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CHAPTER 1

GOVERNMENT ORGANIZATION

Section 2-101 Council manager form of government.

SECTION 2-101 COUNCIL MANAGER FORM OF GOVERNMENT.

The city is governed by the council manager form of government. The powers of the city are vested in the city council.

Charter Reference: Form of government, Sections 1-4 of the charter.

Chapter 2  
City Council

Section 2-201	Elections to be held; three-year terms.
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Section 2-203	Meetings of the council.
Section 2-204	Mayor, election of vice-mayor, duties.
Section 2-205	Compensation.
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Section 2-201      ELECTIONS TO BE HELD; THREE-YEAR TERMS.

The following officers are to be elected for three-year terms:

1. Councilmen from Wards One through Four (4); and
2. The councilman at large.

Charter Reference: City council, elections, Section 33 of the charter.

Section 2-202      TIME OF REGULAR MEETINGS OF THE COUNCIL.

The council of the city shall hold a regular meeting on the first and third Mondays of every month at ~~7:00~~ P.M. If such a meeting day falls on a holiday, as designated by the city council, the regular meeting shall be held on the next day which is not a Sunday or holiday. (Prior Code, Sec. A1)

Section 2-203      MEETINGS OF THE COUNCIL.

Every meeting of the council shall be held in the council chamber in the city hall unless, in case of an emergency, the mayor or the councilmen calling a special meeting designate another place in the city for the holding of the special meeting. Any adjourned meeting may be held at any other place designated by the council. (Prior Code, Sec. A2)

State Law Reference: Open meeting act requirements, 25 O.S. Sections 301 et seq.; Absence from meetings of council, grounds for vacancy, 11 O.S. Section 8-108.

Section 2-204      MAYOR, ELECTION OF VICE-MAYOR; DUTIES.

- A. The mayor shall be the councilman at large.
- B. The council shall elect from among its members a vice-mayor. The vice-mayor shall be elected in each year at the first council meeting held after council terms begin, or as soon thereafter as practicable, and he shall serve until his respective successor has been elected and qualified.
- C. The mayor shall preside at meetings of the council, and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He

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shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties except that he shall sign all conveyances and other written obligations of the city as the council may require. The vice-mayor shall act as mayor during the absence, disability or suspension of the mayor.

Charter Reference: Mayor and vice mayor, Section 5 of the charter.

Section 2-205      COMPENSATION.

The mayor or members of the city council may not receive any compensation as such for any services rendered the city other than actual expenses.

Charter References: Similar provisions, Section 6 of the charter.

Section 2-206      RULES OF PROCEDURES

A. The council may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the council may prescribe.

B. The following rules of procedure shall apply to any regular or special meeting of the council unless two (2) members agree to waive the rule or rules:

1. At the request of the mayor or any councilmember, all motions shall be reduced to writing;

2. A motion to reconsider any of the proceedings of the council shall not be entertained unless be it made by a member who previously voted in the majority;

3. No motion shall be debated or put until it be seconded and stated by the mayor. It is then and not until then in possession of the council and cannot be withdrawn but by leave of the council;

4. A motion to adjourn shall be in order at any time, except as follows:

- a. When repeated without intervening business or discussion;
- b. When made as interruption of a member while speaking;
- c. When the previous question has been ordered; or
- d. While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned;

5. When a question is under debate, no motion shall be received but:

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- a. To adjourn;
- b. To lay on the table;
- c. For the previous question;
- d. To postpone to a day certain;
- e. To commit;
- f. To amend; or
- g. To postpone indefinitely,

which several motions shall have precedence in the order they stand arranged;

6. When a proper motion is made, but information is wanted, the motion is to postpone to a day certain;

7. Matters claiming present attention for which it is desired to reserve for more suitable occasion, the order is a motion to lay on the table; the matter may then be called for at any time. If the proposition may need further consideration at the hands of a committee, the motion is to refer to a committee, but if it need but a few and simple amendments, the council shall proceed to consider and amend at once;

8. On an amendment's being moved, a member who has spoken on the main question may speak again to the amendment;

9. The question is to be put first on the affirmative and then on the negative side. After the affirmative part of the question has been put, any member who has not spoken before to the question may arise and speak before the negative be put;

10. When a question has been moved and seconded and has been put by the presiding officer in the affirmative and negative, it cannot be debated unless under motion for reconsideration;

11. Robert's Rules of Order shall govern matters not included or covered in this code or in rules adopted by the city council; and

12. These rules may be temporarily suspended by unanimous consent of all the members; but shall not be repealed, altered, or amended, except by concurrence of two-thirds (2/3) vote of all councilmembers elected, or may be temporarily suspended by two-thirds (2/3) of all members elected or appointed to the council.

