

CASHION CODE OF ORDINANCES

PART 18

APPENDICES

APPENDIX 1 FRANCHISES

APPENDIX 2 PROVISIONS OF SELECTED STATE STATUTES

APPENDIX 3 RETIREMENT SYSTEM ORDINANCE (OMRF)

APPENDIX 4 FORMS FOR HEARINGS ON DILAPIDATED STRUCTURES
WITH INSTRUCTIONS.

APPENDIX 2014

**TOWN OF CASHION
CODE OF ORDINANCES**

**FORMS FOR HEARINGS ON DILAPIDATED BUILDINGS WITH
INSTRUCTIONS.**

NOTICE OF HEARING

STATE OF OKLAHOMA) To: (owner)
COUNTY OF _____))
TOWN OF CASHION)

And

(MORTGAGE HOLDER)

NOTICE IS HEREBY GIVEN pursuant to Section 22-112, and Section 22-112.1 of Title 11, Oklahoma Statutes Annotated, as amended that on the ____ day of _____, 20__, at ____ o'clock, _ M., the Town Board of the Town of Cashion, Oklahoma, will conduct a hearing to determine whether the following-described real property and the structures located thereon are so dilapidated as to be detrimental to the health, safety, and welfare of the Town of Cashion and the citizens and public, or creates a fire or safety hazard to the danger of surrounding property, or is a public nuisance. "Dilapidated" as used herein means neglect of necessary repairs or allowing the building to fall into a state of decay or partial ruin so as to be a health or safety hazard, or a structure which is unfit for human occupancy due to lack of necessary repairs.

The property to be considered is _____ (legal description), Town of Cashion, _____ County, Oklahoma.

Notice is further given that if the Town Board does determine that the aforementioned conditions do exist, the Town Board will direct that the buildings and/or structures be boarded and secured, or that any hazards be removed, or that the entire structure be demolished or repaired.

You are further notified that the cost of such removal, demolition, or boarding and securing, after a time determined by the Town Board, will be assessed and charged to the owner of said property; and if not paid within six (6) months after mailing demand for payment, said costs shall be charged against the property as a lien co-equal with an advalorem tax lien.

Any inquiries should be directed to Building Inspector, Town of Cashion, (address of town hall) _____ telephone No. (405) _____

You may appear at the hearing on the date mentioned above to show cause why the Town Board should not order the removal of hazards, the complete demolition of the structure,

and/or boarding and securing of the subject building(s). The place of the hearing is the
CashionTown Hall at the above address.

TOWNCLERK

Notice posted on property on _____, 20__.

TOWNCLERK

NOTICE BY CERTIFIED MAIL TO:

And

Certified mail return receipt received on the _____ day of _____, 20__.

TOWN CLERK

NOTICE OF LIEN

STATE OF OKLAHOMA)
) SS.
COUNTY OF _____)

NOTICE IS HEREBY GIVEN that the Town of Cashion, Oklahoma, claims a lien on the property in _____ County, Oklahoma, described as follows:

_____ legal description

by reason of the finding of the Town Board on the ____ day of _____, 20__, that the buildings located thereon were dilapidated and unsafe, and in need fo removal, repair, and/or boarding and securing.

The Town of Cashion, Oklahoma, claims a lien on the property for the cost of removing hazards, and for boarding and securing said property.

Town Clerk
Town of Cashion, Oklahoma
Dated: _____

STATE OF OKLAHOMA)
) SS.
COUNTY OF _____)

Before me, the undersigned Notary Public, in and for said County and State, on this ____ day of _____, 20__, personally appeared _____, to me known to be the identical person who signed the name of the maker thereof to the within and foregoing instrument as its TownClerk, and acknowledged to me that she executed same as her free and voluntary act and deed, and as the free and voluntary act and deed of said Town of Cashion, Oklahoma, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

NOTARY PUBLIC

My Commission Expires:

(Note: this is filed with _____ County Clerk immediately after Town Board has hearing and determines that building is dilapidated)

ORDER FOLLOWING HEARING

Re: Dilapidated structure on the following-described property in the Town of Cashion,
_____ County, Oklahoma, to-wit:

(Legal Description)_____

WHEREAS, on _____, 20__, a hearing was held before the Town Board of the Town of Cashion, Oklahoma, to determine whether the structures located on the aforementioned real estate are dilapidated so as to constitute a nuisance and health and safety hazards to the citizens of the Town of Cashion; and,

WHEREAS, the Town Board having reviewed the notices of this hearing find that same are adequate and sufficient by law. The Town Board having reviewed the evidence presented find that the buildings located on the subject property are dilapidated and in need of total demolition and removal or boarding, securing, and/or removal of hazards existing on the property.

IT IS THEREFORE ORDERED by the Town Board of the Town of Cashion, Oklahoma, that:

_____ the building(s) be demolished and debris removed from the property.

_____ the hazards of _____
_____ be removed

_____ the building(s) be boarded and secured

by the owners or their agents:

_____ within ten (10) days of this date
_____ on or before _____, 20__

In the event the owner fails to perform the acts required herein within the allotted time, then the Public Works Superintendent is directed to perform the work described above

_____ upon approval of the Town Board, or

_____ immediately and to report the costs of said work to the Town Board
for assessment

Mayor, Town of Cashion, Oklahoma

June 7, 2011

Bill Moyer
Town of Cashion

Re: Dilapidated Structure

Dear Bill:

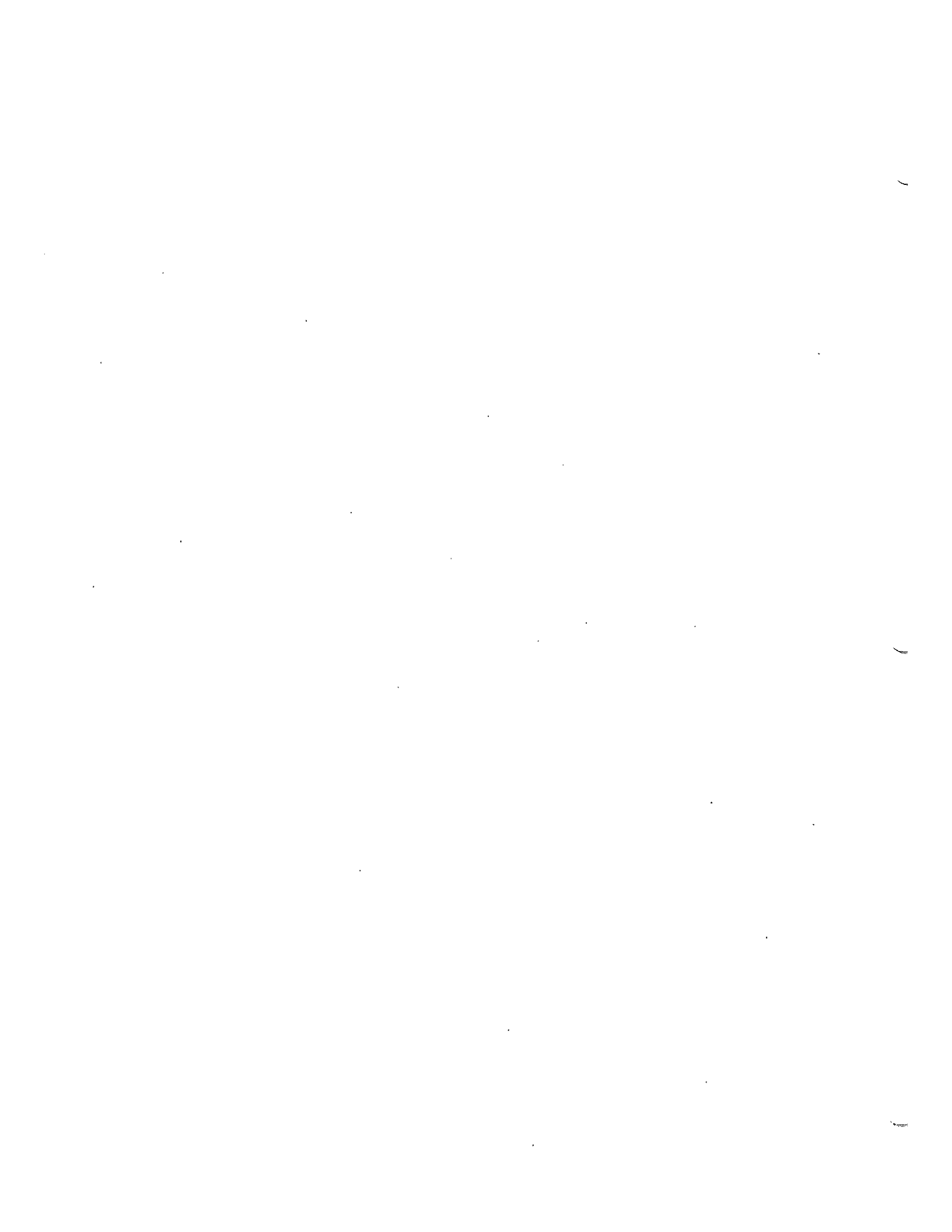
Here is the notice to be used for the hearing to determine the described building as dilapidated. The notice should be mailed by "certified mail - return receipt requested". Also, the notice must be posted in the door of the property and published one time in the Piedmont newspaper. The mailing, posting, and publication must all occur at least ten (10) days before the date of the hearing. A receipt from the Post Office should be obtained showing the name and address of whom the mail was sent and the date of mailing.

You should have the Town Inspector furnish a written inspection report on conditions of the building to the Town Board. After the hearing the Town Board should vote on authorizing demolition of the building. I have enclosed an Order authorizing demolition. The notice of lien should be filed with the ___ (either Kingfisher or Logan) _____ County Clerk after the hearing but before the building is torn down. After the building is torn down, boarded or repaired the Town then sends a demand for payment. If not paid within six months then contact me and I will prepare the necessary form to certify the costs to the _____ County Treasurer.

DAVID A. DAVIS

DAD:jfi

Enclosures



APPENDIX I

ELECTRIC FRANCHISE

Section 1	Definitions.
Section 2	Franchise granted.
Section 3	Not to impede traffic.
Section 4	Hold harmless to town.
Section 5	Corporation Commission rules.
Section 6	Assignment, acceptance.
Section 7	Franchise tax.
Section 8	Use of electric current.
Section 9	Election.
Section 10	Acceptance.
Section 11	Supersedes other franchises.
Section 12	Repealer.
Section 13	Severability.
Section 14	Emergency.

SECTION 1 DEFINITIONS.

The word "town" as hereinafter used shall mean and designate the Town of Cashion, Kingfisher and Logan Counties, Oklahoma, and the word "company" as hereinafter used shall mean and designate Oklahoma Gas and Electric Company, its successors and assigns. (Ord. No. 49, 9/19/90)

SECTION 2 FRANCHISE GRANTED.

A. The town hereby grants to the company the right, privilege, and authority to produce, transmit, distribute, and sell electricity within the corporate limits of the town for all purposes for which it may be used, to the town, its inhabitants, and the public generally, and the right, privilege, and authority to construct, maintain, and operate a system of poles, wires, conduits, transformers, substations, and other facilities and equipment in, upon, across, under, and over the streets, alleys, public grounds, and other places in each and every part of the town for the purpose of producing, transmitting, distributing, and selling electricity to the town, its inhabitants, and to the public generally.

B. The franchise hereby granted shall be effective from and after the date of approval of this ordinance by the qualified electors of the town and acceptance by the company, and shall remain in full force and effect for a period of twenty-five (25) years. Nothing in this ordinance shall be construed to prevent the town from granting an electric franchise to any other person, firm, or corporation. (Ord. No. 49, 9/19/90)

SECTION 3 NOT TO IMPEDE TRAFFIC.

The company shall construct, operate, and maintain its property in such manner as will, consistent with necessity, not obstruct nor impede traffic unduly. (Ord. No. 49, 9/19/90)

SECTION 4 HOLD HARMLESS TO TOWN.

The company shall defend and indemnify the town against all liability for injury to any person or property caused by the negligence of the company in the construction, operation, and maintenance of its property within the town, and company shall insure the provisions of this indemnity. (Ord. No. 49, 9/19/90)

Appendix I - Electric Franchise

SECTION 5 CORPORATION COMMISSION RULES.

Electric service provided hereunder to the town, its inhabitants, and to the public generally, and rates charged therefor shall be in accordance with orders, rules, and regulations of the Corporation Commission of the State of Oklahoma or other governmental authority having jurisdiction. (Ord. No. 49, 9/19/90)

SECTION 6 ASSIGNMENT, ACCEPTANCE.

The company shall have the right to assign this franchise and the assignee by written acceptance thereof shall be bound by all the provisions hereof. An unauthenticated copy of such assignment and acceptance shall be filed with the town clerk. (Ord. No. 49, 9/19/90)

Ed. Note: This ordinance refers to clerk which has been changed to clerk-treasurer.

SECTION 7 FRANCHISE TAX.

A. From and after the approval and acceptance of this franchise, and in consideration of the granting of this franchise, the company agrees to pay and shall pay to the town an annual franchise tax in an amount equal to three percent (3%) of its gross revenues arising from the sale of electricity within the corporate limits of the town, such payment to be made monthly each year, after deducting therefrom any amount due the company from the town.

B. The company shall abide by any order, rule, or regulation of the Corporation Commission of the State of Oklahoma requiring the listing separate of all or any portion of such franchise tax on electric bills to customers.

C. Such franchise taxes paid by the company to the town shall be in lieu of all other franchise, excise, license, occupation, privilege, inspection, permit, or other fees, taxes, or assessments, except advalorem taxes and applicable sales taxes. (Ord. No. 49, 9/19/90)

SECTION 8 USE OF ELECTRIC CURRENT.

The company shall furnish to the town without charge each fiscal year during the term hereof electric current to be used exclusively by the town for operation of traffic signal lights and buildings occupied and operated by the town for municipal purposes, to be applied by the company as a credit to billings to the town, provided that such electric current shall not exceed one-half of one percent (0.5%) of the kilowatt-hours sold by the company to customers within the corporate limits of the town during the preceding fiscal year. (Ord. No. 49, 9/19/90)

SECTION 9 ELECTION.

A special election is hereby called for the purpose of submitting this ordinance to the qualified electors of the town residing within its corporate limits for their approval or disapproval, provided the company shall pay the cost of such election. The election shall be held on the 13th day of November, 1990, between the hours of 7:00 A.M. and 7:00 P.M. The president of the board of trustees is authorized and directed to issue an election proclamation calling such election, and is further directed to take all steps that may be necessary for holding the election and for the submission of this ordinance to the qualified electors of the town. If a majority of the qualified electors of the town voting thereof fail to approve this franchise at the election, no rights shall accrue

SECTION 10 ACCEPTANCE.

In case the franchise hereby granted is approved at the election, the company shall, within thirty (30) days from the date of such approval, file with the clerk of the town, in writing, its acceptance of this ordinance, which acceptance shall be effective as of the effective date of the sale agreement provided for in town Ordinance Number 48. (Ord. No. 49, 9/19/90)

SECTION 11 SUPERSEDES OTHER FRANCHISES.

The franchise hereby granted shall, on its effective date, supersede and terminate any previous franchise granted to or held by the company. (Ord. No. 49, 9/19/90)

SECTION 12 REPEALER.

All ordinances in conflict herewith are hereby repealed. (Ord. No. 49, 9/19/90)

SECTION 13 SEVERABILITY.

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. No. 49, 9/19/90)

SECTION 14 EMERGENCY.

An emergency is hereby deemed and declared to exist whereby it is necessary for the preservation of the public health, safety, and welfare of the inhabitants of the town that this ordinance take effect immediately from and after its approval, adoption, and publication as provided by law. (Ord. No. 49, 9/19/90)

Appendix I - Electric Franchise

STATE LAWS

APPENDIX

PROVISIONS OF SELECTED STATE STATUTES
APPLICABLE TO THE TOWN
(FROM TITLE 11 OF THE OKLAHOMA STATUTES, CITIES AND TOWNS)

Article

8	Officers - General Provisions
12	Town Board of Trustees Form of Government
14	Municipal Ordinances
16	Municipal Elections
17	Municipal Finances
22	General Powers of Municipalities
27	Courts

2

4

5

ARTICLE VIII

OFFICERS - GENERAL PROVISIONS

Section

8-101	Qualifications for Elected Office
8-102	Term of Office
8-103	Oath of Office
8-104	Who may Administer Oaths
8-105	Certain Officers to Give Bond
8-106	Nepotism - Dual Office Holding
8-107	Removal of Officers
8-108	Absence from Governing Body Meetings
8-109	Vacancies in Office
8-110	Method of City Official Becoming Candidate for County or State Office
8-111	Abstinance in Voting in Certain Meetings
8-112	Resignation of Municipal Officer
8-113	Certain Officers and Employees Prohibited from Conducting Certain Business with Municipality - Violations

ARTICLE VIII

OFFICERS - GENERAL PROVISIONS

SECTION 8-101. QUALIFICATIONS FOR ELECTED OFFICE

A municipal elected official shall be a resident and a registered voter of the municipality in which he serves, and all councilmembers or trustees from wards shall be actual residents of their respective wards. If an elected official ceases to be a resident of the municipality, he shall thereupon cease to be an elected official of that municipality.

SECTION 8-102. TERM OF OFFICE

Unless otherwise provided for by law, the term of office of an elected municipal official shall be four (4) years. The term of office of an elected official shall begin at 12:00 noon on the second Monday following the general municipal election, and such official shall serve until his successor is elected and qualified. If a newly elected official does not qualify within thirty (30) days after his term of office begins, the office shall become vacant and shall be filled in the manner provided by law. In order to complete the unexpired term, the office of an official who is holding over shall be filled at the next general election in compliance with the provisions of Sections 16-101 through 16-213 of this title. (Amended 11/1/84)

SECTION 8-103. OATH OF OFFICE

Any officer, elected or appointed, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the Oklahoma Constitution. The oath or affirmation shall be filed in the office of the municipal clerk.

SECTION 8-104. WHO MAY ADMINISTER OATHS

All officers authorized by state law, the mayor, the municipal clerk, the city manager, the municipal judge or judges and such other officers as the municipal governing body may authorize, may administer oaths and affirmations in any matter pertaining to the affairs and government of the municipality.

SECTION 8-105. CERTAIN OFFICERS TO GIVE BOND

The municipal governing body shall require the municipal treasurer, and any other officers and employees as the governing body may designate by ordinance, to give bond for the faithful performance of his duties within ten (10) days after his election or appointment, in such amount and form as the governing body shall prescribe. The municipality shall pay the premiums on such bonds.

SECTION 8-106. NEPOTISM - DUAL OFFICE HOLDING

No elected or appointed official or other authority of the municipal government shall appoint or elect any person related by affinity or consanguinity within the third degree to any governing body member or to himself or, in the case of a plural authority, to any one of its members to any office or position of profit in the municipal government. The provisions of this section shall not prohibit an officer or employee already in the service of the municipality from continuing in such service or from promotion therein. A person may hold more than one office or position in a municipal government as the governing body may ordain. A member of the governing body shall not receive compensation for service in any municipal office or position other than his elected office. (Amended 11/1/84)

SECTION 8-107. REMOVAL OF OFFICERS

A municipal elected official may be removed from office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed thereby.

SECTION 8-108. ABSENCE FROM GOVERNING BODY MEETINGS

Whenever a member of the municipal governing body is absent from more than one-half of all meetings of the governing body, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

SECTION 8-109. VACANCIES IN OFFICE

A. When a vacancy occurs in an office of an elected municipal official except the mayor, the governing body shall appoint, by a majority vote of the remaining members, a person to fill the vacancy until the next general municipal election, or the next biennial town meeting if the municipality is subject to the Oklahoma Town Meeting Act, Section 16-301 et seq. of this title, and to serve until a successor is elected and qualified. Any vacancy shall then be filled at the next general municipal election or biennial town meeting by election of a person to complete the balance of any unexpired term. If the vacancy has not been filled within sixty (60) days after it occurs, the governing body shall call for a special election or a special town meeting for the purpose of filling the vacancy for the duration of the unexpired term unless said vacancy occurs or said election would occur within one hundred twenty (120) days prior to the first day of the filing period for the next general municipal election or within one hundred twenty (120) days prior to the next biennial town meeting. If a vacancy is not filled by the special election or at a special town meeting, it shall be filled by appointment as provided for in this subsection.

B. If a majority of the offices of a governing body are become vacant more than sixty (60) days before the beginning of a regular filing period for general municipal elections or more than sixty (60) days before the biennial town meeting, the remaining members of the governing body shall call for a special election or a special town meeting, if the municipality is subject to the Oklahoma Town Meeting Act, to be held as soon as possible in the municipality for the purpose of filling all vacant offices for the remainder of their unexpired terms if the election or town meeting can be held more than sixty (60) days before the beginning of the filing period for the general election or more than sixty (60) days before the next biennial town meeting. The remaining members of the governing body may pay claims in accordance with Section 17-102 of this title and, when necessary to avoid financial loss or injury to a person or property, may take any action otherwise authorized for the governing body except the enactment of an ordinance.

C. If all the offices of the governing body become vacant, the municipal clerk or acting municipal clerk shall be the interim mayor until a member of the governing body is elected and qualified. If there is no municipal clerk or acting municipal clerk in office, the municipal treasurer shall serve as interim mayor and acting municipal clerk. If there is no municipal officer in office, the Governor may appoint a registered voter of the municipality as interim mayor and acting municipal clerk. The appointed interim mayor shall give bond for the faithful performance of his duties within ten (10) days after his appointment. The municipality shall pay the premium on the bond.

D. The interim mayor shall exercise the authority of the governing body for only those purposes set out in this section.

I. Within five (5) days of the occurrence of the last vacancy, the interim mayor shall call a special election or a special town meeting, if the municipality is subject to the provisions of the Oklahoma Town Meeting Act, for the purpose of filling the unexpired terms in accordance with subsection B of this section. If all of the offices of the governing body become vacant sixty (60) days or less before the beginning of a regular filing period for general elections or sixty (60) days or less before the next biennial town meeting, the interim mayor shall call the regular general election or the biennial town meeting, whichever is appropriate. If the interim mayor fails or refuses to call an election or town meeting, whichever is appropriate, the board of county commissioners of the county in which the municipality is located shall call the election or town meeting. The county sheriff, or his deputy, shall attend any town meeting called by the board of county commissioners and, if the interim mayor fails

to conduct the meeting, shall moderate the meeting. The interim mayor or the sheriff or deputy who is moderating the meeting is authorized to appoint a registered voter of the municipality to take the minutes of the meeting. If the vacancies are not filled by the election or town meeting called for the purpose, the Governor may appoint registered voters of the municipality to fill the vacancies without regard to wards for the balance of the unexpired term.

2. The interim mayor may pay claims in accordance with subsection C of Section 17-102 of this title. The interim mayor shall submit a list of such payments to the governing body of the municipality no later than the second regular meeting after the vacancies are filled.

E. To be eligible for appointment to fill a vacancy in an elected municipal office a person must meet the same qualifications required for filing a declaration for candidacy for that office. (Amended 1989)

SECTION 8-110. METHOD OF CITY OFFICIAL BECOMING CANDIDATE FOR COUNTY OR STATE OFFICE

Any member of a city governing body, the city clerk, and the city marshal, may not, unless he resigns from the office held by him, be eligible to become a candidate for a county or state office. This provision shall not apply to any municipality governed by charter, nor to incorporated towns.

SECTION 8-111. ABSTINENCE IN VOTING IN CERTAIN MEETINGS

If a member of the governing body of a municipality abstains from voting, he shall be deemed to have cast a negative vote, which shall be recorded in the minutes. (Added, 11/1/84)

SECTION 8-112. RESIGNATION OF MUNICIPAL OFFICER

A municipal officer may resign by submitting his written resignation to the governing body of the municipality, to the remaining members of the municipal governing body if some positions are vacant, to the interim mayor or, if all positions of the governing body will become vacant upon the resignation, to the board of county commissioners of the county in which the municipality is located. Delivery of the written resignation to the governing body during a public meeting of such body or to the municipal clerk by mail or personal delivery during regular office hours shall constitute submission of the resignation to the municipal governing body. Delivery of the written resignation to the board of county commissioners during a public meeting of the commissioners or to the county clerk by mail or hand delivery during regular office hours shall constitute submission of the resignation to the board of county commissioners. A resignation submitted by a municipal officer may be withdrawn in writing at any time prior to the effective date stated in the resignation. If no effective date is stated, the resignation shall be effective immediately. Acceptance by the governing body shall not be required for the resignation to be effective. (Amended 1988)

SECTION 8-113. CERTAIN OFFICERS AND EMPLOYEES PROHIBITED FROM CONDUCTING CERTAIN BUSINESS WITH MUNICIPALITY - VIOLATIONS

A. Except as otherwise provided by this section, no municipal officer or employee, or any business in which said officer, employee, or spouse of the officer or employee has a proprietary interest, shall engage in:

1. Selling, buying, or leasing property, real or personal, to or from the municipality;
2. Contracting with the municipality; or
3. Buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidence of indebtedness of the municipality.

B. For purposes of this section, "employee" means any person who is employed by a municipality more than ten (10) hours in a week for more than thirteen (13) consecutive weeks and who enters into, recommends or participates in the decision to enter into any transaction described in subsection A of this section. Provided that any person who receives wages, reimbursement for expenses, or emoluments of any kind from a municipality, any spouse of such person, or any business in which such person or spouse has a proprietary interest shall not buy or otherwise become interested in the transfer of any surplus property of a municipality or a public trust of which the municipality is beneficiary unless such surplus property is offered for sale to the public after notice of the sale is published.

C. For purposes of this section, "proprietary interest" means ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage which constitutes a controlling interest but shall not include any such interest held by a blind trust.

D. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor. Any transaction entered into in violation of the provisions of this section is void. Any member of a governing body who approves any transaction in violation of the provisions of this section shall be held personally liable for the amount of said transaction. (Amended 3/5/85)

ARTICLE XII

TOWN BOARD OF TRUSTEES FORM OF GOVERNMENT

Section

12-101	Statutory Town Board of Trustees Form of Government
12-102	Governing Body - Board of Trustees
12-103	Qualifications of Trustees
12-103.1	Nominating and Electing Trustees At Large - Petition for Election on the Question - Sufficiency of Petition - Ballot - Effect of Election
12-103.2	Terms of Trustees Elected At Large - Designation by Candidates - Ballot Statement - Manner of Voting - Election by Plurality
12-104	Election of Mayor
12-105	Duties of the Mayor - Acting Mayor
12-106	Powers Vested in Board of Trustees - Designated Powers
12-107	Board of Trustees - Meetings
12-108	Board of Trustees - Quorum - Rules and Voting
12-109	Town Clerk - Creation and Duties
12-110	Town Treasurer - Creation and Duties
12-111	Chief of Police - Creation and Duties
12-112	Departments and Agencies - Merger or Consolidation of Town Offices
12-113	Compensation of Town Elective Officers
12-114	Appointments and Removals

ARTICLE XII

TOWN BOARD OF TRUSTEES FORM OF GOVERNMENT

SECTION 12-101. STATUTORY TOWN BOARD OF TRUSTEES FORM OF GOVERNMENT

The form of government provided by Sections 12-101 through 12-114 of this title shall be known as the statutory town board of trustees form of government. Towns governed under the statutory town board of trustees form shall have all the powers, functions, rights, privileges, franchises and immunities granted, or which may be granted, to towns. Such powers shall be exercised as provided by law applicable to towns under the town board of trustees form, or if the manner is not thus prescribed, then in such manner as the board of trustees may prescribe.

SECTION 12-102. GOVERNING BODY - BOARD OF TRUSTEES

The town board of trustees shall consist of either three (3) or five (5) trustees who shall be nominated from wards or at large and elected at large. The governing body may submit to the voters the question of whether the town board shall consist of either three (3) or five (5) trustees. If approved, the election of trustees to fill any new positions shall take place at the time set by the town board but no later than the next regular municipal election. The terms of the new trustees shall be staggered as provided for in Sections 16-205 and 16-206 of this title. (Amended 11/1/84)

SECTION 12-103. QUALIFICATIONS OF TRUSTEES

The trustees who are nominated from wards shall be actual residents of their respective wards. Removal of a trustee from the ward for which he was elected shall not cause a vacancy in the office of that trustee. (Amended eff. 10/19/81).

SECTION 12-103.1 NOMINATING AND ELECTING TRUSTEES AT LARGE - PETITION FOR ELECTION ON THE QUESTION - SUFFICIENCY OF PETITION - BALLOT - EFFECT OF ELECTION

A. The board of trustees may, by ordinance, provide for the nomination and election at large of the trustees of a statutory town board of trustees form of government; provided, however, that such ordinance shall not become effective until sixty (60) days following the date of its publication. After the ordinance becomes effective, the requirement that trustees of a town be residents of and nominated from wards shall not apply.

B. Within such sixty-day period, the registered voters of such town may petition for an election on the question of nominating and electing the trustees at large. The petition shall be signed by a number of such

registered voters that is not less than twenty percent (20%) of the votes cast at the most recent election for the town office receiving the greatest number of votes. The petition shall be filed with the town clerk. The ordinance providing for the nomination and election of trustees at large shall be suspended pending the determination of the sufficiency of the number of signatures on the petition or the determination of the results of the election.

C. Each petition filed with the town clerk shall be on a separate sheet and shall be authenticated by the affidavit of at least one credible witness that the signatures are genuine and that the signers of the petition are registered voters of the town. The clerk shall make a physical count of the number of signatures appearing on the petitions and shall verify with the county election board the number of votes cast at the most recent town election for the office receiving the greatest number of votes. The clerk shall then publish a notice of the filing and the apparent sufficiency or insufficiency of the petition. The notice shall also state that any qualified elector of the town may file a protest to the petition or an objection to the count made by the clerk. A protest to the petition or the count of signatures shall be filed in the district court in the county in which the situs of the town is located within ten (10) days after the publication. Written notice of the protest shall be served upon the clerk and the parties who filed the petition. In the case of the filing of an objection to the count, notice shall also be served upon any party filing a protest. The district court shall fix a day, not less than ten (10) days after the filing of a protest, to hear testimony and arguments for and against the sufficiency of the petition. A protest filed by anyone, if abandoned by the party filing it, may be revived within five (5) days by any other qualified elector. After the hearing, the district court shall decide whether such petition is in form required by law. If the number of signatures on the petition is insufficient, the ordinance shall become effective.

D. If the number of signatures of the registered voters on the petition is sufficient, an election on the question shall be conducted as provided in the applicable sections of Article 16 of this title. The question on the ballot shall read substantially as follows:

For the nomination and election of
trustees at large ()

Against the nomination and election of
trustees at large ()

E. If a majority of the votes cast on the question favor the nomination and election of trustees at large, the ordinance shall become effective. If a majority of the votes cast on the question are against the nomination and election of the trustees at large, the ordinance shall not become effective. (Added eff. 10/19/81)

SECTION 12-103.2 TERMS OF TRUSTEES ELECTED AT LARGE - DESIGNATION BY CANDIDATES - BALLOT STATEMENT - MANNER OF VOTING - ELECTION BY PLURALITY

A. Whenever the trustees of a town are to be nominated and elected at large, the notice of election shall state the number of trustees to be elected for four-year terms and the number of trustees to be elected to fill unexpired terms, if any. Candidates for the office of trustee shall state on the declaration of candidacy the term of the office being sought.

B. The ballot shall state the number of offices of trustee to be filled for each designated term and that the voters shall vote for the number of offices to be filled.

C. The candidate who receives a plurality of the votes cast for the office of trustee for the designated term shall be elected for that designated term. If more than one office of trustee is to be filled for a designated term, the candidates receiving the largest pluralities shall be elected to those offices. (Added eff. 10/19/81).

SECTION 12-104. ELECTION OF MAYOR

The board of trustees shall elect from among its members a mayor. The mayor shall be elected in each odd-numbered year at the first board of trustees meeting held after trustee terms begin, or as soon thereafter as practicable. The mayor shall serve until his successor has been elected and qualified. All references to the president of the town board of trustees in Oklahoma Statutes shall mean the town mayor.

SECTION 12-105. DUTIES OF THE MAYOR - ACTING MAYOR

The mayor shall preside at meetings of the board and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the town government for all ceremonial purposes and shall have such other powers, duties and functions as may be prescribed by law or ordinance. The mayor shall have all the powers, rights, privileges, duties and responsibilities of a trustee, including the right to vote on questions. During the absence, disability or suspension of the mayor, the board shall elect from among its members an acting mayor. When a vacancy occurs in the office of mayor, the board shall elect another mayor from among its members to serve for the duration of the unexpired term.

SECTION 12-106. POWERS VESTED IN BOARD OF TRUSTEES - DESIGNATED POWERS

All powers of a statutory town board of trustees town, including the determination of matters of policy, shall be vested in the board of trustees. Without limitation of the foregoing, the board may:

1. Appoint and remove, and confirm appointments of, designated town officers and employees as provided by law or ordinance;
2. Enact municipal legislation subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
3. Raise revenue, establish rates for services and taxes, make appropriations, regulate salaries and wages and all other fiscal affairs of the town, subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
4. Inspect the books and accounts maintained by the town treasurer;
5. Inquire into the conduct of any office, department or agency of the town, and investigate municipal affairs, or authorize and provide for such inquiries;
6. Create, change and abolish offices, departments or agencies, other than those established by law; assign additional functions and duties to offices, departments and agencies established by this article; and define the duties, powers and privileges of all officers which are not defined by this article; and
7. Grant pardons for violation of municipal ordinances, including the remission of fines and costs.

SECTION 12-107. BOARD OF TRUSTEES - MEETINGS

The board of trustees shall meet regularly at least monthly at such times as it may prescribe by ordinance or otherwise. Special meetings may be called by the mayor or:

1. Any two trustees where the board has three members; or
2. Any three trustees where the board has five members.

SECTION 12-108. BOARD OF TRUSTEES - QUORUM - RULES AND VOTING

A majority of all the members of the board of trustees shall constitute a quorum to do business, but a smaller number may adjourn from day to day. The board may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the board may prescribe.

