

CHAPTER 1: AGENCIES, OFFICERS AND EMPLOYEES

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ARTICLE 1: CITY COUNCIL

§ 1-1 REGULAR MEETINGS.

The Council of the city shall hold a regular meeting on the first and third Tuesday of every month, at an hour to be determined by motion or resolution passed by the Council.
(`90 Code, § 1-1)

Cross-reference:

Meetings; regular and special, see Charter Section 2-14

§ 1-2 PLACE OF MEETINGS.

Meetings of the Council shall be held in the Council chamber in the municipal building.
(`90 Code, § 1-2)

§ 1-3 ELECTION OF MAYOR.

The elective officers of the city shall be a Mayor to be nominated and elected from the city at-large, and six Councilmen, two from each of the three wards, to be nominated and elected from the wards in which they reside.

(`90 Code, § 1-3)

Statutory reference:

Duties of Mayor and Vice Mayor, see 11 O.S. § 10-105

§ 1-4 VICE-MAYOR.

(A) The term, duties, powers and method of election to the office of Vice-Mayor shall be as defined and made applicable to the Office of Mayor Pro Tempore in the City Charter.

(B) The provisions of division (A) above are enacted to clarify and remove present vagueness and uncertainty concerning the Office of the Vice-Mayor.

(`90 Code, § 1-4) (Ord. 2630, passed - -)

Cross-reference:

Vice-Mayor; appointment; duties, see Charter Section 2-11

§ 1-5 CITY TREASURER.

The City Council shall have an affirmative vote of at least four Council members to select a City Treasurer, who shall possess all the qualifications and have all the duties as provided for by the Charter, for the City Treasurer, and other duties as provided for and as may be imposed from time to time by the City Council. He or she may, at any time, be removed by an affirmative vote of at least four Council members and a successor may be appointed in like manner. His or her office shall be under the direct supervision of the City Manager hereinafter provided for.

(`90 Code, § 1-5)

Statutory reference:

Creation and duties, see 11 O.S. § 10-115

Cross-reference:

City Treasurer, see Charter Sections 3-4 and 3-5

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§ 1-6 CITY CLERK.

The City Council shall, by an affirmative vote of at least four Council member, select a City Clerk, who shall possess all the qualifications and have all the duties as provided for by the City Charter, for City Clerk and the additional duties as may be, from time to time, imposed upon him or her by the City Council or the City Manager, hereinafter provided for. His or her office shall be under the direct supervision of the City Manager hereinafter provided for. He or she may be

removed at any time by an affirmative vote of at least four Council members and a successor appointed in like manner.

(`90 Code, § 1-6)

Statutory reference:

Creation and duties, see 11 O.S. § 10-117

Cross-reference:

City Clerk, see Charter Section 3-6

§ 1-7 COMPENSATION.

The compensation for elected officials conducting general and special elections for the city under the Charter shall be determined by the City Council.

(`90 Code, § 1-7)

§ 1-8 SALARIES OF EMPLOYEES AND OFFICERS.

The City Council shall determine and fix from time to time the salaries of all employees of the city and also the salaries of all officers of the city appointed by the City Council.

(`90 Code, § 1-8)

ARTICLE 2: CITY MANAGER

§ 1-20 APPOINTMENT; POWERS AND DUTIES.

(A) The City Manager is the Chief Administrative Officer of the city, appointed by an affirmative vote of at least four Council members. He or she has all powers and duties prescribed for him or her by the City Charter or as may be prescribed by ordinance.

(B) The City Manager shall appoint all necessary employees and officers of the city other than those appointments made by the City Council.

(`90 Code, § 1-17)

Statutory reference:

Duties, see 11 O.S. § 10-113

Cross-reference:

City Manager, see Charter Sections 3-1 through 3-3

ARTICLE 3: HEALTH DEPARTMENT

§ 1-30 COOPERATIVE HEALTH DEPARTMENT; DIRECTOR.

The County Cooperative Health Department and its Director shall have the powers of a city health department and city health officer respectively for the city. References to the Health Department, the Health Officer or the Director of the Health Department in this code and in other ordinances of the city mean the Cooperative Health Department and its Director, unless the context clearly indicates another meaning.

(`90 Code, § 1-18)

Statutory reference:

Creation of cooperative health departments, see 63 O.S. §§ 1-202 et seq.

ARTICLE 4: CIVIL DEFENSE

§ 1-40 PURPOSE.

The purpose of this article is to create a civil defense organization for the city to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of the city. The duty of the Civil Defense Organization shall be the protection of the lives and health of the citizens of the city and of property rights, both private and public, and to perform all functions necessary and incident thereto.

(`90 Code, § 1-19)

§ 1-41 DIRECTOR; ADVISORY COMMITTEE.

(A) There is hereby established under the executive branch of the government of the city a Department of Civil Defense, which shall consist of the Director of Civil Defense, who shall be appointed by the Mayor of the city and serve at his or her pleasure.

(B) The Committee shall consist of the Mayor as Chairperson, the City Manager as Vice-Chairperson and four members appointed by the Mayor and serving at his or her pleasure. The Committee shall select from its members the Secretary. It shall hold meetings, as are directed by the Mayor, and its function shall be to act in an advisory capacity as needed or requested by the Mayor or the Director of Civil Defense.

(`90 Code, § 1-20)

§ 1-42 DIRECTOR; POWERS AND DUTIES.

(A) (1) The Director of Civil Defense shall be the executive head of the Civil Defense Department and shall be responsible for carrying out the civil defense program of the city. He or she shall serve without compensation, but may be reimbursed for expenses incurred in the performance of his or her duties.

