other public areas, Ch. 16; solid waste, §§ 18-166 *et seq.*

State law reference—Entry upon private property for surveys and examinations, 11 O.S. § 22-114.

Sec. 2-38. Police department.

(a) *Chief of police.* The chief of police, as an officer of the city, shall be the head of, and have supervision and control over, the police department. The chief of police shall be appointed for an indefinite term by, and be removable by, the city manager. All policemen shall be officers of the city.

(b) *Duties.* The police department shall:

- (1) Apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the city;
- (2) Suppress all riots, affrays and unlawful assemblies which may come to its knowledge and generally keep the peace;
- (3) Serve all warrants, writs, executions and other processes properly directed and delivered to it;
- (4) Apprehend and arrest persons violating federal or state law, as provided by law, and turn them over to proper authorities; and
- (5) In all respects perform all duties pertaining to the offices of policemen. The police department shall have charge of, and shall operate, the municipal jail.

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- (c) *Disposition of personal property.*
- (1) *Documentation of property in department's charge.* All personal property coming into the possession of any police officer, which has been found, stolen or taken off the person, or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be delivered into the charge of the chief of police. The chief of police shall make a permanent, written record of said property, including the date and circumstances of the receipt thereof, the name of the person from whom it was taken (or the place where it was found), the subsequent disposal thereof, the date of sale, name and address of the purchaser and the amount for which it was sold.
 - (2) *Disposition of unredeemed property.* Any personal property (other than animals) which remains unclaimed and in the possession of the chief of police, or the ownership of which is not satisfactorily established to him for a period of thirty (30) days, shall be sold and the proceeds of the sale paid over to the city clerk, who shall issue his receipt therefor and deposit the same to the credit of the general fund of the city, except for such personal property as in the opinion of the mayor can be more advantageously used by some department or office of the city government. Ten (10) days before a sale of such unclaimed property, the chief of police shall have posted in a conspicuous place in the city hall, notice of the time, place and manner of such sale, including the general description of the property to be sold. If, in the opinion of the mayor, all or any portion of the personal property may be more advantageously used in any city department or office, he shall so instruct the chief of police in writing, and the chief of police shall thereupon deliver the designated property to that department or office and make a permanent record of its disposition.
 - (3) *Right of finder to unclaimed property.* Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) days, then the chief of police shall sell the property as if it had been found by a public official or employee, or, on the instruction of the mayor, deliver it to some department or office of the city government for its use.
 - (4) *Reimbursement of purchaser upon subsequent recovery of property sold by department.* If any property is sold as herein provided, and the owner thereof takes and recovers possession of the same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the council.

(Code 1977, § 1-15)

Cross references—Private investigator's license, §§ 9-36 *et seq.*; duties of police as to traffic, § 10-5; refusing or failing to assist policeman, § 13-4; resisting arrest, § 13-5.

State law references—Police departments, 11 O.S. §§ 34-101 *et seq.*; arrest, 22 O.S. §§ 171 *et seq.*; unlawful assemblage, riots, 22 O.S. § 101 *et seq.*; process, 12 O.S. § 51 *et seq.*; city, county jails, 19 O.S. § 751 *et seq.*; prisons and reformatories, 57 O.S.; Oklahoma Police Pension and Retirement System, 11 O.S. §§ 50-101 *et seq.*; disability benefits, 11 O.S. §§ 50-113 *et seq.*

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Sec. 2-39. Department of law; city attorney.

The city attorney, as an officer of the city, shall be the head of, and have supervision and control over, the department of law. The city attorney shall be appointed for an indefinite term by the city manager, with the approval of the council, and shall be removable by the city manager, with the approval of the council.

(Code 1977, § 1-17)

Charter references—Department of law, § 3-3; city attorney, § 3-4; municipal court, Art. V.

Cross references—Municipal court, Ch. 11; duties of city attorney in municipal court, § 11-7.

State law references—Use of city attorney's name in municipal action or proceeding, 21 O.S. § 577; enforcement of liquor laws by city attorney, 37 O.S. § 569; prosecuting officer in municipal court, 11 O.S. § 27-108; legal advisor of police pension board, 11 O.S. § 50-108; procedures as to sinking funds, 62 O.S. § 541; approval of traffic violation complaint, 47 O.S. § 106.

Sec. 2-40. Department of civil defense.