SECTION 12-109. TOWN CLERK - CREATION AND DUTIES

The town clerk shall be an officer of the town. The town clerk shall:

1. Keep the journal of the proceedings of the board of trustees; and
2. Enroll all ordinances and resolutions passed by the board of trustees in a book or set of books kept for that purpose; and
3. Have custody of documents, records, and archives as may be provided for by law or by ordinance, and have custody of the town seal; and
4. Attest and affix the seal of the town to documents as required by law or by ordinance; and
5. Have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as town clerk may be employed by the town to perform duties not related to his position as town clerk. The salary, if any, for said duties shall be provided for separately by ordinance. (Amended 11/1/84)

SECTION 12-110. TOWN TREASURER - CREATION AND DUTIES

The town treasurer shall be an officer of the town. The town treasurer shall:

1. Maintain accounts and books to show where and from what source all monies paid to him have been derived and to whom and when any moneys have been paid; and

2. Deposit daily funds received for the town in depositories as the board of trustees may designate; and
3. Have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as town treasurer may be employed by the town to perform duties not related to his position as town treasurer. The salary, if any, for said duties shall be provided for separately by ordinance.

The books and accounts of the town treasurer shall be subject at all times to examination by the board of trustees. (Amended 11/1/84)

SECTION 12-111. CHIEF OF POLICE - CREATION AND DUTIES

The board of trustees may appoint a chief of police, who shall enforce municipal ordinances and have such other powers, duties and functions as may be prescribed by law or ordinance. The chief of police may appoint police officers as he deems necessary, subject to the approval and confirmation of the board of trustees. All references in Oklahoma Statutes to the town marshal shall mean the town chief of police. (Amended, effective 4/9/79)

SECTION 12-112. DEPARTMENTS AND AGENCIES - MERGER OR CONSOLIDATION OF TOWN OFFICES

In the town board of trustees form of government, there shall be such administrative departments, officers, and agencies as the board may establish. The board may combine, merge, or consolidate any of the various offices of town government as it deems necessary and convenient for the administration of the affairs or government of the town. Any consolidation of elected town offices shall go into effect at the end of the term of office of those officers whose offices are consolidated or when a vacancy occurs in one of the offices to be consolidated. Any ordinance consolidating offices must be enacted at least thirty (30) days prior to the date of the next municipal primary election. (Amended 11/1/84)

SECTION 12-113. COMPENSATION OF TOWN ELECTIVE OFFICERS

The compensation of all elective town officers shall be fixed by ordinance.

SECTION 12-114. APPOINTMENTS AND REMOVALS

Appointments and promotions in the service of a statutory town board of trustees government shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. The board by ordinance may establish a merit system and provide for its organization and functioning, and provide for personnel administration and regulation of personnel matters. The board of trustees may remove for cause any appointive officer by a majority vote of all its members.

State Laws Appendix - Provisions of Selected State Statutes

ARTICLE XIV

MUNICIPAL ORDINANCES

Section

14-101	Municipal Ordinances - Authority
14-101.1	Rent Control - Prohibition
14-102	Ordinances - Procedure Governing Passage
14-103	Effective Date of Municipal Ordinances - Emergency Measures
14-104	Style of Ordinances - Title and Subject - Enacting Clause
14-105	Ordinance Book - Entries
14-106	Publication of Ordinances
14-107	Publication by Title and Condensed Summary of Certain Codes and Ordinances; Adoption and Enforcement of Certain Building Codes
14-108	Codification of Municipal Ordinances
14-109	Mandatory Compilation of Penal Ordinances
14-110	Notice and Filing of Penal Ordinance Compilations - Judicial Notice
14-111	Enforcement and Penalties for Violation of Municipal Ordinances
14-112	Cancellation or Denial of Driving Privileges for Noncompliance with Municipal Court Sentence
14-113	Liability for Cost of Medical Care to Defendant in Custody of Municipal Jail

ARTICLE XIV

MUNICIPAL ORDINANCES

SECTION 14-101. MUNICIPAL ORDINANCES - AUTHORITY

The municipal governing body may enact ordinances, rules and regulations not inconsistent with the Constitution and laws of Oklahoma for any purpose mentioned in Title 11 of the Oklahoma Statutes or for carrying out their municipal functions. Municipal ordinances, rules or regulations may be repealed, altered or amended as the governing body ordains.

SECTION 14-101.1 RENT CONTROL - PROHIBITION

A. No municipal governing body may enact, maintain, or enforce any ordinance or resolution which regulates the amount of rent to be charged for privately owned, single-family or multiple unit residential or commercial rental property.

B. This section shall not be construed to prohibit any municipality or any authority created by a municipality for that purpose from:

1. Regulating in any way property belonging to that municipality or authority;
2. Entering into agreements with private persons which regulate the amount of rent charged for subsidized rental properties; or
3. Enacting ordinances or resolutions restricting rent for properties assisted with federal Community Development Block Grant Funds. (Added 1988)

SECTION 14-102. ORDINANCES - PROCEDURE GOVERNING PASSAGE

All proposed ordinances of a municipality shall be considered at a public meeting of the council or board of trustees. A vote of a majority of all the members of the council or board of trustees shall be required for the final passage of an ordinance.

SECTION 14-103. EFFECTIVE DATE OF MUNICIPAL ORDINANCES - EMERGENCY MEASURES

Every ordinance except an emergency ordinance shall go into effect thirty (30) days after its final passage unless it specifies a later date. An emergency measure necessary for the immediate preservation of peace, health, or safety shall go into effect upon its final passage unless it specifies a later date. Such an emergency measure must state in a separate section the reasons why it is necessary that the measure become effective immediately. The question of emergency must be ruled upon separately and approved by the affirmative vote of at least three-fourths (3/4) of all the members of the governing body of the municipality. (Amended 11/1/84)

SECTION 14-104. STYLE OF ORDINANCES - TITLE AND SUBJECT - ENACTING CLAUSE

An ordinance may contain only one subject and the subject shall be expressed in its title. The enacting clause of all ordinances passed by a municipal governing body shall be:

1. "Be it ordained by the Council of the City of _____", for city ordinances; or
2. "Be it ordained by the Board of Trustees of the Town of _____", for town ordinances.

The enacting clause of ordinances proposed by the voters under their power of initiative shall be "Be it ordained by the People of the _____ (City or Town) of _____".

SECTION 14-105. ORDINANCE BOOK - ENTRIES

Every ordinance enacted by a municipal governing body shall be entered in an ordinance book immediately after its passage. The entry shall contain the text of the ordinance and shall state the date of its passage, the page of the journal containing the record of the final vote on its passage, the name of the newspaper in which the ordinance was published, and the date of the publication. Compilations or codes of municipal law or regulations need not be enrolled in full in the book of ordinances, but the ordinance adopting by reference or enacting such compilation or code shall be entered and a copy of the compilation or code shall be filed and kept in the office of the municipal clerk. (Amended 11/1/84)

SECTION 14-106. PUBLICATION OF ORDINANCES

No ordinance having any subject other than the appropriation of monies shall be in force unless published or posted within fifteen (15) days after its passage. Every municipal ordinance shall be published at least once in full, except as provided in Section 14-107 of this title.

When publishing the ordinance, the publisher or managing officer of the newspaper shall prefix to the ordinance a line in brackets stating the date of publication as "Published _____", giving the month, day, and year of publication. (Amended 11/1/84)

SECTION 14-107. PUBLICATION BY TITLE AND CONDENSED SUMMARY OF CERTAIN CODES AND ORDINANCES; ADOPTION AND ENFORCEMENT OF CERTAIN BUILDING CODES

A. If a municipal governing body enacts or adopts by reference ordinances which are compilations or codes of law or regulations relating to traffic, building, plumbing, electrical installations, fire prevention, inflammable liquids, milk and milk products, protection of the public health, or other matters which the municipality has the power to regulate, such ordinances are not required to be published in full. Legal publication of these ordinances may be by publishing the title and a condensed gist or summary of their contents in the manner provided by Section 14-106 of this title. At least one copy of these ordinances shall be kept in the office of the municipal clerk for public use, inspection, and examination. The municipal clerk shall keep copies of the ordinances, code, or compilations for distribution or sale at a reasonable price.

B. A municipality which adopts building standards shall adopt and enforce one of the following codes:

1. The BOCA Basic Building Code of the Building Officials and Code Administrators International, Incorporated; or
2. The Uniform Building Code of the International Conference of Building Officials; or
3. The Southern Standard Building Code of the Southern Building Code Congress, International, Incorporated; or
4. The Code for Energy Conservation in New Building Construction prepared by the National Conference of States on Building Codes and Standards, Inc. (NCSBCS); or
5. Any other code which the governing body deems desirable to promote safety, energy efficiency, health, and welfare within the municipality.

C. Ordinances which are passed by the governing body with an emergency clause attached are not required to be published in full, but may be published by title only in the manner provided by Section 14-106 of this title. (Amended, effective 11/1/84)

SECTION 14-108. CODIFICATION OF MUNICIPAL ORDINANCES

A. The governing body of a municipality may, from time to time, authorize a codification of its ordinances. Such a code may be kept up to date by use of a loose-leaf system and process of amendment. In a code

State Laws Appendix - Provisions of Selected State Statutes

of municipal ordinances, the title, enacting clauses and emergency sections may be omitted and temporary and special ordinances and parts of ordinances may also be omitted. Permanent and general ordinances and parts of ordinances which are to be repealed by the code shall be omitted from the code. The ordinances and parts of ordinances included in the code may be revised, rearranged, renumbered, and reorganized into some systematic arrangement. The governing body may publish in connection with the code new matter, provisions of state law relating to the municipality, a history of the municipality, the history of the municipal government, the names of officials and other informational matter as the governing body may decide. The book or pamphlet containing the code may also contain an index and forms and instructions as the governing body may decide.

B. At least three copies of the code shall be kept in the office of the municipal clerk for public use, inspection and examination. The municipal clerk shall keep copies of the code for distribution or sale at a reasonable price.

C. Notice of the publication of the code shall be in the manner provided for publication by title of certain codes and ordinances in subsection A of Section 14-107 of this title.

SECTION 14-109. MANDATORY COMPILATION OF PENAL ORDINANCES

The penal ordinances of every municipality shall be compiled and published in a permanent form, either printed or typed, periodically, but not less than once each ten (10) years. Each municipality shall also publish biennial supplements to the permanent volume of compiled penal ordinances. No municipal ordinance shall be enforced if it is not reflected in such a permanent volume or supplement if the ordinance was adopted before the latest compilation or supplement. A codification of municipal ordinances which includes all penal ordinances is sufficient for complying with this compilation requirement if the code is issued as a permanent volume with biennial supplements and if the procedures for filing and notice, as outlined in Section 14-110 of this title, have been complied with. Provided, further, the ten-year codification requirement shall be satisfied if the code complies with the compilation requirement and the biennial supplements are made a part of the permanent volume which are maintained in permanent form either bound or in a loose-leaf form. (Amended 1989)

SECTION 14-110. NOTICE AND FILING OF PENAL ORDINANCE COMPILATIONS - JUDICIAL NOTICE

When a municipality has compiled and published its permanent volume or biennial supplement of penal ordinances, the governing body of the municipality shall adopt a resolution notifying the public of the publication. A copy of the resolution shall be filed in the office of the county clerk in each county in which the municipality is located. The county clerk shall assign the filed resolution a book and page number. At least one copy of the permanent volume and each biennial supplement shall be deposited free of cost by the municipality in the county law library of each county wherein the municipality is located, and receipt of same shall be duly noted in writing by the county librarian. A copy of the receipt may be filed with the county clerk who shall then assign a book and page number. The permanent volume or biennial supplement of compiled penal ordinances shall be available for purchase by the public at a reasonable price. Ordinances which have been compiled and filed in accordance with this section shall be judicially noticed in all court proceedings. Provided, a court may consider a book and page reference of the county clerk's filings as satisfactory proof of compliance so that judicial notice may be taken of an ordinance. (Amended 1989)

SECTION 14-111. ENFORCEMENT AND PENALTIES FOR VIOLATION OF MUNICIPAL ORDINANCES

A. The governing body of a municipality may provide for enforcement of its ordinances and establish fines, penalties, or imprisonment, as authorized by subsections B through D of this section, for any offense in violation of its ordinances, which shall be recoverable with costs of suit. The governing body may provide that any person fined for violation of a municipal ordinance, who is financially able but refuses or neglects to pay the fine or costs, may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas, and public grounds of the municipality, subject to the direction of the street commissioner or other proper officer, at a rate per day as the governing body may prescribe by ordinance, but not less than Five Dollars (\$5.00) per day for useful labor, until the fine or costs are satisfied.

B. Cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of Five Hundred Dollars (\$500.00) and costs or imprisonment not exceeding ninety (90) days or both the fine and imprisonment, but shall not have authority to enact any ordinance making unlawful an act or omission declared by state statute to be punishable as a felony. Provided, that cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges.

C. Municipalities having a municipal court not of record may enact ordinances prescribing maximum fines of Two Hundred Dollars (\$200.00) and costs pursuant to the provisions of Section 27-126 of this title or imprisonment not exceeding thirty (30) days or both the fine and imprisonment, provided that municipalities having only a municipal court not of record shall not have authority to enact any ordinance making unlawful any act or omission declared by state statute to be punishable as a felony. A municipal ordinance may not impose a penalty,

including fine and costs, greater than that established by statute for the same offense. Provided, that municipalities having a municipal court not of record may enact ordinance prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges.

D. Municipalities having both municipal criminal courts of record and municipal courts not of record may enact ordinances, within the authority of this section, for both such courts.

E. No municipality may levy a fine of over Fifty Dollars (\$50.00) until it has compiled and published its penal ordinances as required in Sections 14-109 and 14-110 of this title. (Amended 1990)

SECTION 14-112 CANCELLATION OR DENIAL OF DRIVING PRIVILEGES FOR NONCOMPLIANCE WITH MUNICIPAL COURT SENTENCE.

A. As used in this section:

1. "Department" means the Department of Public Safety;
2. "Notification form" means a form prescribed by the Department which contains a statement from the court that the person has failed to satisfy the sentence of the court. It shall include the name, date of birth, physical description, and the driver's license number, if any, of the person;
3. "Reinstatement form" means a form prescribed by the Department which contains a statement from the court that the person has satisfied the sentence of the court. It shall include sufficient information to identify the person to the Department;
4. "Sentence" means any order of the court to pay a fine, penalty assessment or costs or to carry out a term of community service or other remedial action.

B. When any person under the age of eighteen (18) years fails or refuses to satisfy a sentence of a municipal court, the court shall notify the Department. Upon receipt of the notification form from the court, the Department shall cancel or deny all driving privileges of the person without a hearing until the person satisfies the sentence of the court.

C. When the person fulfills the sentence of the court, the court or court clerk shall provide a reinstatement form to such person either directly or by first class mail, postage prepaid, at the last address given by the person to the court. The driving privileges of a person who furnishes a reinstatement form to the Department shall be granted or reinstated, if the person is otherwise eligible, in accordance with law. Upon such granting or reinstatement of driving privileges, the Department may remove any record of the denial or cancellation of driving privileges as provided for in this section from the file of the person and maintain an internal record of the denial or cancellation for fiscal or other purposes.

D. At the time of sentencing the person, the court may take custody of the driver's license of the person until the terms of the sentence are fulfilled. In such case, the court shall issue to the person a receipt for the license. Additionally, the court may notify the parents or other custodian of the person of the terms of the sentence or any notice to the Department. (Added 1990)

SECTION 14-113 LIABILITY FOR COST OF MEDICAL CARE TO DEFENDANT IN CUSTODY OF MUNICIPAL JAIL.

When a defendant is in the custody of a municipal jail, the custodial municipality shall only be liable for the cost of medical care for conditions that are not preexisting prior to arrest and that arise due to acts or omissions of the municipality. Preexisting conditions are defined as those illnesses beginning or injuries sustained outside the custody of the municipal jail.

An inmate receiving medical care for a preexisting condition or a condition not caused by the acts or omissions of the municipality shall be liable for payment of the cost of care, including but not limited to, medication, medical treatment, and transportation costs, for or relating to the condition requiring treatment. (Added 1990)

State Laws Appendix - Provisions of Selected State Statutes

ARTICLE XVI

MUNICIPAL ELECTIONS

Part 1. General Provisions

Section

16-101	Notice of Municipal Elections
16-102	Provisions not Applicable to Municipalities Governed by Charter
16-103	General Municipal Elections - When Held
16-103.1	Withholding Certain Monies from City or Town that Fails to Hold Municipal Elections
16-104	Conduct of General Municipal Elections
16-105	What Candidate's Name may be Placed on General Election Ballot
16-105.1	Elections to be Nonpartisan - Primary Elections in Nonpartisan Elections Abolished
16-106	Unopposed Candidates in General Election
16-107	Primary Elections - When Held
16-108	Conduct of Primary Elections
16-109	Manner of Becoming a Party Candidate - Declaration of Candidacy
16-110	Independent Candidates
16-111	Unopposed Candidates in Primary Election
16-112	Special Elections - Questions Which may be Submitted
16-113	Special Election Ballot - Preparation and Arrangement
16-114	Conduct of Special Elections Held for Electing Officers

Part 2. Specific Provisions for Statutory Cities and Towns

16-201	Aldermanic Cities with One Councilmember per Ward - Officers to be Elected - Terms
16-202	First Election Held in Aldermanic Cities with One Councilmember per Ward
16-203	Aldermanic Cities with Two Councilmembers per Ward - Officers to be Elected - Terms
16-204	First Election Held in Aldermanic Cities with Two Councilmembers per Ward
16-205	Towns - Officers to be Elected - Terms
16-206	First Election Held in Town
16-207	Aldermanic Cities and Towns - Appointment of Certain Officials after Submission to Vote
16-208	Council-Manager Cities - Officers to be Elected - Terms
16-209	First Election Held in Council-Manager City
16-210	Strong-Mayor-Council Cities - Officers to be Elected - Terms
16-211	First Election Held in Strong-Mayor-Council City
16-212	Council-Manager and Strong-Mayor-Council Cities - Form of General Municipal Election Ballot
16-213	Transitional Provisions for Municipalities not in Conformance with General Election Procedure

Part 3. Town Meeting Act

16-301	Short Title
16-302	Municipalities Required to Hold Town Meetings - Election - Ordinance Providing Alternative Procedure - Repeal of Ordinance
16-303	Time for Town Meeting - Purpose - Special Town Meetings
16-304	Notice - Publication - Posting - Contents
16-305	Special Town Meeting - Meeting Called by Board of County Commissioners
16-306	Presiding Officer - Rules of Order, Conduct and Decorum - Minutes - Ballots - Nomination and Election of Officials - False Affidavits
16-307	Voting Eligibility - Pollbook - Illegal Voting - Penalty
16-308	Election of Municipal Officers
16-309	Filing of List of Municipal Officers Elected - Notification of Changes in List
16-310	Contest of Election by Nominee
16-311	Petition Alleging Fraud - Bond - Hearing - Answer - Judgment - Ineligibility for Office - Liability of Contestant - Damages
16-312	Petition Alleging Irregularities Other than Fraud - Sufficiency of Allegations - Hearing
16-313	Impossibility of Determining Winner - Special Town Meeting to Fill Contested Office
16-314	Omission of or Noncompliance with Notice Requirements - Correction - Rectification of Other Errors and Omissions - Validation of Business of Original Action
16-315	Elections Conducted by County Election Board - Option to be Held at Town Meeting

ARTICLE XVI

MUNICIPAL ELECTIONS

PART I. GENERAL PROVISIONS

SECTION 16-101. NOTICE OF MUNICIPAL ELECTIONS

Notice of a general municipal election or a special election shall be given by publishing the resolution of the municipal governing body calling for the election. The resolution shall set forth:

1. The date or dates of the election; and
2. The offices to be filled or the questions to be voted upon at the election.

The resolution shall be published in a newspaper of general circulation in the municipality at least ten (10) days before the beginning of the filing period for a general municipal election, or at least ten (10) days before the date of a special election. If there is no newspaper of general circulation in the municipality, the notice shall be given by posting a copy of the resolution in at least five (5) public places in the municipality.

SECTION 16-102. PROVISIONS NOT APPLICABLE TO MUNICIPALITIES GOVERNED BY CHARTER

A. The provisions of Section 16-101 et seq. of this title shall not apply to any municipality which is governed by charter; provided, that in any election such a municipality may, by indicating in its resolution calling the election, choose to follow any provision of state law governing elections conducted by a county election board when the municipality's charter or ordinances are silent on the matter addressed by such provision. In such instance, if the municipal election or any substantial portion thereof is not conducted by a county election board, the duties required of the county election board or its secretary shall be performed by the municipal authority designated by the municipal governing body and nothing herein shall be construed to require the county election board to perform any such duties. The residency requirements of Sections 16-109 and 16-110 of this title shall apply to all municipalities except to the extent that such residency requirements are governed by municipal charter.

B. The provisions of Sections 16-101 through 16-114 of this title shall not apply to any municipality subject to the provisions of the Oklahoma Town Meeting Act; provided, Section 16-103.1 of this title shall apply to such municipalities. (Amended 1988)

SECTION 16-103. GENERAL MUNICIPAL ELECTIONS - WHEN HELD

General municipal elections shall be held in cities and towns on the first Tuesday in April in each odd-numbered year.

SECTION 16-103.1 WITHHOLDING CERTAIN MONIES FROM CITY OR TOWN THAT FAILS TO HOLD MUNICIPAL ELECTIONS

No monies shall be distributed pursuant to Section 1104 Title 47 and Section 504 of Title 68 of the Oklahoma Statutes to any incorporated city or town which has failed to hold a general municipal election or a biennial town meeting as provided in Section 16-101 et seq. of this title or the Oklahoma Town Meeting Act, respectively, on the dates required by law for two consecutive general municipal elections or biennial town meetings. Such monies shall be remitted to the county in which the incorporated city or town is located and deposited to the county highway fund of that county to be used as otherwise provided by law. An incorporated city or town shall henceforth send the county treasurer of the county in which it is located and the chairman of the Oklahoma Tax Commission, or a person designated by the Oklahoma Tax Commission to receive service of process, a copy of the municipality's notice of a biennial town meeting or resolution calling for its regular municipal elections, whichever is appropriate. The copy of the resolution shall include a notation by the county election board showing that the resolution was received and the date it was received. (Amended 1988)

SECTION 16-104. CONDUCT OF GENERAL MUNICIPAL ELECTIONS

The laws applicable to general elections shall govern general municipal elections except as otherwise provided. Municipal elected officials, including those from wards as well as at large, shall be elected at large by the registered voters of the entire municipality.

SECTION 16-105. WHAT CANDIDATE'S NAME MAY BE PLACED ON GENERAL ELECTION BALLOT

No candidate's name shall be printed upon the official ballot for a general municipal election unless such candidate shall have been nominated by some political party at the primary election or unless his name is presented as an independent candidate as provided in Section 16-110 of this title.

SECTION 16-105.1 ELECTIONS TO BE NONPARTISAN - PRIMARY ELECTIONS IN NONPARTISAN ELECTIONS ABOLISHED

Municipal elections shall be nonpartisan and all candidates shall file as independent candidates unless, prior to the date for notifying the county election board of the call for the election, the municipality has in effect an ordinance providing for a partisan primary election consistent with Section 16-101 et seq. of Title 11 of the Oklahoma Statutes. No primary elections shall be held in a nonpartisan election. Any election proclamation or notice of election providing for a primary election shall be deemed to be amended by operation of this act to delete the call for a primary election unless a copy of the ordinance authorizing the primary election is attached to the election resolution filed with the county election board. If such a copy is not attached, each candidate shall appear on the ballot as an independent candidate without party or other designation. Provided, any municipality which is governed by a charter may provide otherwise by charter or ordinance.

SECTION 16-106. UNOPPOSED CANDIDATES IN GENERAL ELECTION

Any candidate who is unopposed for an office in a general municipal election shall be deemed elected and certified; and his name shall not appear on the general election ballot. If there is only one candidate for each of the offices which are to be filled at the election, and no questions are to be voted upon at the election, the general municipal election shall not be held.

SECTION 16-107. PRIMARY ELECTIONS - WHEN HELD

A primary election shall be held in cities and towns on the first Tuesday of March in each odd-numbered year, at which time the several political parties shall nominate candidates for offices which are to be elected at the upcoming general municipal election. (Amended eff. 10/19/81).

SECTION 16-108. CONDUCT OF PRIMARY ELECTIONS

The general laws relating to primary elections shall govern municipal primaries except as otherwise provided. Party candidates for municipal office, including those from wards as well as at large, shall be nominated at large by the registered voters of the respective parties of the entire municipality.

SECTION 16-109. MANNER OF BECOMING A PARTY CANDIDATE - DECLARATION OF CANDIDACY

To be eligible to become a candidate for a political party nomination in the municipality's primary election, a person must for at least six (6) months prior to filing a declaration of candidacy be a registered voter at an address within the municipality or in the ward if an office is from a ward. To become a party candidate, a declaration of candidacy must be filed with the county election board no earlier than 8:00 a.m. on the first Monday in February and no later than 5:00 p.m. on the next succeeding Wednesday. (Amended eff. 7/1/87).

SECTION 16-110. INDEPENDENT CANDIDATES

An independent candidate may have his name printed upon the general municipal election ballot as candidate for any office to be filled at the election. To become an independent candidate, a Declaration of Candidacy must be filed with the county election board no earlier than 8:00 a.m. on the first Monday in February and no later than 5:00 p.m. on the next succeeding Wednesday. An independent candidate must also be a registered voter at an address within the municipality, or of the ward where the office is from a ward for at least six (6) months prior to filing a declaration of candidacy. Filing as an independent candidate in an election or voting for such candidate shall not affect one's party affiliation or regularity. (Amended eff. 10/19/81).

SECTION 16-111. UNOPPOSED CANDIDATES IN PRIMARY ELECTION

Any candidate who is unopposed for an office in a primary election shall be deemed nominated and so certified; and his name shall not appear on the primary election ballot. If there are unopposed candidates for each of the offices which are up for election, no primary election shall be held.

SECTION 16-112. SPECIAL ELECTIONS - QUESTIONS WHICH MAY BE SUBMITTED

When the municipal governing body shall deem it advisable, it may, by resolution or ordinance, authorize the mayor to call a special election for the purpose of submitting to the registered voters of the municipality the question of issuing municipal bonds, of granting any franchise, or for any other purpose authorized by law.

SECTION 16-113. SPECIAL ELECTION BALLOT - PREPARATION AND ARRANGEMENT

The ballot for a special election shall be prepared by the secretary of the county election board and shall set forth the proposition or propositions to be voted upon, and if more than one proposition is submitted, they shall be arranged so that each proposition may be voted upon separately.

SECTION 16-114. CONDUCT OF SPECIAL ELECTIONS HELD FOR ELECTING OFFICERS

When the office of a municipal elected official is to be filled at a special election, the resolution or order of the governing body calling the election shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday, not less than fifteen (15) days from the date of the resolution or order;
2. The date of the Special Primary Election, if any, not less than thirty (30) days after the close of the filing period; and
3. The date of the Special General Election, not less than thirty (30) days after the date of the Primary Election, if any, but if no primary election is called, not less than thirty (30) days after the close of the filing period.

A copy of the resolution or order shall be filed with the secretary of the county election board. The election shall be conducted under the laws applicable to general municipal elections. (Amended eff. 7/1/87).

**PART 2. SPECIFIC PROVISIONS FOR STATUTORY
CITIES AND TOWNS**

SECTION 16-201. ALDERMANIC CITIES WITH ONE COUNCILMEMBER PER WARD - OFFICERS TO BE ELECTED - TERMS

In a statutory aldermanic city with one (1) councilmember per ward, the terms of the elected officers shall be staggered so that at any one general municipal election, the following officers are to be elected for four-year terms:

1. Councilmembers from odd-numbered wards;
2. The mayor;
3. The clerk;
4. The marshal; and
5. The street commissioner.

At the next general municipal election, the following officers are to be elected for four-year terms:

1. Councilmembers from even-numbered wards; and
2. The treasurer.

If the office of treasurer has been consolidated with any other office, elections for the office of treasurer and the office with which it has been consolidated shall be held at the time the election to fill the other office is held. The term of the consolidated office shall be concurrent with the term of the other office.

SECTION 16-202. FIRST ELECTION HELD IN ALDERMANIC CITIES WITH ONE COUNCILMEMBER PER WARD

At the first general municipal election held in the odd-numbered year following adoption of the aldermanic form of government with one (1) councilmember per ward, the officers to be elected and their terms are as follows:

State Laws Appendix - Provisions of Selected State Statutes

1. Four-year terms: Councilmembers from odd-numbered wards; the mayor; the clerk; the marshal; and the street commissioner.
2. Two-year terms: Councilmembers from even-numbered wards; and the treasurer.

At general municipal elections held thereafter, the successors of the officers whose terms are expiring shall be elected for four-year terms.

SECTION 16-203. ALDERMANIC CITIES WITH TWO COUNCILMEMBERS PER WARD - OFFICERS TO BE ELECTED - TERMS

In a statutory aldermanic city with two councilmembers per ward, the terms of the elected officers shall be staggered so that at any one general municipal election, the following officers are to be elected for four-year terms:

1. One (1) councilmember from each ward of the city;
2. The mayor;
3. The clerk;
4. The marshal; and
5. The street commissioner.

At the next general municipal election, the following officers are to be elected for four-year terms:

1. One councilmember from each ward of the city; and
2. The treasurer.

If the office of treasurer has been consolidated with any other office, elections for the office of treasurer and the office with which it has been consolidated shall be held at the time the election to fill the other office is held. The term of the consolidated office shall be concurrent with the term of the other office.

SECTION 16-204. FIRST ELECTION HELD IN ALDERMANIC CITIES WITH TWO COUNCILMEMBERS PER WARD

At the first general municipal election held in the odd-numbered year following adoption of the aldermanic form of government with two councilmembers per ward, the officers to be elected and their terms are as follows:

1. Four-year terms: One councilmember from each ward of the city; the mayor; the clerk; the marshal; and the street commissioner.
2. Two-year terms: One councilmember from each ward of the city; and the treasurer.

At general municipal elections held thereafter, the successors of the officers whose terms are expiring shall be elected for four-year terms.

SECTION 16-205. TOWNS - OFFICERS TO BE ELECTED - TERMS

In a statutory town, the terms of the elected officers shall be staggered so that at any one general municipal election, the following officers are to be elected for four-year terms:

1. Trustees from odd-numbered wards; and
2. The clerk.

At the next general municipal election, the following officers are to be elected for four-year terms:

1. Trustees from even-numbered wards; and
2. The treasurer.

If the office of treasurer has been consolidated with any other office, elections for the office of treasurer and the office with which it has been consolidated shall be held at the time the election to fill the other office is held. The term of the consolidated office shall be concurrent with the term of the other office.

SECTION 16-206. FIRST ELECTION HELD IN TOWN

At the first general municipal election held in the odd-numbered year following adoption of the town board of trustees form of government, the officers to be elected and their terms are as follows:

1. Four-year terms: Trustees from odd-numbered wards; and the clerk.
2. Two-year terms: Trustees from even-numbered wards; and the treasurer.

At general municipal elections held thereafter, the successors of the officers whose terms are expiring shall be elected for four-year terms.

SECTION 16-207. ALDERMANIC CITIES AND TOWNS - APPOINTMENT OF CERTAIN OFFICIALS AFTER SUBMISSION TO VOTE

A. The city council of any city may provide by ordinance for the submission to a vote of the registered voters of the city the question of providing for the appointment by the mayor, with the approval of the council, of the city marshal, the street commissioner, the city clerk, the city treasurer, or the city clerk-treasurer.

B. The board of trustees of any town may provide by ordinance for the submission to a vote of the registered voters of the town the question of providing for the appointment by the board of trustees of the town clerk, the town treasurer or the town clerk-treasurer.

C. The question of appointing each official shall be submitted separately on the ballot. The question providing for the appointment of the clerk or the treasurer may be consolidated into one question provided the two offices are to be consolidated into the office of clerk-treasurer. The question providing for the appointment of any official shall read substantially as follows:

Shall the (Marshal, Street Commissioner, Clerk, Treasurer, Clerk-Treasurer) be appointed by the (mayor, with the approval of the council, board of trustees)?

- Yes.
 No.

If a majority of the votes cast are in favor of appointment to the office, the appointive position shall take effect at the end of the current term of the office. In cities, the appointive officer shall be appointed and may be removed by the mayor, with the approval of the council. In towns, the appointment and removal shall be by a majority vote of all the members of the board of trustees.

SECTION 16-208. COUNCIL-MANAGER CITIES - OFFICERS TO BE ELECTED - TERMS

In a statutory council-manager city, the terms of the elected officers shall be staggered so that at any one general municipal election, the following officers are to be elected for four-year terms:

1. Councilmembers from Wards One, Two and Five (if one).

At the next general municipal election, the following officers are to be elected for four-year terms:

1. Councilmembers from Wards Three, Four and Six (if one); and
2. The councilmember at large.

SECTION 16-209. FIRST ELECTION HELD IN COUNCIL-MANAGER CITY

At the first general municipal election held in the odd-numbered year following adoption of the statutory council-manager form of government, the officers to be elected and their terms are as follows:

1. Four-year terms: Councilmembers from Wards One, Two and Five (if one).
2. Two-year terms: Councilmembers from Wards Three, Four and Six (if one); and the councilmember at large.

At general municipal elections held thereafter, the successors of the officers whose terms are expiring shall be elected for four-year terms.

State Laws Appendix - Provisions of Selected State Statutes

SECTION 16-210. STRONG-MAYOR-COUNCIL CITIES - OFFICERS TO BE ELECTED - TERMS

In a statutory strong-mayor-council city, the terms of the elected officers shall be staggered so that at any one general municipal election, the following officers are to be elected for four-year terms:

1. Councilmembers from Wards One, Two and Five (if one).

At the next general municipal election, the following officers are to be elected for four-year terms:

1. Councilmembers from Wards Three, Four and Six (if one); and
2. The mayor.

SECTION 16-211. FIRST ELECTION HELD IN STRONG-MAYOR-COUNCIL CITY

At the first general municipal election held in the odd-numbered year following adoption of the statutory strong-mayor-council form of government, the officers to be elected and their terms are as follows:

1. Four-year terms: Councilmembers from Wards One, Two and Five (if one).
2. Two-year terms: Councilmembers from Wards Three, Four and Six (if one); and the mayor.