(2) It shall be the duty of the Director of Civil Defense as soon as practicable after his or her appointment to perfect an organization to carry out the purpose set forth in this article, and he or she shall have all necessary power and authority to form committees or other bodies and to appoint and designate the Chairperson or Chief Officer of the bodies as may be necessary to perfect an organization.

(B) He or she shall have the further duty and responsibility to cooperate with all civil defense agencies of other governmental units including the state and the federal government.

(`90 Code, § 1-21)

§ 1-43 PLANS AND INFORMATION.

The Director of Civil Defense is further authorized to formulate written plans and gather information and keep written record thereof to govern the functions of the Civil Defense Organization, which shall be submitted to the City Council for approval.

(`90 Code, § 1-22)

§ 1-44 EMERGENCIES.

In the event of an enemy-caused emergency or emergency resulting from natural causes, the Director of Civil Defense, after due authorization from the Mayor of the city, shall have the power and authority to enforce all rules and regulations relating to civil defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine and public utilities for the purpose of protecting the civilian population. He or she shall cooperate in every way with the activities of other governmental agencies or civil defense organizations. If required by the Mayor, he or she shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the city.

(`90 Code, § 1-23)

§ 1-45 ENFORCEMENT.

The Director of Civil Defense and other members of the Civil Defense Organization created by him or her shall have the power and authority to enforce the laws of the state and ordinances of the city during the period of emergency and shall, at the time, have the further power to make arrests for violations of laws or ordinances.

(`90 Code, § 1-24)

§ 1-46 COMPENSATION; LIABILITY.

All members of the Civil Defense Organization created hereunder shall serve without compensation, and the city shall not be liable for any personal injury received by any member of the organization while acting in the line of duty.

(`90 Code, § 1-25)

§ 1-47 SHELTER MANAGERS; DUTIES.

In case of national emergency, public shelter managers, duly appointed by the Civil Defense Director, shall open public shelters, take charge of all stocks of goods, water and other supplies stored in the shelter, admit the public according to the city's shelter use plan, and take whatever control measures are necessary for the protection and safety of the occupants.

(`90 Code, § 1-26)

§ 1-48 RESTRAINT; OFFENSE.

Shelter managers are authorized to use reasonable restraint against those who refuse to cooperate with the routine of shelter living under emergency conditions. Refusal to carry out the orders of the shelter manager and his or her appointed staff shall be deemed an offense punishable as provided in § 12-34 of this code.

(`90 Code, § 1-27) (Ord. 2823, passed - -)

ARTICLE 5: VOLUNTEER FIREFIGHTERS**§ 1-60 BYLAWS.**

The bylaws of the Fire Department shall include:

(A) All volunteer firefighters are required, when notified, to respond to alarms of fire and other emergencies.

(B) He or she is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters.

(C) There shall be at least one regular business meeting each month.

(D) Any volunteer firefighter having two unexcused absences in succession or three unexcused absences in a period of three months will be dropped from the Fire Department rolls.

(E) Volunteer firefighters leaving town for an extended period of time will be required to notify the Chief.

(F) Any volunteer firefighters refusing to attend training classes provided for him or her will be dropped.

(G) Any volunteer member of the Fire Department shall be dropped from the rolls for the following offenses:

- (1) Conduct unbecoming a firefighter;
- (2) Any act of insubordination;
- (3) Neglect of duty;
- (4) Any violation of rules and regulations governing the Fire Department; and
- (5) Conviction of a felony.

ARTICLE 6: FIREFIGHTERS' PENSIONS

§ 1-70 BOARD OF TRUSTEES CREATED.

(A) There was heretofore created a Board of Trustees of the Firefighters' Relief and Pension Fund of the city, with membership, organization, powers, duties and functions as prescribed by 11 O.S. § 49-103, and as may be provided by any later laws relating to the Board.

(B) The Board of Trustees shall continue in full force and effect.
(`90 Code, § 1-29)

§ 1-71 OPERATION.

The Firefighters' Relief and Pension Fund shall be operated in accordance with state laws relating to the fund. Pensions and other benefits shall be paid as provided by state law. ('90 Code, § 1-30)

§ 1-72 DEDUCTIONS FROM COMPENSATION.

(A) (1) The City Treasurer shall deduct, each pay period from the salary or wages of each paid member of the Fire Department, an amount equal to 4% of the salary or wages paid to the member of the Fire Department.

(2) The amount so deducted shall be deposited each month by the Treasurer in the Firefighters' Relief and Pension Fund.

(B) The City Treasurer shall deposit monthly, from the general fund, into the Firefighters' Relief and Pension Fund an amount equal to 2% of the total salaries or wages paid members of the Fire Department, and commencing on January 1, 1976, an amount equal to 3% of the total salaries or wages paid members of the Fire Department, and an amount equal to 4% of the total salaries or wages paid members to the Fire Department.

('90 Code, § 1-31) (Ord. 2533, passed - -; Am. Ord. 2634, passed - -)

ARTICLE 7: POLICE PENSION AND RETIREMENT SYSTEM**§ 1-85 DEFINITION.**

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

POLICE OFFICER. Any officer or employee of the regular Police Department of the city appointed or employed for police duties or necessary duties in the operation of the Police Department, and shall include jailers, radio operators, department clerks, employees in bureaus of records, probationary patrol officers, patrol officers, sergeants, lieutenants, captains, senior officers, detective, secretary to the Chief of Police, and other police officers of the Department performing police duties whose salaries are paid for with public funds as set up in the budget of the city for the regular Police Department, but shall not include any police commissioners, or any one employed in any other capacity not involving police duties. In case of doubt as to whether any person is a ***POLICE OFFICER***, within the meaning of this article, the decision of the Board of Trustees shall be final.