Section 2-207      ABSENTEE BALLOTS

A. Laws governing state and council General Elections regarding absentee voting shall be applicable to all elections held for the purpose of electing officers of the City of Dewey, Oklahoma or issues presented on behalf of the City of Dewey, Oklahoma.

## CHAPTER 3

## CITY MANAGER

Section 2-301 City manager appointment.  
 Section 2-302 Duties.

SECTION 2-301 CITY MANAGER APPOINTMENT.

The council shall appoint a city manager as chief administrative officer of the city. He shall have all powers and duties prescribed for him by Section 22 of the city charter, by other provisions of the charter, and by ordinance. He shall have supervision and control of all administrative departments, agencies, officers and employees of the city government, and may remove any such officer or employee without cause for the good of the service. (Prior Code, Sec. A5)

Charter Reference: City manager, appointment and duties, Sections 20, 22 of the charter.

SECTION 2-302 DUTIES.

The city manager shall be the chief executive officer and head of the administrative branch of the city government. He shall execute the laws and administer the government of the city, and shall be responsible therefor to the council. He shall:

1. Appoint, and when necessary for the good of the service, remove, demote, lay off or suspend all heads of administrative departments and other administrative officers and employees of the city except as otherwise provided by law. The manager or the council by ordinance may authorize the head of a department, office or agency to appoint and ~~remove~~ the subordinates in such department, office or agency;

2. Supervise and control all administrative departments, offices and agencies;

3. Prepare a budget annually and submit it to the council and 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 after 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 recommendations as he deems desirable; and

6. Perform such other duties as may be prescribed by the charter, by law or by ordinance.

Cross Reference: For purchases by the city manager, see Sections 7-101 et seq. of this code.



## CHAPTER 4

## FINANCE DEPARTMENT

Section 2-401	City clerk.
Section 2-402	Duties of city clerk.
Section 2-403	Same person may hold both offices.
Section 2-404	City treasurer.
Section 2-405	Duties of city treasurer.

SECTION 2-401      CITY CLERK.

The city clerk shall be an officer of the city, appointed by the city manager for an indefinite term, and removable by the manager. The city clerk shall be clerical officer of the council and shall be head of the finance department. (Prior Code, Secs. A3, A6)

Charter Reference: City clerk as clerical officer of the council, Section 9; city clerk as head of finance department, Section 25 of the charter.

SECTION 2-402      DUTIES OF CITY CLERK.

The city clerk shall collect or receive revenue and other money for the city, and shall deposit the same daily as required by law. The clerk shall attend all council meetings and shall keep the journal of the proceedings of the council. He shall enroll in a book kept for the purpose, all ordinances and resolutions passed by the council. He shall keep the seal of the city and attest the signature of the mayor or vice mayor. He shall maintain a general accounting system for the city. He shall perform such other duties as may be required by the charter, law or ordinance for the city clerk. (Prior Code, Secs. A3, A7)

SECTION 2-403      SAME PERSON MAY HOLD BOTH OFFICES.

The same person may hold the office of city clerk and office of city treasurer at the same time. The manager may appoint as city treasurer the same person who the manager has appointed as city clerk and vice versa. (Prior Code, Sec. A8)

SECTION 2-404      CITY TREASURER.

There shall be a treasurer for the city, appointed by the city manager for an indefinite term. The treasurer is an officer of the city within the finance department. (Prior Code, Sec. A8)

Charter Reference: City treasurer, creation and duties, Section 25 of the charter.

SECTION 2-405      DUTIES OF CITY TREASURER.