At general municipal elections held thereafter, the successors of the officers whose terms are expiring shall be elected for four-year terms.

SECTION 16-212. COUNCIL-MANAGER AND STRONG-MAYOR-COUNCIL CITIES - FORM OF GENERAL MUNICIPAL ELECTION BALLOT

The ballots for the general election in a statutory council-manager or statutory strong-mayor-council city shall be of the office block type, listing the names of independent candidates and party nominees for each office under the respective office without party designation or emblems as follows:

For Councilmember from Ward One
(Vote for One)

_____ Name of independent candidate or party nominee

_____ Name of independent candidate or party nominee
For Councilmember from Ward Two
(Vote for One)

_____ Name of independent candidate or party nominee

_____ Name of independent candidate or party nominee

SECTION 16-213. TRANSITIONAL PROVISIONS FOR MUNICIPALITIES NOT IN CONFORMANCE WITH GENERAL ELECTION PROCEDURE

A. If the term of an elected officer as set forth in the notice of the last election for the office will expire in an even-numbered year, a regular municipal election or town meeting, if the municipality is subject to the Oklahoma Town Meeting Act, shall be held in order to elect a successor. The term of the successor shall be either three (3) or five (5) years as necessary in order to comply with the provisions of Section 16-101 et seq. of this title. Thereafter, the term of said office shall be four (4) years. Any such election or town meeting held in an even-numbered year shall be conducted in the manner provided by law applicable to municipal elections or town meetings, whichever is appropriate.

B. If the term of an elected officer as set forth in the notice of the last election for the office will expire in an odd-numbered year, but the term of office does not coincide with the offices named in Section 16-201 et seq. of this title, a regular municipal election or town meeting shall be held in order to elect a successor. The term of the successor shall be either two (2) or four (4) years as necessary in order to comply with the provisions of Section 16-101 et seq. of this title. Thereafter, the term of said office shall be four (4) years. (Amended 1988)

PART 3. OKLAHOMA TOWN MEETING ACT

SECTION 16-301 SHORT TITLE

Sections 1 through 15 of this act shall be known and may be cited as the "Oklahoma Town Meeting Act". (Added, 1988)

SECTION 16-302 MUNICIPALITIES REQUIRED TO HOLD TOWN MEETINGS - ELECTION - ORDINANCE PROVIDING ALTERNATIVE PROCEDURE - REPEAL OF ORDINANCE

A. Except as otherwise provided in this act, Section 16-301 et seq. of this title, sixty (60) days after the effective date of this act, all municipalities with fewer than one thousand (1,000) residents, according to the latest Federal Decennial Census, that are not governed by charter, shall elect officers and consider questions raised by initiative or referendum, pursuant to Section 15-101 et seq. of this title, at biennial town meetings or special town meetings of the voters of each municipality as provided in this act. Provided, that a municipality of fewer than one thousand (1,000) residents may at any time adopt an ordinance requiring that its officers shall be elected and initiative and referendum questions shall be decided only through elections conducted by the county election board pursuant to Section 16-101 et seq. of this title. Any municipality that passes an ordinance pursuant to this section shall upon adoption of the ordinance provide a copy of the ordinance to the county election board of the county in which the municipality is located.

B. If the ordinance is repealed, elections of the municipality shall be at a town meeting. The municipality shall provide a copy of the repealer to the county election board of the county in which the municipality is located. If a municipality with fewer than one thousand (1,000) residents fails to hold its regular municipal elections as required by law, the municipality shall be subject to the provisions of the Oklahoma Town Meeting Act, Section 16-301 et seq. of this title; provided, further, that such municipality may adopt a resolution requiring that its elections be conducted by the county election board as provided in this section. (Amended 1989)

SECTION 16-303 TIME FOR TOWN MEETING - PURPOSE - SPECIAL TOWN MEETINGS

In municipalities subject to the provisions of Section 16-301 et seq. of this title, a biennial town meeting of the voters shall be held on the first Tuesday in April in each odd-numbered year for the purpose of electing municipal officers and considering questions raised by initiative or referendum pursuant to Section 15-101 et seq. of this title.

In addition to the election proceedings of said meeting the mayor or presiding officer may upon compliance with the Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes and other provisions appropriate to the law, conduct regular business meetings or any other town business which would be in order and of interest to those citizens in attendance. Special town meetings for these purposes may be called at other times as provided in this act. (Amended 1990)

SECTION 16-304 NOTICE - PUBLICATION - POSTING - CONTENTS

Notice of the biennial town meeting or special town meeting for the purposes of electing officers and considering initiative or referendum questions shall be given by the governing body of the municipality in accordance with the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes. The notice shall be signed by a majority of the members of the governing body.

In addition to the requirements of the Oklahoma Open Meeting Act, notice of the biennial town meeting and any special town meeting shall be given by publishing notice of the meeting stating the date, time, place and agenda in a newspaper of general circulation in the municipality at least ten (10) days before the date of the meeting. If there is no newspaper of general circulation in the municipality, the notice shall be given by posting a copy of the notice and agenda in at least five (5) public places in the municipality. The notice shall list the offices to be filled, including the number of officers to be elected for four-year terms and the number of officers to be elected to fill unexpired terms, and the questions to be voted on, if any. (Added 1988)

SECTION 16-305 SPECIAL TOWN MEETING - MEETING CALLED BY BOARD OF COUNTY COMMISSIONERS

A. When a municipality fails to hold a biennial meeting on the first Tuesday of April in an odd-numbered year, the governing body shall immediately schedule and give notice of a special town meeting for the purpose of electing officers. Such notice shall be in accordance with Section 4 of this act.

B. If the governing body fails or refuses to hold a biennial or special town meeting for the purpose of electing officers, the board of county commissioners of the county in which the municipality is located shall call a town meeting for the purpose of electing officers. The sheriff, or his deputy, of the county in which the municipality is located shall attend any town meeting called by the board of county commissioners, and if the municipal officers fail to conduct the meeting, shall moderate the meeting. (Added 1988)

SECTION 16-306 PRESIDING OFFICER - RULES OF ORDER, CONDUCT AND DECORUM - MINUTES - BALLOTS - NOMINATION AND ELECTION OF OFFICIALS - FALSE AFFIDAVITS

A. Except as otherwise provided in this act, Section 16-301 et seq. of this title, the mayor shall be the presiding officer of town meetings, shall decide questions of order and shall make public declaration of votes taken. Robert's Rules of Order shall govern all town meetings, except when such rules are inconsistent with Oklahoma law. The presiding officer may establish other rules of conduct and decorum for the meetings consistent with the Oklahoma Town Meeting Act, Section 16-301 et seq. of this title. When the office of mayor is vacant or if the mayor is unable to attend the town meeting, one of the members of the governing body shall be elected by the remaining members of the governing body to preside over the town meeting.

State Laws Appendix - Provisions of Selected State Statutes

B. The municipal clerk shall keep the minutes of the meeting. The minutes shall separately record the number of votes for and against each candidate and each question and shall record the total number of votes cast for each position. Paper ballots shall be preserved in the municipal clerk's office for a period of six (6) months following the town meeting at which said ballots were cast.

C. Officials elected at town meetings shall be nominated and elected at large by the registered voters present from nominations taken from the floor. Prior to accepting any nominations the presiding officer shall state the number of governing body offices to be elected for four-year terms and the number of governing body offices to be elected to fill unexpired terms, if any. There shall be separate nominations and balloting for each designated term. The nominee who receives a plurality of the votes cast for the office of the designated term shall be elected for that designated term. If more than one office is to be filled for a designated term, the voters shall vote for the designated number of offices to be filled and, the nominees receiving the largest pluralities shall be elected to those offices. All votes shall be taken by secret ballot; provided that if there is only one candidate for an office, he or she may be elected by acclamation upon proper motion. In case of a tie vote, the municipal clerk shall immediately select the electee or electees by lot as follows: The clerk shall write or print the names of the tied nominees on similar pieces of paper and place the papers in a container in view of the persons attending the town meeting. The clerk shall designate a person, who shall not be one of the nominees, to draw one name for each office to be filled and the nominee or nominees whose names are so drawn shall be deemed elected. All other papers in the container shall then be exposed for examination. Only a registered voter who has been a registered voter at an address within the municipality for at least six (6) months prior to the date of the town meeting at which the elections are held shall be qualified for nomination for office. To be eligible for election, any person who is nominated for office must swear under oath that he or she has been a registered voter at an address within the municipality for the last six (6) months. Only qualified registered voters who are present at the town meeting at which the elections are held shall be eligible for nomination for municipal office, provided that a qualified registered voter who is not present may be nominated if he or she has agreed in writing to accept the office if elected and has sworn an affidavit that he or she has been a registered voter at an address within the municipality for the last six (6) months. Any person who falsely swears or signs a false affidavit that he or she is qualified for municipal office shall be guilty of a felony. (Amended 1989)

SECTION 16-307 VOTING ELIGIBILITY - POLLBOOK - ILLEGAL VOTING - PENALTY

A. The presiding officer at a town meeting shall follow reasonable and necessary procedures to ensure that persons who are not registered voters of the town do not vote. Registered voters shall be seated in a clearly marked area separate from persons not registered to vote.

B. To be eligible to vote at a town meeting, a person must be registered with the county election board at an address located within the municipality. Before being seated in the section reserved for registered voters, each voter shall sign his or her name in a pollbook, said signature to constitute a sworn affidavit on the part of the voter that he or she is eligible to vote at the election. The pollbook shall be prepared by the municipal clerk and shall be substantially the same form as the pollbook prescribed by the State Election Board for school district elections. For such purpose, the municipal clerk or designee of the municipal clerk shall be authorized to administer the oath or affirmation contained in the affidavit. The pollbook shall be on file in the office of the municipal clerk and shall be open to public inspection during reasonable office hours; provided, however, that such pollbooks may be destroyed by the municipal clerk at the end of six (6) months from the date of the election wherein such pollbook was used. Any person knowingly voting illegally or found guilty of casting more than one vote for any office or on any question considered at the meeting shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not to exceed thirty (30) days or both such fine and imprisonment. (Added 1988)

SECTION 16-308 ELECTION OF MUNICIPAL OFFICERS

A person present at the meeting electing him or her to municipal office shall be treated as accepting, unless he or she declines before the meeting is adjourned. When not present, he or she shall be served as soon as possible with a written notice of election, signed and mailed by the municipal clerk. No person elected shall assume the duties of the office until he or she has signed the oath of office as required by law. (Added 1988)

SECTION 16-309 FILING OF LIST OF MUNICIPAL OFFICERS ELECTED - NOTIFICATION OF CHANGES IN LIST

The municipal clerk shall file with the secretary of the county election board a list of the names and addresses of the municipal officers elected and shall notify the secretary of the county election board of any changes in the list as filed. (Added 1988)

SECTION 16-310 CONTEST OF ELECTION BY NOMINEE

Any person nominated for municipal office may, at any time before 5:00 p.m. of the third business day following the town meeting in which he or she was nominated, contest the correctness of the announced results of

said election by filing a written petition with the district court of any county in which the municipality is located. (Added 1988)

SECTION 16-311 PETITION ALLEGING FRAUD - BOND - HEARING - ANSWER - JUDGMENT - INELIGIBILITY FOR OFFICE - LIABILITY OF CONTESTANT - DAMAGES

When a petition alleging fraud is filed, said petition must be accompanied by a cash bond of Five Thousand Dollars (\$5,000.00), running in favor of the contestee and conditioned upon payment of any and all liabilities or judgments arising from the contest so filed. In said petition, contestant must allege the specific act constituting such alleged fraud and the names of the alleged perpetrators of such fraud. If such petition is filed in the manner herein provided, the district judge of the county in which the alleged fraud occurred, or such other judge as may be assigned by the Supreme Court, shall hear and determine said issue without delay or continuance of more than one (1) day. On the day of such hearing, the contestee may file answer to such petition or may file cross petition, setting forth in detail, as required of a petitioner herein, such claim of fraud. An original petition or cross petition must be under oath and under penalty of perjury. The judge shall try and determine the issues formed by such pleadings and render such judgment as he or she may deem just and proper, according to the evidence submitted. The decision of said district judge shall be final as to any changes in the total votes, and a copy of such judgment and decision shall be furnished the officer who presided at the town meeting. In any case where fraud is proved on the part of a nominee, he or she shall be declared ineligible for the office for which he or she was nominated. In all cases where a petition is filed which alleges fraud, but after hearing said allegations are not reasonably sustained by competent evidence, the contestant shall be civilly liable in damages to the contestee for all damages sustained, including a reasonable attorney fee and all reasonable and proper costs of conducting such contest; and in the event it be alleged and found that such petition was frivolous in nature, the contestee may also be allowed punitive damages to be paid by said petitioner. (Added 1988)

SECTION 16-312 PETITION ALLEGING IRREGULARITIES OTHER THAN FRAUD - SUFFICIENCY OF ALLEGATIONS - HEARING

When a petition alleging irregularities other than fraud is filed, the petition must allege a sufficient number of irregularities and of such nature as to:

1. Prove that the contestant is lawfully entitled to be announced the winner; or
2. Prove that it is impossible to determine with mathematical certainty which nominee is entitled to be announced the winner. Proof of failure of the presiding officer to take the vote by a paper ballot shall be sufficient proof of this requirement.

If such allegations are not made, the petition shall be deemed frivolous by the presiding judge and shall be dismissed. Said petition must set forth specific allegations of irregularities. If said petition is filed in the manner herein provided, the district judge of the county or such other judge as may be assigned by the Supreme Court shall hear and determine said issue in the same manner as provided for a petition alleging fraud. (Amended 1989)

SECTION 16-313 IMPOSSIBILITY OF DETERMINING WINNER - SPECIAL TOWN MEETING TO FILL CONTESTED OFFICE

In the event, after a hearing is conducted pursuant to Section 11 or 12 of this act, it is deemed impossible to determine who should be announced the winner, the judge shall notify the presiding officer of the town meeting of the same. It shall then be the duty of the presiding officer to call a special town meeting for the purpose of filling the contested office, provided that any nominee upon whom fraud has been proved shall not be a nominee in the new election. (Added 1988)

SECTION 16-314 OMISSION OF OR NONCOMPLIANCE WITH NOTICE REQUIREMENTS - CORRECTION - RECTIFICATION OF OTHER ERRORS AND OMISSIONS - VALIDATION OF BUSINESS OF ORIGINAL ACTION

When any of the requirements of this act as to notice of a biennial or special town meeting have been omitted or not complied with, the omission or noncompliance, if the meeting and the business transacted at it is otherwise legal and within the scope of the municipal powers, may be corrected and legalized by a majority vote of the registered voters present at a regular town meeting or special town meeting of the municipality called for that purpose, with notice as required by Section 4 of this act. The question to be voted upon shall substantially be, "Shall the action taken at the meeting of this town held on (state date) in spite of the fact that (state error or omission), and any act or action of the municipal officers or agents pursuant thereto be readopted, ratified and confirmed?". Errors or omissions in the conduct of an original meeting which are not the result of an unlawful notice or noncompliance within the scope of the notice, may be rectified by a resolution of the governing body of the municipality passed by a majority of the members of the governing body at a regular meeting or a special meeting called for that purpose, stating that the defect was the result of oversight, inadvertence or mistake. When an error or omission of this nature has been thus corrected by resolution, all business within the terms of the action

State Laws Appendix - Provisions of Selected State Statutes

of the qualified voters shall be as valid as if the requirements had been initially complied with, on condition, however, that the original action thereby corrected by the governing body was in compliance with the legal exercise of its governing powers. (Added 1988)

SECTION 16-315 ELECTIONS CONDUCTED BY COUNTY ELECTION BOARD - OPTION TO BE HELD AT TOWN MEETING

Whenever in Title 11 of the Oklahoma Statutes provisions are made for election of officers or consideration of questions at elections conducted by the county election board pursuant to Section 16-101 et seq. of Title 11 of the Oklahoma Statutes, such elections may be held or questions considered at biennial or special town meetings, if the municipality is subject to the provisions of this act. (Added 1988)

State Laws Appendix - Provisions of Selected State Statutes

ARTICLE XVII

MUNICIPAL FINANCES

Part 1. General Provisions

Section

17-101	Borrowing, Appropriation of Moneys - Investments
17-102	Payment of Claims - Warrant and Check as One Instrument -Emergency Payments
17-103	Actions Against Municipality
17-104	Liability for Voting Unlawful Claims
17-105	Annual Audit of Books and Accounts
17-105.1	Filing of audits and reports - Forms - Public inspection - Compiling Information
17-106	Contents of Audit Report
17-107	Failure to File Audit Report
17-108	Trusts Exempt
17-109	Capital Improvement Fund - Authority to Create
17-110	Capital Improvements - Definitions
17-111	Approval of Claims From Capital Improvement Fund
17-112	Manufacturing Establishments and Public Utilities - Exemption from Municipal Taxation
17-113	Publication of City Financial Statements
17-114	Vendor Invoices and Contract Estimates - Payment Procedures - Uniform Jackets

Part 2. Municipal Budget Act

17-201	Municipal Budget Act
17-202	Public Policy
17-203	Application - Continuation
17-204	Definitions
17-205	Budget Required - Chief Executive Officer
17-206	Contents - Estimates - Budget Requirements
17-207	General Fund and Other Fund - Sinking Fund
17-208	Notice and Hearing
17-209	Adoption of Budget - Filing - Appropriation - Levy by County Excise Board
17-210	Protests - Public Record
17-211	Deficits - Prohibitions - Violations - Penalty
17-212	Establishment of Funds - Accounts
17-213	Classifications of Revenues and Expenditures
17-214	Reserve
17-215	Funds and Account Transfers
17-216	Supplemental Appropriations - Limitations Procedure

ARTICLE XVI

MUNICIPAL FINANCES

PART I. GENERAL PROVISIONS

SECTION 17-101. BORROWING, APPROPRIATION OF MONEYS - INVESTMENTS

A. Any act of a municipal governing body which provides for the borrowing of monies or for appropriating monies shall not be valid unless a majority of the governing body of the municipality votes in favor of the action. The municipal governing body may not appropriate or draw any order on the treasurer for monies unless the same has been appropriated in the manner provided by law or ordered in pursuance of some object provided for by law.

B. A municipality may invest its funds in any bond, note, or other evidence of indebtedness issued by those agencies, authorities, instrumentalities, or public entities whose governing boards are appointed by the municipality or issued by any public trust of which it is sole beneficiary, excluding obligations which are industrial development bonds as defined in the provisions of Section 103 of the Internal Revenue Code of 1953, as amended, and regulations promulgated thereto.

C. If a municipality has established a system for the separate accounting of monies by fund sources that has been certified by the auditor of the municipality, the treasurer of such municipality acting as an officer of the municipality or as agent of any instrumentality or public trust of the municipality may deposit into one or more accounts of an authorized depository all monies coming into his custody. Unless otherwise provided for by law, interest earnings shall be prorated according to fund source. (Amended 11/1/84)

State Laws Appendix - Provisions of Selected State Statutes

SECTION 17-102. PAYMENT OF CLAIMS - WARRANT AND CHECK AS ONE INSTRUMENT - EMERGENCY PAYMENTS

A. Any invoice against a municipality must be presented in writing and examined in the manner provided by law. No account or invoice may be paid by the municipality unless it has been audited and allowed by the governing body and an entry of the account or invoice is made in the proper books kept for that purpose. Except as otherwise provided for in this subsection, monies may be drawn from the municipal treasury only upon a proper warrant as provided by law. In lieu of issuing such warrant, a municipality may enter the warrant on the warrant register and record payment of the warrant by check, wire transfer, direct payroll deposit, or other instrument or method of disbursement through the Federal Reserve System.

B. A city or town may issue a negotiable instrument which will serve as both a warrant on the municipal treasury and a check ordering payment of the warranted amount of money from the municipality's account. This instrument shall be prepared and issued in accordance with procedures and requirements provided by law for a municipal warrant and a municipal check and shall be signed by the municipal clerk, treasurer and mayor. Printing on the instrument shall indicate that the instrument is a "warrant" of the municipality and a "check" drawn on the municipality's account. The provisions of state law on uniform facsimile signatures of public officials, Sections 601 through 606 of Title 62 of the Oklahoma Statutes, shall be applicable to instruments authorized by this section.

C. If a majority or all of governing body offices in a town municipality become vacant, thereby preventing approval of amounts lawfully owing on invoices and purchase orders, the interim mayor or the remaining governing body members, as the case may be, may authorize emergency payments of amounts owing on invoices or purchase orders for a period not to exceed ninety (90) days after the date that a majority of the offices become vacant. The interim mayor or the remaining governing body members may also authorize payment of purchase orders for payroll, utility bills, or other usual and regular obligations of the municipality. Any such authorization and payment shall not exceed the unencumbered and unexpended balance of the appropriation made for that purpose, nor may the total amount of such emergency authorizations and payments exceed fifteen percent (15%) of the total appropriations approved for the town government for the fiscal year. Any warrant issued pursuant to this section shall state that it is being issued under emergency circumstances and by special authority of this section. (Amended 1988).

SECTION 17-103. ACTIONS AGAINST MUNICIPALITY

No costs may be recovered against a municipality, in any action brought against it, for any unliquidated claim which has not been presented to the governing body for auditing, nor for claims allowed in part unless the recovery shall be for a greater sum than the amount allowed with the interest due. No action may be maintained against a municipality in exercising or failing to exercise any corporate power or authority where such action would not lie against a private individual under like circumstances.

SECTION 17-104. LIABILITY FOR VOTING UNLAWFUL CLAIMS

Any governing body member who intentionally votes to appropriate money or to allow any bill or claim which is not authorized by law shall be personally liable to the municipality for the amount of such money appropriated, or bills or claims allowed, with costs of suit, in an action before any court of competent jurisdiction.

SECTION 17-105. ANNUAL AUDIT OF BOOKS AND ACCOUNTS

The governing body of each municipality with an income of Twenty-five Thousand Dollars (\$25,000.00) or more to its general fund during a fiscal year shall cause to be prepared, by an independent licensed public accountant or a certified public accountant, an annual audit of the funds, assets, books and records of the clerk and treasurer of the municipality. Such audit shall be ordered within thirty (30) days of the close of each fiscal year. Certified copies shall be filed with the county clerk and the State Auditor and Inspector within six (6) months after the close of the fiscal year in accordance with the provisions of Sections 24102 and 24103 of Title 68 of the Oklahoma Statutes. The expense of the audit shall be paid from the general fund of the municipality. (Amended, effective 11/1/87)

SECTION 17-105.1 FILING OF AUDITS AND REPORTS - FORMS - PUBLIC INSPECTION - COMPILING INFORMATION

An auditor shall file with the State Auditor and Inspector, at the same time a certified copy of an audit is filed as required in Section 17-105 of Title 11 of the Oklahoma Statutes, two (2) copies of a report setting forth for the fiscal year audited the funds available to the municipality and the use of those funds. The report shall also include information relating to the duly constituted authorities of the municipality and shall be on a form approved by the State Auditor and Inspector. Copies of said audit and the report shall be made available for public inspection by the municipality and the State Auditor and Inspector. The State Auditor and Inspector may contract for the compilation and reporting of the information submitted on the report. (Amended 11/1/84)

SECTION 17-106. CONTENTS OF AUDIT REPORT

The annual audit report of a municipality shall contain:

1. A statement of the scope of the examination;
2. The auditor's opinion as to whether the audit was made in accordance with generally accepted auditing standards applicable in the circumstances;
3. The auditor's opinion as to whether the financial statements included in the audit report present fairly the results of the operations during the period audited;
4. The auditor's opinion as to whether the financial statements accompanying the audit were prepared in accordance with generally accepted accounting principles applicable to cities and towns;
5. The reason or reasons an opinion is not rendered with respect to paragraphs 3 and 4 of this section in the event the auditor is unable to express an opinion with respect thereto; and
6. Financial statements presented in such form as to disclose the operations of each fund of the municipality and a statement of the operation of all funds.

SECTION 17-107. FAILURE TO FILE AUDIT REPORT

If a municipality does not file a copy of its audit as provided in Section 17-105 of this title, the State Auditor and Inspector shall notify the Oklahoma Tax Commission which shall withhold from the municipality its monthly allocations of gasoline taxes until the audit report is filed. (Amended, effective 4/6/79)

SECTION 17-108. TRUSTS EXEMPT

The requirements of Sections 17-105 through 17-107 of this title shall not apply to trusts of which a city or town is the beneficiary, the same being covered under Section 180.1 of Title 60 of the Oklahoma Statutes.

SECTION 17-109. CAPITAL IMPROVEMENT FUND - AUTHORITY TO CREATE

The municipal governing body may create a capital improvement fund and place in the fund any money available to the municipality. Money in the fund may be accumulated from year to year. The fund shall be placed in an insured interest bearing account. The fund shall be nonfiscal and shall not be considered in computing any levy when the municipality makes its estimate to the excise board for needed appropriations. Money in the capital improvement fund may be expended for any capital improvement.

SECTION 17-110. CAPITAL IMPROVEMENTS - DEFINITIONS

For the purpose of creating a capital improvement fund and expending money therefrom, capital improvement shall mean all items and articles, either new or replacements, not consumed with use but only diminished in value with prolonged use, including but not limited to roads and streets, drainage improvements, water and sewerage improvements, machinery, equipment, furniture and fixtures, all real property, all construction or reconstruction of buildings, appurtenances and improvements to real property, the cost and expenses related thereto of rights-of-way or other real property, engineering, architectural or legal fees, and payment for improvements for which subsequent reimbursement is made to the capital improvement fund.

SECTION 17-111. APPROVAL OF CLAIMS FROM CAPITAL IMPROVEMENT FUND

No funds may be appropriated or expended from the capital improvement account in the absence of a recorded vote by the governing body and until claims duly verified by affidavit are presented and approved by the governing body.

SECTION 17-112. MANUFACTURING ESTABLISHMENTS AND PUBLIC UTILITIES - EXEMPTION FROM MUNICIPAL TAXATION

Any municipality may, by a majority vote of the registered voters of the municipality voting on the question, exempt from municipal taxation for a period not to exceed five (5) years new manufacturing establishments and public utilities locating in the municipality.

SECTION 17-113. PUBLICATION OF CITY FINANCIAL STATEMENTS

The council of each city having a population in excess of five thousand (5,000) persons, according to the latest federal census, shall cause to be published in October and in April of each year a full and detailed statement of the receipts, expenditures and indebtedness of the city for the periods ending on the last day of September and the last day of March, respectively. All publications mentioned in this section shall be made in a newspaper of general circulation in the city. The provisions of this section shall not apply to any city governed by charter where the charter provides for the manner or procedure for publication of such financial information.

SECTION 17-114. VENDOR INVOICES AND CONTRACT ESTIMATES - PAYMENT PROCEDURES - UNIFORM JACKETS

To facilitate the payment of vendor invoices and contract estimates the municipal finance officer may design a uniform jacket to be used by all departments and divisions of the municipality whereon shall be provided summarized information relative to the enclosed invoices or contract estimates, together with a space for the approval of the head of the department or division approving said vendor invoices or contract estimates for payment. Vendor invoices and contract estimates may be accepted by the municipality in lieu of the claim form previously required in the same manner as commercial invoices are paid. It utilized, vendor invoices and contract estimates shall be filed with the department or division receiving the merchandise or services in the same manner as invoices are filed with commercial firms. Upon receipt of invoices or contract estimates the head of the department or division or his authorized agent, may approve said documents for payment by executing a certificate of delivery or acceptance of the goods or services. Whereupon, the authorized official of said agency may approve said invoices or contract estimates for payment by enclosing the invoice or contract estimate in a jacket provided for such purpose and affixing his or her approval in the space provided on the jacket. (Added 1990)

PART 2. MUNICIPAL BUDGET ACT

SECTION 17-201. MUNICIPAL BUDGET ACT.

This act may be cited as the "Municipal Budget Act". (Effective 10/1/79)

SECTION 17-202. PUBLIC POLICY.

The purpose of this act is to provide an alternate budget procedure for municipal governments which will:

1. Establish standard and sound fiscal procedures for the adoption and administration of budgets;
2. Make available to the public and investors sufficient information as to the financial conditions, requirements and expectations of the municipal government; and
3. Assist municipal governments to improve and implement generally accepted standards of finance management. (Effective 10/1/79)

SECTION 17-203. APPLICATION - CONTINUATION.

This act shall apply to any incorporated city or town which, by resolution of the governing body, opts to come under and comply with all its provisions and requirements. Once a municipality has selected the Municipal Budget Act to govern its budget procedures, the provisions of this act shall take precedence over any other state laws applicable to municipal budgets, except as may be provided otherwise in this act, and supersede any conflicting laws. Any action of a municipal governing body to implement, rescind or repeal the application of the Municipal Budget Act shall be effective as of the beginning or end of a budget year pursuant to this act. (Effective 10/1/79)

SECTION 17-204. DEFINITIONS.

As used in this act:

1. "Account" means an entity for recording specific revenues or expenditures, or for grouping related or similar classes of revenues and expenditures and recording them within a fund or department;
2. "Appropriation" means an authorization and allocation of money to be expended for a purpose;
3. "Budget" means a plan of financial operations for a fiscal year, including an estimate of proposed expenditures for given purposes and the proposed means for financing them;

State Laws Appendix - Provisions of Selected State Statutes

4. "Budget summary" means a tabular listing of revenues and expenditures by fund and by department within each fund for the budget year;
5. "Budget year" means the fiscal year for which a budget is prepared or being prepared;
6. "Chief executive officer" means the mayor of an aldermanic city or a strong-mayor-council city, the mayor of a town, or the city manager or chief administrative officer as it may be defined by applicable law, charter or ordinance;
7. "Current year" means the year in which the budget is prepared and adopted, or the fiscal year immediately preceding the budget year;
8. "Deficit" means the excess of the liabilities, reserves, contributions and encumbrances of a fund over its assets as reflected by its book of account;
9. "Department" means a functional unit within a fund which carries on a specific activity, such as a fire department or a police department within a general fund;
10. "Estimated revenue" means the amount of revenues estimated to be received during the budget year in each fund for which a budget is prepared. Revenue includes any appropriated fund balance in the budget of revenues for a fund for the budget year;
11. "Fiscal year" means the annual period for reporting fiscal operations which begins and ends on dates as the Legislature provides;
12. "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts to record cash and other financial resources, together with all liabilities, which are segregated for the purpose of carrying on specific activities or attaining certain objectives;
13. "Fund balance" means the excess of the assets of a fund over its liabilities, reserves, contributions and encumbrances, as reflected by its books of account.
14. "Governing body" means the city council of a city, the board of trustees of a town, or the legislative body of a municipality as it may be defined by applicable law or charter provision;
15. "Immediate prior fiscal year" means the year next preceding the current year;
16. "Levy" means to impose ad valorem taxes or the total amount of ad valorem taxes for a purpose or entity;
17. "Operating reserve" means that portion of the fund balance which has not been appropriated in a budget year; and
18. "Municipality" means any incorporated city or town. (Amended, effective 5/27/80)

SECTION 17-205. BUDGET REQUIRED - CHIEF EXECUTIVE OFFICER.

At least thirty (30) days prior to the beginning of each fiscal year, a budget for the municipality shall be prepared by the chief executive officer and submitted to the governing body. The chief executive officer may require any other officer or employee who is charged with the management or control of any department or office of the municipality to furnish estimates for the fiscal year covering estimated revenues and expenditures of the department or office on or before a date set by the chief executive officer. (Effective 10/1/79)

SECTION 17-206. CONTENTS - ESTIMATES - BUDGET REQUIREMENTS.

A. The municipal budget shall present a complete financial plan for the municipality and shall present information necessary and proper to disclose the financial position and condition of the municipality and the revenues and expenditures thereof, both past and anticipated.

B. The budget shall contain a budget summary. It shall also be accompanied by a budget message which shall explain the budget and describe its important features. The budget format shall be as provided by the governing body in consultation with the chief executive officer. It shall contain at least the following in tabular form for each fund, itemized by department and account within each fund:

1. Actual revenues and expenditures for the immediate prior fiscal year;
2. Revenues and expenditures for the current fiscal year as shown by the budget for the current year as adopted or amended; and

State Laws Appendix - Provisions of Selected State Statutes

3. Estimates of revenues and expenditures for the budget year.

C. The estimate of revenues for any budget year shall include probable income by source which the municipality is legally empowered to collect or receive at the time the budget is adopted. The estimate shall be based on a review and analysis of past and anticipated revenues of the municipality. Any portion of the budget of revenues to be derived from ad valorem property taxation shall not exceed the amount of tax which is available for appropriation, as finally determined by the county excise board, or which can or must be raised as required by law. The budget of expenditures for each fund shall not exceed the estimated revenues for each fund. No more than ten percent (10%) of the total budget for any fund may be budgeted for miscellaneous purposes. Included in the budget of revenues or expenditures for any fund may be amounts transferred from or to another fund. Any such interfund transfer must be shown as a disbursement from the one fund and as a receipt to the other fund. (New, effective 10/1/79)

SECTION 17-207. GENERAL FUND AND OTHER FUND - SINKING FUND.

Any monies received or expended by a municipality must be accounted for by fund and account. Each municipality shall prepare a budget for the general fund and for other funds as the governing body may require pursuant to Section 17-212 of this title. The municipal governing body shall determine the needs of the municipality for sinking fund purposes, pursuant to Section 431 of Title 62 of the Oklahoma Statutes, Section 2497 of Title 68 of the Oklahoma Statutes, and Section 28 of Article 10 of the Oklahoma Constitution, and include these requirements in the debt service fund budget for the budget year. (Amended 7/1/84)

SECTION 17-208. NOTICE AND HEARING.