('90 Code, § 1-32)

§ 1-86 NAME OF SYSTEM.

The system heretofore established for the purpose of providing pension retirement allowances and other benefits for police officers, their wives and children, shall continue to be designated and known as the "Police Pension and Retirement System of the City of Guthrie," and all of its business transacted, all of its funds handled and all of its cash and securities and other party be held. (⁹⁰ Code, § 1-33)

§ 1-87 BOARD OF TRUSTEES.

There was heretofore created the Board of Trustees, which shall have the operation and management of the Police Pension and Retirement System, which Board of Trustees shall consist of the City Clerk and City Treasurer, and three members of the Police Department which is designed and known as the Board of Trustees of the Police Pension and Retirement System of the city. (⁹⁰ Code, § 1-34)

§ 1-88 ELECTION OF MEMBERS.

(A) (1) To obtain the benefits derived by the Police Pension and Retirement System of the city, the officers or members of the Police Department, active and retired, shall, within 30 days from the date of the passage of this article, elect by ballot three members of the Police Department to the Board of Trustees hereinbefore designated.

(2) Until changed by law, the election of members of the Board of Trustees by the Police Department shall continue to be done and had by a call of the election by the Mayor, which shall be done by the City Clerk, mailing to each and every member of the Police Department a notice that an election shall be held for the purpose of electing three of their number as members of the Board of Trustees.

(B) (1) The notice shall be properly addressed to each and every member of the Police Department and deposited in the United States mail at the city and the election shall be held five days subsequent to the giving of the notice. The notice shall also state where the election shall be held and the day and hour or hours when same shall be held. The voting for the Trustees shall be done by ballot, and shall be done by placing the ballots in a ballot box to be provided by the city, and so conducted that each elector's ballot shall be secret as in the election for city and county offices.

(2) The City Clerk shall conduct the election by seeing that each and every person so voting is a member of the Police Department of this city as defined by this article, active or retired, and shall canvass all ballots so voted and shall certify the results thereof to the City Council, who shall by proper resolution declare the election of the three persons receiving the highest number of votes to be elected.

(C) At the first election, one member shall be elected to serve one year, one to serve two years and one to serve three years. At the end of the first year, after the election and upon the same date of the

succeeding year, a like election shall be held, at which time a member of the Board of Trustees shall be elected and shall hold his or her office for a period of three years, and like elections shall be held each succeeding year on the date corresponding with the date of the first election and the members so elected shall hold the Office of Trustee of the Board for a period of three years.

(D) If a vacancy or vacancies should occur in the Office of Trustee or Trustees of the Board so elected, the vacancies shall be filled by election of a member or members, in the same manner so above provided. A vacancy shall occur when a Trustee's employment with the city is terminated.

(E) Each officer or member of the Board of Trustees so elected shall, before he or she enters upon the duties of his or her office, take and subscribe an oath of office to faithfully perform the duties of his or her office and to account for all monies and property in his or her hands, and shall execute a bond to the city in the sum of \$2,500 on condition that he or she will faithfully perform the duties of his or her office and faithfully account and deliver to his or her successor all funds, money, bonds or other property in his or her hands belong to the Police Pension and Retirement System of the city.

(`90 Code, § 1-35)

§ 1-89 CHAIRPERSON; SECRETARY.

Each year, the Trustees shall elect the Chairperson and the Secretary from their number.
(`90 Code, § 1-36)

§ 1-90 REPORTS OF SECRETARY.

The Secretary of the Board of Trustees shall report annually, at the time of the election of the Board, the condition of the Police Pension and Retirement System and the receipts and disbursements on account of the same, with a full and complete list of the beneficiaries of the Fund in the system, for the amount paid to each beneficiary, and shall report to the Board of Trustees the true condition of the Police Pension and Retirement System at any meeting where requested so to do by the Chairperson thereof, or by a majority of the members of the Board of Trustees, and a copy of each report shall be delivered by the City Manager and City Council.

(`90 Code, § 1-37)

§ 1-91 MEETINGS AND DUTY.

(A) The Board of Trustees of the Police Pension and Retirement System shall hold monthly meetings on the second Monday of each and every month of each year and upon the call of its Chairperson at other times as the Chairperson deems necessary. It shall issue orders signed by the Chairperson and Secretary to the persons entitled thereto of the amount of money orders paid to the persons from the funds of the Police Pension and Retirement System by the Board, which order shall state for what purpose the payment is to be made. It shall keep a record of its proceedings, which shall be a public record. It shall at each monthly meeting send to the City Clerk a written or printed list of

all persons entitled to the payment which list shall be certified and signed by the Secretary and Chairperson of the Board, and attested under oath.

(B) The City Clerk shall thereupon enter a copy of the list upon the book to be kept for this purpose, which book shall be known as the "Police Pension and Retirement System Book" and the Board shall direct payments of the amounts carried therein to the persons entitled thereto out of the funds.

(`90 Code, § 1-38)

§ 1-92 QUORUM.

A majority of the members of the Board of Trustees shall constitute a quorum and have the power to transact business, provided no money belonging to the funds of the Police Pension and Retirement System shall be disbursed for any purpose without a vote of the majority of all the members of the Board of Trustees, which vote shall be taken by yeas and nays, and the vote of each member so voting entered upon the proceedings of the Board.

(`90 Code, § 1-39)

§ 1-93 GENERAL POWERS OF BOARD.