The treasurer shall deposit daily all funds coming into his hands in such depositories as the council may designate; and shall disburse such funds in the manner provided by applicable law or ordinance. He shall have such other powers, duties, and functions as may be prescribed by the charter, by applicable law or by ordinance. (Prior Code, Sec. A9)

## CHAPTER 5

## OTHER DEPARTMENTS AND PERSONNEL

Section 2-501	City attorney.
Section 2-502	City-county health department; director.
Section 2-503	Officers and employees; number and classes; compensation.
Section 2-504	Certain personnel to be bonded.
Section 2-505	Drug free work place.
Section 2-506	Validity.

Section 2-501      CITY ATTORNEY.

The city attorney as appointed by the city manager for an indefinite term, and is removable by the manager. The city attorney is an officer of the city. The city attorney is the chief legal advisor of the council and all other officers, departments, and agencies of the city government in matters relating to their official powers and duties. He represents the city in proceedings in the courts, and performs all services incident to his position which may be required by law or ordinance. (Prior Code, Secs. A15, A16)

Charter References: City attorney, Section 23 of the charter.

Section 2-502      CITY-COUNTY HEALTH DEPARTMENT; DIRECTOR.

If so designated by the city manager, the cooperative health department of the county or other designee shall have the powers of a city health department and city health officer respectively for the city. References to health department and health officer in this code and in other ordinances of the city mean the department and its director or other designee of the city manager unless the context clearly indicates another meaning. (Prior Code, Secs. A21, A22)

Section 2-503      OFFICERS AND EMPLOYEES; NUMBER AND CLASSES; COMPENSATION.

The council, by motion, resolution, or ordinance, may regulate the number of classes of officers 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. (Prior Code, Sec. A25)

Charter Reference: Salaries and compensation, Sections 6,7 of the charter.

Section 2-504      CERTAIN PERSONNEL TO BE BONDED.

A. Before entering upon their official duties, 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 such amounts as set or approved by the council:

1. City manager;

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2. City clerk;
3. City treasurer; and
4. City clerk and city treasurer (if the same person holds both positions).

B. The council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded.

C. The city shall pay the premiums on the bonds. (Prior Code, Sec. A26)

Charter References: Bonds of officers, Section 43 of the charter.

State Law References: Treasurer and such officers designated by ordinance to give bond, city pay premium, 11 O.S. Section 8-105.

Section 2-505. Drug Free Workplace Policy

A. It is the policy of the City of Dewey to maintain a work environment free from the unlawful manufacture, distribution, dispensation, possession, use or effect of a controlled substance (as defined by the Federal Control Substance Act or similar state statutes) and free from the use, possession, and effect of alcoholic beverages. The City of Dewey recognized that drugs and alcohol impair employee judgement, which may result in increased safety risks, hazards to the public, employee injuries, faulty decision-making, and employee to be in a state of mind and physical condition fit to complete their assigned duties safely and competently during work hours.

1. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or the possession or use of an alcoholic beverage by an employee while on duty or during lunch and/or other breaks or at any time while the employee is on a City work site or on City working time or at any time while using a City vehicle or other motorized equipment is absolutely prohibited and constitutes cause for termination of employment.

2. Any employee convicted (a finding of guilt, including a plea of no contest, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations federal or state criminal statutes) of violating criminal statutes pertaining to controlled substances and/or alcohol occurring at any time on or off City property, or on a City work site or on City working time while conducting City business, must immediately (no later than 5 days from the date of the conviction) report the conviction to their supervisor or be subject to disciplinary action up to and including termination of employment. Such conviction may itself also constitute grounds for disciplinary action up to and including termination of employment.

3. All employees using a prescription or non-prescription drug which may in any way affect their job performance must promptly notify their supervisor in writing as to the possible effects of such medication on the performance of their assigned duties and related physical/mental capability. A City Department Head or Supervisor may require a physician's statement if the employee indicates that there is a need to use a prescription or non-prescription drug for three days or longer.

B. If a City Department Head or Supervisor has reasonable suspicion that an employee, at work or when reporting to work, appears to be under the influence of a controlled substance and/or of an alcoholic beverage and therefore appears to be impaired and unfit for duty, the employee will be required to consent to a drug/alcohol test. If an employee refuses to consent to a drug/alcohol test, disciplinary action, up to and including termination of employment, will be initiated.

1. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of a controlled substance and/or of an alcoholic beverage so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform the job safely is reduced.

2. Observations which constitute a factual basis for determining reasonable suspicion may include, but are not limited to the odor of an

alcoholic beverage or drug; erratic behavior; violent mood swings; excessive absenteeism, including tardiness; a medical emergency which could be attributed to substance or alcohol abuse; physical on-the-job evidence of substance or alcohol abuse; documented deterioration in job performance, or an accident which is caused by the apparent action or inaction of the employee.

3. The Department Head or Supervisor will describe the incident, in writing, documenting the circumstances leading to the conclusion that a drug/alcohol test is necessary. Such documentation will include the date, time, place, description of incident, and statements of witnesses. Any other evidence such as drugs, drug paraphernalia, containers, etc. will be collected.

4. After documenting the incident, the Department Head will contact the City Manager to determine if drug/alcohol testing is appropriate, and, if appropriate, to arrange for testing. If drug/alcohol testing is appropriate, the Supervisor or Department Head will transport the employee to a drug/alcohol test collection facility. The drug/alcohol test may be a type based on urine, or other type of sample as appropriate. After testing, the employee will be transported home by his supervisor or relative and told not to report to work until the results of the test are known. If the employee's supervisor reasonably determines that the employee is incapable of being managed, the Police Department may be contacted for assistance.

C. In the event of a workplace accident, not necessarily resulting in an on-the-job injury, a City Department Head or Supervisor may require those employees in the work group experiencing the accident to submit to a drug/alcohol test under the guidelines set forth above for reasonable suspicion testing.

1. Additionally, a City Department Head or Supervisor may conduct a reasonable search of any City property at any time and especially when employees in a work group experience an accident. City property includes, but is not limited to, City owned or leased buildings, parking facilities, City vehicles and/or motorized equipment, containers located in or on City vehicles and/or motorized equipment, as well as lockers and desks.

2. The personal property of City employees may also be searched if the employee's personal property is on City property and the employee signs a consent form. Whether or not a consent form is signed, any information obtained which may relate to violations of federal or state criminal statutes will be transmitted to the appropriated law enforcement agency.

#### Section 2-506 Validity.

If any provision of this Ordinance is held void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

## CHAPTER 6

## SOCIAL SECURITY

Section 2-601	Declaration of policy to come under coverage.
Section 2-602	Execution of agreement with state agency.
Section 2-603	Withholdings.
Section 2-604	Contributions.
Section 2-605	Records and reports.
Section 2-606	Exclusions.

SECTION 2-601      DECLARATION OF POLICY TO COME UNDER COVERAGE.

It is hereby declared to be the policy and purpose of the city to extend, at the earliest date, to the eligible employees and officials of the city the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and all amendments thereto, and Sections 121 et seq. of Title 51 of the Oklahoma Statutes. In pursuance of this policy, the officers and employees of the city shall take such action as may be required by applicable state or federal laws or regulations. (Prior Code, Sec. A30)

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

SECTION 2-602      EXECUTION OF AGREEMENT WITH STATE AGENCY.

The mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of Section 2-601 of this code. (Prior Code, Sec. A31)

SECTION 2-603      WITHHOLDINGS.

Withholdings from salaries or wages of employees and officials for the purposes provided in Section 2-601 of this code are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws and regulations. (Prior Code, Sec. A32)

SECTION 2-604      CONTRIBUTIONS.

Employer contributions shall be paid from amounts appropriated for these purposes from available funds to the designated state or federal agency in accordance with applicable state or federal laws or regulations. (Prior Code, Sec. A33)

SECTION 2-605      RECORDS AND REPORTS.

The city shall keep such records and submit such reports as may be required by applicable state or federal laws or regulations. (Prior Code, Sec. A34)

SECTION 2-606      EXCLUSIONS.

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

1. Any authority to make any agreement with respect to any position, employee or official covered or authorized to be covered as of the initial effective date of this chapter by any other ordinance creating any retirement system for any employee or official of the city; or

2. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations.