The municipal governing body shall hold a public hearing on the proposed budget no later than fifteen (15) days prior to the beginning of the budget year. Notice of the date, time and place of the hearing, together with the proposed budget summary, shall be published in a newspaper of general circulation in the municipality not less than five (5) days before the date of the hearing. The municipal clerk shall make available a sufficient number of copies of the proposed budget as the governing body shall determine and have them available for review or for distribution or sale at the office of the municipal clerk. Whenever the total operating budget, not including debt service, does not exceed Twelve Thousand Dollars (\$12,000.00) per year, the proposed budget summary and notice may be posted at the governing body's principal headquarters in lieu of publication in a newspaper. At the public hearing on the budget any person may present to the governing body comments, recommendations or information on any part of the proposed budget. (Effective 10/1/79)

SECTION 17-209. ADOPTION OF BUDGET - FILING - APPROPRIATION - LEVY BY COUNTY EXCISE BOARD.

After the hearing and at least seven (7) days prior to the beginning of the budget year, the governing body shall adopt the budget. The governing body may add or increase items or delete or decrease items in the budget. In all cases the proposed expenditures shall not exceed the estimated revenues for any fund.

B. The adopted budget shall be filed with the excise board of each county in which the municipality is located on or before the first day of the budget year. At the same time that the budget is filed with the excise board, one copy of the budget as adopted shall be transmitted to the State Auditor and Inspector and one copy shall be kept on file in the office of the municipal clerk.

C. The adopted budget shall be in effect on and after the first day of the fiscal year to which it applies. The budget as adopted and filed with the State Auditor and Inspector shall constitute an appropriation for each fund, and the appropriation thus made shall not be used for any other purpose except as provided by law.

D. At the time required by law, the county excise board shall levy the taxes necessary for the municipality's sinking fund for the budget year pursuant to Section 431 of Title 62 of the Oklahoma Statutes. (Effective 10/1/79)

SECTION 17-210. PROTESTS - PUBLIC RECORD.

Within fifteen (15) days after the filing of any municipal budget with the State Auditor and Inspector, any taxpayer may file protests against any alleged illegality of the budget in the manner provided by this section and Sections 24104 through 24111 of Title 68 of the Oklahoma Statutes. The fifteen-day protest period begins upon the date the budget is received in the Office of the State Auditor and Inspector. After receipt of a taxpayer protest, the State Auditor and Inspector shall transmit by certified mail one copy of each protest to the municipal clerk, and one copy of each protest to the county treasurer and the excise board of each county in which the municipality is located. The taxpayer protest shall specify the alleged illegality in the budget and the grounds upon which the alleged illegality is based. Any protest filed by any taxpayer shall inure to the benefit of all taxpayers. If no protest is filed by any taxpayer within the fifteen-day period, the budget and any appropriations thereof shall be deemed legal and final until amended by the governing body or the county excise board as authorized by law. Taxpayers shall have the right at all reasonable times to examine the budget on file with the municipal clerk, the

State Laws Appendix - Provisions of Selected State Statutes

county excise board, or the State Auditor and Inspector for the purpose of checking illegalities in the budget or for filing protests in accordance with this section and Sections 24104 through 24111 of Title 68. (Amended, effective 5/27/80).

SECTION 17-211. DEFICITS - PROHIBITIONS - VIOLATIONS - PENALTY.

A. No expenditure may be authorized or made by any officer or employee which exceeds any fund balance for any fund of the budget as adopted or amended or which exceeds the appropriation for any fund of the budget as adopted or amended. Any balance remaining in a fund at the end of the budget year shall be carried forward to the credit of the fund for the next budget year.

B. It shall be unlawful for any officer or employee of the municipality in any budget year:

1. To create or authorize creation of a deficit in any fund; or

2. To authorize, make or incur expenditures or encumbrances in excess of ninety percent (90%) of the appropriation for any fund of the budget as adopted or amended until revenues in an amount equal to at least ninety percent (90%) of the appropriation for the fund have been collected. Any fund balance which is included in the appropriation for the fund is considered revenue in the budget year for which it is appropriated. Expenditures may then be made and authorized so long as any expenditure does not exceed any fund balance.

C. Any obligation that is contracted or authorized by any officer or employee in violation of this act shall become the obligation of the officer or employee himself and shall not be valid or enforceable against the municipality. Any officer or employee who violates this act shall forfeit his office or position and shall be subject to such civil and criminal punishments as are provided by law. Any obligation, authorization for expenditure or expenditure made in violation of this act shall be illegal and void. (Effective 10/1/79)

SECTION 17-212. ESTABLISHMENT OF FUNDS - ACCOUNTS.

A municipality shall establish funds consistent with legal and operating requirements. Each municipality shall maintain according to its own needs some or all of the following funds or ledgers in its system of accounts:

1. A general fund, to account for all monies received and disbursed for general municipal government purposes, including all assets, liabilities, reserves, fund balances, revenues and expenditures which are not accounted for in any other fund or special ledger account. All monies received by the municipality under the motor fuel tax or under the motor vehicle license and registration tax and earmarked for the street and alley fund may be deposited in the general fund and accounted for as a "street and alley account" within the general fund. Expenditures from this account shall be made as earmarked and provided by law. All references to the street and alley fund or to the special fund earmarked for state-shared gasoline and motor vehicle taxes may mean the street and alley account provided in this section;

2. Special revenue funds, as required, to account for the proceeds of specific revenue sources that are restricted by law to expenditures for specified purposes;

3. Debt service fund, which shall include the municipal sinking fund, established to account for the retirement of general obligation bonds or other long term debt and payment of interest thereon and judgments as provided by law. Any monies pledged to service general obligation bonds or other long term debt must be deposited in the debt service fund;

4. Capital improvement fund, to account for financial resources segregated for acquisition, construction or other improvement related to capital facilities other than those financed by general long term debt;

5. Enterprise funds, to account for each utility or enterprise or other service, other than those operated as a department of the general fund, where the costs are financed primarily through user charges or where there is a periodic need to determine revenues earned, expenses incurred or net income for a service or program;

6. Trust and agency funds, to account for assets held by the municipality as trustee or agent for individuals, private organizations or other governmental units or purposes, such as a retirement fund or a cemetery perpetual care fund;

7. Special assessment funds, to account for the financing of public improvements or services deemed to benefit properties against which special assessments are levied; a separate fund for each special improvement district established by the governing body shall be established, each of which shall be known as a special assessment fund;

8. Internal service funds, to account for the financing of goods or services provided by one department or agency of the municipality to another department or agency, or to another government, on a cost reimbursement basis;

State Laws Appendix - Provisions of Selected State Statutes

9. A ledger or group of accounts in which to record the details relating to the general fixed assets of the municipality;

10. A ledger or group of accounts in which to record the details relating to the general bonds or other long term debt of the municipality; or

11. Such other funds or ledgers as may be established by the governing body. (Effective 10/1/79).

SECTION 17-213. CLASSIFICATION OF REVENUES AND EXPENDITURES.

Each fund shall be made up of accounts for classifying revenues and expenditures. Revenues shall be classified separately by source. Expenditures shall be departmentalized within each fund and shall be classified into at least the following accounts:

1. Personal services, which may include expenses for salaries, wages, per diem or other compensation, fees, allowances or reimbursement for travel expenses, and related employee benefits, paid to any officer or employee for services rendered or for employment. Employee benefits may include employer contributions to a retirement system, insurance, sick leave, terminal pay or similar benefits;

2. Materials and supplies, which may include articles and commodities which are consumed or materially altered when used, such as office supplies, operating supplies and repair and maintenance supplies, and all items of expense to any person, firm or corporation rendering a service in connection with repair, sale or trade of such articles or commodities;

3. Other services and charges, which may include all current expenses other than those listed in paragraphs 1, 2, 4 or 5 of this section, such as services or charges for communications, transportation, advertising, printing or binding, insurance, public utility services, repairs and maintenance, rentals, miscellaneous items and all items of expenses to any person, firm or corporation rendering such services;

4. Capital outlays, which may include outlays which result in acquisition of or additions to fixed assets which are purchased by the municipality, including machinery and equipment, furniture, land, buildings, improvements other than buildings, and all construction, reconstruction, appurtenances or improvements to real property accomplished according to the conditions of a contract; and

5. Debt service, which may include outlays in the form of debt principal payments, periodic interest payments, or related service charges for benefits received in part in prior fiscal periods as well as in current and future fiscal periods. (Effective 10/1/79)

SECTION 17-214. RESERVE.

A municipality may create an operating reserve for the purpose of providing a fund or reserve out of which to meet emergency expenditures. (Effective 10/1/79)

SECTION 17-215. FUNDS AND ACCOUNT TRANSFERS.

The chief executive officer, as authorized by the governing body, may transfer any unexpended and unencumbered appropriation or any portion thereof from one account to another within the same department or from one department to another within the same fund; except that no appropriation for debt service or other appropriation required by law or ordinance may be reduced below the minimums required. Any fund balance in an enterprise fund of the municipality may be transferred to another fund of the municipality as authorized by the governing body. Other interfund transfers may be made only as authorized by this act or as provided in the budget as adopted or amended according to Sections 17-206 or 17-216 of this title. Whenever the necessity for maintaining any special fund of a municipality has ceased to exist and a balance remains in the fund, the governing body may authorize the transfer of the balance to the general fund. Applicable law shall govern the use or transfer of balance in any debt service or special assessment fund. (Amended, effective 5/27/80).

SECTION 17-216. SUPPLEMENTAL APPROPRIATIONS - LIMITATIONS PROCEDURE.

A. The governing body may amend the budget to make supplemental appropriations to any fund up to the amount of additional revenues which are available for current expenses as shown by a fund balance for the fund due to:

1. Revenues received from sources not anticipated in the budget for that year;
2. Revenues received from anticipated sources but in excess of the budget estimates therefor; or

3. Unexpended unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget. Any appropriation authorizing the creating of an indebtedness shall be governed by the applicable provisions of Article 10 of the Oklahoma Constitution.

B. If at any time during the budget year it appears probable that revenues available will be insufficient to meet the amount appropriated, or that due to unforeseen emergencies there is temporarily insufficient money in a particular fund to meet the requirements of appropriation for the fund, the governing body shall take action as it deems necessary. For that purpose, it may amend the budget to reduce one or more appropriations or it may amend the budget to transfer money from one fund to another fund, but no appropriation for debt service may be reduced and no appropriation may be reduced by more than the amount of the unencumbered and unexpended balance thereof. No transfer shall be made from the debt service fund to any other fund except as may be permitted by the terms of the bond issue or applicable law.

C. A budget amendment as provided in this section authorizing supplemental appropriations or a decrease or change in appropriation or funds shall be adopted at a meeting of the governing body and filed with the municipal clerk, the county excise board of each county in which the municipality is located, and the State Auditor and Inspector. (Effective 10/1/79)

ARTICLE XXII

GENERAL POWERS OF MUNICIPALITIES

Section

22-101	Corporate Powers of Municipalities
22-101.1	Political Activities by Municipal Employees - Exceptions - Filing As Candidate
22-101.2	Coercion Prohibited
22-101.3	Penalties
22-102	Proof of Legal Organization or Ordinances
22-103	Service of Notice or Process on Municipality
22-104	Right to Engage in Business - Public Utilities and Improvements - Eminent Domain - Issuance of Bonds - Lease of Public Utility
22-105	Condemnation of Private Property
22-106	License Tax on Occupations - Authority to Levy and Collect - Penalties
22-107	Licenses Regulated by Ordinance - Expiration - Issuance
22-107.1	Community Antenna Television Systems
22-108	Power to Suppress Gaming and Gambling
22-109	Disorderly Houses and Public Indecencies
22-110	Riots, Assaults and Disturbances - Firearms and Fireworks
22-111	Cleaning and Mowing of Property - Hearing - Costs - Lien
22-112	Condemnation of Dilapidated Buildings - Notice - Removal - Lien
22-112.1	Boarding and Securing Dilapidated Buildings - Procedure - Notice
22-113	Fire Hazards and Building Location Restrictions
22-114	Entry Upon Private Property for Surveys and Examinations - Reimbursement for Damages
22-115	Animals Running at Large - Regulation and Taxation
22-116	Jurisdiction over Public Grounds and Navigable Streams
22-117	Traffic Regulations - Control of Streets - School Zones
22-117.1	Possession of Security Verification Form may be Required for Certain Vehicles
22-118	Regulation of Taxicabs - Specific Requirements
22-119	Regulation of Railway and Freight Operations within Municipal Limits
22-120	Public Health, Hospitals and Quarantine
22-121	Nuisances
22-122	Trees
22-123	Vagrancy
22-124	Market Places - Municipal Buildings
22-125	Gifts to Institutions in State System of Higher Education
22-126	Participation in Federal Programs
22-127	Establishing Residency Requirements
22-128	Authority for Public Improvements - Borrowing Money - Bond Issues
22-129	Warrants Against Lots for Special Assessments
22-130	Reassessments for Void or Illegal Assessments
22-131	Municipal Records - Destruction, Sale or Disposition After Certain Time Limitations
22-132	Authority to Have Records Photographed or Reproduced on Film - Original Record - Storage
22-132.1	Municipal Records - Maintenance and Protection - Availability
22-133	Contesting Reasonableness of Oil and Gas Drilling Fee
22-134	Purchasing or Accounts Payable - Approved by Electronic Process

ARTICLE XXII

GENERAL POWERS OF MUNICIPALITIES

SECTION 22-101. CORPORATE POWERS OF MUNICIPALITIES

All incorporated municipalities shall be bodies corporate and politic, and shall have the powers to:

1. Sue and be sued;
2. Purchase and hold real and personal property for the use of the municipality;
3. Sell and convey any real or personal property owned by the municipality and make orders respecting the same as may be conducive to the best interests of the municipality;

4. Make all contracts and do all other acts in relation to the property and affairs of the municipality, necessary to the good government of the municipality, and to the exercise of its corporate and administrative powers; and

5. Exercise such other powers as are or may be conferred by law.

SECTION 22-101.1. POLITICAL ACTIVITIES BY MUNICIPAL EMPLOYEES - EXCEPTIONS - FILING AS CANDIDATE

Municipal employees may attend and express their views at city council meetings, or any other public meetings of municipal entities.

Any municipal employee may actively participate in partisan and nonpartisan political activities. Provided, the political activity in which the employee participates shall be exercised only during off-duty hours and while not in uniform. Any federal statutes restricting the political activities of certain municipal employees shall supersede the provisions of this section as to such employees. Municipal corporations may establish employment requirements requiring municipal employees to refrain from filing as a candidate for public office while employed by said municipality. (Amended 6/24/83)

SECTION 22-101.2. COERCION PROHIBITED

It shall be unlawful for the governing body or officer of any municipal corporation in this state to directly or indirectly coerce or attempt to coerce any municipal employee to participate or refrain from participation in municipal political activities or public meetings. (Added eff. 10/19/81).

SECTION 22-101.3. PENALTIES

Any person convicted of violating any of the provisions of this act shall be guilty of a misdemeanor. (Added eff. 10/19/81).

SECTION 22-102. PROOF OF LEGAL ORGANIZATION OR ORDINANCES

A. If a suit is instituted by a municipality, the municipality shall not be required to post bond or to show its compliance with any of the provisions of law as to its organization or publication of ordinances unless the same is controverted by affidavit.

B. A municipality shall be entitled to recover its costs and attorney fees on the same terms and in the same manner as any other party. (Amended 11/1/84)

SECTION 22-103. SERVICE OF NOTICE OR PROCESS ON MUNICIPALITY

Any notice or process affecting a municipality shall be served upon the municipal clerk, or in his or her absence then upon a deputy municipal clerk or upon the mayor. (Amended 11/1/84)

SECTION 22-104. RIGHT TO ENGAGE IN BUSINESS - PUBLIC UTILITIES AND IMPROVEMENTS - EMINENT DOMAIN - ISSUANCE OF BONDS - LEASE OF PUBLIC UTILITY

Every municipality shall have the right to:

1. Engage in any business or enterprise which may be engaged in by a person, firm or corporation by virtue of a franchise from the municipality and to do all things necessary and proper in the discretion of the governing body of the municipality pursuant to the authority granted to it by the Constitution and laws of this state to maintain said business or enterprise for the benefit of the municipality; and

2. Acquire, own, and maintain, within or without its corporate limits, real estate for sites and rights-of-way for any municipal purpose including but not limited to public utility and public park purposes, and for the location thereon of waterworks, electric light and gas plants and other facilities for generating or distributing energy, ports, airports, hospitals, quarantine stations, garbage reduction plants, pipelines for the transmission and transportation of gas, water, stormwater, and sewerage, and for any plant for the manufacture of any material for public improvement purposes and public buildings; and

3. Exercise the right of eminent domain for any municipal purpose, within or without its corporate limits, and to establish, lay, and operate any plant or pipeline upon any land or right-of-way taken pursuant to eminent domain. Any business or profession which is affected by the right of eminent domain as exercised pursuant to the provisions of this section shall be considered as a property right of the owner thereof and proper allowance therefor shall be made; and

State Laws Appendix - Provisions of Selected State Statutes

4. Exercise the right to manufacture any material for public improvement purposes, and to barter or exchange the same for other material to be used in public improvements in the municipality, or to sell the same; and

5. Issue and sell bonds subject to and by virtue of the provisions of the Constitution of this state and in the manner and form provided by law in order to raise the monies to establish and maintain public utilities, parks and improvements; and

6. Sell or lease to any consumer or corporation, within or without its boundaries, the commodities and services supplied by such municipally owned or controlled public utility, business enterprise, or improvement and to enter into such short- or long-term contracts, agreements, and stipulations and do all things necessary and proper to further the capability of the municipality pursuant to the authority granted to it by the Oklahoma Statutes and the Constitution of this state to provide said commodities and services as may be deemed appropriate by the governing body of the municipality; and

7. Lease at a stipulated rental any public improvement or utility from any person, firm, or corporation which will contract to furnish the same. Any such rental contract shall reserve for the municipality the option to purchase the improvement or utility in the future. (Amended 11/1/87)

SECTION 22-105. CONDEMNATION OF PRIVATE PROPERTY

Private property may be taken for public use, or for the purpose of giving a right-of-way or other privilege for any necessary purpose, in the manner provided by law; but in every case the municipality shall make adequate compensation to the person or persons whose property shall be taken or injured thereby as provided by law.

SECTION 22-106. LICENSE TAX ON OCCUPATIONS - AUTHORITY TO LEVY AND COLLECT - PENALTIES

A. A municipal governing body may levy and collect a license tax on auctioneers, contractors, druggists, hawkers, peddlers, bankers, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, public boarding houses, billiard tables, bowling alleys, and other amusement devices, drays, hacks, carriages, omnibuses, carts, wagons and other vehicles used in the municipality for pay, hay scales, lumber dealers, furniture dealers, saddle or harness dealers, stationers, jewelers, livery stable keepers, real estate agents, express companies or agencies, telegraph companies or agencies, shows, theatres, all kinds of exhibitions for pay, also photographers, photographers' agents, agents of all kinds and solicitors. The taxes so levied and collected shall be applied for the use and benefit of the municipality as the governing body may direct.

B. All scientific and literary lectures and entertainments shall be exempt from license taxation, and also all concerts and musical or other entertainments given exclusively by the citizens of the municipality.

C. The governing body may establish penalties for any failure to observe the license provisions or to pay the tax provided for by ordinance.

SECTION 22-107. LICENSES REGULATED BY ORDINANCE - EXPIRATION - ISSUANCE

Text as amended by Laws 1984, c. 102, Section 1:

A. Municipal licenses and license fees shall be regulated by ordinance. A municipality may establish such license requirements as it deems appropriate in the exercise of its police power and may provide that each applicant supply his state sales tax identification number or proof of exemption pursuant to provisions of the Sales Tax Code. Any license issued by the governing body shall expire no later than one (1) year after the date of its issuance or on April 30 of each year. No license may be issued until the amount prescribed therefor is paid to the municipal treasurer. No license in any case may be assigned or transferred. Licenses shall be signed as provided for by ordinance. The clerk shall affix the corporate seal of the municipality to the license. A municipality and the Oklahoma Tax Commission may exchange information to further the collection or enforcement of state and local taxes.

B. The municipality, its officers and employees shall preserve the confidentiality of such information in the same manner and be subject to the same penalties as provided by Section 205 of Title 68 of the Oklahoma Statutes, provided that the municipal prosecutor and other municipal enforcement personnel may receive all information necessary to enforce municipal sales tax ordinances or licensing ordinances. (Amended 4/5/84)

Text as amended by Laws 1984, c. 126, Section 41:

Municipal licenses and license fees shall be regulated by ordinance. A municipality may establish such license requirements as it deems appropriate in the exercise of its police power and may provide that each applicant supply his state sales tax identification number or proof of exemption pursuant to the provisions of Title 68 of the Oklahoma Statutes. Any license issued by the governing body shall expire no later than one (1) year after the date of its issuance or on June 30 of each year. No license may be issued until the amount prescribed therefor is paid to

State Laws Appendix - Provisions of Selected State Statutes

the municipal treasurer. No license in any case may be assigned or transferred. Licenses shall be signed as provided for by ordinance. The clerk shall affix the corporate seal of the municipality to the license. A municipality and the Oklahoma Tax Commission may exchange information to further the collection or enforcement of state and local taxes. The municipality and the officers and employees of the municipality shall preserve the confidentiality of such information in the same manner and be subject to the same penalties as provided for by Section 205 of Title 68 of the Oklahoma Statutes, provided that the municipal prosecutor and other municipal enforcement personnel may receive all information necessary to enforce municipal sales tax ordinances or licensing ordinances. (Amended 11/1/84)

SECTION 22-107.1 COMMUNITY ANTENNA TELEVISION SYSTEMS

A. A municipality may by ordinance or otherwise issue a certificate, license or permit, for the operation of a cable television system. A municipality may establish such certificate, license or permit requirements as it deems appropriate in the exercise of its power. Any certificate, license or permit issued by the governing body shall be nonexclusive and shall not exceed a period of twenty-five (25) years and may be revocable by the governing body if said body determines that the holder of the certificate, license or permit has willfully failed or neglected to perform duties pursuant to the terms of the grant of the certificate, license or permit. A certificate, license or permit may be assigned or transferred subject to approval of the governing body of the municipality. Nothing herein shall limit the authority of a municipality to comply with state or federal law.

B. No municipality shall grant any overlapping certificate, license, permit or franchise for cable television service within its jurisdiction on terms or conditions more favorable or less burdensome than those in any existing certificate, license, permit or franchise within such municipality.

C. No municipal provisions regulating a cable television system may be adopted which are inconsistent with either state or federal law relating to cable television operations. (Amended 1988)

SECTION 22-108. POWER TO SUPPRESS GAMING AND GAMBLING

The municipal governing body may enact ordinances to restrain, prohibit, and suppress games and gambling houses, bowling alleys, pool and billiard tables, and other gambling tables. The powers granted to municipalities in this section shall not be construed to repeal any gambling law now on the statute books, but shall be cumulative only.

SECTION 22-109. DISORDERLY HOUSES AND PUBLIC INDECENCIES

The municipal governing body may enact ordinances to restrain, prohibit, and suppress houses of prostitution and other disorderly houses and practices, and all kinds of public indecencies. No municipal officer shall accept or receive any hush money, or any money or valuable things, from any person or persons engaged in any such business or practice, or grant any immunity or protection against a rigid enforcement of the laws and ordinances enacted to restrain, prohibit and suppress any such business or practice.

SECTION 22-110. RIOTS, ASSAULTS AND DISTURBANCES - FIREARMS AND FIREWORKS

The municipal governing body may regulate or prohibit riots, assaults, batteries, petty larceny, disturbances or disorderly assemblies, and immoral or indecent shows, exhibitions or concerts, in any street, house or place in the municipality; and may regulate, punish, and prevent the discharge of firearms, rockets, powder, fireworks, or other dangerously combustible material in the streets, lots, grounds, alleys or about, or in the vicinity of any buildings. The governing body may also regulate the carrying of firearms or other deadly weapons, concealed or otherwise, as provided in Section 1289.24 of Title 21 of the Oklahoma Statutes. (Amended 11/1/85)

SECTION 22-111. CLEANING AND MOWING OF PROPERTY - HEARING - COSTS - LIEN

A. A municipal governing body may cause property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure:

1. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the governing body holds a hearing or takes action. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and said notice shall further state that unless such work is performed within ten (10) days of the date of the notice the work shall be done by the municipality and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the municipality. At the time of mailing of notice to the property owner, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. However, if the property owner cannot be located within ten (10) days from the date of mailing by the municipal governing body, notice may be given by posting a copy of the notice on the property or by publication, as defined in Section 1-102 of this title, one

State Laws Appendix - Provisions of Selected State Statutes

time not less than ten (10) days prior to any hearing or action by the municipality. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of subsection B of this section, the notice, whether by certified mail, posting or publication, shall state: that any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to such notice may be summarily abated by the municipal governing body; that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner;

2. The owner of the property may give his written consent to the municipality authorizing the removal of the trash or the mowing of the weeds or grass. By giving said written consent, the owner waives his right to a hearing by the municipality;

3. A hearing may be held by the municipal governing body to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of property;

4. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by the removal of such conditions, the agents of the municipality are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the municipality. Immediately following the cleaning or mowing of the property, the municipal clerk shall file a notice of lien with the county clerk describing the property and the work performed by the municipality, and stating that the municipality claims a lien on said property for the cleaning or mowing costs;

5. The governing body shall determine the actual cost of such cleaning and mowing and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The municipal clerk shall forward by mail to the property owner specified in paragraph 1 of this subsection a statement of such actual cost and demanding payment. If the cleaning and mowing are done by the municipality, the cost to the property owner for said cleaning and mowing shall not exceed the actual cost of the labor, maintenance, and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder;

6. If payment is not made within thirty (30) days from the date of the mailing of the statement, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located and the same shall be levied on the property and collected by the county treasurer as other taxes authorized by law. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the county treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. Said fee shall be deposited to the credit of the general fund of the county. At any time prior to the collection as provided in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the municipal clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien; and

7. The municipality may designate by ordinance an administrative officer or administrative body to carry out the duties of the governing body in subsection A of this section. The property owner shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

B. If a municipal governing body causes property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in subsection A of this section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such summary abatement the municipality shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in subsection A of this section. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided for in paragraphs 5 and 6 of subsection A of this section. Provided, however, that this subsection shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to subsection A of this section.

C. The municipal governing body may enact ordinances to prohibit owners of property or persons otherwise in possession or control located within the municipal limits from allowing trash to accumulate, or weeds to grow or stand upon the premises and may impose penalties for violation of said ordinances.

D. As used in this section:

1. "Weed" includes but is not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:
 - a. exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds;
 - b. regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;
 - c. harbors rodents or vermin;
 - d. gives off unpleasant or noxious odors;
 - e. constitutes a fire or traffic hazard; or
 - f. is dead or diseased.

The term "weed" shall not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use.

2. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, or waste, or matter of any kind or form which is uncared for, discarded, or abandoned.
3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.
4. "Cleaning" means the removal of trash from property.

E. The provisions of this section shall not apply to any property zoned and used for agricultural purposes. (Amended 1990)

SECTION 22-112. CONDEMNATION OF DILAPIDATED BUILDINGS - NOTICE - REMOVAL - LIEN

A municipal governing body may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the provisions of this section:

1. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the governing body holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of said notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined in Section 1-102 of this title. Such notice may be published once not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section.

2. A hearing shall be held by the governing body to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if said property creates a fire hazard which is dangerous to other property.

3. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard, and that the property would be benefited by the removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. The governing body shall fix reasonable dates for the commencement and completion of the work. The municipal clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the municipality at the hearing, and stating that the municipality claims a lien on said property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of said notice. The agents of the municipality are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the work is not performed by the property owner within dates fixed by the governing body.

4. The governing body shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The municipal clerk shall forward a statement of such actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs by mail

State Laws Appendix - Provisions of Selected State Statutes

to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder at the address provided for in paragraph 1 of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the addressee. If a municipality dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for dismantling and removal of the dilapidated buildings. If dismantling and removal of dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

5. When payment is made to the municipality for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. Said costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. Said fee shall be deposited to the credit of the general fund of the county. At any time prior to collection as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

6. The municipality may designate, by ordinance, an administrative officer or administrative body to carry out the duties of the governing body specified in this section. The property owner shall have the right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

7. For the purposes of this section, "dilapidated building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, safety, or welfare of the general public. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

8. Nothing in the provisions of this section shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

9. The officers, employees or agents of the municipality shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.

10. The provisions of this act shall not apply to any property zoned and used for agricultural purposes.
(Amended 1990)

SECTION 22-112.1 BOARDING AND SECURING DILAPIDATED BUILDINGS - PROCEDURE - NOTICE

A. After a building has been declared dilapidated, as provided in Section 22-112 of this title, and before the commencement of the tearing and removal of a dilapidated building, the governing body may cause such a building to be boarded and secured.

B. A governing body of any municipality may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with the provisions of Section 22-111 of this title.

C. A governing body of any municipality may cause an unsecured building to be boarded and secured in accordance with the following procedures:

1. Before the governing body orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in Section 22-112 of this title. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the addressee. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication, as defined in Section 1-102 of this title. Such notice

State Laws Appendix - Provisions of Selected State Statutes

shall be published one time, not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of paragraph 9 of subsection C of this section, the notice shall state; that any subsequent need for boarding and securing the building within a six-month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the municipal governing body; that the costs of such boarding and securing shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder;

2. The owner of the property may give his written consent to the municipality authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving said written consent, the owner waives his right to a hearing by the municipal governing body;

3. If the property owner does not give his written consent to such actions, a hearing may be held by the municipal governing body to determine whether the boarding and securing of such unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to the provisions of paragraph 3 of subsection A of Section 22-111 of this title. In making such determination, the governing body shall apply the following standard: the governing body may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children.

Upon making such a determination, the municipal governing body may order the boarding and securing of the unsecured building;

4. After the governing body orders the boarding and securing of such unsecured building, the municipal clerk shall immediately file a notice of unsecured building and lien with the county clerk describing the property, stating the findings of the municipality at the hearing at which such building was determined to be unsecured, and stating that the municipality claims a lien on said property for the costs of boarding and securing the building and that such costs are the personal obligation of the property owner from and after the date of filing said notice;

5. Pursuant to the order of the governing body, the agents of the municipality are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as a governmental function of the municipality;

6. After an unsecured building has been boarded and secured, the governing body shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and mailing. The municipal clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs, by mail to any property owners and mortgage holders as provided in Section 22-112 of this title. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer.

If a municipality boards and secures any unsecured building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder;

7. When payment is made to the municipality for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. Said costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until fully paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the county clerk. In addition the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid. At any time prior to collection as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien;

8. The municipality may designate by ordinance an administrative officer or administrative body to carry out the duties of the governing body specified in subsection C of this section. The property owner or mortgage holder shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered;

State Laws Appendix - Provisions of Selected State Statutes

9. If a municipal governing body causes a structure within the municipal limits to be boarded and secured, any subsequent need for boarding and securing within a six-month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the municipality shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the municipal clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in paragraph 1 of subsection C of this section. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in paragraphs 6 and 7 of this subsection;

10. A governing body of any municipality may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this subsection even though such building has not been declared, by the governing body, to be dilapidated; and

11. For the purposes of this section:

- a. "boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure; and
- b. "unsecured building" shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

D. The provisions of this section shall not apply to any property zoned and used for agricultural purposes. (Amended 1990)

SECTION 22-113. FIRE HAZARDS AND BUILDING LOCATION RESTRICTIONS

The municipal governing body may regulate the construction or suppression, and cleaning of any apparatus, fixtures, or equipment used in any building, manufactory, or business which may cause or promote fires, may prescribe limits within which dangerous or hazardous businesses may be carried on and may adopt fire prevention codes and regulations. The governing body may impose penalties for the violation of such ordinances and may remove or abate any buildings constructed or located in violation of its ordinances. (Amended 11/1/84)

SECTION 22-114. ENTRY UPON PRIVATE PROPERTY FOR SURVEYS AND EXAMINATIONS - REIMBURSEMENT FOR DAMAGES

A. Municipalities through their authorized agents or employees may enter upon any lands, waters, or premises for the purpose of making surveys, soundings, or examinations as may be necessary for the purpose of establishing, locating, relocating, constructing, or maintaining any sewer, waterworks, drain, or public works or facilities. Entry may also be made for the purpose of terminating any public utility services if the municipality determines the existence of a hazard to the health, safety, or welfare of the general public in connection with said services. Said entry shall not be deemed a trespass, nor shall an entry pursuant to any condemnation proceedings which may be pending be deemed a trespass. If the municipality does not have written consent for entry from the owner and lessee, the municipality shall give notice to the owner and lessee of the property to be entered, by certified mail at least fourteen (14) days prior to any entry. If the owner and lessee are unable to be given notice by certified mail, notice shall be given by publication.

B. Municipalities shall make reimbursement for any actual damages to lands, water, or premises as a result of the entry onto property as authorized in this section. If there is a disagreement as to the amount of any damage, either the person incurring any damage to land, water, or premises or the municipality may file a petition with the district court in the county where the alleged damage occurred requesting the appointment of a commissioner to appraise the damage and proceed to have the damage determined as in condemnation proceedings. (Amended 11/1/84)

SECTION 22-115. ANIMALS RUNNING AT LARGE - REGULATION AND TAXATION

The municipal governing body may regulate or prohibit animals from running at large. Animals which are running at large may be impounded and sold to discharge any costs and penalties established by the governing body and the expense of impounding, keeping or sale of such animals. The governing body may also provide for the erection of pens, pounds, and buildings for the use of the municipality, within or without the municipal limits, and appoint and compensate keepers thereof, and establish and enforce rules governing the pens, pounds or buildings. The governing body may also regulate and provide for taxing the owners and harborers of dogs, and authorize the killing of dogs which are found at large in violation of any ordinance regulating the same.