(a) *Establishment; composition; purpose.* There is hereby established a department of civil defense (the "department") under the executive branch of the municipal government, which shall consist of a director of civil defense and a civil defense advisory committee. The purpose of the department shall be to be prepared for, and function in the event of, emergencies endangering the lives and property of the people of the city and to perform all functions necessary and incident to the protection of the lives, health and property of the citizens of the community.

(b) *Powers and duties generally.* The director shall be the executive head of the department and shall be responsible for carrying out the civil defense program of the city. He shall serve without compensation, but may be reimbursed for expenses incurred in the performance of his duties. As soon as practicable after his appointment, he shall perfect an organization to carry out the purposes set forth in this section, and he shall have all necessary power and authority to form committees and other bodies and to appoint and designate the chairman or chief officer of such bodies, as may be necessary to perfect such an organization. He shall cooperate with all civil defense agencies of other governmental units, including the state and the federal government. The director may formulate written plans and gather information and keep written record thereof, to govern the function of the department.

(c) *Emergency powers and duties.*

(1) *Control of civil defense, transportation, communications, supplies and utilities.* In the event of an enemy-caused emergency, or emergency resulting from natural causes, the director, after due authorization from the mayor, may enforce all rules and regulations relating to civil defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing and medicine, and public utilities, for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies or civil defense organizations and, if required by the mayor, shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions within the city.

(2) *Law enforcement.* The director and other members of the department may enforce the laws of the state and ordinances of the city during the period of emergency, and may make arrests for violation of such laws and ordinances.

(d) *Advisory committee.* The civil defense advisory committee shall consist of the mayor, who shall serve as committee chairman, and five (5) members appointed by the mayor, serving at his pleasure. Said committee shall select from its members a vice-chairman and a secretary, and shall hold such meetings as are directed by the mayor. The committee shall act in an advisory capacity to, and as needed or requested by, the mayor or the director.

(e) *Compensation; liability.* All members of the department shall serve without compensation, and the city shall not be liable for any personal injury received by any member of such organization while acting in line of duty.

(Code 1977, § 1-20)

Cross reference—Fire prevention and protection, Ch. 7.

State law reference—Local civil defense organization, 63 O.S. § 683.11.

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Secs. 2-41–2-55. Reserved.

ARTICLE IV. PERSONNEL⁵

Sec. 2-56. Powers of council.

The council, by motion, resolution or ordinance, may regulate the number and classes of offices and positions of employment in the various departments, offices and agencies of the city government, and may determine or regulate the compensation to be paid to officers and employees.

(Code 1977, § 1-46)

Charter reference—Powers of council, § 24.

Sec. 2-57. Personnel manual adopted.

(a) The city council, by resolution, may adopt a personnel manual, employee procedures manual or similar manual for the purpose of establishing rules, regulations, duties and benefits associated with employment with the city.

(b) Where a conflict exists between said manual and the Charter of the City of Pauls Valley, Oklahoma or this Code, the Charter and this Code, respectively shall be controlling.

(c) All changes, modifications or amendments to the manual shall be made by resolution of the city council.

(d) An updated copy of the manual shall be maintained in the office of the city clerk.

(Ord. No. 739, §§ 1-4, 1-4-83; Ord. No. 817, § 1, 10-6-92)

Charter reference—Adoption of ordinances by reference, § 2-15.

Sec. 2-58. Affirmative action.

(a) The council shall appoint a coordinator to develop and assist in the implementation of, and maintain, a program of affirmative action for equal opportunity. Such program shall contain goals deemed reasonable by the city council, and procedures for periodic evaluation.

(b) Any evaluation of the city's affirmative action program shall be conducted by a committee, chosen by the city council, consisting of a cross-section of citizens, including minorities.

(c) It shall be the policy of the city that no person shall be discriminated against, on the grounds of race, creed, color, sex, age, religion or national origin, in employment or other activities sponsored directly or indirectly by the city.

(Code 1977, § 1-26)

Cross reference—Equal access to housing, §§ 5-66 *et seq.*

State law reference—Discrimination, 25 O.S. §§ 1101 *et seq.*

⁵**Charter references**—Appointment and removal of personnel board members, § 2-4; political activity, § 6-7; merit system, § 8-3; nepotism, § 8-5.

Cross references—Fire department, §§ 7-16 *et seq.*; municipal court, Ch. 11; false representations to officer or employee of city, § 13-6; parks and recreation, Ch. 14; city planning and zoning commission, §§ 15-16 *et seq.*

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Sec. 2-59. Certain personnel, officials to be bonded.