The Board of Trustees shall, in addition to the other powers herein granted, have power to:

(A) Compel witnesses to attend and testify before the Board upon all matters connected with the operations of this article, and in the same manner as is, or may be, provided by law, for the taking of testimony before notaries public, and its Chairperson or any member of the Board may administer oaths to the witnesses;

(B) Provide for the payment from the funds of the Police Pension and Retirement System of all its necessary expenses, and to pay for the services as shall be required to transact the business of the Police Pension and Retirement System, provided that no compensation or emolument shall be paid to any member of the Board for any duties performed under this article;

(C) Provide all rules and regulations needful for its guidance in conformity with the provisions of this article; and

(D) (1) Invest and reinvest any funds of the Police Pension and Retirement System in state and federal bonds only subject to all the terms, conditions, limitations and restrictions imposed by law upon life insurance companies in the state in making and disposing of their investments and subject to like terms, conditions, limitations and restrictions. The Trustees shall have full power to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments, in which any of the fund shall have been invested, as well as of the proceeds of the investments and any moneys belonging to the funds. The Board, for the purpose of meeting disbursements for pensions and other payments, shall keep available cash of at least 10% of the total amount in the several funds of the Police Pension and Retirement System on deposit in one or more banks or trust companies in the city, which bank or trust

company shall be organized under the laws of the state or the United States, and that the amount on deposit in any one bank or trust company shall not exceed 25% of the paid-up capital and surplus of the bank or trust company.

(2) No Trustee and no employee of the Board shall have any interest in gains or profits of any investment made by the Board of Trustees nor as such receive any pay or emolument for his or her services. No Trustees, nor employee of the Board of Trustees shall directly or indirectly, for himself or herself or as an agent, in any manner use the assets of the Police Pension and Retirement System, except to make correct and necessary payments, as are authorized by the Board of Trustees, nor shall any Trustee or employee of the Board become an endorser or surety or become in any manner an obligor for moneys loaned by or borrowed from the Board of Trustees.
(`90 Code, § 1-40)

§ 1-94 CUSTODY AND DISBURSEMENT OF FUNDS.

All moneys provided for the funds of the Police Pension and Retirement System, by appropriation by the city, or contribution by police officers, shall be paid over to and received by the City Treasurer for the use and benefit of the Police Pension and Retirement System, to be disbursed as provided by law and this article, and the additional duties this imposed on the City Treasurer shall be and comprise additional duties for which he or she shall be liable under his or her oath as City Treasurer.
(`90 Code, § 1-41)

§ 1-95 CONTRIBUTIONS AND GIFTS.

Contributions and gifts of funds and property may be received to augment the Pension Fund.
(`90 Code, § 1-42)

§ 1-96 PARTICIPATION AND CONTRIBUTIONS BY POLICE OFFICERS.

(A) All police officers hired by the city, including the Chief of Police, shall be members of the Police Pension and Retirement System if eligible.

(B) The percentage of wages required to be contributed by the police officer, and the amount to be contributed by the city, shall be determined in accordance with the requirements set by state statutes pertaining to, or the rules and regulations promulgated by the State Police Pension and Retirement System.
(`90 Code, § 1-43) (Ord. 2685, passed 5-5-81)

§ 1-97 PURPOSE OF PENSION FUND.

(A) Any of the funds in the Police Pension and Retirement System, whether paid by the city or contributed by the police officers of the city, shall be used only for the following purposes:

(1) For investments, as authorized in § 1-93(D)(1);

(2) For the payment of pensions for long service to retired meritorious police officers of the city; and

(3) For the payment of a pension to any widow, while single, and a child or children under 18 years of age of any police officer eligible for a pension.

(B) Payments, in any event, shall not exceed the limits in this article provided.
(`90 Code, § 1-44)

§ 1-98 SERVICE PENSION.

(A) The Board of Trustees is hereby authorized and empowered to pay out of any funds in its Police Pension and Retirement System a service pension to any police officer eligible as hereinafter provided, 50% of the average final yearly compensation of any police officer.

(B) (1) In order for a police officer to be eligible for the service pension, he or she must have reached the age of 55 years, or more, and his or her service with the Police Department must have ceased.

(2) He or she must have served for a period of 20 years or more in some police department in the state of a standard equivalent to that of the Police Department of the city, five years of which service shall have been consecutive immediately preceding the end of the period in the city. He or she must have complied with any agreement as to contributions by him or her and other police officer to the funds of the Police Pension and Retirement System, provided for in this article. Any police officer meeting with all other requirements of this article, who has served 25 years in accordance with this article, may be retired at one-half of the final average compensation of the police officer without regard to age. Any police officer who serves over 25 years may be retired at one-half of the final average compensation of the police officer, plus 2% of each additional year in excess of 25 years, not to exceed in any event three-fourths of final average compensation of the police officer.

(C) Where a police officer has served for the necessary number of years and is otherwise eligible except as to being 55 years, or more of age, if he or she is discharge without cause or his or her office is abolished, he or she shall be eligible for pension. When a police officer reaches the age of 70 years, he or she must retire, unless at the request of the Chief of Police, the Board of Trustees grants him or her an extension of one year, which can be further extended for one-year periods only at the request of the Chief of Police.

(D) In the event of the death of any police officer who has been awarded a pension under the provisions of this article, his or her widow, child or children, shall be paid the pension so awarded, provided that the same shall cease as to the widow, when he or she shall marry, or as to the child or children when they become 18 years of age. The payments to be divided equally between the child or children and widow provided, however that in the event of the death of the widow of the police officer, the child or children under the age of 18 shall be entitled to receive the full benefits of the pension in equal proportions.