SECTION 22-116. JURISDICTION OVER PUBLIC GROUNDS AND NAVIGABLE STREAMS

The municipality shall have jurisdiction over any real property within or without its corporate limits belonging to the municipality. Unless otherwise provided for by law, the municipality may regulate the banks, shores, and wharves of navigable streams within the corporate limits. (Amended 11/1/84)

SECTION 22-117. TRAFFIC REGULATIONS - CONTROL OF STREETS - SCHOOL ZONES

A. The municipal governing body may establish ordinances and regulations governing the operation of motor vehicles and traffic upon the roads and streets within the municipality in the manner provided by, and not inconsistent with, state law. The governing body may also regulate and prevent racing and fast driving, and all games, practices or amusements likely to result in damage to any person or property, in the streets, highways, alleys, bridges, sidewalks or other places in the municipality, and riding or driving over or upon the sidewalks of the municipality.

B. Any municipal governing body which establishes ordinances and regulations governing school zone speed limits, shall place school zone signs designating the beginning and end of the zone on the side or in the center of the roadway. Such end zone signing shall be as follows:

- (a) On roadways of two driving lanes, only the end zone signing may be on either side of the roadway or in the center of the roadway.
- (b) On roadways in excess of two driving lanes, the end zone signing shall be on the right side of the roadway or in the center of the roadway if said roadway is divided by a median.

SECTION 22-117.1 POSSESSION OF SECURITY VERIFICATION FORM MAY BE REQUIRED FOR CERTAIN VEHICLES

Pursuant to Section 22-117 of this title, a municipality may by ordinance require the operator of any motor vehicle registered in this state to carry a current security verification form as defined in Article VI, Chapter 7 of Title 47 of the Oklahoma Statutes or equivalent form which has been issued by the Department.

Any person producing proof that a current security verification form or equivalent form which has been issued by the Department was in force for such person at the time of the alleged offense shall be entitled to dismissal of such charge upon payment of court costs; however, if proof of security verification is presented to the court within forty-eight (48) hours after the violation, the charge shall be dismissed without payment of court costs.

Upon conviction, bond forfeiture or deferral of sentence, the court shall forward an abstract to the Department of Public Safety within ten (10) days reflecting the action taken by the court. (Amended 11/1/84)

SECTION 22-118. REGULATION OF TAXICABS - SPECIFIC REQUIREMENTS

The municipal governing body is vested with full police powers, for the purpose of preserving public health, safety and welfare, over the operation, regulation and control of taxicabs within the limits of the municipality. The municipal governing body may prescribe regulations for the operation of taxicabs, which regulations may include, and shall be limited to the following specific powers and subjects:

1. Requirement of minimum insurance, bond or other indemnity for public liability upon each taxicab; and if other than standard insurance be permitted, requirement and specifications of terms and conditions under which such other indemnity shall be accumulated, held, maintained, managed, and disposed of to secure persons in whose favor any liability shall arise out of the operation of taxicabs;
2. Requirement of minimum standards of mechanical condition and efficiency of any vehicle used as a taxicab, together with the power to require inspections to insure compliance therewith;
3. Restriction of the loading of taxicabs to specified zones or localities; including the power to prohibit punish "cruising" and the making of such other rules governing the manner of operation of taxicabs as the public safety may require;
4. Determination, establishment, and enforcement of maximum and/or minimum rates and charges to be made by taxicabs for the transportation of passengers; including, but not requiring, the establishment of zones as the basis of such rates, or the requirement of taximeters as the basis of calculating such charges;
5. Requirement of municipal license for the operation of each taxicab; together with the right to levy and exact an annual fee therefor, and the right to revoke, cancel and thereafter refuse to reissue such license for failure to comply with or for infractions of regulations promulgated pursuant to this section. The granting of any license may be made dependent upon the holding of a certificate of convenience and necessity issued by the municipality, if such certificates are provided as authorized by paragraph 6 of this section; and

State Laws Appendix - Provisions of Selected State Statutes

6. Requirement for the holding of a certificate of convenience and necessity as a condition precedent to the issuance and holding of a municipal license for the operation of a taxicab; including the power to issue, deny, suspend and revoke such certificates.

SECTION 22-119. REGULATION OF RAILWAY AND FREIGHT OPERATIONS WITHIN MUNICIPAL LIMITS

The municipal governing body may regulate levees, depots, depot grounds, and places of storing freight and goods, and provide for the passage of railways through the streets and public grounds of the municipality. The governing body may also regulate the crossing of railway tracks and the running of railway engines, cars and trucks within the limits of the municipality, and to govern the speed thereof, and to make provisions, rules and restrictions to prevent accidents at crossings and on the tracks of railways and to prevent fires from engines.

SECTION 22-120. PUBLIC HEALTH, HOSPITALS AND QUARANTINE

The municipal governing body may enact and enforce such ordinances, rules and regulations as it deems necessary for the protection of the public health, not inconsistent with state law; and may establish and regulate hospitals, and provide for their operation and support. The governing body may make regulations to prevent the introduction of contagious diseases into the municipality and may enforce quarantine laws within five (5) miles of the municipal limits.

SECTION 22-121. NUISANCES

The municipal governing body may declare what shall constitute a nuisance, and provide for the prevention, removal and abatement of nuisances.

SECTION 22-122. TREES

The municipal governing body may enact ordinances for the purpose of regulating, planting and maintaining trees in the streets, avenues or public grounds of the municipality. Planting and maintaining trees may also be petitioned for in the manner provided for petitioning sidewalks; and the governing body may make assessments and collect taxes in order to pay for planting and maintaining trees in the manner provided for sidewalk assessments and taxes.

SECTION 22-123. VAGRANCY

The municipal governing body may provide by ordinance for the arrest, fine, and imprisonment of vagrants.

SECTION 22-124. MARKET PLACES - MUNICIPAL BUILDINGS

The municipal governing body may purchase ground for, erect, establish, operate, and regulate retail or commercial redevelopment projects, market houses, and marketplaces. The governing body may contract with any person, company, or corporation for the erection, operation, and maintenance of such redevelopment projects, market houses, and marketplaces on terms and conditions and in such manner as may be necessary and proper pursuant to the authority granted to it by the Constitution and laws of this state to protect and preserve such projects and markets for the benefit of the municipality and its citizens. The municipal governing body may raise all necessary revenue therefor. The governing body may also provide for the erection and operation of any and all necessary buildings for the municipality. (Amended 11/1/84)

SECTION 22-125. GIFTS TO INSTITUTIONS IN STATE SYSTEM OF HIGHER EDUCATION

The municipal governing body may make gifts of any real estate belonging to the municipality to any institution in the Oklahoma State System of Higher Education which is located in the municipality. The municipal governing body may purchase or otherwise acquire real estate for this purpose, execute any instruments necessary for the transfer of real estate, and may give buildings or monies for the construction of buildings to institutions in the state system of higher education. The governing boards of such institutions are hereby authorized to accept these gifts.

SECTION 22-126. PARTICIPATION IN FEDERAL PROGRAMS

The municipal governing body may receive funds for and participate in any federal program, and may cooperate with the United States Government and any agency or instrumentality thereof, in the manner authorized and provided by federal law and regulation. In doing so, a municipality may perform all necessary functions and take all necessary actions for accomplishing such federal purposes and programs, as agent of the federal government, notwithstanding any provisions of state law.

SECTION 22-127. ESTABLISHING RESIDENCY REQUIREMENTS

The municipal governing body by ordinance may designate which appointed officers and employees shall reside within the municipality; but police officers, firefighters and other municipal employees need not be actual residents of the municipality where they are employed in municipalities of five thousand (5,000) population or more, according to the latest federal census.

SECTION 22-128. AUTHORITY FOR PUBLIC IMPROVEMENTS - BORROWING MONEY - BOND ISSUES

The governing body may provide for making any and all improvements of a general nature in the municipality and may from time to time borrow money and issue bonds for the purpose of paying for such improvements. No such money shall be borrowed or bonds issued until the governing body is instructed to do so by a vote of at least three-fifths of the registered voters voting on the question at any election held in the municipality, unless otherwise provided by the Constitution and laws of Oklahoma. Bonds issued under this section shall be payable not more than twenty-five (25) years from the date of their issue, with interest thereon at a rate not exceeding a maximum rate established by law. The governing body shall provide for taxes to pay the bonds at their maturity, and their interest coupons as they respectively become due. (Amended 7/1/83)

SECTION 22-129. WARRANTS AGAINST LOTS FOR SPECIAL ASSESSMENTS

Where municipal improvements of any character are made by special assessments upon the abutting lots, or upon blocks, or where a special assessment may be created by ordinance for the direct benefit of a limited locality in a municipality, the governing body may issue a tax warrant against each separate abutting lot, in the manner provided by law, which shall be a valid lien on the lot and shall be extended, collected and bear a like penalty with other taxes of the state, county or municipality.

SECTION 22-130. REASSESSMENTS FOR VOID OR ILLEGAL ASSESSMENTS

When a municipal governing body has attempted to levy any assessment for improvements which may have been informal, illegal or void for want of sufficient authority or other cause, the governing body of the municipality shall reassess any such assessment in the manner provided by law.

SECTION 22-131. MUNICIPAL RECORDS - DESTRUCTION, SALE OR DISPOSITION AFTER CERTAIN TIME LIMITATIONS

A municipal governing body may destroy, sell for salvage or otherwise dispose of the following papers, documents and records after the expiration of the specified period of time following the end of the fiscal year in which the paper, document or record was created, except as otherwise specified:

1. One (1) year: parking citations may be destroyed or otherwise permanently disposed of one (1) year after the date of issuance;
2. Two (2) years: municipal court warrants, water, sewer, garbage and utility receipts and statements, which have been previously audited; inspection records relating to water meters and sewer inspections; miscellaneous petitions and letters addressed to the governing body on matters other than pertaining to the items hereinafter set forth; utility billing ledger or register; utility cash receipts ledger or register; and utility accounts receivable ledger or register. Fire run contracts may be destroyed or otherwise disposed of two (2) years after their expiration;
3. Five (5) years: successful and unsuccessful bids for the purchase or furnishing of equipment, material and improvements; inspection records except as provided for in paragraph 2 of this section; claims that have been denied; license applications; bonds; special, primary and general election payrolls; election tabulations and returns; withholding statements; garnishment records; traffic tickets and receipts; bond receipts and fine receipts; information and complaints; court dockets; paid general obligation and

State Laws Appendix - Provisions of Selected State Statutes

revenue bonds; paid street improvement, sewer and sidewalk district bonds; warrants; claims; checks; vouchers; purchase orders; payrolls;

4. Ten (10) years: inventories; appropriation ledgers; sidewalk assessment records, except payment records; cash receipt book or register for the general fund, the street and alley fund, any bond fund or sinking fund, and all other trust funds that have been audited; and

5. Fifteen (15) years: sewer and improvement district records, except payment records.

None of the above-mentioned records, papers or documents pertaining to pending litigation shall be disposed of until such litigation is finally terminated. This section shall not be construed to authorize or allow the destruction of any testing laboratory results or the inspection records of public improvements of a municipality. (Amended 1990)

SECTION 22-132. AUTHORITY TO HAVE RECORDS PHOTOGRAPHED OR REPRODUCED ON FILM - ORIGINAL RECORD - STORAGE

A. The head of any municipal department, commission, bureau or board may have any or all records kept by the official, department, commission, bureau or board photographed, microphotographed, photostated, reproduced on film or stored on optical disk. Such film or reproducing material shall be of durable material and the device used to reproduce such records on film or other material shall be such as to accurately reproduce and perpetuate the original records in all details.

B. The photostatic copy, photograph, microphotograph, photographic film or optical disk of the original records shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification or certified copy thereof shall, for all purposes recited herein, be deemed to be a transcript, exemplification or certified copy of the original.

C. Whenever photostatic copies, photographs, microphotographs, reproductions on films or optical disks shall be placed in conveniently accessible files and provisions made for preserving, examining and using same, the head of any municipal department, commission, bureau or board may certify those facts to the municipal governing body. The governing body may, by ordinance or resolution, authorize the disposal, archival storage or destruction of such records and papers. (Amended 1990)

SECTION 22-132.1. MUNICIPAL RECORDS - MAINTENANCE AND PROTECTION - AVAILABILITY

Any officer or employee of a municipality having custody of records or other documents of the municipality shall keep and maintain such records in a manner and at a location prescribed by the governing body. Such records shall be available for use by officers and employees of the municipality as the governing body shall direct. The governing body shall establish policies and procedures to preserve and protect the records of the municipality consistent with other provisions of law providing for the confidentiality of such records where appropriate and the accessibility of such records for inspection by the public. (Added 1989)

SECTION 22-133. CONTESTING REASONABLENESS OF OIL AND GAS DRILLING FEE

Any person, firm or corporation may contest the reasonableness of any fee imposed pursuant to the provisions of Section 52 of Title 17 of the Oklahoma Statutes, for the issuance of a permit for the drilling and operation of an oil and gas well or the regulation thereof, by filing a petition in the district court of the county where the governing body of such incorporated city or town is located. The court, upon hearing all the facts and circumstances relating to the imposition of the fee, shall determine the reasonableness of such fee. The court may award attorneys' fees and costs to the prevailing party. (Added 1986)

SECTION 22-134. PURCHASING OR ACCOUNTS PAYABLE - APPROVAL BY ELECTRONIC PROCESS

Notwithstanding any other provisions of the Oklahoma Statutes, any municipal document, other than checks, drafts or warrants, relating to purchasing or accounts payable may be approved by the municipality by an electronic process in lieu of a manual process. (Added 1990)

ARTICLE XXVII

COURTS

Section

27-101	Creation of Municipal Court not of Record
27-102	Resolution of Governing Body
27-103	Jurisdiction
27-104	Judges
27-105	Prohibition on Change of Venue - Disqualification of Judge
27-106	Acting Judge - Alternate Judge - Compensation
27-107	Vacancies in Office of Judge
27-108	Municipal Attorney as Prosecuting Officer
27-109	Clerk of Court - Duties
27-110	Court Marshal - Duties
27-111	Bond of Clerk and Judge - Form
27-112	Fees, Fines and Forfeitures - Dispositions
27-113	Procedure - Judicial Notice of Statutes and Ordinances - Writs and Process
27-114	Rules for Conduct of Court Business
27-115	Prosecutions by Verified Complaint - Style
27-116	Arrestment - Fines in Lieu of Appearance
27-117	Bail - Release on own Recognizance - Traffic Citation
27-118	Failure to Appear According to Terms of Bond - Forfeiture
27-119	Jury Trials - Qualifications of Jurors
27-120	Selection and Summons of Jurors
27-121	Fees and Mileage of Jurors and Witnesses
27-122	Enforcement of Payment of Fines or Costs by Imprisonment - Persons Unable to Pay
27-122.1	Municipal Courts - Sentences - Costs
27-122.2	Community Service in Lieu of Fine or in Conjunction with Imprisonment - Violation of Community Service Conditions
27-123	Suspension of Judgment or Costs - Reconfinement
27-124	Supervision of Juveniles on Parole or Probation
27-125	Contempt of Court
27-126	Costs
27-127	Prosecution for Same Offense of Another Court Prohibited
27-128	Writs of Mandamus, Prohibition and Certiorari
27-129	Appeals
27-130	District Attorney to Defend Appeals in Certain Cases
27-131	Orders Relative to Procedures and Practices by Supreme Court
27-132	Appeals From District Court

ARTICLE XXVII

COURTS

SECTION 27-101. CREATION OF MUNICIPAL COURT NOT OF RECORD

A municipality may create a Municipal Court, as provided in this article, which shall be a court not of record. This court may be created in addition to a Municipal Criminal Court of Record. References in Sections 27-101 through 27-131 of this title to the municipal court shall mean the municipal court not of record established under the authority of the provisions of this article.

SECTION 27-102. RESOLUTION OF GOVERNING BODY

Before a municipal court not of record may be put into operation, the municipal governing body shall determine by resolution that the efficient disposition of cases involving the violation of municipal ordinances necessitates putting the court into operation. The governing body shall cause a certified copy of the resolution to be filed in the office of the county clerk of each county in which the municipality is located. The resolution and the filing thereof shall be judicially noticed in all courts of this state. (Amended 1988)

State Laws Appendix - Provisions of Selected State Statutes

SECTION 27-103. JURISDICTION

The municipal court shall have original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of the municipality where the court is established is charged.

SECTION 27-104. JUDGES

A. The number of judges for each municipal court shall be determined by the governing body of the municipality where the court is established. The judge of each municipal court shall be appointed by the mayor of the municipality where the court is established, with the consent of the municipal governing body. The judge of any municipal court shall be licensed to practice law in Oklahoma, except as provided in subsections B and C of this section. He shall serve for a term of two (2) years, said term expiring on a date fixed by ordinance, and until his successor is appointed and qualified, unless sooner removed by the vote of a majority of all members of the governing body for such cause as is provided by law for the removal of public officers. Any appointment to fill a vacancy shall be for the unexpired term. Except in cities of more than two hundred thousand (200,000) population, nothing herein shall be construed to prevent the judge from engaging in the practice of law in any other court during his tenure of office. The judge shall be paid a salary to be fixed by the municipal governing body. He shall be paid in the same manner as other municipal officials.

B. In any municipality with a population of less than seven thousand five hundred (7,500), the mayor, with the consent of the governing body of the municipality, may appoint as judge:

1. An attorney licensed to practice law in Oklahoma, who resides in the county in which the municipality is located or in an adjacent county; or

2. An attorney licensed to practice law in Oklahoma who maintains a permanent office in the municipality; or

3. Any suitable person residing in the municipality or within twenty (20) miles of the boundaries of the municipality.

The mayor may be designated as judge of the municipal court upon approval of the governing body of the municipality.

C. In any municipality with a population of seven thousand five hundred (7,500) or more, if no attorney licensed to practice law in Oklahoma resides in the county or in an adjacent county in which the municipality is located, who is at the time of appointment willing to accept the appointment as judge, the mayor, with the consent of the governing body of the municipality, may appoint any suitable and proper person as judge.

D. If the judge of the municipal court is not a licensed attorney, the trial shall be to the court, and the court may not impose a fine of more than Fifty Dollars (\$50.00) and may not order the defendant imprisoned except for the nonpayment of fines or costs or both. (Amended, effective 11/1/84)

SECTION 27-105. PROHIBITION ON CHANGE OF VENUE - DISQUALIFICATION OF JUDGE

No change of venue shall be allowed from any municipal court, but the judge of the municipal court may be disqualified under the same terms and conditions as are now provided by law for courts of record, and in case of such disqualification a special judge shall be appointed as provided in Section 27-104 of this title.

SECTION 27-106. ACTING JUDGE - ALTERNATE JUDGE - COMPENSATION

In the event of disqualification of the judge in a particular case, or his absence or inability to act, the mayor of the municipality may appoint some person, qualified as provided in Section 27-104 of this title, as acting municipal judge of the court in the place of the judge during his absence or inability to act or in a case wherein the judge is disqualified; or, in its discretion, the municipal governing body may provide by ordinance for the appointment of an alternate judge of the court, in the same manner and for the same term as the judge and possessing the qualifications prescribed by Section 27-104 of this title, who shall sit as acting judge of the court in case of the absence, inability or disqualification of the judge. If both the judge and the alternate judge are unable to sit, the mayor may appoint an acting judge as provided in this section. The municipal governing body, by ordinance, shall provide for the compensation of an acting judge of the court.

SECTION 27-107. VACANCIES IN OFFICE OF JUDGE

Vacancies in the office of the judge of any municipal court shall be filled in the same manner as provided for the appointment of the judge in the first instance.

SECTION 27-108. MUNICIPAL ATTORNEY AS PROSECUTING OFFICER

The municipal attorney of each municipality where a municipal court is established may be the prosecutor of the municipal court. The prosecutor shall have full power to prosecute for the violations of any ordinance of the municipality in the municipal court and shall have the power to prosecute and resist appeals and proceedings in error and review from the municipal court. (Amended 11/1/84)

SECTION 27-109. CLERK OF COURT - DUTIES

The municipal clerk of any municipality where a municipal court is established, or a deputy designated by him, shall be ex officio the clerk of the municipal court. The clerk shall:

1. Assist the judge in recording the proceedings of the court, preparation of writs, processes, or other papers;
2. Administer oaths required in judicial or other proceedings before the court;
3. Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;
4. Perform such other clerical duties in relation to the proceedings of the court as the judge shall direct; and
5. Receive and give receipt for and disburse or deliver to the municipal treasurer all fines, forfeitures, fees, deposits, and sums of money properly payable to the municipal court. Such funds and sums of money while in the custody of the clerk shall be deposited and disbursed upon vouchers as directed by the municipal governing body.

SECTION 27-110. COURT MARSHAL - DUTIES

The municipal governing body, upon the recommendation of the judge of the municipal court, may designate any appropriate person who is a resident of the municipality to serve as marshal, and in the absence of such a designation, the chief of police or corresponding officer of the municipality shall be ex officio marshal of the court. The marshal shall execute any writs and other process directed to him, except as herein otherwise provided, and such duty may be performed by any deputy marshal or by any members of the police force of the municipality, as the case may be.

SECTION 27-111. BOND OF CLERK AND JUDGE - FORM

A. The clerk of each municipal court shall give bond to the governing body of the municipality where the court is established. The bond shall be approved by the governing body and shall be in an amount to be fixed by the governing body. The bond shall be in substance as follows:

I, _____, clerk of the Municipal Court of _____, State of Oklahoma, and _____ and _____, his sureties, do jointly and severally agree to pay on demand each and every person who may be entitled thereto, all such sums of money as the said clerk may become liable to pay, on account of any moneys which may come into his hands, by virtue of his office.

Dated at _____, this _____ day of _____, 19____.

(Signed) _____

B. The municipal governing body may provide that the judge, the alternate judge, and an acting judge, or any of them, shall give a bond to the governing body of the municipality where the court is established. If a bond is required, it shall be in an amount to be fixed by the governing body. It shall be conditioned in the same manner as the bond that is required of the clerk of the court, and it shall be approved by the governing body.

SECTION 27-112. FEES, FINES AND FORFEITURES - DISPOSITIONS

All of the fees, fines, and forfeitures which come into the municipal court shall be paid by the clerk of the court to the municipal treasurer. The treasurer shall credit such deposits to the fund designated by the municipal governing body. The court clerk shall make duplicate receipts for the fees, fines, and forfeitures collected by him, one of which shall be retained by the municipal treasurer together with a detailed statement of all costs, the style of the case in which they were paid, and the name of the party paying the same. (Amended 11/1/84)

State Laws Appendix - Provisions of Selected State Statutes

SECTION 27-113. PROCEDURE - JUDICIAL NOTICE OF STATUTES AND ORDINANCES - WRITS AND PROCESS

Except as otherwise provided for by law, the code of procedure in the municipal court shall be the same as is provided for by law for the trial of misdemeanors. The court shall take judicial notice of state statutes and the ordinances of the municipality in which it is located. Writs and processes of the court may be issued by the judge or clerk thereof to any proper officer. All writs and processes of the municipal court in which a violation of a municipal ordinance is charged shall be directed to the chief of police of the municipality, a county sheriff, or to some other appropriate peace officer. A law enforcement officer of the municipality or county sheriff may serve an arrest warrant issued by the municipal court any place within this state. If the warrant is served by a county sheriff, the municipality shall pay the Sheriff's Service Fee Account a fee of Twenty Dollars (\$20.00). (Amended 1990)

SECTION 27-114. RULES FOR CONDUCT OF COURT BUSINESS

The judge of each municipal court may prescribe rules, consistent with the provisions of this article, for the proper conduct of the business of the municipal court.

SECTION 27-115. PROSECUTIONS BY VERIFIED COMPLAINT - STYLE

All prosecutions commenced in the municipal court shall be by complaint which shall be subscribed by the person making the complaint and shall be verified before a judge, the court clerk, a deputy court clerk, or a police officer. No warrant for arrest shall be issued until the complaint has been approved by the judge of the municipal court. All prosecutions for the violation of municipal ordinances shall be styled, "The _____ (City or Town) of _____ (name the municipality) vs. _____ (naming the person or persons charged)." (Amended 11/1/84)

SECTION 27-116. ARRAIGNMENT - FINES IN LIEU OF APPEARANCE

The arraignment shall be made by the court. The judge or the prosecuting attorney shall read the complaint to the defendant, inform him of his legal rights and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. The municipal governing body by ordinance may prescribe a schedule of fines which the defendant may pay in lieu of his appearance before the municipal court and such payment shall constitute a final determination of the cause against the defendant.

SECTION 27-117. BAIL - RELEASE ON OWN RECOGNIZANCE - TRAFFIC CITATION

A. If a resident of a municipality served by a municipal court is arrested for the violation of any ordinance, traffic or nontraffic, by a law enforcement officer, the officer shall immediately release said person if the person acknowledges receipt of a citation by signing it unless it reasonably appears to the officer that the person may cause injury to himself or others or damage to property if released, that the person will not appear in response to the citation, or the person is arrested for an offense against a person or property. If said person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled.

B. If a resident of a municipality served by a municipal court is arrested by a law enforcement officer for the violation of any ordinance and is not released by being permitted to sign a citation as provided in subsection A of this section, he shall be admitted to bail either before or after arraignment, or shall be released on his own recognizance.

C. If a nonresident of a municipality served by a municipal court is arrested for a violation of any ordinance other than a traffic violation by a law enforcement officer, the defendant shall be eligible to be admitted to bail either before or after arraignment.

D. A municipality may require a person who is arrested for a municipal traffic violation by a law enforcement officer to comply with the procedures provided by law in Section 1114.1 of Title 22 of the Oklahoma Statutes for state traffic violations with respect to release of the arrested person. The following methods of posting bail shall apply:

1. Posting cash bail; or
2. Depositing with the arresting officer a "guaranteed arrest bond certificate"; or

3. Depositing with the arresting officer a valid license to operate a motor vehicle in exchange for a receipt therefor issued by the arresting officer, which shall be recognized as an operator's license and shall authorize the person's operation of a motor vehicle until the date of his hearing but not to exceed twenty (20) days. This procedure for depositing a valid operator's license shall not be used unless authorized by a duly enacted ordinance. A municipality may prescribe a fine for up to the maximum amount authorized by the courts not of record for failure of a person to have a valid driver's license when charged with a traffic violation.

E. The amount and conditions of bail granted pursuant to the provisions subsections B and C of this section shall be determined by the judge who shall prescribe rules for the receipt of bail and for the release by recognizance. In the event of arrests at night, emergencies, or when the judge is not available, the chief of police or his designated representative may be authorized by the judge subject to such conditions as shall be prescribed by the judge to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused. The cash bond shall not be more than the maximum fine provided for by ordinance for each offense charged. The chief of police or his designated representative is authorized subject to such conditions as shall be prescribed by the judge to release a resident of the municipality on his own recognizance. (Amended 11/1/84)

SECTION 27-118. FAILURE TO APPEAR ACCORDING TO TERMS OF BOND - FORFEITURE

If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the magistrate may be lawfully required, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. Without advancing court costs, the judge shall then cause the forfeiture to be certified to the district court in the county where the situs of the municipal government is located, where it shall be entered upon the judgment docket and shall have the full force and effect of a district court judgment. At such time as the forfeiture is entered upon the district court judgment docket, the district court clerk shall proceed in accordance with the provisions of Sections 1330 through 1333 and 1335 of Title 59 of the Oklahoma Statutes. A surety shall have all remedies available under the provisions of Section 1108 of Title 22 and Sections 1301 through 1340 of Title 59 of the Oklahoma Statutes. Court costs shall be collectible from the proceeds of the bond.

SECTION 27-119. JURY TRIALS - QUALIFICATIONS OF JURORS

In all prosecutions in the municipal court for any offense punishable by a fine of more than One Hundred Dollars (\$100.00) or by imprisonment, or by both such fine and imprisonment, a jury trial shall be had unless waived by the defendant and the municipality, provided that the municipality has compiled its penal ordinances in accordance with the provisions of Sections 14-109 and 14-110 of this title. If the municipality has not compiled its ordinances as provided by law, the fine shall not exceed Fifty Dollars (\$50.00). In prosecutions for all other offenses, or in cases wherein a jury trial is waived by the defendant and the municipality, trial shall be to the court. A jury in the municipal court shall consist of six (6) jurors, five of whom may return a verdict. Jurors shall be good and lawful men or women, citizens of the county in which the court sits, having the qualifications of jurors in the district court. (Amended, effective 10/1/83)

SECTION 27-120. SELECTION AND SUMMONS OF JURORS

Jurors in the municipal court shall be selected under the same terms and conditions as are provided for by law for the district courts. Upon written request of the judge of the municipal court for a stated number of jurors to the chief judge of the appropriate district court, it shall be the duty of the clerk of the district court to draw from the jury wheel a requested number of jurors in the same manner as is provided by law for the district court until the number requested, who from their addresses appear to reside within the corporate limits of the municipality, is drawn, and to prepare a list of names drawn and certify such list to the judge of the municipal court. On completion of the draw, the clerk shall immediately return to the jury wheel all names drawn which are not placed on the certified list. The judge of the municipal court shall make written request to the chief judge of the district court for a stated number of additional jurors if, after allowance of claimed statutory exemptions, the listed number is found to be insufficient. Summons of the prospective jurors shall be issued as set out by ordinance, and may be served in person by the chief of police or any member of the police force of the municipality, or may be served by the clerk of the municipal court by mail.

SECTION 27-121. FEES AND MILEAGE OF JURORS AND WITNESSES

The municipal governing body shall determine by ordinance the fees and mileage that shall be paid to jurors and witnesses in a municipal court. However, no witness fee shall be paid to any police or peace officer. The jury fee and mileage due jurors and witnesses shall be paid as provided by ordinance.

SECTION 27-122. ENFORCEMENT OF PAYMENT OF FINES OR COSTS BY IMPRISONMENT - PERSONS UNABLE TO PAY

- A. If a defendant who is financially able refuses or neglects to pay a fine or costs or both, payment may be enforced:
1. By imprisonment until the same shall be satisfied at the rate of Five Dollars (\$5.00) per day; or
 2. In the same manner as is prescribed in subsection B of this section for a defendant who is without means to make such payment.

State Laws Appendix - Provisions of Selected State Statutes

B. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court in the county where the situs of the municipal government is located where, it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor. (Amended, effective 11/1/87)

SECTION 27-122.1 MUNICIPAL COURTS - SENTENCES - COSTS

A. All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, farm or workhouse, of the municipality, in the discretion of the court, for the time specified in the sentence; provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without compensation. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

B. The judge of the municipal court imposing a judgment and sentence, at his discretion, is empowered to modify, reduce, or suspend or defer the imposition of such sentence or any part thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the judge may specify. Procedures relating to suspension of the judgment or costs or both shall be as provided in Section 27-123 of Title 11 of the Oklahoma Statutes. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty shall be expunged from the record and said charge dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty.

C. The judge of the municipal court may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of such period of time the judge may allow the municipal attorney to amend the charge to a lesser offense.

D. If a deferred sentence is imposed, an administrative fee of not to exceed One Hundred Dollars (\$100.00) may be imposed as costs in the case.

E. For the purposes of this section, "judge of the municipal court" means a municipal court judge who is licensed to practice law in Oklahoma. (Amended 1990)

SECTION 27-122.2 COMMUNITY SERVICE IN LIEU OF FINE OR IN CONJUNCTION WITH IMPRISONMENT - VIOLATION OF COMMUNITY SERVICE CONDITIONS

Whenever a person is convicted in municipal court for violation of a municipal ordinance, the court may order the defendant to a term of community service or remedial action in lieu of fine or in conjunction with imprisonment. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted. (Amended 1990)

SECTION 27-123. SUSPENSION OF JUDGMENT OR COSTS - RECONFINEMENT

Whenever any person shall be convicted in the municipal court of violating a municipal ordinance, the judge trying the cause, after sentence, may suspend the judgment or costs or both and allow the person so convicted to be released upon his own recognizance. Any person so released shall be required to report at such times and to such person or officer as the judge shall direct. The judge may cause a warrant to be issued for any person so released if it shall be made to appear to the judge that such person:

1. Has been guilty of the violation of any law after his release;
2. Is habitually associating with lewd or vicious persons; or
3. Is indulging in vicious habits.

Upon the issuance of the warrant by the judge, the person shall be delivered forthwith to the place of confinement to which he was originally sentenced and shall serve out the full term for which he was originally sentenced.

SECTION 27-124. SUPERVISION OF JUVENILES ON PAROLE OR PROBATION

In addition to the duties otherwise provided by law, the judge of each municipal court, or some other person designated by the governing body of the municipality where the court is established, shall be required to supervise all juveniles who are either on parole or serving probation terms or suspended sentences pronounced and adjudged by the municipal court.

SECTION 27-125. CONTEMPT OF COURT

The judge of each municipal court shall have power to enforce due obedience to orders, rules and judgments made by him and may fine or imprison for contempt offered to the judge while holding his court or to process issued by him in the same manner and to the same extent as the district courts of Oklahoma.

SECTION 27-126. COSTS

The municipal governing body shall determine by ordinance the costs that shall be charged and collected by the clerk of the court, but such costs shall not exceed the sum of Fifteen Dollars (\$15.00) plus the fees and mileage of jurors and witnesses. (Amended 11/1/87)

SECTION 27-127. PROSECUTION FOR SAME OFFENSE OF ANOTHER COURT PROHIBITED

When a defendant has been in jeopardy for the same or any lesser included offense in a municipal court, or district court, he shall not be prosecuted in another court for the same or a lesser included offense. (Amended, effective 10/1/80)

SECTION 27-128. WRITS OF MANDAMUS, PROHIBITION AND CERTIORARI

The district court in each county wherein a municipal court is established shall have the same jurisdiction to issue to the municipal court writs of mandamus, prohibition and certiorari as the Supreme Court now has to issue such writs to courts of record.

SECTION 27-129. APPEALS

A. An appeal may be taken from a final judgment of the municipal court by the defendant by filing in the district court in the county where the situs of the municipal government is located, within ten (10) days from the date of the final judgment, a notice of appeal and by filing a copy of the notice with the municipal court. In case of an appeal, a trial de novo shall be had, and there shall be a right to a jury trial if the offense is punishable by a fine of more than One Hundred Dollars (\$100.00) and costs.

B. Upon conviction, at the request of the defendant, or upon notice of appeal being filed, the judge of the municipal court shall enter an order on his docket fixing an amount in which bond may be given by the defendant, in cash or sureties for cash in an amount of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00); except that, if the conviction involved a fine only, the amount of the bond shall be no greater than twice the amount of such fine. Bond shall be taken by the clerk of the court wherein judgment was rendered. Any pledge of sureties must be approved by a judge of the court.