(a) Within ten (10) days after their election or appointment, 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 the amounts respectively indicated after their titles:

- (1) City manager \$10,000.00
- (2) City clerk 25,000.00
- (3) City treasurer 25,000.00
- (4) Clerk of the municipal court 1,000.00

When executed, said bond shall be submitted to the governing body for approval. When approved, it shall be filed with the city clerk and retained in the municipal archives.

(b) The city council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded and, by motion or resolution, may increase the amount of the bonds for the personnel listed above. The city may also provide for a blanket bond to cover any or all of its officers and employees.

(c) The city shall pay the premium on such bonds.

(Code 1977, §§ 1-48, 13-11)

State law reference—Certain officers to give bond, 11 O.S. § 8-105.

Sec. 2-60. Social security.

(a) *Extension of benefits.* It is the policy and purpose of the city to extend 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, including Public Law 734, 81st Congress. In pursuance of such policy and for that purpose, said city shall take such action as may be required by applicable state or federal laws or regulations.

(b) *Execution of agreements.* The mayor shall execute all necessary agreements and amendments thereto, with the Oklahoma Public Welfare Commission as agent or agency, to secure coverage of employees and officials as provided in subsection (a).

(c) *Withholdings from salaries.* Withholdings from salaries or wages of employees and officials for the purpose provided in subsection (a), may 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 such laws and regulations.

(d) *Contributions by city.* There shall be appropriated by the city, from available funds, such amounts at such times as may be required by applicable state or federal laws or regulations for employers' contributions to the system of Federal Old-Age and Survivors Insurance. Such funds shall be paid over to the state or federal agency designated by said laws or regulations.

(e) *Records, reports.* The city shall keep such records and make such reports, relative to the system of Federal Old-Age and Survivors Insurance, as may be required by applicable state or federal laws or regulations.

(f) *Excluded officers and employees.* There is excluded from this section and the benefits established hereunder, any authority to make any agreement with respect to any position, employee or official:

- (1) Now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city;
- (2) Compensation for whom is on a fee basis;
- (3) Not authorized to be covered by applicable state or federal laws or regulations.

(Code 1977, §§ 1-116-1-121)

State law reference—Social security, 51 O.S. §§ 121 et seq.

ADMINISTRATION

Secs. 2-61–2-75. Reserved.

ARTICLE V. FINANCE GENERALLY⁶

Sec. 2-76. Funds and accounting generally.

The revenues and other resources of the city shall be divided into funds as provided by 62 O.S. section 331 (and other applicable provisions of law), and accounted for as provided thereby.

(Code 1977, § 1-62)

Sec. 2-77. Deposit of funds; security.

(a) The funds of the city shall be deposited as required by state or federal law.

(b) With the approval of the city council, the city treasurer may deposit surplus funds of the city, in his custody, in banks on a time deposit basis at the highest rate of interest obtainable for such time deposit, as authorized by 62 O.S. § 87.

(c) The deposits of the city shall be secured by the unit collateral system provided by 62 O.S. §§ 516.1–516.8. The provisions of these sections are adopted insofar as they are applicable to the city.

(Code 1977, § 1-67)

State law reference—Deposits by treasurers, 62 O.S. § 516.5.

Sec. 2-78. Claims; warrants; disbursement of funds.

(a) Claims against the city shall be made and processed as provided by 62 O.S. §§ 304.1 and 304.2 and 51 O.S. §§ 151–170 (and any other applicable provisions of law).

(b) Warrants shall be issued and processed, and funds of the city disbursed only for legal purposes and in accordance with 62 O.S. §§ 372, 471–485 and 551–555.

(Code 1977, § 1-73)

Sec. 2-79. Sinking fund.

(a) The officers of the city shall handle, deposit, invest and use the money in the sinking fund of the city in the manner provided by 62 O.S. §§ 431–451 (and any other applicable provisions of law).

(b) The city treasurer shall deposit daily all uninvested sinking fund money in his hands, in banks as provided by law.

(Code 1977, § 1-63)

State law reference—Deposits by treasurers, 62 O.S. § 516.5.

⁶**Cross references**—Sale of impounded animals, § 4-5; perpetual care fund for cemetery, § 6-4; pawnshops, § 9-8; costs in municipal court, § 11-17; sewer fund, § 18-67.