(E) In the event of the child or children dying or becoming 18 years of age, the widow shall receive the full amount of the pension. In order for a widow to receive the pension as in this article provided, he or she must have been the husband or wife of the police officer at the time of his or her retirement, and for at least three years.
(`90 Code, § 1-45)

§ 1-99 RIGHT TO WITHDRAW.

(A) Any police officer who has served the Police Department of the city for a period of more than one year, and has contributed to the fund for the period of time and has served less than 20 years in the police department of any city or town in the state, having standards equivalent to those required in this city, and who has entered into any agreement provided for in this article may withdraw from the agreement and shall be paid the full amount of his or her contributions, after deducting from the contributions all benefit payments made to him or her under the provisions of this article, upon his or her dismissal or resignation as an officer or employee of the Police Department of the city after which he or she shall not receive any of the benefits provided for in this article.

(B) (1) If the police officer withdraws and decides to resume payments at a later date, he or she must pay the amount previously withdrawn, plus all he or she should have paid during the period of withdrawal.

(2) If a police officer has served for a period as provided under this section and should die from natural causes, then and in that event, the widow of the police officer shall be entitled to receive all of his contributions to the Police Pension Fund, as part of his or her estate, after deducting from the contributions all benefit payments made to him or her under the provisions of this article.

(`90 Code, § 1-46) (Ord. 2675, passed 1-20-81)

§ 1-100 FORFEITURE OF PENSION.

When any person who shall receive any benefits from any funds of the Police Pension and Retirement System, as authorized by this article, shall be convicted of any felony, or shall have become an habitual drunkard, or shall have failed to report himself or herself for duty as by this article required, unless excused by the Board of Trustees, or shall disobey the rules of the Board of Trustees in respect to the examination for duty or otherwise, then the Board shall order that the pension allowance, as may have been granted to the person, shall immediately cease and the person shall receive no further pension

allowance or benefit as authorized to be paid by this article, unless or until, if possible, the person shall have met the requirements for the Board.

(`90 Code, § 1-47)

§ 1-101 INSUFFICIENT FUNDS; PROBATION.

In any case where the funds of the Police Pension and Retirement System of the city are insufficient to make full payments of the amounts of pension or allowance to all persons entitled thereto, then the Fund shall be prorated among those entitled thereto as the Board of Trustees may deem just and equitable.

(`90 Code, § 1-48)

§ 1-102 DETERMINATION OF ONE YEAR OF SERVICE.

The governing body of the city, having established a Board of Trustees as in this article provided, may fix and determine how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall credit as service for any period of more than one months duration be allowed during which the police officer was absent without pay.

(`90 Code, § 1-49)

§ 1-103 EXEMPTION.

No portion of the funds of Police Pension and Retirement System shall, either before or after any order made by the Board of Trustees for payment to any person entitled to a pension, or allowance, be held, seized, taken, subject to or detained, or levied on by virtue of any garnishment, attachment, execution, injunction or other order or decree, or any process or proceeding whatever, which have issued out of or by any court of this state, for the payment or satisfaction in whole, or in part, of any debt, damages, claim, demand or judgment against any person entitled to payment, nor shall the payments or any claims thereunto be directly or indirectly assigned and any attempt to transfer or assign the same shall be void.

(`90 Code, § 1-50)

§ 1-104 TRANSFER OF FUNDS.

If the city subsequently disqualified by failure to meet the minimum requirements of this article, the City Treasurer shall immediately transfer to the general fund of the city the Police Pension and Retirement System Fund, and the balance, which is to the credit of the police officer, shall be paid to each of them in the proportions as each of the police officers have contributed to the fund by deduction from their salaries or otherwise.

(`90 Code, § 1-51)

§ 1-105 APPEALS.

(A) Any police officer who has been denied pension or retirement pay from the Board of Trustees where applications for the pension or retirement pay was made or he or she feels that he or she was not given a fair and just consideration may appeal from the decision of the Board to the City Council and the decision of the City Council shall be final.

(B) The appeal above provided for shall be taken by filing in the Office of the City Manager a copy of the entire proceedings had before the Board of Trustees, including all evidence offered and produced at the hearing. The Secretary of the Board of Trustees shall certify that the record so taken on appeal contains all proceedings and the evidence offered before the Board of Trustees.
(`90 Code, § 1-52)

§ 1-106 CITY PHYSICIAN.

In the event there is no official city physician, then any physician designated by the City Manger may perform the duties provided herein for the city physician.
(`90 Code, § 1-53)

ARTICLE 8: OLD AGE, SURVIVORS', AND DISABILITY INSURANCE**§ 1-120 BENEFITS EXTENDED.**

It is hereby declared to be the policy and purpose of the city to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this article, and whether employed in connection with a governmental or proprietary function, the benefits of the Old Age, Survivors', and Disability Insurance (OASDI) (42 USC 401 et seq.) as authorized by the Federal Social Security Act and amendments thereto, including P.L. 734, 81st Congress. In pursuant of the policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations.
(`90 Code, § 1-54)

§ 1-121 EXECUTION OF DOCUMENTS.

The Mayor of the city is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Department of Public Welfare, as agent or agency, to secure coverage of employees and officials as provided herein.
(`90 Code, § 1-55)

§ 1-122 WITHHOLDINGS.

Withholdings from salaries or wages of employees and officials, for the purpose provided herein, are hereby authorized to be made in the amounts and at the 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.
(`90 Code, § 1-56)

§ 1-123 APPROPRIATIONS.

There shall be appropriated from available funds the amounts at the 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 the laws or regulations.
(`90 Code, § 1-57)

§ 1-124 RECORDS AND REPORTS.

The city shall keep records and make reports as may be required by applicable state or federal laws or regulations.
(`90 Code, § 1-58)

§ 1-125 PERSONNEL EXCLUDED.