C. Upon appeal being filed the judge shall within ten (10) days thereafter certify to the clerk of the appellate court the original papers in the case. If the papers have not been certified to the appellate court, the prosecuting attorney shall take the necessary steps to have the papers certified to the appellate court within twenty (20) days of the filing of the notice of appeal, and failure to do so, except for good cause shown, shall be grounds for dismissal of the charge by the appellate court, the cost to be taxed to the municipality. The certificate shall state whether or not the municipal judge hearing the case was a licensed attorney in Oklahoma.

D. All proceedings necessary to carry the judgment into effect shall be had in the appellate court. (Amended, effective 10/1/83)

SECTION 27-130. DISTRICT ATTORNEY TO DEFEND APPEALS IN CERTAIN CASES

The district attorney, and his assistants, shall defend any appeal from a municipal court in his district that has no municipal attorney who is paid a salary in excess of a rate of Three Thousand Six Hundred Dollars (\$3,600.00) per annum.

SECTION 27-131. ORDERS RELATIVE TO PROCEDURES AND PRACTICES BY SUPREME COURT

The Supreme Court is authorized to issue orders of statewide application relative to procedures in and practices before the municipal courts and appeals therefrom, subject to the provisions of this article, and under its general superintending control of all inferior courts, shall have the power and authority by and through the Chief Justice of the Supreme Court, to call annual conferences of the judges of the municipal courts of Oklahoma to consider matters calculated to bring about a speedier and more efficient administration of justice.

State Laws Appendix - Provisions of Selected State Statutes

SECTION 27-132. APPEALS FROM DISTRICT COURT

An appeal may be taken to the Court of Criminal Appeals from the final judgment or order of a district court in an appeal from a final judgment of a municipal court in the same manner and to the same extent that appeals are taken from a district court to the Court of Criminal Appeals.

AN ORDINANCE OF THE Town of Cashion, OKLAHOMA

ORDINANCE NO. 59

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR Town of Cashion, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF Cashion OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING AN ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE AND THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS, AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE TREASURER OF Town of Cashion, OKLAHOMA, AND FOR TRANSFER OF SUCH CONTRIBUTIONS AND FUND ASSETS TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING PENALTIES FOR FRAUD AND DISHONEST CONDUCT, DECLARING FUNDS TO BE EXEMPT FROM ALIENATION AND LEGAL PROCESS; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE Board of Trustees OF Town of Cashion OKLAHOMA.

Section 1. The Employee Retirement System of the Town of Cashion, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on April 4, 1994.

Section 2. The Employee Retirement System of Town of Cashion, Oklahoma, except as modified in the attached Exhibit "A" shall remain in full force and effect according to its original terms and conditions.

Section 3. The City Clerk and Mayor be and they 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. The executed amended document attached hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

Section 4. If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A", is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

Section 5. Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 6. Whereas, in the judgment of the Board of Trustees of Town of Cashion, Oklahoma, the public peace, health, safety, and welfare of the Town of Cashion, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

END

The foregoing ordinance was introduced before the Board of Trustees on the 4th day of April, 1994, and was duly adopted and approved by the Mayor and City Council on the 4th day of April, 1994, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

ATTEST:

Richard Clausen
MAYOR

Cheryl Wheelbarger
CITY CLERK

Approved as to form and legality on March 21, 1994

[Signature]
CITY ATTORNEY

ORDINANCE NO. 99-1

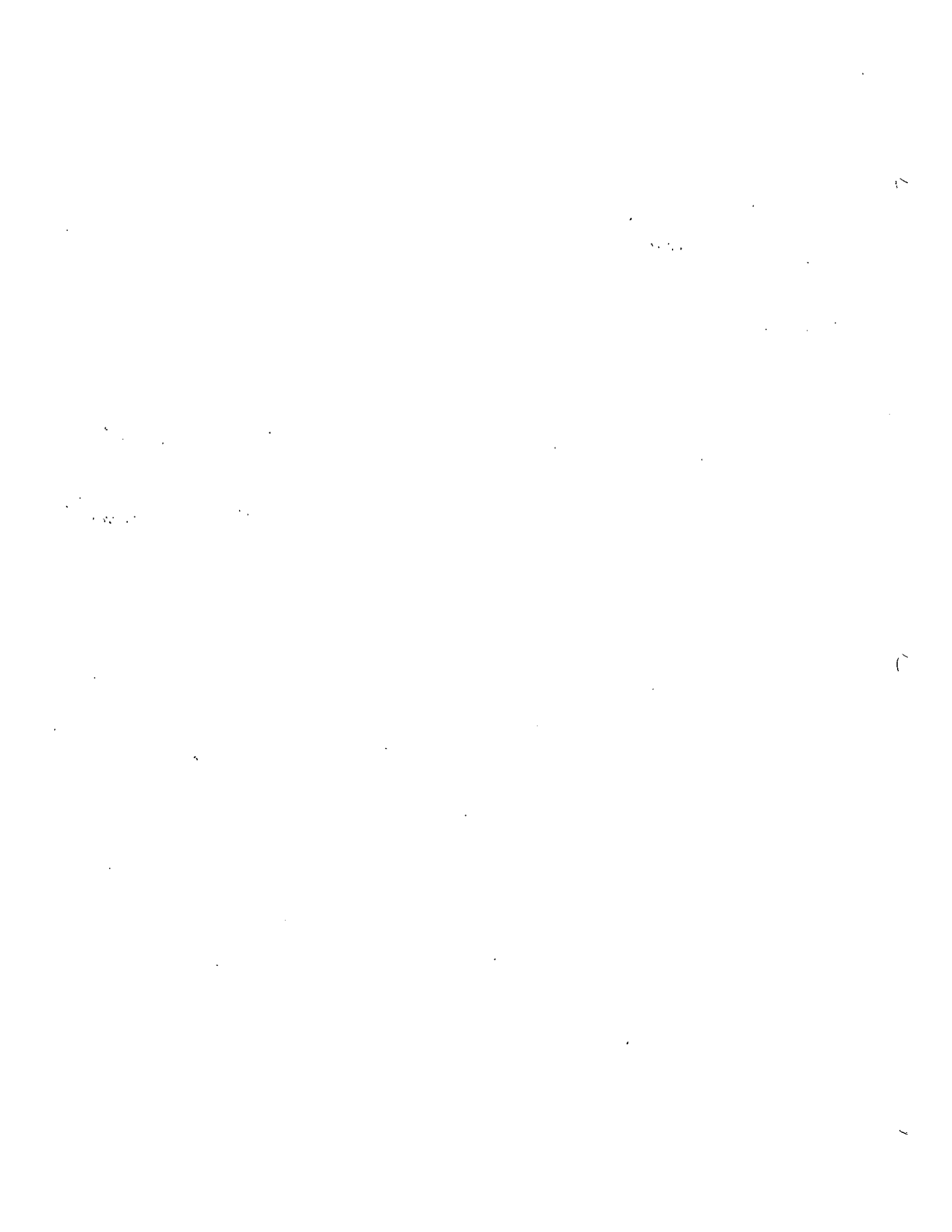
AN ORDINANCE AMENDING THE DEFINED CONTRIBUTION RETIREMENT PLAN OF TOWN OF CASHIOWA, OKLAHOMA, ADMINISTERED BY THE OKLAHOMA MUNICIPAL RETIREMENT FUND TO ADD A NEW SECTION DEALING WITH PARTICIPANT LOANS; PROVIDING GENERAL PROCEDURES FOR PARTICIPANT LOANS, IMPOSING CONDITIONS AND RESTRICTIONS UPON PARTICIPANT LOANS; PROVIDING FOR ESTABLISHMENT OF LOAN ACCOUNT; PROVIDING FOR FORECLOSURE AND RESTRICTIONS; PROVIDING FOR ORDER OF APPLICATION OF ACCOUNT BALANCES TO FUND LOANS; PROVIDING FOR ESTABLISHMENT OF A LOAN PROGRAM; PROVIDING FOR REPEALER AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TRUSTEES OF TOWN OF CASHIOWA, OKLAHOMA, AS FOLLOWS:

Section 1. The Defined Contribution Retirement Plan of TOWN OF CASHIOWA, Oklahoma, is hereby amended to add a new section authorizing participant loans to read as follows:

SECTION 6.13 LOANS TO PARTICIPANTS:

(a) General. The Committee, in its sole discretion, may direct Trustees to make loans to Participants upon the written direction and application of the Participant who desires to effect such loan, up to 50% of the vested balance of a Participant's Accounts. All such loans (i) shall not be made available to Highly Compensated Employees (as defined in Section 414(q) of the Code) in an amount greater than the amount made available to other Employees, (ii) shall be available to all Participants on a nondiscriminatory basis, (iii) shall be made available in an amount equal to the lesser of 50% of the borrowing Participant's vested Benefit in his Account or \$50,000, (iv) shall bear a reasonable rate of interest which will be established by the Committee, (v) shall be secured by the borrowing Participant's Benefit account balance attributable to his Account, (vi) shall be amortized and repaid in level payments of principal and interest made not less frequently than ~~quarterly~~ monthly over the term of the loan, (vii) shall be repaid by payroll reduction while the Participant is employed; (viii) shall accelerate and be due in full on the date a Participant terminates employment with the Employer; (ix) shall not be less than \$1,000 in amount each; and (x) shall be made upon such other reasonable terms which the Committee shall designate, such terms being applied in a nondiscriminatory fashion; provided, in no event shall any loan have a term in excess of five years; ~~provided further, the Committee may make a loan with a longer maturity to a Participant if the proceeds of such loan are used to purchase any dwelling which within a reasonable time is to be used (determined by the Committee at the time the loan is made) as a principal residence of the Participant.~~ There shall not be more than two one loans outstanding at any time with respect to a Participant. No Participant who has borrowed from the plan may make another loan until the previous loan has been fully repaid. Outstanding loans are not subject to refinancing by a new loan. Upon direction by the Committee, and subject to Subsection (c) below, the Trustees may foreclose upon such Participant's interest in his Account in the event of default. A loan to a Participant, when added to the outstanding balance of all other loans to the Participant from the Plan and other plans



sponsored by the Employer, cannot exceed \$50,000, reduced by the excess of the highest outstanding balance of loans from the Plan (and all other plans sponsored by the Employer) during the one-year period ending on the day before the date the loan is made over the outstanding balance of the loans from the Plan on the date the loan is made. No distribution of a Benefit shall be made to any Participant, Beneficiary, or the estate of a Participant unless and until all unpaid loans made by the Plan to such Participant together with accrued interest have been paid in full. In determining if any of the foregoing limitations regarding the making of loans to Participants, loans made under all other plans (i) sponsored by the Employer and (ii) qualified under Sections 401(a) and 501(a) of the Code will be considered. All costs and expenses of any loan will be charged to the applicable Accounts of the Participant.

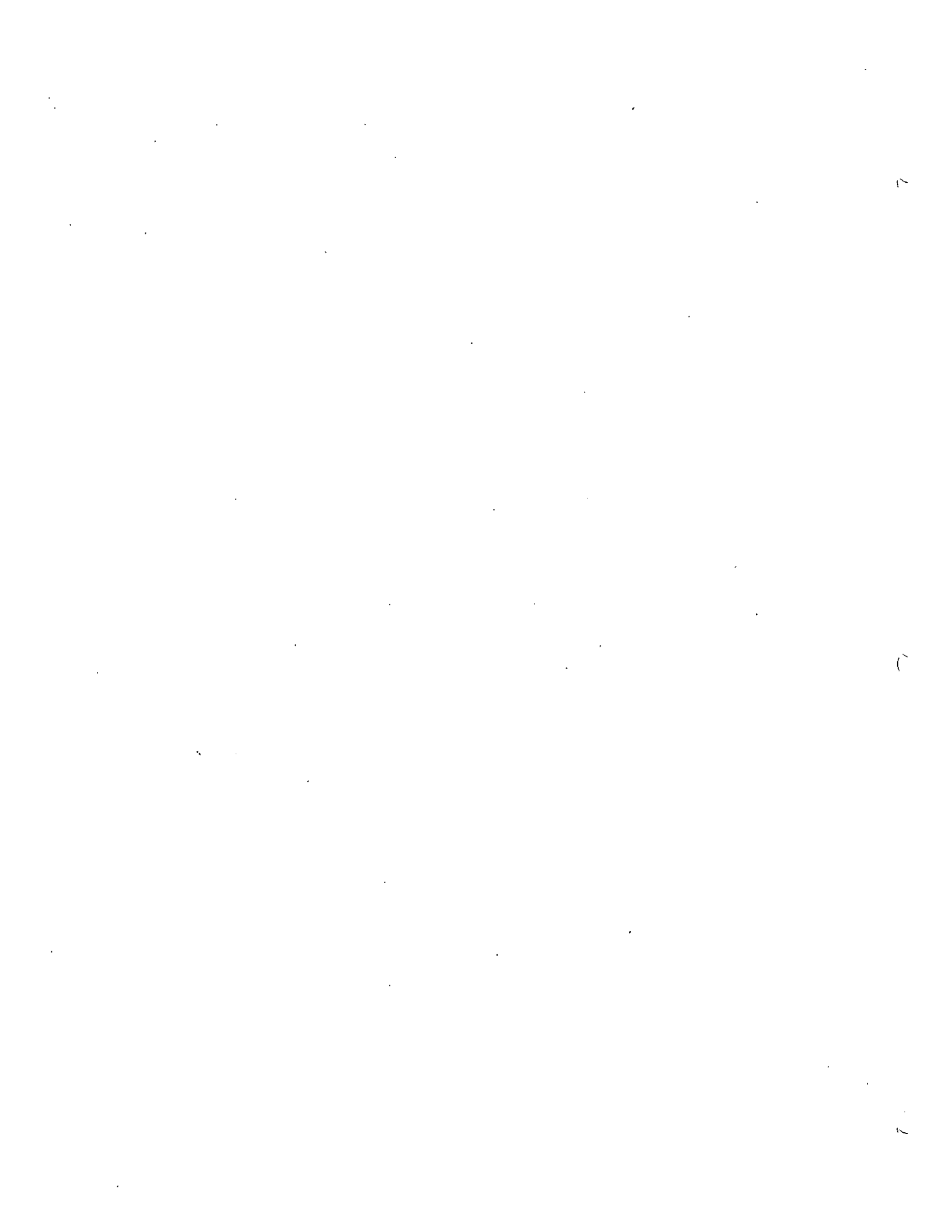
(b) Establishment of Loan Account. At such time as it is determined that a Participant is to receive a loan from the Plan, the loan shall be made from the Participant's applicable Account in the order and precedence indicated hereafter, and such amount shall be deemed to be credited to the Participant's Loan Account with a corresponding debit to occur to his Account as of the first day of the month in which such loan occurs: (i) first, an Account holding Employer contributions, including "rollover contributions" (other than Deferred Compensation Contributions, if applicable); ~~and~~ (ii) second, an Account holding Deferred Compensation Contributions, if applicable; and (iii) **third, an Account holding Employer Contributions which the Employer contributed pursuant to the 414(h) of the Internal Revenue Code (Government Pick-up Option).** All interest payments to be made pursuant to the terms and provisions of the loan shall be credited to the applicable Account in such a manner so that the Loan Account will reflect unpaid principal and interest from time to time. The earnings attributable to the Loan Account shall be allocable only to the Loan Account of such Participant and shall not be considered as general earnings of the Trust Fund to be allocated to the other Participants therein as provided herein. Other than for the limited purposes of establishing a separate account for the allocation of the interest thereto, a Participant's Loan Account shall, for all other purposes, be considered as part of his applicable Account.

(c) Foreclosure of Loan Account. The Trustees may foreclose upon such Participant's interest in his Account in the event of default under the loan made to the Participant under this Section.

(d) Special Restrictions on Foreclosure. In the event of default under a loan made under this Section, foreclosure under the promissory note evidencing such loan and attachment of the Participant's interest in his applicable Accounts shall occur within a reasonable time following the event of default; provided, with respect to any portion of a loan secured by amounts governed under Section 401(k) of the Code, if applicable, foreclosure on such 401(k) amounts shall not occur until the occurrence of an event described under Section 401(k) of the Code which would otherwise permit a distribution to be made from the Plan.

~~(e) Order of Application of Account Balances to Fund Loan. At the time a Participant requests a loan pursuant to the provisions of this Section, such Participant shall also specify in writing the order that the investment options in which his Account are invested are to be applied to fund his loan after approval by the Committee.~~

(fe) Establishment of Loan Program. The Trustees are hereby authorized and directed to establish a "loan program" (the "Loan Program") and the Trustees are further authorized to delegate to the Committee the duties and responsibilities with regard to the implementation of



the Loan Program as adopted by the Trustees for and on behalf of the Plan. The Loan Program shall be considered to be a part of this Plan for the purposes stated in the Loan Program.

(gf) Loan Account. The words "Loan Account" shall mean a Participant's separate Account established in the event he desires to make a loan from his applicable Account as provided in this Section."

Section 2. All ordinances in conflict herewith are hereby repealed.

Section 3. 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.

Section 4. This ordinance shall become effective on March 1, 1999.

END

The foregoing Ordinance was introduced before the Board of Trustees, on the 1 day of February, 1999, and was duly adopted and approved by the Board of Trustees, on the 1st day of February, 1999, after notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

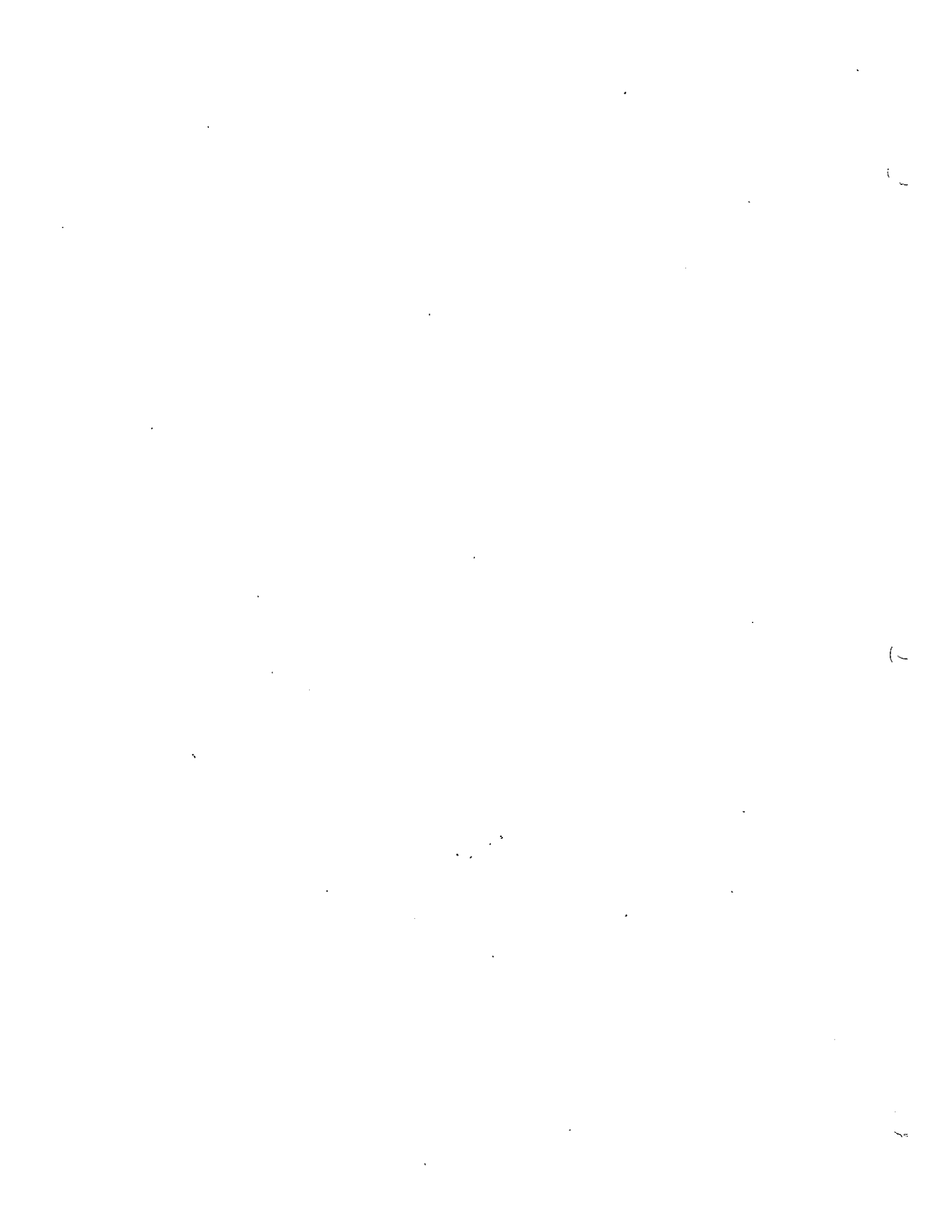
Mike Herman
MAYOR/PRESIDENT

ATTEST:

Shirley Stone
CLERK/SECRETARY

Approved as to form and legality on Feb. 8, 1999.

David D.
CITY/TOWN ATTORNEY



AN ORDINANCE OF THE TOWN OF CASHION, OKLAHOMA

ORDINANCE NO. 02-01

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR TOWN OF CASHION, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF TOWN OF CASHION, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; LOSS OF BENEFITS FOR CAUSE AND LIMITATIONS OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENTS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE TREASURER OF TOWN OF CASHION, OKLAHOMA, AND FOR TRANSFER OF SUCH CONTRIBUTIONS AND FUND ASSETS TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY BOARD OF TRUSTEES OF THE TOWN OF CASHION, OKLAHOMA.

Section 1. The Employee Retirement System, Defined Contribution Plan, of the Town of Cashion, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on July 1, 2001.

Section 2. The City Clerk and Mayor be and they 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 hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

Section 3. If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the

remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

Section 4. Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5. Whereas, in the judgment of the Board of Trustees of the Town of Cashion, Oklahoma, the public peace, health, safety, and welfare of the Town of Cashion, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

END

The foregoing ordinance was introduced before the Board of Trustees on the 6th day of August, 2001, and was duly adopted and approved by the Mayor and Board of Trustees on the 6th day of August, 2001, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

ATTEST:

Christy L. Cook
Dep. CITY CLERK

Robin Brown
MAYOR

Approved as to form and legality on Aug 6, 2001.

[Signature]
CITY ATTORNEY

D. As used in this section:

1. "Weed" includes but is not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:
 - a. exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds;
 - b. regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;
 - c. harbors rodents or vermin;
 - d. gives off unpleasant or noxious odors;
 - e. constitutes a fire or traffic hazard; or
 - f. is dead or diseased.

The term "weed" shall not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use.

2. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, or waste, or matter of any kind or form which is uncared for, discarded, or abandoned.
3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.
4. "Cleaning" means the removal of trash from property.

E. The provisions of this section shall not apply to any property zoned and used for agricultural purposes. (Amended 1990)

SECTION 22-112. CONDEMNATION OF DILAPIDATED BUILDINGS - NOTICE - REMOVAL - LIEN

A municipal governing body may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the provisions of this section:

1. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the governing body holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of said notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined in Section 1-102 of this title. Such notice may be published once not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section.

2. A hearing shall be held by the governing body to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if said property creates a fire hazard which is dangerous to other property.

3. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard, and that the property would be benefited by the removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. The governing body shall fix reasonable dates for the commencement and completion of the work. The municipal clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the municipality at the hearing, and stating that the municipality claims a lien on said property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of said notice. The agents of the municipality are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the work is not performed by the property owner within dates fixed by the governing body.

4. The governing body shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The municipal clerk shall forward a statement of such actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs by mail

State Laws Appendix - Provisions of Selected State Statutes

to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder at the address provided for in paragraph 1 of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the addressee. If a municipality dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for dismantling and removal of the dilapidated buildings. If dismantling and removal of dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

5. When payment is made to the municipality for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. Said costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. Said fee shall be deposited to the credit of the general fund of the county. At any time prior to collection as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

6. The municipality may designate, by ordinance, an administrative officer or administrative body to carry out the duties of the governing body specified in this section. The property owner shall have the right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

7. For the purposes of this section, "dilapidated building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, safety, or welfare of the general public. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

8. Nothing in the provisions of this section shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

9. The officers, employees or agents of the municipality shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.

10. The provisions of this act shall not apply to any property zoned and used for agricultural purposes.
(Amended 1990)

SECTION 22-112.1 BOARDING AND SECURING DILAPIDATED BUILDINGS - PROCEDURE - NOTICE

A. After a building has been declared dilapidated, as provided in Section 22-112 of this title, and before the commencement of the tearing and removal of a dilapidated building, the governing body may cause such a building to be boarded and secured.

B. A governing body of any municipality may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with the provisions of Section 22-111 of this title.

C. A governing body of any municipality may cause an unsecured building to be boarded and secured in accordance with the following procedures:

1. Before the governing body orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in Section 22-112 of this title. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the addressee. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication, as defined in Section 1-102 of this title. Such notice

State Laws Appendix - Provisions of Selected State Statutes

shall be published one time, not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of paragraph 9 of subsection C of this section, the notice shall state; that any subsequent need for boarding and securing the building within a six-month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the municipal governing body; that the costs of such boarding and securing shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder;

2. The owner of the property may give his written consent to the municipality authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving said written consent, the owner waives his right to a hearing by the municipal governing body;

3. If the property owner does not give his written consent to such actions, a hearing may be held by the municipal governing body to determine whether the boarding and securing of such unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to the provisions of paragraph 3 of subsection A of Section 22-111 of this title. In making such determination, the governing body shall apply the following standard: the governing body may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children.

Upon making such a determination, the municipal governing body may order the boarding and securing of the unsecured building;

4. After the governing body orders the boarding and securing of such unsecured building, the municipal clerk shall immediately file a notice of unsecured building and lien with the county clerk describing the property, stating the findings of the municipality at the hearing at which such building was determined to be unsecured, and stating that the municipality claims a lien on said property for the costs of boarding and securing the building and that such costs are the personal obligation of the property owner from and after the date of filing said notice;

5. Pursuant to the order of the governing body, the agents of the municipality are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as a governmental function of the municipality;

6. After an unsecured building has been boarded and secured, the governing body shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and mailing. The municipal clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs, by mail to any property owners and mortgage holders as provided in Section 22-112 of this title. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer.

If a municipality boards and secures any unsecured building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder;

7. When payment is made to the municipality for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. Said costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until fully paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the county clerk. In addition the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid. At any time prior to collection as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien;

8. The municipality may designate by ordinance an administrative officer or administrative body to carry out the duties of the governing body specified in subsection C of this section. The property owner or mortgage holder shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered;

State Laws Appendix - Provisions of Selected State Statutes

9. If a municipal governing body causes a structure within the municipal limits to be boarded and secured, any subsequent need for boarding and securing within a six-month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the municipality shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the municipal clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in paragraph 1 of subsection C of this section. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in paragraphs 6 and 7 of this subsection;

10. A governing body of any municipality may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this subsection even though such building has not been declared, by the governing body, to be dilapidated; and

11. For the purposes of this section:

- a. "boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure; and
- b. "unsecured building" shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

D. The provisions of this section shall not apply to any property zoned and used for agricultural purposes. (Amended 1990)

SECTION 22-113. FIRE HAZARDS AND BUILDING LOCATION RESTRICTIONS

The municipal governing body may regulate the construction or suppression, and cleaning of any apparatus, fixtures, or equipment used in any building, manufactory, or business which may cause or promote fires, may prescribe limits within which dangerous or hazardous businesses may be carried on and may adopt fire prevention codes and regulations. The governing body may impose penalties for the violation of such ordinances and may remove or abate any buildings constructed or located in violation of its ordinances. (Amended 11/1/84)

SECTION 22-114. ENTRY UPON PRIVATE PROPERTY FOR SURVEYS AND EXAMINATIONS - REIMBURSEMENT FOR DAMAGES

A. Municipalities through their authorized agents or employees may enter upon any lands, waters, or premises for the purpose of making surveys, soundings, or examinations as may be necessary for the purpose of establishing, locating, relocating, constructing, or maintaining any sewer, waterworks, drain, or public works or facilities. Entry may also be made for the purpose of terminating any public utility services if the municipality determines the existence of a hazard to the health, safety, or welfare of the general public in connection with said services. Said entry shall not be deemed a trespass, nor shall an entry pursuant to any condemnation proceedings which may be pending be deemed a trespass. If the municipality does not have written consent for entry from the owner and lessee, the municipality shall give notice to the owner and lessee of the property to be entered, by certified mail at least fourteen (14) days prior to any entry. If the owner and lessee are unable to be given notice by certified mail, notice shall be given by publication.

B. Municipalities shall make reimbursement for any actual damages to lands, water, or premises as a result of the entry onto property as authorized in this section. If there is a disagreement as to the amount of any damage, either the person incurring any damage to land, water, or premises or the municipality may file a petition with the district court in the county where the alleged damage occurred requesting the appointment of a commissioner to appraise the damage and proceed to have the damage determined as in condemnation proceedings. (Amended 11/1/84)

SECTION 22-115. ANIMALS RUNNING AT LARGE - REGULATION AND TAXATION

The municipal governing body may regulate or prohibit animals from running at large. Animals which are running at large may be impounded and sold to discharge any costs and penalties established by the governing body and the expense of impounding, keeping or sale of such animals. The governing body may also provide for the erection of pens, pounds, and buildings for the use of the municipality, within or without the municipal limits, and appoint and compensate keepers thereof, and establish and enforce rules governing the pens, pounds or buildings. The governing body may also regulate and provide for taxing the owners and harborers of dogs, and authorize the killing of dogs which are found at large in violation of any ordinance regulating the same.

SECTION 22-116. JURISDICTION OVER PUBLIC GROUNDS AND NAVIGABLE STREAMS

The municipality shall have jurisdiction over any real property within or without its corporate limits belonging to the municipality. Unless otherwise provided for by law, the municipality may regulate the banks, shores, and wharves of navigable streams within the corporate limits. (Amended 11/1/84)

SECTION 22-117. TRAFFIC REGULATIONS - CONTROL OF STREETS - SCHOOL ZONES

A. The municipal governing body may establish ordinances and regulations governing the operation of motor vehicles and traffic upon the roads and streets within the municipality in the manner provided by, and not inconsistent with, state law. The governing body may also regulate and prevent racing and fast driving, and all games, practices or amusements likely to result in damage to any person or property, in the streets, highways, alleys, bridges, sidewalks or other places in the municipality, and riding or driving over or upon the sidewalks of the municipality.

B. Any municipal governing body which establishes ordinances and regulations governing school zone speed limits, shall place school zone signs designating the beginning and end of the zone on the side or in the center of the roadway. Such end zone signing shall be as follows:

- (a) On roadways of two driving lanes, only the end zone signing may be on either side of the roadway or in the center of the roadway.
- (b) On roadways in excess of two driving lanes, the end zone signing shall be on the right side of the roadway or in the center of the roadway if said roadway is divided by a median.

SECTION 22-117.1 POSSESSION OF SECURITY VERIFICATION FORM MAY BE REQUIRED FOR CERTAIN VEHICLES

Pursuant to Section 22-117 of this title, a municipality may by ordinance require the operator of any motor vehicle registered in this state to carry a current security verification form as defined in Article VI, Chapter 7 of Title 47 of the Oklahoma Statutes or equivalent form which has been issued by the Department.

Any person producing proof that a current security verification form or equivalent form which has been issued by the Department was in force for such person at the time of the alleged offense shall be entitled to dismissal of such charge upon payment of court costs; however, if proof of security verification is presented to the court within forty-eight (48) hours after the violation, the charge shall be dismissed without payment of court costs.

Upon conviction, bond forfeiture or deferral of sentence, the court shall forward an abstract to the Department of Public Safety within ten (10) days reflecting the action taken by the court. (Amended 11/1/84)

SECTION 22-118. REGULATION OF TAXICABS - SPECIFIC REQUIREMENTS

The municipal governing body is vested with full police powers, for the purpose of preserving public health, safety and welfare, over the operation, regulation and control of taxicabs within the limits of the municipality. The municipal governing body may prescribe regulations for the operation of taxicabs, which regulations may include, and shall be limited to the following specific powers and subjects:

1. Requirement of minimum insurance, bond or other indemnity for public liability upon each taxicab; and if other than standard insurance be permitted, requirement and specifications of terms and conditions under which such other indemnity shall be accumulated, held, maintained, managed, and disposed of to secure persons in whose favor any liability shall arise out of the operation of taxicabs;
2. Requirement of minimum standards of mechanical condition and efficiency of any vehicle used as a taxicab, together with the power to require inspections to insure compliance therewith;
3. Restriction of the loading of taxicabs to specified zones or localities; including the power to prohibit punish "cruising" and the making of such other rules governing the manner of operation of taxicabs as the public safety may require;
4. Determination, establishment, and enforcement of maximum and/or minimum rates and charges to be made by taxicabs for the transportation of passengers; including, but not requiring, the establishment of zones as the basis of such rates, or the requirement of taximeters as the basis of calculating such charges;
5. Requirement of municipal license for the operation of each taxicab; together with the right to levy and exact an annual fee therefor, and the right to revoke, cancel and thereafter refuse to reissue such license for failure to comply with or for infractions of regulations promulgated pursuant to this section. The granting of any license may be made dependent upon the holding of a certificate of convenience and necessity issued by the municipality, if such certificates are provided as authorized by paragraph 6 of this section; and

State Laws Appendix - Provisions of Selected State Statutes

6. Requirement for the holding of a certificate of convenience and necessity as a condition precedent to the issuance and holding of a municipal license for the operation of a taxicab; including the power to issue, deny, suspend and revoke such certificates.

SECTION 22-119. REGULATION OF RAILWAY AND FREIGHT OPERATIONS WITHIN MUNICIPAL LIMITS

The municipal governing body may regulate levees, depots, depot grounds, and places of storing freight and goods, and provide for the passage of railways through the streets and public grounds of the municipality. The governing body may also regulate the crossing of railway tracks and the running of railway engines, cars and trucks within the limits of the municipality, and to govern the speed thereof, and to make provisions, rules and restrictions to prevent accidents at crossings and on the tracks of railways and to prevent fires from engines.