State law references—Transfer of appropriation balances, 62 O.S. §§ 461–463; levies of ad valorem tax, 68 O.S. §§ 2482 *et seq.*; supplemental and additional appropriations, 68 O.S. § 24101; county excise board, 68 O.S. §§ 2457, 2486 *et seq.*

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Sec. 2-80. Bonds.

Bonds of the city shall be issued, sold, paid and handled in all respects as provided by 62 O.S. section 351 et seq., (and other applicable provisions of law).

(Code 1977, § 1-74)

Charter references—Debts generally, § 1-1; issuance of bonds, § 1-3.

Sec. 2-81. Insurance.

(a) *City property.* The city council may insure property of the city as authorized by Oklahoma Statutes. Any money received as a result of destruction, damages or loss of such insured property, shall be accounted for and used as provided by said statutes.

(b) *Damages.* The city council may purchase insurance to pay damage to persons sustaining injuries or damages to property, as a result of negligent operation of motor vehicles or motorized equipment of the city, and professional liability insurance for malfeasance of city police officers and other city officials.

(Code 1977, § 1-76)

Cross reference—Motor vehicles and traffic, Ch. 10.

State law references—Municipal property insurance, 19 O.S. § 627; motor vehicle, motorized equipment insurance, 11 O.S. § 23-106.

Sec. 2-82. Examination and audit of financial records.

(a) *Designation of accountant.* The city council shall designate a qualified public accountant to audit the financial records and transactions of the city treasurer, the city clerk and all other personnel of the city who keep financial records and make financial transactions, as of the end of every fiscal year at least; such accountant shall make such audit and shall report to the council as provided by 11 O.S. § 17-105.

(b) *Audit by state.* Upon petition of a number of voters of the city equal to at least one-fourth of the number of people voting at the last general city election for the city office receiving the highest number of votes, the financial books and records of the city will be audited by the state auditor and inspector, as provided by 74 O.S. §§ 212 and 215.

(Code 1977, § 1-75)

Charter reference—Fiscal year, § 4-6.

Sec. 2-83. Purchases, sales, contractual services--Conflict of interest.

(a) No member of the city council may sell, or furnish for a consideration, any materials or supplies for use of the city; any member of the council voting for, consenting to, or being a party to, such contract or purchase is personally liable as provided by 62 O.S. §§ 371-373.

(b) The city council shall not make any contract with any of its members, or in which any of its members shall be directly or indirectly interested, such contracts being prohibited by 62 O.S. § 371.

(c) No officer of the city may become directly or indirectly interested individually in any sale, lease or contract which he is authorized to make, such being prohibited by 21 O.S. § 344.

(Code 1977, § 1-68)

Sec. 2-84. Same--Responsibility of city manager, council.

(a) All purchases of supplies, materials, equipment and contractual services for the city, and sales thereof by the city, shall be made by the city manager, pursuant to authorizations granted by the council, and be subject to the supervision and control of the council.

ADMINISTRATION

(b) Every contract for, or purchase of, supplies, materials, equipment or contractual services for more than five hundred dollars (\$500.00) shall require the prior approval of the council, unless approved in the annual budget. (Code 1977, § 1-69)

Charter reference—Purchases and sales, §§ 4-3 *et seq.*

State law references—Contracts and expenditures, 62 O.S. §§ 310.1 *et seq.*; central purchasing, 74 O.S. §§ 85.1 *et seq.*; supplies furnished by members of council, 21 O.S. § 355 *et seq.*; purchase of vehicles from state, 47 O.S. § 2-123; person with criminal background prohibited to sell to city, 51 O.S. § 24.3.

Sec. 2-85. Same—Competitive bidding required; procedure; exceptions.

(a) Before any purchase of, or contract for, supplies, materials, equipment or contractual services is made, except as otherwise provided in subsection (b), the city manager shall submit, to at least three (3) persons dealing in and able to supply the same, a request for quotation (or invitation to bid) and specifications, to give them opportunity to bid; and/or publish notice of the proposed purchase in a newspaper of general circulation within the city. He shall favor a person in the city when this can be done without additional cost to the city, but he shall submit requests for quotation to those outside the city when this may be necessary to secure bids, to create competitive conditions, or when he thinks that by so doing he can make a saving for the city, and he shall purchase from them when he can make a saving for the city. All bids shall be sealed and opened in public at a designated time and place. He may repeatedly reject all bids, and again may submit to the same or other persons the request for quotation (or invitation to bid), and/or again publish notice of the proposed purchase. He may purchase only from the bidder whose bid is most advantageous to the city, considering price, quality, date of delivery, etc.; and, in case of a tie, may purchase from one of those tying, or may divide the purchase among those tying, always accepting the bid or bids most advantageous to the city.

(b) The following may be purchased without giving an opportunity for competitive bidding:

(1) For projects, purchases or expenditures subject to the "Public Competitive Bidding Act of 1974" (61 O.S. § 101 *et seq.*) as now enacted or hereinafter amended, purchases or expenditures exempt from competitive bidding by definition pursuant to 61 O.S. § 102(5) as now enacted or hereinafter amended;

(2) Supplies, materials, equipment or contractual services now otherwise subject to the "Public Competitive Bidding Act of 1974" (61 O.S. §§ 101 *et seq.*) as now enacted or hereinafter amended:

- a. Whose cost does not exceed twenty thousand dollars (\$20,000.00) in a single transaction;
- b. Which can be furnished only by a single dealer, or which have a uniform price wherever bought;
- c. When purchased at a price not exceeding a price set therefor by the state purchasing division, or any other state agency hereafter authorized to regulate prices for things purchased by the state (whether such price is determined by a contract negotiated with a vendor or otherwise);
- d. Purchased from another unit of government at a price deemed below that obtainable from private dealers, including government surplus;

(3) Equipment to replace existing equipment which has become inoperable, when the council declares the purchase an emergency.

(4) Contractual services (natural gas, telephone service, etc.) purchased from a public utility at a price or rate determined by the state corporation commission or other governmental authority;

(5) Contractual services of a professional nature, such as engineering, architectural and medical services.

(Code 1977, §§ 1-70, 1-71; Ord. 876, §1, 3-14-00; Ord. 887, § 1, 5-8-01)

State constitution reference—Powers and duties of state corporation commission, Art. 9, § 18.

State law references—Competitive bids, 61 O.S. §§ 101 *et seq.*; central purchasing, 74 O.S. §§ 85.1 *et seq.*; purchases generally, 11 O.S. §§ 22-101, 22-104.

Sec. 2-86. Sale of surplus or obsolete materials.

(a) *Declaration of council.* No surplus or obsolete supplies, materials or equipment of a value of more than five thousand dollars (\$5,000.00) may be sold until the council shall have declared them obsolete or surplus.

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(b) *Advertisement or notice required.* Before the city manager sells any surplus or obsolete supplies, materials or equipment, except as otherwise provided in subsection (d), he shall advertise them for sale in a newspaper of general circulation in the city or give notice in such other manner as he deems necessary to adequately reach prospective buyers, to give them an opportunity to make bids.

(c) *Bidding procedure.* All bids shall be sealed and opened in public at a designated time and place, except when the sale is by auction. The city manager may repeatedly reject all bids and advertise or give notice again. He may sell such supplies, materials or equipment only to the highest responsible bidder for cash. In case of a tie, he may sell to either of the bidders tying, or may divide the sale among two (2) or more tying, always selling to the highest responsible bidder or bidders for cash.

(d) *Exceptions.* The city manager may sell the following without giving an opportunity for competitive bidding:

- (1) Surplus or obsolete supplies, materials or equipment, whose total value does not exceed five hundred dollars (\$500.00) in a single transaction; and
- (2) Supplies, materials or equipment, when sold at a price at least as great as that paid by the city for the same.

(Code 1977, § 1-72; Ord. 877, § 1, 3-14-00)

Charter reference—Sale of property valued at more than \$5,000.00, § 4-4.

State law reference—Sale of property, 11 O.S. §§ 22-101, 22-104.

ARTICLE VI. TOURISM⁷

Sec. 2-90 Tourism Board Created; Composition; Terms; Officers

(a) There shall be a Tourism Board, consisting of five (5) members appointed for overlapping terms of five (5) years, except for the initial terms as set forth in subsection (b) below, to serve until their respective successors have been appointed and qualified.

(b) Upon passage of this section, the members currently serving as the initial board shall continue to serve out their existing terms as previously appointed. Thereafter, as said initial members' respective terms expire, a member shall be appointed to fill said expired positions, each such subsequent appointee serving a term of five (5) years as provided in subsection (a) of this section.

(c) Appointees, including the initial appointees, may serve two consecutive terms of up to five (5) years each (those initial appointees with shorter than five- (5-) years terms still being limited to two consecutive terms despite the short initial term). Any member who has served for two (2) consecutive terms may not be appointed to serve on the Tourism Board again until such member has been off the Tourism Board for at least two (2) years prior to such subsequent appointment.