There is hereby excluded from this article 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 city.
(`90 Code, § 1-59)

§ 1-126 FURTHER EXCLUSIONS.

There is hereby excluded from this article any authority to make any agreement with respect to any position or any employee or official engaged in rendering services of an emergency nature or any position or any employee or official engaged in rendering services in positions the compensation for which is on a fee basis, or any elective office or any elective official engaged in rendering legislative, executive or judicial services, or any position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations.
(`90 Code, § 1-60)

ARTICLE 9: EMPLOYEE RETIREMENT SYSTEM**§ 1-140 ESTABLISHMENT.**

(A) Pursuant to the authority conferred by the laws of the state and for the purpose of encouraging continuity and meritorious service on the part of its employees and to promote public efficiency and to comply with rulings of the United States Supreme Court regarding sexual discrimination, there is hereby authorized, approved and adopted, effective as of February 6, 1984, Ordinance 2731 amending the Employee Retirement System of the city, an executed counterpart of which is marked Exhibit "A" adopted and made a part hereof, as if fully set out in this code.

(B) The Mayor and Clerk be, and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original), this amendment to the retirement system, and to do all other acts and things necessary, advisable and proper to put the amendment into full force and effect, and to make the change therein as may be necessary to qualify the same under Sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart marked as Exhibit "A", and attached to Ordinance 2731 which has been duly executed as aforesaid simultaneously with the passage of this article and made a part hereof, is hereby ratified and confirmed in all respects.

(C) Exhibit "A" is on file in the City Clerk's Office and is subject to public inspection. Ord. 2779, amending the definition of "employee" is also on file in the City Clerk's Office. ('90 Code, § 1-61)

§ 1-141 ADMINISTRATION.

(A) For the purpose of administration of the system there is hereby established a Board of Trustees, which shall be the members of the City Council, as now existing or as from time to time duly elected or appointed and constituted.

(B) The powers and duties of the Board of Trustees shall be as set forth in the system instrument. ('90 Code, § 1-62)

§ 1-142 FUND.

(A) (1) A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the system. All contributions to the fund shall be paid over to and received in trust for the purpose by the City Treasurer, who shall be treasurer of the system.

(2) The fund shall be pooled for purposes of management investment with similar funds of other incorporated cities and town in the state as a part of the State Municipal Retirement Fund in accordance with a duly executed contract for the purpose which contract shall be executed by the City Council as soon as feasible.

(B) The City Treasurer shall hold the contributions in the form received and, from time to time, pay over and transfer the same to the State Municipal Retirement Fund, as duly authorized and directed by the Board of Trustees.

(C) The fund shall be non-fiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board. The fund and system shall be valued each year for actuarial soundness by a qualified actuarial firm.
(`90 Code, § 1-63)

§ 1-143 APPROPRIATIONS.

(A) The city is hereby authorized to appropriate annually the amounts as are required in addition to employee contributions, to maintain its amended retirement system on a sound actuarial basis in accordance with the respective biannual actuarial valuation.

(B) Any appropriation so made to maintain the amended retirement system shall be for deferred wages or salaries and for the payment of necessary expenses of operation and administration, and shall be paid into the State Municipal Retirement fund when available, through the City Treasurer, to be by him or her duly transferred to the fund.
(`90 Code, § 1-64)

§ 1-144 EXECUTION.

(A) (1) The Mayor and City Clerk are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the system instrument, and to do all other acts and things necessary, advisable and proper to put the system and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections 401(a) and 501(a) of the Internal Revenue Code of the United States.

(2) The counterpart attached hereto as Exhibit A, which has been duly executed as aforesaid simultaneously with the passage of this article and made a part hereof, is hereby ratified and confirmed in all respects.

(B) This City Council is hereby authorized and directed to proceed immediately on behalf of the city to negotiate a contract with other incorporated cities and town of the state to pool and combine the fund into the State Municipal Retirement Fund a part thereof, with similar funds of the other cities and towns, for purposes of pooled management and investment. The City Council shall manifest approval of the contract and the execution thereof by the Mayor and City Clerk by a formal resolution.
(`90 Code, § 1-65)

§ 1-145 AMENDMENT OF COMPENSATION.

(A) Due to changes in federal law, and in order to comply with certain requirements of the Internal Revenue Service regarding the tax qualified status of the Employee Retirement System and Plan of the

city, it is necessary to amend the definition of compensation contained in the Employee Retirement System and Plan as hereinafter set forth.

(B) (1) The Employee Retirement System and Plan of the city, as adopted, is hereby amended only by adding the following language to the definition of compensation in the State Municipal Retirement System Master Defined Benefit Plan and Trust, as amended and restated July 1, 1992, which is attached to Ordinance No. 2969 as Exhibit "A" thereto and expressly incorporated therein and adopted by reference. 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, as adjusted by the Commissioner for 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 the calendar year. If a determination period consists of fewer than 12 months, the OBRA '93 annual compensation limit will be multiplied by a fraction, the numerator of which is the number of months in the 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(x)(17) of the code shall mean the OBRA '93 annual compensation limit in effect for that prior determination period.

(2) 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.

(Ord. 3009, passed 5-7-96)

§ 1-146 AMENDMENT OF PLAN.

(A) (1) The Employee Retirement System, Defined Benefit Plan, of the City of Guthrie, Oklahoma, is hereby amended as reflected on Exhibit "A" attached to Ordinance 3092, which is incorporated herein and adopted by reference. These amendments became effective on October 1, 2001.