SECTION 22-120. PUBLIC HEALTH, HOSPITALS AND QUARANTINE

The municipal governing body may enact and enforce such ordinances, rules and regulations as it deems necessary for the protection of the public health, not inconsistent with state law; and may establish and regulate hospitals, and provide for their operation and support. The governing body may make regulations to prevent the introduction of contagious diseases into the municipality and may enforce quarantine laws within five (5) miles of the municipal limits.

SECTION 22-121. NUISANCES

The municipal governing body may declare what shall constitute a nuisance, and provide for the prevention, removal and abatement of nuisances.

SECTION 22-122. TREES

The municipal governing body may enact ordinances for the purpose of regulating, planting and maintaining trees in the streets, avenues or public grounds of the municipality. Planting and maintaining trees may also be petitioned for in the manner provided for petitioning sidewalks; and the governing body may make assessments and collect taxes in order to pay for planting and maintaining trees in the manner provided for sidewalk assessments and taxes.

SECTION 22-123. VAGRANCY

The municipal governing body may provide by ordinance for the arrest, fine, and imprisonment of vagrants.

SECTION 22-124. MARKET PLACES - MUNICIPAL BUILDINGS

The municipal governing body may purchase ground for, erect, establish, operate, and regulate retail or commercial redevelopment projects, market houses, and marketplaces. The governing body may contract with any person, company, or corporation for the erection, operation, and maintenance of such redevelopment projects, market houses, and marketplaces on terms and conditions and in such manner as may be necessary and proper pursuant to the authority granted to it by the Constitution and laws of this state to protect and preserve such projects and markets for the benefit of the municipality and its citizens. The municipal governing body may raise all necessary revenue therefor. The governing body may also provide for the erection and operation of any and all necessary buildings for the municipality. (Amended 11/1/84)

SECTION 22-125. GIFTS TO INSTITUTIONS IN STATE SYSTEM OF HIGHER EDUCATION

The municipal governing body may make gifts of any real estate belonging to the municipality to any institution in the Oklahoma State System of Higher Education which is located in the municipality. The municipal governing body may purchase or otherwise acquire real estate for this purpose, execute any instruments necessary for the transfer of real estate, and may give buildings or monies for the construction of buildings to institutions in the state system of higher education. The governing boards of such institutions are hereby authorized to accept these gifts.

SECTION 22-126. PARTICIPATION IN FEDERAL PROGRAMS

The municipal governing body may receive funds for and participate in any federal program, and may cooperate with the United States Government and any agency or instrumentality thereof, in the manner authorized and provided by federal law and regulation. In doing so, a municipality may perform all necessary functions and take all necessary actions for accomplishing such federal purposes and programs, as agent of the federal government, notwithstanding any provisions of state law.

SECTION 22-127. ESTABLISHING RESIDENCY REQUIREMENTS

The municipal governing body by ordinance may designate which appointed officers and employees shall reside within the municipality; but police officers, firefighters and other municipal employees need not be actual residents of the municipality where they are employed in municipalities of five thousand (5,000) population or more, according to the latest federal census.

SECTION 22-128. AUTHORITY FOR PUBLIC IMPROVEMENTS - BORROWING MONEY - BOND ISSUES

The governing body may provide for making any and all improvements of a general nature in the municipality and may from time to time borrow money and issue bonds for the purpose of paying for such improvements. No such money shall be borrowed or bonds issued until the governing body is instructed to do so by a vote of at least three-fifths of the registered voters voting on the question at any election held in the municipality, unless otherwise provided by the Constitution and laws of Oklahoma. Bonds issued under this section shall be payable not more than twenty-five (25) years from the date of their issue, with interest thereon at a rate not exceeding a maximum rate established by law. The governing body shall provide for taxes to pay the bonds at their maturity, and their interest coupons as they respectively become due. (Amended 7/1/83)

SECTION 22-129. WARRANTS AGAINST LOTS FOR SPECIAL ASSESSMENTS

Where municipal improvements of any character are made by special assessments upon the abutting lots, or upon blocks, or where a special assessment may be created by ordinance for the direct benefit of a limited locality in a municipality, the governing body may issue a tax warrant against each separate abutting lot, in the manner provided by law, which shall be a valid lien on the lot and shall be extended, collected and bear a like penalty with other taxes of the state, county or municipality.

SECTION 22-130. REASSESSMENTS FOR VOID OR ILLEGAL ASSESSMENTS

When a municipal governing body has attempted to levy any assessment for improvements which may have been informal, illegal or void for want of sufficient authority or other cause, the governing body of the municipality shall reassess any such assessment in the manner provided by law.

SECTION 22-131. MUNICIPAL RECORDS - DESTRUCTION, SALE OR DISPOSITION AFTER CERTAIN TIME LIMITATIONS

A municipal governing body may destroy, sell for salvage or otherwise dispose of the following papers, documents and records after the expiration of the specified period of time following the end of the fiscal year in which the paper, document or record was created, except as otherwise specified:

1. One (1) year: parking citations may be destroyed or otherwise permanently disposed of one (1) year after the date of issuance;
2. Two (2) years: municipal court warrants, water, sewer, garbage and utility receipts and statements, which have been previously audited; inspection records relating to water meters and sewer inspections; miscellaneous petitions and letters addressed to the governing body on matters other than pertaining to the items hereinafter set forth; utility billing ledger or register; utility cash receipts ledger or register; and utility accounts receivable ledger or register. Fire run contracts may be destroyed or otherwise disposed of two (2) years after their expiration;
3. Five (5) years: successful and unsuccessful bids for the purchase or furnishing of equipment, material and improvements; inspection records except as provided for in paragraph 2 of this section; claims that have been denied; license applications; bonds; special, primary and general election payrolls; election tabulations and returns; withholding statements; garnishment records; traffic tickets and receipts; bond receipts and fine receipts; information and complaints; court dockets; paid general obligation and

State Laws Appendix - Provisions of Selected State Statutes

revenue bonds; paid street improvement, sewer and sidewalk district bonds; warrants; claims; checks; vouchers; purchase orders; payrolls;

4. Ten (10) years: inventories; appropriation ledgers; sidewalk assessment records, except payment records; cash receipt book or register for the general fund, the street and alley fund, any bond fund or sinking fund, and all other trust funds that have been audited; and

5. Fifteen (15) years: sewer and improvement district records, except payment records.

None of the above-mentioned records, papers or documents pertaining to pending litigation shall be disposed of until such litigation is finally terminated. This section shall not be construed to authorize or allow the destruction of any testing laboratory results or the inspection records of public improvements of a municipality. (Amended 1990)

SECTION 22-132. AUTHORITY TO HAVE RECORDS PHOTOGRAPHED OR REPRODUCED ON FILM -ORIGINAL RECORD - STORAGE

A. The head of any municipal department, commission, bureau or board may have any or all records kept by the official, department, commission, bureau or board photographed, microphotographed, photostated, reproduced on film or stored on optical disk. Such film or reproducing material shall be of durable material and the device used to reproduce such records on film or other material shall be such as to accurately reproduce and perpetuate the original records in all details.

B. The photostatic copy, photograph, microphotograph, photographic film or optical disk of the original records shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification or certified copy thereof shall, for all purposes recited herein, be deemed to be a transcript, exemplification or certified copy of the original.

C. Whenever photostatic copies, photographs, microphotographs, reproductions on films or optical disks shall be placed in conveniently accessible files and provisions made for preserving, examining and using same, the head of any municipal department, commission, bureau or board may certify those facts to the municipal governing body. The governing body may, by ordinance or resolution, authorize the disposal, archival storage or destruction of such records and papers. (Amended 1990)

SECTION 22-132.1. MUNICIPAL RECORDS - MAINTENANCE AND PROTECTION - AVAILABILITY

Any officer or employee of a municipality having custody of records or other documents of the municipality shall keep and maintain such records in a manner and at a location prescribed by the governing body. Such records shall be available for use by officers and employees of the municipality as the governing body shall direct. The governing body shall establish policies and procedures to preserve and protect the records of the municipality consistent with other provisions of law providing for the confidentiality of such records where appropriate and the accessibility of such records for inspection by the public. (Added 1989)

SECTION 22-133. CONTESTING REASONABLENESS OF OIL AND GAS DRILLING FEE

Any person, firm or corporation may contest the reasonableness of any fee imposed pursuant to the provisions of Section 52 of Title 17 of the Oklahoma Statutes, for the issuance of a permit for the drilling and operation of an oil and gas well or the regulation thereof, by filing a petition in the district court of the county where the governing body of such incorporated city or town is located. The court, upon hearing all the facts and circumstances relating to the imposition of the fee, shall determine the reasonableness of such fee. The court may award attorneys' fees and costs to the prevailing party. (Added 1986)

SECTION 22-134. PURCHASING OR ACCOUNTS PAYABLE - APPROVAL BY ELECTRONIC PROCESS

Notwithstanding any other provisions of the Oklahoma Statutes, any municipal document, other than checks, drafts or warrants, relating to purchasing or accounts payable may be approved by the municipality by an electronic process in lieu of a manual process. (Added 1990)

ARTICLE XXVII

COURTS

Section

27-101	Creation of Municipal Court not of Record
27-102	Resolution of Governing Body
27-103	Jurisdiction
27-104	Judges
27-105	Prohibition on Change of Venue - Disqualification of Judge
27-106	Acting Judge - Alternate Judge - Compensation
27-107	Vacancies in Office of Judge
27-108	Municipal Attorney as Prosecuting Officer
27-109	Clerk of Court - Duties
27-110	Court Marshal - Duties
27-111	Bond of Clerk and Judge - Form
27-112	Fees, Fines and Forfeitures - Dispositions
27-113	Procedure - Judicial Notice of Statutes and Ordinances - Writs and Process
27-114	Rules for Conduct of Court Business
27-115	Prosecutions by Verified Complaint - Style
27-116	Arraignment - Fines in Lieu of Appearance
27-117	Bail - Release on own Recognizance - Traffic Citation
27-118	Failure to Appear According to Terms of Bond - Forfeiture
27-119	Jury Trials - Qualifications of Jurors
27-120	Selection and Summons of Jurors
27-121	Fees and Mileage of Jurors and Witnesses
27-122	Enforcement of Payment of Fines or Costs by Imprisonment - Persons Unable to Pay
27-122.1	Municipal Courts - Sentences - Costs
27-122.2	Community Service in Lieu of Fine or in Conjunction with Imprisonment - Violation of Community Service Conditions
27-123	Suspension of Judgment or Costs - Reconfinement
27-124	Supervision of Juveniles on Parole or Probation
27-125	Contempt of Court
27-126	Costs
27-127	Prosecution for Same Offense of Another Court Prohibited
27-128	Writs of Mandamus, Prohibition and Certiorari
27-129	Appeals
27-130	District Attorney to Defend Appeals in Certain Cases
27-131	Orders Relative to Procedures and Practices by Supreme Court
27-132	Appeals From District Court

ARTICLE XXVII

COURTS

SECTION 27-101. CREATION OF MUNICIPAL COURT NOT OF RECORD

A municipality may create a Municipal Court, as provided in this article, which shall be a court not of record. This court may be created in addition to a Municipal Criminal Court of Record. References in Sections 27-101 through 27-131 of this title to the municipal court shall mean the municipal court not of record established under the authority of the provisions of this article.

SECTION 27-102. RESOLUTION OF GOVERNING BODY

Before a municipal court not of record may be put into operation, the municipal governing body shall determine by resolution that the efficient disposition of cases involving the violation of municipal ordinances necessitates putting the court into operation. The governing body shall cause a certified copy of the resolution to be filed in the office of the county clerk of each county in which the municipality is located. The resolution and the filing thereof shall be judicially noticed in all courts of this state. (Amended 1988)

State Laws Appendix - Provisions of Selected State Statutes

SECTION 27-103. JURISDICTION

The municipal court shall have original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of the municipality where the court is established is charged.

SECTION 27-104. JUDGES

A. The number of judges for each municipal court shall be determined by the governing body of the municipality where the court is established. The judge of each municipal court shall be appointed by the mayor of the municipality where the court is established, with the consent of the municipal governing body. The judge of any municipal court shall be licensed to practice law in Oklahoma, except as provided in subsections B and C of this section. He shall serve for a term of two (2) years, said term expiring on a date fixed by ordinance, and until his successor is appointed and qualified, unless sooner removed by the vote of a majority of all members of the governing body for such cause as is provided by law for the removal of public officers. Any appointment to fill a vacancy shall be for the unexpired term. Except in cities of more than two hundred thousand (200,000) population, nothing herein shall be construed to prevent the judge from engaging in the practice of law in any other court during his tenure of office. The judge shall be paid a salary to be fixed by the municipal governing body. He shall be paid in the same manner as other municipal officials.

B. In any municipality with a population of less than seven thousand five hundred (7,500), the mayor, with the consent of the governing body of the municipality, may appoint as judge:

1. An attorney licensed to practice law in Oklahoma, who resides in the county in which the municipality is located or in an adjacent county; or
2. An attorney licensed to practice law in Oklahoma who maintains a permanent office in the municipality; or
3. Any suitable person residing in the municipality or within twenty (20) miles of the boundaries of the municipality.

The mayor may be designated as judge of the municipal court upon approval of the governing body of the municipality.

C. In any municipality with a population of seven thousand five hundred (7,500) or more, if no attorney licensed to practice law in Oklahoma resides in the county or in an adjacent county in which the municipality is located, who is at the time of appointment willing to accept the appointment as judge, the mayor, with the consent of the governing body of the municipality, may appoint any suitable and proper person as judge.

D. If the judge of the municipal court is not a licensed attorney, the trial shall be to the court, and the court may not impose a fine of more than Fifty Dollars (\$50.00) and may not order the defendant imprisoned except for the nonpayment of fines or costs or both. (Amended, effective 11/1/84)

SECTION 27-105. PROHIBITION ON CHANGE OF VENUE - DISQUALIFICATION OF JUDGE

No change of venue shall be allowed from any municipal court, but the judge of the municipal court may be disqualified under the same terms and conditions as are now provided by law for courts of record, and in case of such disqualification a special judge shall be appointed as provided in Section 27-104 of this title.

SECTION 27-106. ACTING JUDGE - ALTERNATE JUDGE - COMPENSATION

In the event of disqualification of the judge in a particular case, or his absence or inability to act, the mayor of the municipality may appoint some person, qualified as provided in Section 27-104 of this title, as acting municipal judge of the court in the place of the judge during his absence or inability to act or in a case wherein the judge is disqualified; or, in its discretion, the municipal governing body may provide by ordinance for the appointment of an alternate judge of the court, in the same manner and for the same term as the judge and possessing the qualifications prescribed by Section 27-104 of this title, who shall sit as acting judge of the court in case of the absence, inability or disqualification of the judge. If both the judge and the alternate judge are unable to sit, the mayor may appoint an acting judge as provided in this section. The municipal governing body, by ordinance, shall provide for the compensation of an acting judge of the court.

SECTION 27-107. VACANCIES IN OFFICE OF JUDGE

Vacancies in the office of the judge of any municipal court shall be filled in the same manner as provided for the appointment of the judge in the first instance.

SECTION 27-108. MUNICIPAL ATTORNEY AS PROSECUTING OFFICER

The municipal attorney of each municipality where a municipal court is established may be the prosecutor of the municipal court. The prosecutor shall have full power to prosecute for the violations of any ordinance of the municipality in the municipal court and shall have the power to prosecute and resist appeals and proceedings in error and review from the municipal court. (Amended 11/1/84)

SECTION 27-109. CLERK OF COURT - DUTIES

The municipal clerk of any municipality where a municipal court is established, or a deputy designated by him, shall be ex officio the clerk of the municipal court. The clerk shall:

1. Assist the judge in recording the proceedings of the court, preparation of writs, processes, or other papers;
2. Administer oaths required in judicial or other proceedings before the court;
3. Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;
4. Perform such other clerical duties in relation to the proceedings of the court as the judge shall direct; and
5. Receive and give receipt for and disburse or deliver to the municipal treasurer all fines, forfeitures, fees, deposits, and sums of money properly payable to the municipal court. Such funds and sums of money while in the custody of the clerk shall be deposited and disbursed upon vouchers as directed by the municipal governing body.

SECTION 27-110. COURT MARSHAL - DUTIES

The municipal governing body, upon the recommendation of the judge of the municipal court, may designate any appropriate person who is a resident of the municipality to serve as marshal, and in the absence of such a designation, the chief of police or corresponding officer of the municipality shall be ex officio marshal of the court. The marshal shall execute any writs and other process directed to him, except as herein otherwise provided, and such duty may be performed by any deputy marshal or by any members of the police force of the municipality, as the case may be.

SECTION 27-111. BOND OF CLERK AND JUDGE - FORM

A. The clerk of each municipal court shall give bond to the governing body of the municipality where the court is established. The bond shall be approved by the governing body and shall be in an amount to be fixed by the governing body. The bond shall be in substance as follows:

I, _____, clerk of the Municipal Court of _____, State of Oklahoma, and _____ and _____, his sureties, do jointly and severally agree to pay on demand each and every person who may be entitled thereto, all such sums of money as the said clerk may become liable to pay, on account of any moneys which may come into his hands, by virtue of his office.

Dated at _____, this _____ day of _____, 19 ____.

(Signed) _____

B. The municipal governing body may provide that the judge, the alternate judge, and an acting judge, or any of them, shall give a bond to the governing body of the municipality where the court is established. If a bond is required, it shall be in an amount to be fixed by the governing body. It shall be conditioned in the same manner as the bond that is required of the clerk of the court, and it shall be approved by the governing body.

SECTION 27-112. FEES, FINES AND FORFEITURES - DISPOSITIONS

All of the fees, fines, and forfeitures which come into the municipal court shall be paid by the clerk of the court to the municipal treasurer. The treasurer shall credit such deposits to the fund designated by the municipal governing body. The court clerk shall make duplicate receipts for the fees, fines, and forfeitures collected by him, one of which shall be retained by the municipal treasurer together with a detailed statement of all costs, the style of the case in which they were paid, and the name of the party paying the same. (Amended 11/1/84)

State Laws Appendix - Provisions of Selected State Statutes

SECTION 27-113. PROCEDURE - JUDICIAL NOTICE OF STATUTES AND ORDINANCES - WRITS AND PROCESS

Except as otherwise provided for by law, the code of procedure in the municipal court shall be the same as is provided for by law for the trial of misdemeanors. The court shall take judicial notice of state statutes and the ordinances of the municipality in which it is located. Writs and processes of the court may be issued by the judge or clerk thereof to any proper officer. All writs and processes of the municipal court in which a violation of a municipal ordinance is charged shall be directed to the chief of police of the municipality, a county sheriff, or to some other appropriate peace officer. A law enforcement officer of the municipality or county sheriff may serve an arrest warrant issued by the municipal court any place within this state. If the warrant is served by a county sheriff, the municipality shall pay the Sheriff's Service Fee Account a fee of Twenty Dollars (\$20.00). (Amended 1990)

SECTION 27-114. RULES FOR CONDUCT OF COURT BUSINESS

The judge of each municipal court may prescribe rules, consistent with the provisions of this article, for the proper conduct of the business of the municipal court.

SECTION 27-115. PROSECUTIONS BY VERIFIED COMPLAINT - STYLE

All prosecutions commenced in the municipal court shall be by complaint which shall be subscribed by the person making the complaint and shall be verified before a judge, the court clerk, a deputy court clerk, or a police officer. No warrant for arrest shall be issued until the complaint has been approved by the judge of the municipal court. All prosecutions for the violation of municipal ordinances shall be styled, "The _____ (City or Town) of _____ (name the municipality) vs. _____ (naming the person or persons charged)." (Amended 11/1/84)

SECTION 27-116. ARRAIGNMENT - FINES IN LIEU OF APPEARANCE

The arraignment shall be made by the court. The judge or the prosecuting attorney shall read the complaint to the defendant, inform him of his legal rights and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. The municipal governing body by ordinance may prescribe a schedule of fines which the defendant may pay in lieu of his appearance before the municipal court and such payment shall constitute a final determination of the cause against the defendant.

SECTION 27-117. BAIL - RELEASE ON OWN RECOGNIZANCE - TRAFFIC CITATION

A. If a resident of a municipality served by a municipal court is arrested for the violation of any ordinance, traffic or nontraffic, by a law enforcement officer, the officer shall immediately release said person if the person acknowledges receipt of a citation by signing it unless it reasonably appears to the officer that the person may cause injury to himself or others or damage to property if released, that the person will not appear in response to the citation, or the person is arrested for an offense against a person or property. If said person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled.

B. If a resident of a municipality served by a municipal court is arrested by a law enforcement officer for the violation of any ordinance and is not released by being permitted to sign a citation as provided in subsection A of this section, he shall be admitted to bail either before or after arraignment, or shall be released on his own recognizance.

C. If a nonresident of a municipality served by a municipal court is arrested for a violation of any ordinance other than a traffic violation by a law enforcement officer, the defendant shall be eligible to be admitted to bail either before or after arraignment.

D. A municipality may require a person who is arrested for a municipal traffic violation by a law enforcement officer to comply with the procedures provided by law in Section 1114.1 of Title 22 of the Oklahoma Statutes for state traffic violations with respect to release of the arrested person. The following methods of posting bail shall apply:

1. Posting cash bail; or
2. Depositing with the arresting officer a "quaranteed arrest bond certificate"; or
3. Depositing with the arresting officer a valid license to operate a motor vehicle in exchange for a receipt therefor issued by the arresting officer, which shall be recognized as an operator's license and shall authorize the person's operation of a motor vehicle until the date of his hearing but not to exceed twenty (20) days. This procedure for depositing a valid operator's license shall not be used unless authorized by a duly enacted ordinance. A municipality may prescribe a fine for up to the maximum amount authorized by the courts not of record for failure of a person to have a valid driver's license when charged with a traffic violation.

E. The amount and conditions of bail granted pursuant to the provisions subsections B and C of this section shall be determined by the judge who shall prescribe rules for the receipt of bail and for the release by recognizance. In the event of arrests at night, emergencies, or when the judge is not available, the chief of police or his designated representative may be authorized by the judge subject to such conditions as shall be prescribed by the judge to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused. The cash bond shall not be more than the maximum fine provided for by ordinance for each offense charged. The chief of police or his designated representative is authorized subject to such conditions as shall be prescribed by the judge to release a resident of the municipality on his own recognizance. (Amended 11/1/84)

SECTION 27-118. FAILURE TO APPEAR ACCORDING TO TERMS OF BOND - FORFEITURE

If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment; or upon any other occasion when his presence in court or before the magistrate may be lawfully required, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. Without advancing court costs, the judge shall then cause the forfeiture to be certified to the district court in the county where the situs of the municipal government is located, where it shall be entered upon the judgment docket and shall have the full force and effect of a district court judgment. At such time as the forfeiture is entered upon the district court judgment docket, the district court clerk shall proceed in accordance with the provisions of Sections 1330 through 1333 and 1335 of Title 59 of the Oklahoma Statutes. A surety shall have all remedies available under the provisions of Section 1108 of Title 22 and Sections 1301 through 1340 of Title 59 of the Oklahoma Statutes. Court costs shall be collectible from the proceeds of the bond.

SECTION 27-119. JURY TRIALS - QUALIFICATIONS OF JURORS

In all prosecutions in the municipal court for any offense punishable by a fine of more than One Hundred Dollars (\$100.00) or by imprisonment, or by both such fine and imprisonment, a jury trial shall be had unless waived by the defendant and the municipality, provided that the municipality has compiled its penal ordinances in accordance with the provisions of Sections 14-109 and 14-110 of this title. If the municipality has not compiled its ordinances as provided by law, the fine shall not exceed Fifty Dollars (\$50.00). In prosecutions for all other offenses, or in cases wherein a jury trial is waived by the defendant and the municipality, trial shall be to the court. A jury in the municipal court shall consist of six (6) jurors, five of whom may return a verdict. Jurors shall be good and lawful men or women, citizens of the county in which the court sits, having the qualifications of jurors in the district court. (Amended, effective 10/1/83)

SECTION 27-120. SELECTION AND SUMMONS OF JURORS

Jurors in the municipal court shall be selected under the same terms and conditions as are provided for by law for the district courts. Upon written request of the judge of the municipal court for a stated number of jurors to the chief judge of the appropriate district court, it shall be the duty of the clerk of the district court to draw from the jury wheel a requested number of jurors in the same manner as is provided by law for the district court until the number requested, who from their addresses appear to reside within the corporate limits of the municipality, is drawn, and to prepare a list of names drawn and certify such list to the judge of the municipal court. On completion of the draw, the clerk shall immediately return to the jury wheel all names drawn which are not placed on the certified list. The judge of the municipal court shall make written request to the chief judge of the district court for a stated number of additional jurors if, after allowance of claimed statutory exemptions, the listed number is found to be insufficient. Summons of the prospective jurors shall be issued as set out by ordinance, and may be served in person by the chief of police or any member of the police force of the municipality, or may be served by the clerk of the municipal court by mail.

SECTION 27-121. FEES AND MILEAGE OF JURORS AND WITNESSES

The municipal governing body shall determine by ordinance the fees and mileage that shall be paid to jurors and witnesses in a municipal court. However, no witness fee shall be paid to any police or peace officer. The jury fee and mileage due jurors and witnesses shall be paid as provided by ordinance.

SECTION 27-122. ENFORCEMENT OF PAYMENT OF FINES OR COSTS BY IMPRISONMENT - PERSONS UNABLE TO PAY

- A. If a defendant who is financially able refuses or neglects to pay a fine or costs or both, payment may be enforced:
1. By imprisonment until the same shall be satisfied at the rate of Five Dollars (\$5.00) per day; or
 2. In the same manner as is prescribed in subsection B of this section for a defendant who is without means to make such payment.

State Laws Appendix - Provisions of Selected State Statutes

B. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court in the county where the situs of the municipal government is located where, it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor. (Amended, effective 11/1/87)

SECTION 27-122.1 MUNICIPAL COURTS - SENTENCES - COSTS

A. All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, farm or workhouse, of the municipality, in the discretion of the court, for the time specified in the sentence; provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without compensation. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

B. The judge of the municipal court imposing a judgment and sentence, at his discretion, is empowered to modify, reduce, or suspend or defer the imposition of such sentence or any part thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the judge may specify. Procedures relating to suspension of the judgment or costs or both shall be as provided in Section 27-123 of Title 11 of the Oklahoma Statutes. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty shall be expunged from the record and said charge dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty.

C. The judge of the municipal court may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of such period of time the judge may allow the municipal attorney to amend the charge to a lesser offense.

D. If a deferred sentence is imposed, an administrative fee of not to exceed One Hundred Dollars (\$100.00) may be imposed as costs in the case.

E. For the purposes of this section, "judge of the municipal court" means a municipal court judge who is licensed to practice law in Oklahoma. (Amended 1990)

SECTION 27-122.2 COMMUNITY SERVICE IN LIEU OF FINE OR IN CONJUNCTION WITH IMPRISONMENT - VIOLATION OF COMMUNITY SERVICE CONDITIONS

Whenever a person is convicted in municipal court for violation of a municipal ordinance, the court may order the defendant to a term of community service or remedial action in lieu of fine or in conjunction with imprisonment. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted. (Amended 1990)

SECTION 27-123. SUSPENSION OF JUDGMENT OR COSTS - RECONFINEMENT

Whenever any person shall be convicted in the municipal court of violating a municipal ordinance, the judge trying the cause, after sentence, may suspend the judgment or costs or both and allow the person so convicted to be released upon his own recognizance. Any person so released shall be required to report at such times and to such person or officer as the judge shall direct. The judge may cause a warrant to be issued for any person so released if it shall be made to appear to the judge that such person:

1. Has been guilty of the violation of any law after his release;
2. Is habitually associating with lewd or vicious persons; or
3. Is indulging in vicious habits.

Upon the issuance of the warrant by the judge, the person shall be delivered forthwith to the place of confinement to which he was originally sentenced and shall serve out the full term for which he was originally sentenced.

SECTION 27-124. SUPERVISION OF JUVENILES ON PAROLE OR PROBATION

In addition to the duties otherwise provided by law, the judge of each municipal court, or some other person designated by the governing body of the municipality where the court is established, shall be required to supervise all juveniles who are either on parole or serving probation terms or suspended sentences pronounced and adjudged by the municipal court.

SECTION 27-125. CONTEMPT OF COURT

The judge of each municipal court shall have power to enforce due obedience to orders, rules and judgments made by him and may fine or imprison for contempt offered to the judge while holding his court or to process issued by him in the same manner and to the same extent as the district courts of Oklahoma.

SECTION 27-126. COSTS

The municipal governing body shall determine by ordinance the costs that shall be charged and collected by the clerk of the court, but such costs shall not exceed the sum of Fifteen Dollars (\$15.00) plus the fees and mileage of jurors and witnesses. (Amended 11/1/87)

SECTION 27-127. PROSECUTION FOR SAME OFFENSE OF ANOTHER COURT PROHIBITED

When a defendant has been in jeopardy for the same or any lesser included offense in a municipal court, or district court, he shall not be prosecuted in another court for the same or a lesser included offense. (Amended, effective 10/1/80)

SECTION 27-128. WRITS OF MANDAMUS, PROHIBITION AND CERTIORARI

The district court in each county wherein a municipal court is established shall have the same jurisdiction to issue to the municipal court writs of mandamus, prohibition and certiorari as the Supreme Court now has to issue such writs to courts of record.

SECTION 27-129. APPEALS

A. An appeal may be taken from a final judgment of the municipal court by the defendant by filing in the district court in the county where the situs of the municipal government is located, within ten (10) days from the date of the final judgment, a notice of appeal and by filing a copy of the notice with the municipal court. In case of an appeal, a trial de novo shall be had, and there shall be a right to a jury trial if the offense is punishable by a fine of more than One Hundred Dollars (\$100.00) and costs.

B. Upon conviction, at the request of the defendant, or upon notice of appeal being filed, the judge of the municipal court shall enter an order on his docket fixing an amount in which bond may be given by the defendant, in cash or sureties for cash in an amount of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00); except that, if the conviction involved a fine only, the amount of the bond shall be no greater than twice the amount of such fine. Bond shall be taken by the clerk of the court wherein judgment was rendered. Any pledge of sureties must be approved by a judge of the court.

C. Upon appeal being filed the judge shall within ten (10) days thereafter certify to the clerk of the appellate court the original papers in the case. If the papers have not been certified to the appellate court, the prosecuting attorney shall take the necessary steps to have the papers certified to the appellate court within twenty (20) days of the filing of the notice of appeal, and failure to do so, except for good cause shown, shall be grounds for dismissal of the charge by the appellate court, the cost to be taxed to the municipality. The certificate shall state whether or not the municipal judge hearing the case was a licensed attorney in Oklahoma.

D. All proceedings necessary to carry the judgment into effect shall be had in the appellate court. (Amended, effective 10/1/83)

SECTION 27-130. DISTRICT ATTORNEY TO DEFEND APPEALS IN CERTAIN CASES

The district attorney, and his assistants, shall defend any appeal from a municipal court in his district that has no municipal attorney who is paid a salary in excess of a rate of Three Thousand Six Hundred Dollars (\$3,600.00) per annum.

SECTION 27-131. ORDERS RELATIVE TO PROCEDURES AND PRACTICES BY SUPREME COURT

The Supreme Court is authorized to issue orders of statewide application relative to procedures in and practices before the municipal courts and appeals therefrom, subject to the provisions of this article, and under its general superintending control of all inferior courts, shall have the power and authority by and through the Chief Justice of the Supreme Court, to call annual conferences of the judges of the municipal courts of Oklahoma to consider matters calculated to bring about a speedier and more efficient administration of justice.

State Laws Appendix - Provisions of Selected State Statutes

SECTION 27-132. APPEALS FROM DISTRICT COURT

An appeal may be taken to the Court of Criminal Appeals from the final judgment or order of a district court in an appeal from a final judgment of a municipal court in the same manner and to the same extent that appeals are taken from a district court to the Court of Criminal Appeals.

AN ORDINANCE OF THE Town of Cashier, OKLAHOMA

ORDINANCE NO. 59

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR Town of Cashier, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF Cashier OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING AN ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE AND THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS, AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE TREASURER OF Town of Cashier, OKLAHOMA, AND FOR TRANSFER OF SUCH CONTRIBUTIONS AND FUND ASSETS TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING PENALTIES FOR FRAUD AND DISHONEST CONDUCT, DECLARING FUNDS TO BE EXEMPT FROM ALIENATION AND LEGAL PROCESS; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE Board of Trustees OF Town of Cashier OKLAHOMA.

Section 1. The Employee Retirement System of the Town of Cashier, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on April 4, 1994.

Section 2. The Employee Retirement System of Town of Cashier, Oklahoma, except as modified in the attached Exhibit "A" shall remain in full force and effect according to its original terms and conditions.