(d) Every year, at the time prescribed for the beginning of the term of a new member or re-appointed member, or as soon thereafter as practicable, the Tourism Board shall elect a chairman, a vice chairman and a secretary. The chairman shall preside at meetings and oversee the conduct meetings of the Tourism Board as prescribed by this Article and the Rules and Regulations of the board as adopted. The vice chairman shall fulfill those duties in the absence of the chairman. The secretary shall keep and/or certify the minutes of the board to the city clerk as required by Section 2-22 of Article II of this Chapter..

(e) An effort shall be made to secure the services on the board of those persons best qualified to consider and serve the best interests of the community with regard to the duties prescribed for the Tourism Board, and the Charter and Code of the City of Pauls Valley.

(f) Vacancies occurring otherwise than through expiration of a term shall be filled, only for the unexpired terms, by the mayor with the approval of a majority of the council.

Supp. 9 (7-31-08)

^{FN} Cross References – Ordinance 886 mentioned in this Article is codified as Article V of Chapter 17 of this Code.

ADMINISTRATION

Sec. 2-91 Rules and regulations; Regular and Special Meetings.

(a) The Tourism Board shall prescribe and adopt rules and regulations governing and controlling the transaction of business before it and shall keep a public record of its regulations, transactions and findings.

(b) Members of the board shall determine the time and place of their regular meetings, subject to the provisions of Section 2-24 of this Chapter 2. Regular meetings shall be held at least once each month.

(c) The chairman or any four (4) members may call special meetings of the board.

(d) All meetings shall comply with Section 2-22 of this Chapter 2, with the exception that the Tourism Board shall meet at least once per month, as required by subsection (b) of this Section, instead of the minimum of six (6) times per month prescribed by said Section 2-22.

Sec. 2-92 Duties and powers.

The Tourism Board shall have the following duties and powers:

- (1) To develop an overall plan for the promotion and development of tourism within and for the city for the overall growth and improvement of the community.
- (2) To develop a procedure for the consideration of requests from citizens, groups and/or other entities for expenditures of the tourism tax imposed and collected pursuant to City Ordinance No. 886.
- (3) Consistent with its overall plan for the promotion and development of tourism within and for the city, to consider and make recommendations to the city council regarding requests from citizens, groups and/or other entities for expenditures of the tourism tax imposed and collected pursuant to City Ordinance No. 886.
- (4) Consistent with its overall plan for the promotion and development of tourism within and for the city, to make its own recommendations to the city council regarding expenditures of the tourism tax imposed and collected pursuant to City Ordinance No. 886.
- (5) To keep the city council, city management and administrative service of the city, as appropriate, apprised of needs, trends and pertinent information for the purpose of improving, promoting and developing tourism within and for the city.
- (6) To prepare and recommend to the city council for adoption, ordinances or amendments to existing ordinances to assist in the furtherance, improvement, promotion and development of tourism within and for the city.

2-93 Requests for Tourism Funds; Other Tourism Matters.

All requests from citizens, groups and/or other entities for expenditures of the tourism tax imposed and collected pursuant to City Ordinance No. 886, and all other matters that fall within the duties and powers of the Tourism Board, as specified in this Article, that may come before the city council, the city manager or any city employee shall be referred to the Tourism Board for consideration in a manner consistent with this Article and the Rules and Regulations of the Tourism Board as adopted from time to time. If the Tourism Board fails to make a recommendation or report, or take other appropriate action regarding any matter brought before it or referred to it within sixty (60) days, or other agreed upon time, the council may proceed to act upon such matter. Provided, however, that this section shall not apply in the case of matters requiring the immediate attention of the city council where the ordinary procedure for making requests for expenditures of the tourism tax or other matters falling within the duties of the Tourism Board do not allow for such immediate attention.

2-94 Council Not Prohibited from Using Tourism Funds.

Nothing in this Article shall be construed to prohibit the city council from budgeting and/or expending tourism funds collected pursuant to the tourism tax imposed by City Ordinance 886 at any time in a manner consistent with said Ordinance, and nothing herein shall be construed to require the city council to obtain approval or recommendation of the Tourism Board prior to the budgeting or expenditure of such funds by the city council.

(Ord. No. 922, § 1, 7-24-07; Ord. No. 927, § 1, 5-3-08)