(2) The City Clerk and Mayor are hereby authorized and directed to execute the amended Retirement System Plan documents and to do all the other acts necessary to put said amendment into effect and to maintain IRS qualification of the Plan. The executed amended document attached to Ord. 3092 as Exhibit "A" is hereby ratified and confirmed in all respects.

(3) Exhibit "A" is on file in the City Clerk's office and is subject to public inspection.

(B) (1) The Employee Retirement System, Defined Benefit Plan, of the City of Guthrie, Oklahoma, is hereby amended as shown on Exhibit "A" attached to Ordinance 3111, which is incorporated herein and adopted by reference.

(2) Exhibit "A" is on file in the City Clerk's office and is subject to public inspection.
(Ord. 3092, passed 9-18-01; Am. Ord. 3111, passed 3-18-03)

ARTICLE 10: LIBRARY BOARD

§ 1-155 LIBRARY BOARD CREATED.

(A) There is hereby created a Library Board for the city.

(B) The Library Board shall be composed of five members to be appointed as provided herein.
(`90 Code, § 1-72)

§ 1-156 APPOINTMENT AND TERMS OF MEMBERS.

(A) The Mayor of the city shall, with the approval of the City Council, appoint five members of the Library Board.

(B) Thereafter all appointments shall be for a term of three years, and shall be subject to City Council approval.
(`90 Code, § 1-73) (Ord. 2678, passed 4-7-81)

§ 1-157 DUTIES OF THE BOARD.

The Library Board shall make recommendations to the Mayor, City Council and City Manager on the operation, functions, maintenance, policies of and all matters concerning the public library.
(`90 Code, § 1-74) (Ord. 2678, passed 4-7-81)

ARTICLE 11: OPEN RECORDS ACT

§ 1-170 PURPOSE.

For identification purposes, this article shall be called the “Guthrie Open Records Act.”
(`90 Code, § 1-75) (Ord. 2789, passed 12-17-85)

§ 1-171 PUBLIC INSPECTION.

All records received, generated, made kept, maintained or otherwise in the possession of the city, the trusts of which the city is beneficiary or their officers, officials or employees, unless otherwise provided by law, shall be open for public inspection and copying, in accordance with the provisions of Senate Bill 276 to be codified in 51 O.S. §§ 24A.1 *et seq.*
(`90 Code, § 1-76) (Ord. 2789, passed 12-17-85)

§ 1-172 DEFINITIONS.

As used herein, the terms “record,” “public body,” “public office,” “public official” and “law enforcement agency” shall carry the same meaning as those terms or words as defined in the state statutes.

(`90 Code, § 1-77) (Ord. 2789, passed 12-17-85)

§ 1-173 ESTABLISHMENT OF PROCEDURES.

The City Manager shall establish specific procedures in support of the provisions of this article and in compliance with the state statutes.

(`90 Code, § 1-78) (Ord. 2789, passed 12-17-85)

§ 1-174 DAYS AND HOURS OF AVAILABILITY.

Records open for public inspection or copying shall be made available, upon request, anytime Monday through Friday, 8:00 a.m. to 5:00 p.m., holidays excluded.

(`90 Code, § 1-79) (Ord. 2789, passed 12-17-85)

§ 1-175 RECORDS CUSTODIANS.

(A) The following city officers are hereby designated as record custodians for the city:

- (1) City Manager;
- (2) Assistant City Manager;
- (3) City Attorney;
- (4) City Clerk;
- (5) City Treasurer;
- (6) Chief of Police;
- (7) Fire Chief;
- (8) City Planner; and
- (9) City Librarian.

(B) Each of the records custodians appointed herein are hereby authorized to designate subordinate employees to serve as additional record custodians, subject to the approval of the City Manager.

(C) Any and all members of the public, in seeking access to or copies of a public record, shall address their request to the record custodian charged with responsibility for the maintenance of the records sought. Should a request for inspection or copying be made of a record custodian not holding that specific record, the contacted record custodian shall so inform the person requesting the record.

(`90 Code, § 1-80) (Ord. 2789, passed 12-17-85)

§ 1-176 EXEMPTIONS.

This article does not apply to records specifically required by laws to be kept confidential including:

(A) Records not discoverable under state law, such as material prepared in anticipation of litigation or trials;

(B) Records protected by state evidentiary privilege such as attorney-client and the identity of informer privileges; or

(C) Records of what transpired during meetings of a public body lawfully closed to the public, such as executive sessions authorized under the State Open Meeting Act (25 O.S. §§ 301 et seq.) ('90 Code, § 1-81) (Ord. 2789, passed 12-17-85)

§ 1-177 LIMITED ACCESS TO PERSONNEL RECORDS.

The following personnel records of city or trusts, of which the city is beneficiary, are considered confidential and are not subject to public inspection:

(A) Those personnel records which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, disciplines or resignation;

(B) Where disclosure would constitute a clearly unwarranted invasion of personal privacy, such as employee evaluations, payroll deductions or employment applications submitted by persons not hired by the public body or its officers; or

(C) All personnel records not specifically falling within the exceptions provided in divisions (A) and (B) of this section shall be available for public inspection and copying including, but not limited to records of:

(1) An employment application of a person who becomes a public official;

(2) The gross receipts of public funds;

(3) The dates of employment, title or position; and

(4) Any final disciplinary action resulting in loss of pay, suspension, demotion of position or termination.

(D) Except as may otherwise be made confidential by statute, an employee of a public body shall have the right of access to his or her own personnel file.

('90 Code, § 1-82) (Ord. 2789, passed 12-17-85)

§ 1-178 FEES.

(A) A reasonable fee for the recovery of the cost of document copying or mechanical reproduction is hereby established.