Section 3. The City Clerk and Mayor be and they 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. The executed amended document attached hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

Section 4. If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A", is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

Section 5. Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 6. Whereas, in the judgment of the Board of Trustees of Town of Cashion, Oklahoma, the public peace, health, safety, and welfare of the Town of Cashion, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

END

The foregoing ordinance was introduced before the Board of Trustees on the 4th day of April, 1994, and was duly adopted and approved by the Mayor and City Council on the 4th day of April, 1994, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

ATTEST:

Richard Clauson
MAYOR

Cheryl Wheelbarger
CITY CLERK

Approved as to form and legality on March 21, 1994

[Signature]
CITY ATTORNEY

ORDINANCE NO. 99-1

AN ORDINANCE AMENDING THE DEFINED CONTRIBUTION RETIREMENT PLAN OF TOWN OF CASHION, OKLAHOMA, ADMINISTERED BY THE OKLAHOMA MUNICIPAL RETIREMENT FUND TO ADD A NEW SECTION DEALING WITH PARTICIPANT LOANS; PROVIDING GENERAL PROCEDURES FOR PARTICIPANT LOANS, IMPOSING CONDITIONS AND RESTRICTIONS UPON PARTICIPANT LOANS; PROVIDING FOR ESTABLISHMENT OF LOAN ACCOUNT; PROVIDING FOR FORECLOSURE AND RESTRICTIONS; PROVIDING FOR ORDER OF APPLICATION OF ACCOUNT BALANCES TO FUND LOANS; PROVIDING FOR ESTABLISHMENT OF A LOAN PROGRAM; PROVIDING FOR REPEALER AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TRUSTEES OF TOWN OF CASHION, OKLAHOMA, AS FOLLOWS:

Section 1. The Defined Contribution Retirement Plan of TOWN OF CASHION, Oklahoma, is hereby amended to add a new section authorizing participant loans to read as follows:

SECTION 6.13 LOANS TO PARTICIPANTS:

(a) General. The Committee, in its sole discretion, may direct Trustees to make loans to Participants upon the written direction and application of the Participant who desires to effect such loan, up to 50% of the vested balance of a Participant's Accounts. All such loans (i) shall not be made available to Highly Compensated Employees (as defined in Section 414(q) of the Code) in an amount greater than the amount made available to other Employees, (ii) shall be available to all Participants on a nondiscriminatory basis, (iii) shall be made available in an amount equal to the lesser of 50% of the borrowing Participant's vested Benefit in his Account or \$50,000, (iv) shall bear a reasonable rate of interest which will be established by the Committee, (v) shall be secured by the borrowing Participant's Benefit account balance attributable to his Account, (vi) shall be amortized and repaid in level payments of principal and interest made not less frequently than ~~quarterly~~ monthly over the term of the loan, (vii) shall be repaid by payroll reduction while the Participant is employed; (viii) shall accelerate and be due in full on the date a Participant terminates employment with the Employer; (ix) shall not be less than \$1,000 in amount ~~each~~; and (x) shall be made upon such other reasonable terms which the Committee shall designate, such terms being applied in a nondiscriminatory fashion; provided, in no event shall any loan have a term in excess of five years; ~~provided further, the Committee may make a loan with a longer maturity to a Participant if the proceeds of such loan are used to purchase any dwelling which within a reasonable time is to be used (determined by the Committee at the time the loan is made) as a principal residence of the Participant.~~ There shall not be more than two one loans outstanding at any time with respect to a Participant. No Participant who has borrowed from the plan may make another loan until the previous loan has been fully repaid. Outstanding loans are not subject to refinancing by a new loan. Upon direction by the Committee, and subject to Subsection (c) below, the Trustees may foreclose upon such Participant's interest in his Account in the event of default. A loan to a Participant, when added to the outstanding balance of all other loans to the Participant from the Plan and other plans



sponsored by the Employer, cannot exceed \$50,000, reduced by the excess of the highest outstanding balance of loans from the Plan (and all other plans sponsored by the Employer) during the one-year period ending on the day before the date the loan is made over the outstanding balance of the loans from the Plan on the date the loan is made. No distribution of a Benefit shall be made to any Participant, Beneficiary, or the estate of a Participant unless and until all unpaid loans made by the Plan to such Participant together with accrued interest have been paid in full. In determining if any of the foregoing limitations regarding the making of loans to Participants, loans made under all other plans (i) sponsored by the Employer and (ii) qualified under Sections 401(a) and 501(a) of the Code will be considered. All costs and expenses of any loan will be charged to the applicable Accounts of the Participant.

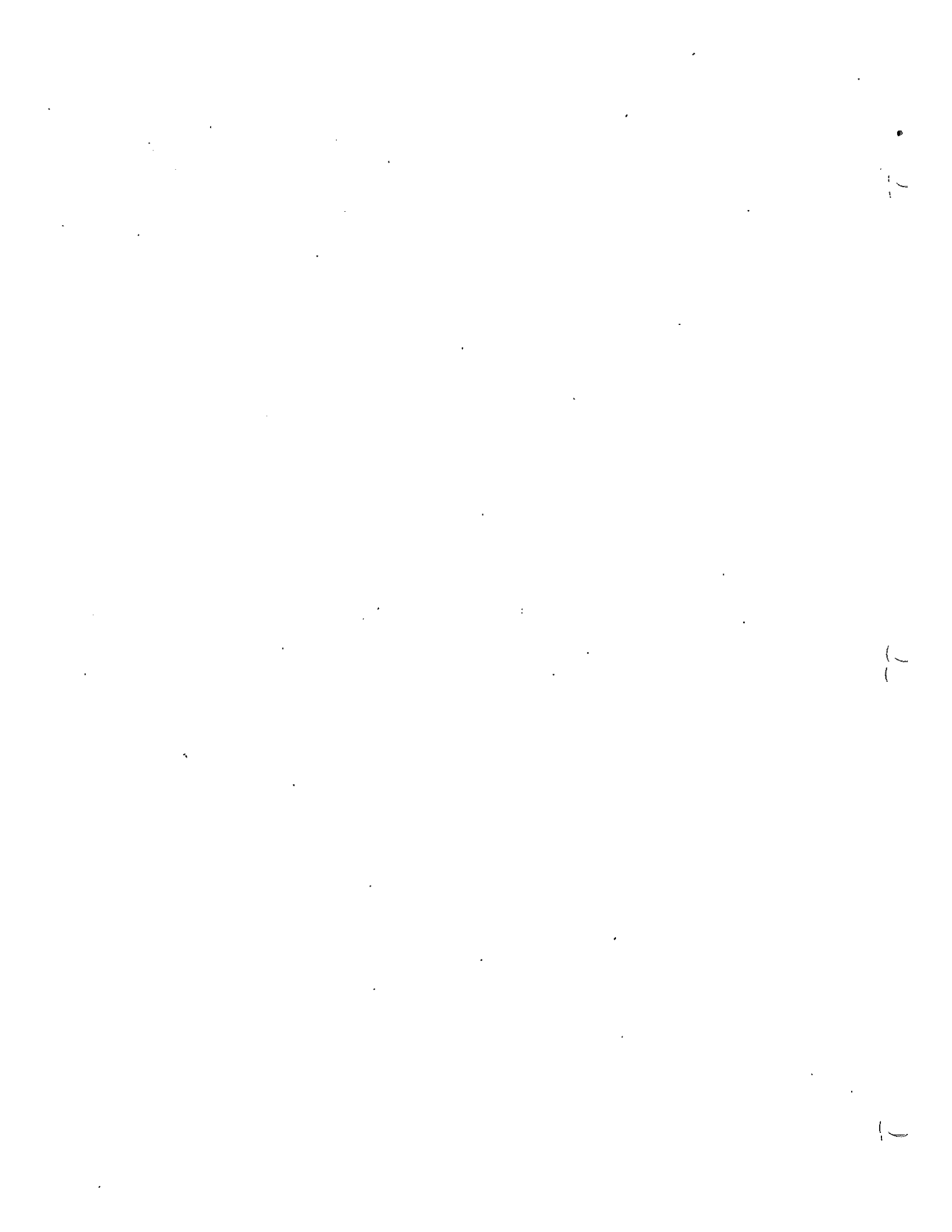
(b) Establishment of Loan Account. At such time as it is determined that a Participant is to receive a loan from the Plan, the loan shall be made from the Participant's applicable Account in the order and precedence indicated hereafter, and such amount shall be deemed to be credited to the Participant's Loan Account with a corresponding debit to occur to his Account as of the first day of the month in which such loan occurs: (i) first, an Account holding Employer contributions, including "rollover contributions" (other than Deferred Compensation Contributions, if applicable); ~~and~~ (ii) second, an Account holding Deferred Compensation Contributions, if applicable; and (iii) third, an Account holding Employer Contributions which the Employer contributed pursuant to the 414(h) of the Internal Revenue Code (Government Pick-up Option). All interest payments to be made pursuant to the terms and provisions of the loan shall be credited to the applicable Account in such a manner so that the Loan Account will reflect unpaid principal and interest from time to time. The earnings attributable to the Loan Account shall be allocable only to the Loan Account of such Participant and shall not be considered as general earnings of the Trust Fund to be allocated to the other Participants therein as provided herein. Other than for the limited purposes of establishing a separate account for the allocation of the interest thereto, a Participant's Loan Account shall, for all other purposes, be considered as part of his applicable Account.

(c) Foreclosure of Loan Account. The Trustees may foreclose upon such Participant's interest in his Account in the event of default under the loan made to the Participant under this Section.

(d) Special Restrictions on Foreclosure. In the event of default under a loan made under this Section, foreclosure under the promissory note evidencing such loan and attachment of the Participant's interest in his applicable Accounts shall occur within a reasonable time following the event of default; provided, with respect to any portion of a loan secured by amounts governed under Section 401(k) of the Code, if applicable, foreclosure on such 401(k) amounts shall not occur until the occurrence of an event described under Section 401(k) of the Code which would otherwise permit a distribution to be made from the Plan.

~~(e) Order of Application of Account Balances to Fund Loan. At the time a Participant requests a loan pursuant to the provisions of this Section, such Participant shall also specify in writing the order that the investment options in which his Account are invested are to be applied to fund his loan after approval by the Committee.~~

(fe) Establishment of Loan Program. The Trustees are hereby authorized and directed to establish a "loan program" (the "Loan Program") and the Trustees are further authorized to delegate to the Committee the duties and responsibilities with regard to the implementation of



the Loan Program as adopted by the Trustees for and on behalf of the Plan. The Loan Program shall be considered to be a part of this Plan for the purposes stated in the Loan Program.

(gf) Loan Account. The words "Loan Account" shall mean a Participant's separate Account established in the event he desires to make a loan from his applicable Account as provided in this Section."

Section 2. All ordinances in conflict herewith are hereby repealed.

Section 3. 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.

Section 4. This ordinance shall become effective on March 1, 1999.

END

The foregoing Ordinance was introduced before the Board of Trustees, on the 1 day of February, 1999, and was duly adopted, and approved by the Board of Trustees, on the 1st day of February, 1999, after notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

Mike Herman
MAYOR/PRESIDENT

ATTEST:

Sherry Stone
CLERK/SECRETARY

Approved as to form and legality on Feb. 8, 1999.

David D.
CITY/TOWN ATTORNEY



AN ORDINANCE OF THE TOWN OF CASHION, OKLAHOMA

ORDINANCE NO. 02-01

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR TOWN OF CASHION, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF TOWN OF CASHION, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; LOSS OF BENEFITS FOR CAUSE AND LIMITATIONS OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENTS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE TREASURER OF TOWN OF CASHION, OKLAHOMA, AND FOR TRANSFER OF SUCH CONTRIBUTIONS AND FUND ASSETS TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY BOARD OF TRUSTEES OF THE TOWN OF CASHION, OKLAHOMA.

Section 1. The Employee Retirement System, Defined Contribution Plan, of the Town of Cashion, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on July 1, 2001.

Section 2. The City Clerk and Mayor be and they 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 hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

Section 3. If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the

remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

Section 4. Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5. Whereas, in the judgment of the Board of Trustees of the Town of Cashion, Oklahoma, the public peace, health, safety, and welfare of the Town of Cashion, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

END

The foregoing ordinance was introduced before the Board of Trustees on the 6th day of August, 2001, and was duly adopted and approved by the Mayor and Board of Trustees on the 6th day of August, 2001, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

ATTEST:

Christy L. Cook
Dep. CITY CLERK

Robin Brown
MAYOR

Approved as to form and legality on Aug 6, 2001.

[Signature]
CITY ATTORNEY

**OKLAHOMA MUNICIPAL RETIREMENT FUND
MASTER DEFINED CONTRIBUTION PLAN
JOINDER AGREEMENT**

Town of Cashion, a city, town, agency, instrumentality, or public trust located in the State of Oklahoma, with its principal office at **Cashion, Oklahoma**, hereby establishes a Defined Contribution Plan to be known as **Town of Cashion Plan** (the "Plan") in the form of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan.

Except as otherwise provided herein, the definitions in Article II of the Plan apply.

1. Dates.

- This instrument is a new Plan effective _____.
- This instrument is an amendment, restatement and continuation of the Previous Plan, which was originally effective January 1, 1993. The effective date of this Joinder Agreement is March 1, 2004, except as otherwise stated in the Plan and the Joinder Agreement. Provided, however, nothing herein shall supercede the provisions of that certain EGTRRA amendment executed as of March 3, 2003.

2. Employee.

The word "Employee" shall mean:

- Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular full-time employee in accordance with the Employer's standard personnel policies and practices, and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular employee in accordance with the Employer's standard personnel policies and practices (including part-time, seasonal and temporary employees), and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- Any person who, on or after the Effective Date, _____.

The word "Employee" shall not include:

Any person who is currently accruing benefits under any other state or local retirement system.

Any person who _____.

3. Eligibility.

Employees shall be eligible to participate in the Plan: (Select only one)

___ months (any number of months up to twelve) after the later of the Employee's Employment Commencement Date or the date the definition of Employee shown above was met.

On the Employee's Employment Commencement Date. (If the Employer has opted out of Old Age and Disability Insurance (OADI), this option must be elected).

4. Plan Design.

The Employer hereby elects the following Plan design:

Pick-up Option. Each Employee shall be required to contribute to the Plan % (not to exceed 10%) of his or her Compensation. These contributions shall be picked up and assumed by the Employer and paid to the Fund in lieu of contributions by the Participant. No Participant shall have the option of receiving the contributed amounts directly as Compensation.

Thrift Plan Option.

A Participant may elect to contribute to the Plan for each Valuation Period an amount which is at least 1%, but no more than 5% (not to exceed 15%) of his Compensation ("Mandatory Contributions"). Mandatory Contributions shall be made by payroll deductions. A Participant shall authorize such deductions in writing on forms approved by, and filed with the Committee. {03-01-04}

The Employer shall contribute to the Fund an amount equal to 100% of the total Mandatory Contributions contributed by Participants.

The Employer contribution together with amounts forfeited, if any, shall be allocated in the proportion which the Mandatory Contributions of each such Participant for such Valuation Period bear to the total Mandatory Contributions contributed by all such Participants for such Valuation Period.

- The Employer shall not contribute to the Fund a percentage of the total Mandatory Contributions contributed by Participants.

- Fixed Contribution. The Employer shall contribute to the Fund an amount which when added to amounts available from Amounts Forfeited in prior periods, if any, shall equal % of the total covered Compensation of all Participants for the Valuation Period. The Employer contribution together with amounts available from Amounts Forfeited in prior periods shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.

- Variable Funding Option.
 - The Employer intends to make a contribution to the Plan for the benefit of the Participants for each Valuation Period. The contribution may be varied from year to year by the Employer. (Select one option below)
 - The Employer contribution together with Amounts Forfeited, if any, shall be allocated in the proportion that each such Participant's total points awarded bear to the total points awarded to all Participants with respect to such year. A Participant shall be awarded one point for each Year of Service.
 - The Employer contribution together with Amounts Forfeited, if any, shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.

- 401(k) Funding Option.

(This Option available only if elected prior to May 1, 1986)

 - Participant Deferral Elections shall be allowed under the provisions of Section 4.9 of the Plan. Participants shall be allowed to defer no more than % of their Compensation for each election period. The election period shall be the one month period preceding each Valuation Period calendar quarter of the Valuation Period.

- No Employer Contribution Option.

5. Other Participant Contribution Options.

- Voluntary Nondeductible Contributions by Participants shall be allowed under the provisions of Section 4.5 of the Plan (but not exceeding 15% of Compensation).
- A Participant may not withdraw Voluntary Nondeductible Contributions.
- Participants shall not contribute to the Plan.

6. Self-Directed Investments.

- Are permitted.
- Are not permitted.

7. Allocation of Forfeitures Available.

- Shall be added to Employer contribution. {03/01/04}
- Shall reduce the Employer contribution.

8. Valuation Date.

Regular valuation dates shall be (select one):

- annual
- semi-annual
- quarterly
- monthly

For purposes of this Adoption Agreement, the words "Valuation Period" means the period of time between two valuation dates.

9. Service for Worker's Compensation Period.

If a Participant is on an Authorized Leave of Absence and is receiving worker's compensation during such Authorized Leave of Absence, such Participant

- shall be credited with Service for such period for purposes of vesting only and not for purposes of allocations of Employer Contributions.
- shall not be credited with Service for such period.

10. Vesting.

For purposes of vesting under Section 6.4 of the Plan, the Employer hereby elects the following Option:

Option A

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 1	0%	100%
at least 1 but less than 2	10%	90%
at least 2 but less than 3	20%	80%
at least 3 but less than 4	30%	70%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
at least 9 but less than 10	90%	10%
10 or more	100%	0%

Option B

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 3	0%	100%
at least 3 but less than 4	20%	80%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	60%	40%
at least 6 but less than 7	80%	20%
7 or more	100%	0%

Option C

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 5	0%	100%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
at least 9 but less than 10	90%	10%
10 or more	100%	0%

Option D

The Schedule indicated below:

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
Immediate Vesting	100%	0%

Option E

To comply with the Internal Revenue Service Regulations promulgated pursuant to the Code Section 3121(b)(7)(F), Participants who are part-time, seasonal or temporary Employees will have immediate vesting.

If this Option E is elected, one of the other Options above must also be elected for Participants who are not part-time, seasonal or temporary Employees).

11. Participant Loans.


Participant loans shall be offered pursuant to Section 6.14 of the Plan.

Participant loans shall not be offered.

12. Committee.

The Committee, consisting of the following members, agrees to administer the Plan pursuant to the provisions thereof.

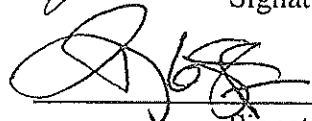
CALVIN REASONER
Name (Please print)


Signature

James D. Wheelberger
Name (Please print)


Signature

RANCE G. STEIN
Name (Please print)


Signature

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Signature

13. The Employer has consulted with and been advised by its attorney concerning the meaning of the provisions of the Plan and the effect of entry into the Plan.

IN WITNESS WHEREOF Town of Cashion has caused its corporate seal to be affixed hereto and this instrument to be duly executed in its name and behalf by its duly authorized officers this 15th day of March, 2007.

Town of Cashion

By: *Phil Pearson*

Title: Mayor

Attest:

Stephanie Clark
Title: Town Clerk/Treasurer

(SEAL)

14. The foregoing Joinder Agreement is hereby approved by the Oklahoma Municipal Retirement Fund this 26th day of March, 2007.

OKLAHOMA MUNICIPAL RETIREMENT FUND

By: *George Welkhus*
Title: Chairman

Attest:

Beth Ann Young
Secretary

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE DEFINED CONTRIBUTION RETIREMENT PLAN OF TOWN OF CASHION, OKLAHOMA, ADMINISTERED BY THE OKLAHOMA MUNICIPAL RETIREMENT FUND TO ADD A NEW SECTION DEALING WITH PARTICIPANT LOANS; PROVIDING GENERAL PROCEDURES FOR PARTICIPANT LOANS, IMPOSING CONDITIONS AND RESTRICTIONS UPON PARTICIPANT LOANS; PROVIDING FOR ESTABLISHMENT OF LOAN ACCOUNT; PROVIDING FOR FORECLOSURE AND RESTRICTIONS; PROVIDING FOR ORDER OF APPLICATION OF ACCOUNT BALANCES TO FUND LOANS; PROVIDING FOR ESTABLISHMENT OF A LOAN PROGRAM; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF TOWN OF CASHION, OKLAHOMA, AS FOLLOWS:

Section 1. The Defined Contribution Retirement Plan of TOWN OF CASHION, Oklahoma, is hereby amended to add a new section authorizing participant loans to read as follows:

"SECTION LOANS TO PARTICIPANTS:

(a) General. The Committee, in its sole discretion, may direct Trustees to make loans to Participants upon the written direction and application of the Participant who desires to effect such loan, up to 50% of the vested balance of a Participant's Accounts. All such loans (i) shall not be made available to Highly Compensated Employees (as defined in Section 414(q) of the Code) in an amount greater than the amount made available to other Employees, (ii) shall be available to all Participants on a nondiscriminatory basis, (iii) shall be made available in an amount equal to the lesser of 50% of the borrowing Participant's vested Benefit in his Account or \$50,000, (iv) shall bear a reasonable rate of interest which will be established by the Committee, (v) shall be secured by the borrowing Participant's Benefit account balance attributable to his Account, (vi) shall be amortized and repaid in level payments of principal and interest made not less frequently than quarterly over the term of the loan, (vii) shall be repaid by payroll reduction while the Participant is employed; (viii) shall accelerate and be due in full on the date a Participant terminates employment with the Employer; (ix) shall not be less than \$1,000 in amount each; and (x) shall be made upon such other reasonable terms which the Committee shall designate, such terms being applied in a nondiscriminatory fashion; provided, in no event shall any loan have a term in excess of five years; provided further, the Committee may make a loan with a longer maturity to a Participant if the proceeds of such loan are used to purchase any dwelling which within a reasonable time is to be

to a Participant if the proceeds of such loan are used to purchase any dwelling which within a reasonable time is to be used (determined by the Committee at the time the loan is made) as a principal residence of the Participant. There shall not be more than two loans outstanding at any time with respect to a Participant. Upon direction by the Committee, and subject to Subsection (c) below, the Trustees may foreclose upon such Participant's interest in his Account in the event of default. A loan to a Participant, when added to the outstanding balance of all other loans to the Participant from the Plan and other plans sponsored by the Employer, cannot exceed \$50,000, reduced by the excess of the highest outstanding balance of loans from the Plan (and all other plans sponsored by the Employer) during the one-year period ending on the day before the date the loan is made over the outstanding balance of the loans from the Plan on the date the loan is made. No distribution of a Benefit shall be made to any Participant, Beneficiary, or the estate of a Participant unless and until all unpaid loans made by the Plan to such Participant together with accrued interest have been paid in full. In determining if any of the foregoing limitations regarding the making of loans to Participants, loans made under all other plans (i) sponsored by the Employer and (ii) qualified under Sections 401(a) and 501(a) of the Code will be considered. All costs and expenses of any loan will be charged to the applicable Accounts of the Participant.

(b) Establishment of Loan Account. At such time as it is determined that a Participant is to receive a loan from the Plan, the loan shall be made from the Participant's applicable Account in the order and precedence indicated hereafter, and such amount shall be deemed to be credited to the Participant's Loan Account with a corresponding debit to occur to his Account as of the first day of the month in which such loan occurs: (i) first, an Account holding Employer contributions, including "rollover contributions" (other than Deferred Compensation Contributions, if applicable); and (ii) second, an Account holding Deferred Compensation Contributions, if applicable. All interest payments to be made pursuant to the terms and provisions of the loan shall be credited to the applicable Account in such a manner so that the Loan Account will reflect unpaid principal and interest from time to time. The earnings attributable to the Loan Account shall be allocable only to the Loan Account of such Participant and shall not be considered as general earnings of the Trust Fund to be allocated to the other Participants therein as provided herein. Other than for the limited purposes of establishing a separate account for the allocation of the interest thereto, a Participant's Loan Account shall, for all other purposes, be considered as part of his applicable Account.

(c) Foreclosure of Loan Account. The Trustees may foreclose upon such Participant's interest in his Account in

the event of default under the loan made to the Participant under this Section.

(d) Special Restrictions on Foreclosure. In the event of default under a loan made under this Section, foreclosure under the promissory note evidencing such loan and attachment of the Participant's interest in his applicable Accounts shall occur within a reasonable time following the event of default; provided, with respect to any portion of a loan secured by amounts governed under Section 401(k) of the Code, if applicable, foreclosure on such 401(k) amounts shall not occur until the occurrence of an event described under Section 401(k) of the Code which would otherwise permit a distribution to be made from the Plan.

(e) Order of Application of Account Balances to Fund Loan. At the time a Participant requests a loan pursuant to the provisions of this Section, such Participant shall also specify in writing the order that the investment options in which his Account are invested are to be applied to fund his loan after approval by the Committee.

(f) Establishment of Loan Program. The Trustees are hereby authorized and directed to establish a "loan program" (the "Loan Program") and the Trustees are further authorized to delegate to the Committee the duties and responsibilities with regard to the implementation of the Loan Program as adopted by the Trustees for and on behalf of the Plan. The Loan Program shall be considered to be a part of this Plan for the purposes stated in the Loan Program.

(g) Loan Account. The words "Loan Account" shall mean a Participant's separate Account established in the event he desires to make a loan from his applicable Account as provided in this Section."

Section 2. All ordinances in conflict herewith are hereby repealed.

Section 3. 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.

Section 4. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the TOWN OF CASHION, Oklahoma, and the inhabitants

thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

END

The foregoing Ordinance was introduced before the Board of Cashier & Justice, on the 2 day of June, 1997, and was duly adopted and approved by the Board of Justice, on the 2 day of June, 1997, after notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

Mike W. Hermon
MAYOR/PRESIDENT

ATTEST:

Shirley Stone
CLERK/SECRETARY

Approved as to form and legality on June 19, 1997.

David Dan
~~CITY~~TOWN ATTORNEY

AN ORDINANCE OF THE TOWN OF CASHION, OKLAHOMA

ORDINANCE NO. ~~01~~⁰¹-01

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR TOWN OF CASHION, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF TOWN OF CASHION, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; LOSS OF BENEFITS FOR CAUSE AND LIMITATIONS OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENTS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE TREASURER OF TOWN OF CASHION, OKLAHOMA, AND FOR TRANSFER OF SUCH CONTRIBUTIONS AND FUND ASSETS TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY BOARD OF TRUSTEES OF THE TOWN OF CASHION, OKLAHOMA.

Section 1. The Employee Retirement System, Defined Contribution Plan, of the Town of Cashion, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on July 1, 2001.

Section 2. The City Clerk and Mayor be and they 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 hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

Section 3. If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the



remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

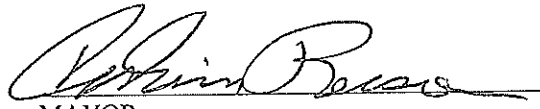
Section 4. Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.


Section 5. Whereas, in the judgment of the Board of Trustees of the Town of Cashion, Oklahoma, the public peace, health, safety, and welfare of the Town of Cashion, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

END

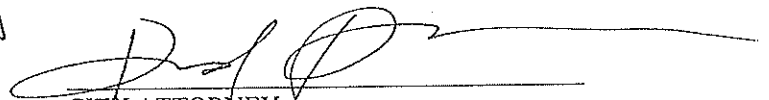
The foregoing ordinance was introduced before the Board of Trustees on the 6th day of August, 2001, and was duly adopted and approved by the Mayor and Board of Trustees on the 6th day of August, 2001, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

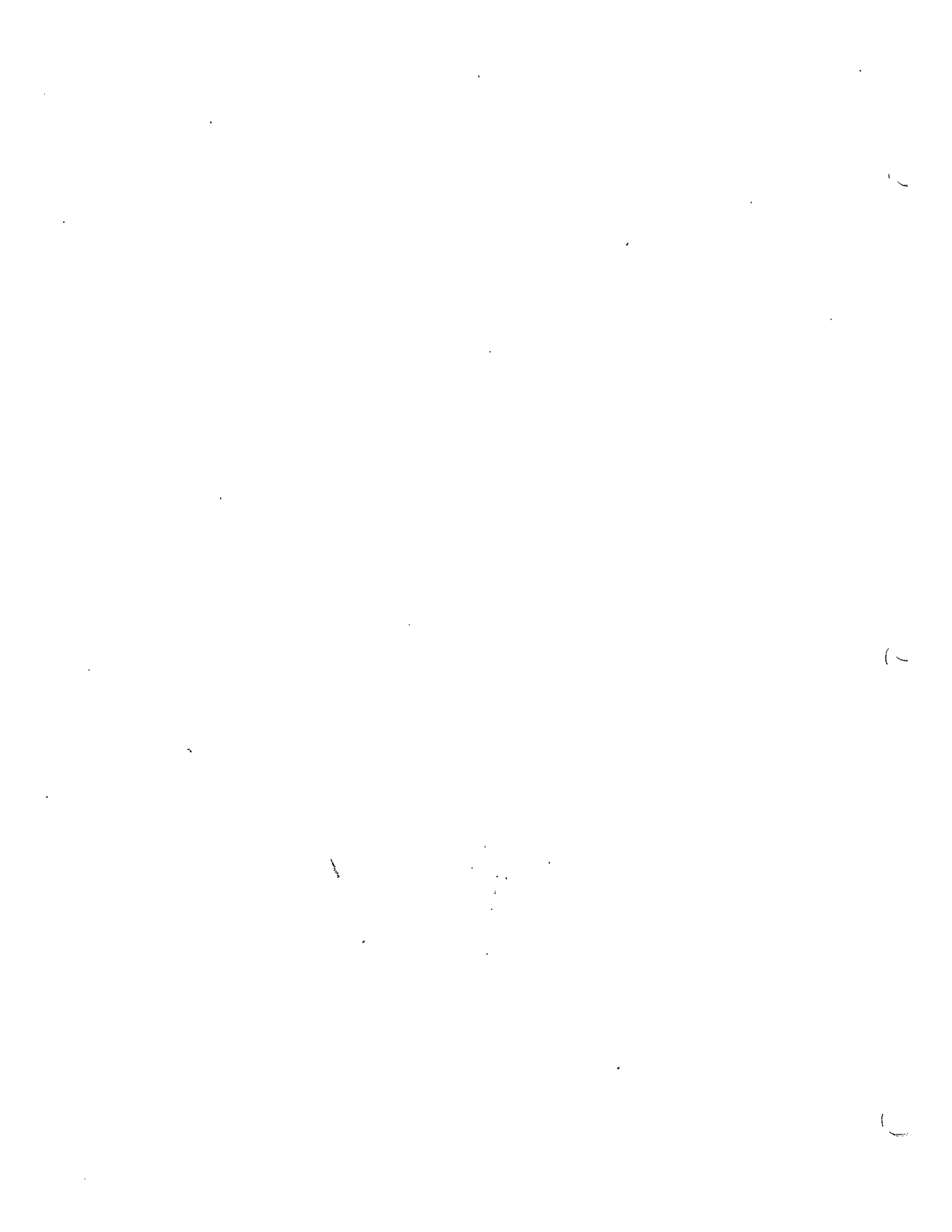
ATTEST:


MAYOR

Dep. 
CITY CLERK

Approved as to form and legality on Aug 6, 2000.


CITY ATTORNEY



**OKLAHOMA MUNICIPAL RETIREMENT FUND
MASTER DEFINED CONTRIBUTION PLAN
JOINDER AGREEMENT**

Town of Cashion, a city, town, agency, instrumentality, or public trust located in the State of Oklahoma, with its principal office at **Cashion**, Oklahoma, hereby establishes a Defined Contribution Plan to be known as **Town of Cashion Plan** (the "Plan") in the form of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan.

Except as otherwise provided herein, the definitions in Article II of the Plan apply.

1. Dates.

- This instrument is a new Plan effective _____.
- This instrument is an amendment, restatement and continuation of the Previous Plan, which was originally effective January 1, 1993. This instrument is intended to conform to the changes required by the Tax Reform Act of 1986, the Omnibus Budget Reconciliation Act of 1986, the Omnibus Budget Reconciliation Act of 1987, the Unemployment Compensation Amendments of 1992, the Uniformed Service Employment and Reemployment Rights Act of 1994, the Uruguay Round Agreements Act of 1993, the Small Business Job Protection Act of 1996, the Taxpayer Relief Act of 1997 and other applicable laws, regulations, and administrative authority. Therefore, the effective date of this Joinder Agreement is July 1, 2001, except as otherwise stated in the Plan and the Joinder Agreement.

2. Employee.

The word "Employee" shall mean:

- Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular full-time employee in accordance with the Employer's standard personnel policies and practices, and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular employee in accordance with the Employer's standard personnel policies and practices (including part-time, seasonal and temporary employees), and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.

Any person who, on or after the Effective Date, _____.

The word "Employee" shall not include:

Any person who is currently accruing benefits under any other state or local retirement system.

Any person who _____.

3. Eligibility.

Employees shall be eligible to participate in the Plan: (Select only one)

___ months (any number of months up to twelve) after the later of the Employee's Employment Commencement Date or the date the definition of Employee shown above was met.

On the Employee's Employment Commencement Date. (If the Employer has opted out of Old Age and Disability Insurance (OADI), this option must be elected).

4. Plan Design.

The Employer hereby elects the following Plan design:

Pick-up Option. Each Employee shall be required to contribute to the Plan ___% (not to exceed 10%) of his or her Compensation. These contributions shall be picked up and assumed by the Employer and paid to the Fund in lieu of contributions by the Participant. No Participant shall have the option of receiving the contributed amounts directly as Compensation.

Thrift Plan Option.

A Participant may elect to contribute to the Plan for each Valuation Period an amount which is at least 1%, but no more than 3% (not to exceed 15%) of his Compensation ("Mandatory Contributions"). Mandatory Contributions shall be made by payroll deductions. A Participant shall authorize such deductions in writing on forms approved by, and filed with the Committee.

The Employer shall contribute to the Fund an amount equal to 100% of the total Mandatory Contributions contributed by Participants.

The Employer contribution together with amounts forfeited, if any, shall be allocated in the proportion which the Mandatory Contributions of each such Participant for such Valuation Period bear to the total Mandatory Contributions contributed by all such Participants for such Valuation Period.

The Employer shall not contribute to the Fund a percentage of the total Mandatory Contributions contributed by Participants.

Fixed Contribution. The Employer shall contribute to the Fund an amount which when added to amounts available from Amounts Forfeited in prior periods, if any, shall equal % of the total covered Compensation of all Participants for the Valuation Period. The Employer contribution together with amounts available from Amounts Forfeited in prior periods shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.

Variable Funding Option.

The Employer intends to make a contribution to the Plan for the benefit of the Participants for each Valuation Period. The contribution may be varied from year to year by the Employer.
(Select one option below)

The Employer contribution together with Amounts Forfeited, if any, shall be allocated in the proportion that each such Participant's total points awarded bear to the total points awarded to all Participants with respect to such year. A Participant shall be awarded one point for each Year of Service.

The Employer contribution together with Amounts Forfeited, if any, shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.

401(k) