

**PART 2**

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CHAPTER 1

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SECTION 2-101      FORM OF GOVERNMENT.

The Town of Sperry is governed under the statutory Town Board of Trustees form of government as authorized by 11 O.S. § 12-101, *et seq.* The Board of Trustees shall consist of five (5) trustees, who are nominated at large and elected at large. All powers of the town shall be exercised in the manner prescribed by the town code, by state statute, and in such manner prescribed by ordinance or resolution duly adopted by the town Board of Trustees.

SECTION 2-102      MEETINGS OF THE BOARD OF TRUSTEES.

A. Regular meetings of the Board of Trustees shall be held on the second Thursday of every month at 6:00 p.m. at Sperry Town Hall unless, in the case of an emergency or inability to hold a regular meeting at Sperry Town Hall, the Board of Trustees designates another place. If such a Thursday falls on a town holiday, the regular meeting shall be held at that time on the next Thursday which is not a holiday. Any adjourned meeting may be held at any other place in the town designated by the Board of Trustees.

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

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

SECTION 2-103      MAYOR'S ELECTION, POWERS AND DUTIES.

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 to be held after the Trustee terms begin, or as soon thereafter as practicable. The Mayor shall preside at meetings of the Board of Trustees. The Mayor shall have all the powers and

duties prescribed by state law, and as may be prescribed by ordinance or resolution of the Board of Trustees.

SECTION 2-104      TOWN CLERK-TREASURER, ELECTION, CLERK DUTIES.

A.      The Town Clerk-Treasurer is an elected officer of the town. The Town Clerk-Treasurer is elected for a four (4) year term. The Town Clerk-Treasurer shall have such powers, duties and functions related to their duties as may be prescribed by law or ordinance.

B.      The Town Clerk-Treasurer shall:

1.      Keep the journal of proceedings of the Board of Trustees;
2.      Enroll all ordinances and resolutions passed by the Board of Trustees in a book or set of books kept for that purpose;
3.      Have custody of documents, records, and archives as may be provided for by law or by ordinance, including records, books and deeds of the town cemetery and the minutes of its meetings, and have custody of the town seal;
4.      Attest and affix the seal of the town to documents as required by law or ordinance;
5.      Collect or receive revenue and other money for funds for the town, including monies due the fire department by its members, and keep proper records and accounts of all financial transactions of the office;
6.      Countersign all warrants properly and legally drawn by the town;
7.      Have such other powers, duties and functions related to the statutory duties of the clerk as may be prescribed by law or ordinance.

C.      The person serving as Town Clerk-Treasurer may be employed by the town to perform duties not related to the statutory duties of clerk or treasurer as may be provided by the Town Board of Trustees by ordinance. Such ordinance shall fix the compensation for such duties not related to the statutory duties of clerk or treasurer.

SECTION 2-105      TOWN CLERK-TREASURER, DUTIES AS TREASURER.

The Town Clerk-Treasurer shall have the following treasurer duties:

Administration and Government

A. Maintain accounts and books to show where and from what source all monies paid to the town have been derived and to whom and when any monies have been paid;

B. Deposit daily funds received for the town in depositories as the Board of Trustees may designate; and

C. Have such other powers, duties and functions related to the statutory duties of the treasurer as may be prescribed by law or ordinance.

SECTION 2-106      TOWN ATTORNEY.

The town attorney is an officer of the town and is appointed and removed by the Board of Trustees. The town attorney shall have such duties as are prescribed by the Town Board of Trustees.

SECTION 2-107      ADMINISTRATIVE DEPARTMENTS, OFFICERS AND AGENCIES.

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

SECTION 2-108      BONDS FOR TOWN OFFICERS AND EMPLOYEES.

The Town Clerk-Treasurer and such officers and employees as are designated by the Town Board of Trustees or required by law shall, before entering upon the discharge of their duties, execute and file with the Town Clerk-Treasurer surety bonds issued by a surety company authorized to operate in the State of Oklahoma conditioned upon the faithful performance of their duties. The town shall pay the premium on such bonds.

SECTION 2-109      COMPENSATION OF MAYOR AND BOARD OF TRUSTEES.

Compensation of elected officers of the town shall be as provided by the ordinances of the town.

Cross Reference:      See Ordinances Table and ordinances on file with the town clerk-treasurer compensation of the Mayor and Board of Trustees.

SECTION 2-110      BOOKS DELIVERED TO SUCCESSOR.

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

SECTION 2-111      TOWN ELECTIONS.

Pursuant to Section 16-101, *et seq.* of Title 11 of the Oklahoma Statutes, Town elections shall be conducted through the election boards of Tulsa and Osage Counties for electing its officers and deciding initiative and referendum questions.

SECTION 2-112      TOWN ADMINISTRATOR.

The Town Administrator is an officer of the town. The Board of Trustees may, but is not required, to appoint a Town Administrator. A Town Administrator may be appointed for an indefinite term by a vote of a majority of all the members of the Board of Trustees, or the Board of Trustees may enter into a contract the person appointed as the Town Administrator for a fixed period of time. Selection of a Town Administrator shall be based on the basis of executive and administrative qualifications, training and experience. No member of the Board of Trustees shall be appointed as Town Administrator or act as Town Administrator during their term of office or within one year of the expiration of their term.

B. The Town Administrator shall be the chief administrative officer and head of the administrative branch of the town government, including all branches and departments, except the Town Judge, Town Prosecutor, Town Attorney and all elected officials of the Town of Sperry, Oklahoma. The administrator shall execute the laws and ordinances and administer the government of the Town of Sperry, Oklahoma, and shall be responsible and answer to the Board of Trustees. Duties of the Town Administrator shall include:

1. Temporarily appoint, and when deemed necessary for the good of the service, suspend employees of the Town, not an elected officer. The Town Administrator shall make recommendations to the Board of Trustees of appointment and separation of employment;
2. Supervise, coach and progressively discipline indirectly and directly all administrative departments, agencies and employees appointed as hereinabove provided;
3. Prepare a budget annually and submit it to the Board of Trustees, be responsible for the budget after it goes into effect, and recommend to the Board of Trustees any changes in the budget which he or she deems desirable or necessary;
4. Submit to the Board of Trustees a report as of the end of the fiscal year on the finance and administrative activities of the town and make such recommendations to the Board of Trustees on the matters of policy and other matters as may seem to him or her, necessary and proper;
5. Have such other duties, powers, and functions as may be delegated to him or her by the Board of Trustees consistent with this chapter as the Board of Trustees may prescribe.

SECTION 2-113      VICE-MAYOR'S ELECTION, POWERS AND DUTIES.

The Board of Trustees shall elect from among its members a Vice-Mayor. The Vice-Mayor shall be elected in each odd-numbered year at the first Board of Trustees Meeting to be held after the trustee term begins, or as soon thereafter as practicable. The election of the Vice-Mayor shall take place after the election of the Mayor. The Vice-Mayor shall preside at meetings of the Board of Trustees in the Mayor's absence. The Vice-Mayor shall act as Mayor during the absence, disability or suspension of the Mayor. The Vice-Mayor shall have such other powers and duties as may be prescribed by ordinance or resolution.

CHAPTER 2

RETIREMENT AND PENSIONS

ARTICLE A

SOCIAL SECURITY

Section 2-201 Town officers and employees under federal social security.

ARTICLE B

FIREFIGHTERS PENSION AND RETIREMENT SYSTEM

Section 2-111 System created.

Section 2-112 System to be operated in accordance with law.

SECTION 2-201 TOWN OFFICERS AND EMPLOYEES UNDER FEDERAL SOCIAL SECURITY.

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

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

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

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

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

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

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

ARTICLE B

FIREFIGHTERS PENSION AND RETIREMENT SYSTEM

SECTION 2-211      SYSTEM CREATED.

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

State law reference: Firefighter's Pension and Retirement System, 11 O.S. § 49-100.1 *et seq.*

SECTION 2-212      SYSTEM TO BE OPERATED IN ACCORDANCE WITH LAW.

A. The Firefighters Pension and Retirement System as established by 11 O.S. § 49-100.1, *et seq.* is hereby adopted by reference.



CHAPTER 3

TOWN RECORDS

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Section 2-307	Procedures regarding copying of open public records.
Section 2-308	Fees.

SECTION 2-301      APPOINTMENT OF OFFICIAL CUSTODIANS.

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

All public records kept and maintained in the Town Clerk-Treasurer's office and all other public records not provided for elsewhere in this chapter.

The Town Board of Trustees may designate and appoint other official record custodians as provided by motion, resolution or ordinance.

State Law Reference: Open Records Act, 51 O.S. Sections 24.A1 to 24.A18.

SECTION 2-302      DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

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

SECTION 2-303      DUTIES OF CUSTODIANS.

All town officials and employees appointed or designated under this chapter shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the town; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and carry out the procedures adopted by the board of trustees for inspection and copying open public records.

SECTION 2-304      REQUESTS TO BE DIRECTED TO CUSTODIANS.

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

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

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

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

1. Consistent with the policy, duties and procedures established by the Oklahoma Open Records Act, record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records;

2. Record custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied;

3. Record custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time;

4. All inspections and copying of open public records shall be performed by or under the supervision of, the record custodian responsible for such records;

5. All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution;

6. All record inspection and copying forms are to be completed by the person requesting the record: The record custodian may demand reasonable identification of any person requesting a record;

7. Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has demanded that prepayment of all or part of such fees be made. Fees are to be paid to the record custodian or town clerk-treasurer;

8. The record custodian or town clerk-treasurer shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in Section 2-308 of this code;

9. No record search or copying fee shall be assessed against officers or employees of the town who make requests which are reasonably necessary to the performance of their official duties;

10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;

11. Removal of open public records from the office where kept and maintained, for purposes of inspection or the making of copies, shall not be permitted; and

12. The above procedures, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the record custodian.

SECTION 2-306      PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS.

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

1. Record custodians shall handle all inspection requests in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records;

2. All request forms must be completed by the party requesting the record. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian and presented to the record custodian;

3. A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the custodian shall assist in making such identification; and

4. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the Town Clerk-Treasurer.

SECTION 2-307      PROCEDURES REGARDING COPYING OF OPEN PUBLIC RECORDS.

The following procedures apply regarding copies of records:

1. Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records;

2. All request forms must be completed by the party requesting the copies. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian;

3. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such records; and

4. No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge.

SECTION 2-308      FEES.

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

Administration and Government

B. A fee per page shall be charged for photocopying or reproducing an open public record, such fee to cover the cost of labor, materials and equipment, as follows:

1. Photocopy of a public document or computer-generated report, per page, not exceeding 8 ½ " X 14" in size:

\$0.25

2. Photocopy of public document exceeding 8 ½ " X 14" in size, per page:

\$1.00

3. Certified copies of public records, per page:

\$1.00

4. Search fee for time spent locating requested records, when the request is solely for a commercial purpose or clearly would cause excessive disruption of the essential functions of the Town, for each quarter (1/4) hour or any portion thereof:

\$2.50

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

D. The search fee as set forth above in Section 208(B)(4) shall be charged a requester who is using the record solely for a commercial purpose or which would clearly cause excessive disruption of the essential functions of the Town.

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