(B) Request made solely for commercial purposes or which would clearly cause excessive disruption of any department, then and in that event, a fee shall be assessed to recover the direct cost of document search. In no case shall a search fee be charged when the release of the documents is made to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the city are honestly, faithfully and competently performing their duties.

(1) Copying or reproduction fees shall be pre-paid prior to copying or reproduction as set out in the fee schedule at the end of this code.

(2) Search fees, when assessed, shall be computed based on the total hourly rate of compensation of each employee involved with the search, rounded to the nearest 15-minute interval, of time actually involved in the search. Persons, firms or entities failing to pay legally assessed search fees or falsely claiming exemption, shall be guilty of filing a fraudulent claim against the city, and may be subject to legal prosecution.

(3) All fees and charges established by this article are hereby made a part of the fee schedule at the end of this code and shall be subject to modification, whether increase or decrease, by resolution of the City Council, passed and approved by a simple majority vote of the Council.

(4) A copy of current fees established by this section shall be filed with the County Clerk. ('90 Code, § 1-83) (Ord. 2789, passed 12-17-85)

ARTICLE 12: ELECTIONS**§ 1-190 ABSENTEE BALLOTS.**

The use of absentee ballots in all municipal elections in the city is hereby authorized in accordance with the election laws of the state.

('90 Code, § 1-85) (Ord. 2715, passed 2-1-83)

Cross-reference:

Municipal elections, see Charter Sections 6-1 et seq.

ARTICLE 13: RESERVE POLICE FORCE

§ 1-200 ESTABLISHMENT.

(A) An auxiliary reserve police force which shall be separate and distinct from the regular Police Department, is hereby established pursuant to and consistent with 11 O.S. § 34-101 and is to be known as the Reserve Police Force.

(B) The Reserve Police Force shall be headed by the Chief of Police, subject at all times to the actual management, control and supervision of the City Manager. The Chief of Police may from time to time appoint a regular, full-time police officer to command and coordinate the activities of the Reserve Police Force consistent with local, federal and state law, the City Charter, the city code, ordinances, city rules, regulations and procedures and Police Department rules, regulations and procedures.

(C) (1) The Chief of Police is hereby authorized and directed, pursuant to and consistent with state law, to appoint from time to time qualified individuals to serve as reserve municipal police officers in the Reserve Police Force on a part-time basis, for not more than 25 hours per calendar week, with the express prior written approval of the City Manager of each reserve police officer. The Reserve Police Force shall be limited at all times to no more than 20 reserve police officers. The Chief of Police is further authorized and directed to suspend, discipline, demote, remove and terminate reserve police officers upon approval of the City Manager. Reserve police officers shall have the powers, duties and functions as set forth in law or ordinance for regular full-time police officers and shall perform their duties only while on authorized duty.

(2) To qualify for membership at any time as a reserve police officer, all persons must at all times meet the minimum requirements of 11 O.S. § 34-101 (B) on reserve municipal police officers, the minimum requirements of 70 O.S. § 3311 on the Council on Law Enforcement Education and Training and any other minimum requirement(s) developed, instituted or required from time to time by the state.

(3) To further qualify for membership at any and all times as a reserve police officer, all persons must at all times maintain their actual residence within the county or within a 30-minute driving distance of the Police Station of the Police Department calculated by driving at all times within posted speed limits.

(4) Former regular full-time police officers who voluntarily retired or voluntarily resigned their employment with the city while not on disciplinary probation or facing disciplinary action at the time of their resignation and who are otherwise qualified, are eligible to apply to serve as reserve police officers.

(5) No person(s) who is at any time then-employed by the city on a full-time or a part-time basis is eligible for consideration or appointment as a reserve police officer.

(D) (1) No person appointed as a reserve police officer shall serve for an indefinite or unlimited term but rather are limited to a term not to exceed two years at a time, which term may be extended or renewed upon the written request of a reserve police officer who verifies in writing that he or she continues to meet all of the requirements hereof, upon verification of the accuracy of the written request, review and express prior written approval of the Chief of Police and the City Manager.

(2) Any reserve police officer may at any time resign and if so, he or she shall notify the Chief of Police in writing of the resignation.

(E) The City Manager is hereby authorized and directed to develop, establish, implement, amend and maintain or cause to be developed, established, implemented, amended and maintained, a uniform policy in writing on the Reserve Police Force consistent with federal, state and local law, statutes, ordinances, codes, rules and regulations, to take all steps or actions necessary or convenient to ensure that the written policy is at all times consistent with federal, state and local law, statutes, ordinances, codes, rules and regulations, and to take all steps or actions necessary or convenient to ensure that the written policy is at all times uniformly and consistently followed.

(Ord. 3006, passed 2-20-96)

§ 1-201 POWERS AND AUTHORITY.

(A) Reserve police officers shall, upon completion of required training and firearms qualification and while on authorized duty only, carry firearms on the prior express written order of the Chief of Police, which order may be modified, lifted or rescinded at any time as to any individual reserve police officer.

(B) Reserve police officers, upon completion of all state and city mandated training requirements, shall have all of the powers of arrest as provided by state law and city ordinances.
(Ord. 3006, passed 2-20-96)

§ 1-202 IMPERSONATION PROHIBITED.

It shall be an offense and a violation for any person who is not a duly appointed reserve police officer to wear, carry or display a reserve police officer uniform or any portion thereof, a Reserve Police Force identification card, badge or insignia or to otherwise wrongfully or deceitfully represent himself or herself as a reserve police officer at any time, punishable upon conviction thereof by a fine of not to exceed \$100, plus court costs.

(Ord. 3006, passed 2-20-96)