(Prior Code, Secs. A35, A36)

CHAPTER 7

RETIREMENT AND PENSIONS

ARTICLE A

POLICE PENSION SYSTEM

Section 2-701 Police pension board of trustees.

ARTICLE B

FIREFIGHTER'S PENSION FUND

Section 2-710 Fire pension and retirement board.

Section 2-711 Fund to be operated in accordance with law.

ARTICLE C

OKLAHOMA MUNICIPAL RETIREMENT SYSTEM

Section 2-712 Employee Retirement System

Section 2-713 Fund to be operated in accordance with Federal law.

Section 2-714 Retirement Plan Compensation

Section 2-715 Invalidity

ARTICLE A

POLICE PENSION SYSTEM

SECTION 2-701      POLICE PENSION SYSTEM.

It is hereby declared to be the purpose and intention of the city to adopt the police pension and retirement system as provided by the laws of the state.

State Law Reference: Police pension and retirement system, 11 O.S. Sections 50-101 et seq.; Option to establish local board, 11 O.S. Section 50-106.1; Joining state system, 11 O.S. Section 50-106.3; Contributions to be paid by municipality and police members, 11 O.S. Sections 50-109 and 50-110.

ARTICLE B

FIREFIGHTER'S PENSION FUND



SECTION 2-710      FIRE PENSION AND RETIREMENT BOARD.

There is hereby created a local firefighter's pension and retirement board composed of the mayor, the clerk, the treasurer and three (3) members from the fire department. The board shall have the membership, organization, powers, duties and functions as prescribed by Sections 49-103 et seq. of Title 11 of the Oklahoma Statutes. (Prior Code, Sec. A27)

State Law Reference: Firefighter's retirement and pension law, joining state system, 11 O.S. Sections 49-101 et seq.

SECTION 2-711      FUND TO BE OPERATED IN ACCORDANCE WITH LAW.

The firefighter's pension fund shall be operated in accordance with state law relating to the fund. (Prior Code, Sec. A28; Ord. No. 75-1221, 2/17/75)

SECTION 2-712      OKLAHOMA MUNICIPAL RETIREMENT SYSTEM

The employee retirement system amending the retirement plan of Dewey, Oklahoma, as administered by the Oklahoma Municipal Retirement Fund by adding additional definitions of "Compensation" to the plan; providing for repealer and severability.

SECTION 2-713      FUND TO OPERATED IN ACCORANCE WITH LAW.

Due to the changes in Federal law, and in order to comply with certain requirements of the Internal Revenue Service regarding the tax qualified status of the Retirement Plan of Dewey, Oklahoma, it is necessary to amend the definition of compensation contained in the Plan as hereinafter set forth.

SECTION 2-714      RETIREMENT PLAN COMPENSATION

The retirement plan of Dewey, Oklahoma, as adopted by Ordinance No. #96-1370, on April 16, 1996, is hereby amended only be adding the following language to the definition of compensation in the Plan:

"Effective as of July 1, 1994, the definition of "Compensation" set forth in the Plan is hereby amended to add the following paragraphs:

In addition to other applicable limitations set forth in the Plan, and notwithstanding any other provision of the Plan to the contrary, for Plan years beginning on or after January 1, 1994, the annual compensation of each employee taken into account under the Plan shall not exceed the Omnibus Budget Reconciliation Act of 1993 (OBRA '93) annual compensation limit. The OBRA '93 annual compensation limit is \$150,000.00, as adjusted by the Commissioner of increases in the cost of living in accordance with Section 401 (a)(17)(B) of the Code. The cost-of-living adjustment in effect for a calendar year applies to any period, not exceeding 12 months over which compensation is determined (determination period) beginning in such calendar year. If a determination period consists of fewer

determination period, and the denominator of which is 12.

For Plan years beginning on or after January 1, 1994, any reference in this Plan to the limitation under Section 401 (a) (17) of the Code shall mean the OBRA '93 annual compensation limit set forth in this provision.

If Compensation for any prior determination period is taken into account in determining an employee's benefits accruing in the current Plan year, the compensation for that prior determination period is subject to the OBRA '93 annual period. For this purpose, for determination periods beginning before the first day of the first Plan year beginning on or after January 1, 1994, the OBRA '93 annual compensation limit is \$150,000.00.

SECTION 2-715      INVALIDITY

All ordinances in conflict herewith are hereby repealed. If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of this ordinance, notwithstanding such holding. (Ord. 96-1370)

Open Meeting Law (25 OSA, Sections 301, et seq.).

Section 2-716      RETIREMENT PLAN COMPENSATION FOR CITY MANAGER

The Defined Benefit Plan of the City of Dewey, Oklahoma for the position of City Manager as adopted by Ordinance No. #209-1489, on March 2, 2009, is hereby amended only to incorporate the final IRC Section 415 Regulations and provisions of the pension funding equity act; and amending the defined contribution plan for the position of City Manager.

## CHAPTER 8

## CITY RECORDS

Section 2-801	Appointment of official custodians.
Section 2-802	Designation of additional record custodians.
Section 2-803	Duties of custodians.
Section 2-804	Requests to be directed to custodians.
Section 2-805	Procedures regarding both inspection and copying of open public records.
Section 2-806	Procedures regarding inspection of open public records.
Section 2-807	Procedures regarding copies of open public records.
Section 2-808	No fee for inspection.
Section 2-809	Copying fee.
Section 2-810	Fee for mechanical reproduction.
Section 2-811	Search fee.
Section 2-812	Prepayment of fees.

SECTION 2-801      APPOINTMENT OF OFFICIAL CUSTODIANS.

The following city officials are hereby appointed as official custodians for purposes of the Oklahoma Open Records Act and are charged with responsibility for compliance with that act with respect to the following listed public records:

1. City clerk. All public records kept and maintained in the city clerk's office and all other public records not provided for elsewhere in this chapter;
2. City treasurer. All public records not on file in the office of the city clerk and kept and maintained in the city treasurer's office;
3. Chief of police. All public records not on file in the office of the city clerk and kept and maintained in the city police department;
4. Fire chief. All public records not on file in the office of the city clerk and kept and maintained in the city fire department.
5. City attorney. All public records not on file in the office of the city clerk and kept and maintained in the city attorney's office;
6. Court clerk. All public records not on file in the office of the city clerk and kept and maintained in the municipal court; and
7. City librarian. All public records not on file in the office of the city clerk and kept and maintained in the city library.

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

SECTION 2-802      DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

A. Each of the official custodians appointed in Section 2-801 of this code is hereby authorized to designate any subordinate officers or employees to serve as record custodian. The record custodians shall have such duties and powers as are set out in the Oklahoma Open Records Act.

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

SECTION 2-803      DUTIES OF CUSTODIANS.

All city 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 city; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this city for inspecting and copying open public records.

SECTION 2-804      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 city 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 record 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 2-805      PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN 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;
8. 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 city clerk;

8. The record custodian or city clerk shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in Section 2-812 of this code;

9. No record search or copying charge shall be assessed against officers or employees of the city 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 2-806      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 city manager.

SECTION 2-807      PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS.

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

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 record; 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 2-808      NO FEE FOR INSPECTION.

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

SECTION 2-809      COPYING FEE.

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

SECTION 2-810      FEE FOR MECHANICAL REPRODUCTION.

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

SECTION 2-811      SEARCH FEE.

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

SECTION 2-812      PREPAYMENT OF FEES.

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.

Administration and Government

Sec. 2-813

SECTION 2-813      ADMINISTRATION SERVICE FEES

In regard to the provision of copies of accident reports, police incident reports, various other police reports, notary seals and copies of other pertinent city documents. (Ord. #97-1380)  
(adopted August 4, 1997.)

The objectives of this article are:

- 1) to compensate the city for services provided to the citizenry and recover costs.
- 2) to deter excessive unwarranted requests for administrative services.
- 3) to place the City of Dewey in-line with other agencies performing the same tasks.

FEE SCHEDULE:

Police Criminal Check	\$2.00
Accident Report	\$2.00
Incident Report (cover sheet only)	\$1.00
Incident Report (in total)	\$2.00
All other police reports	\$2.00
Notary Seal	\$2.00
Copies (per copy)	\$0.25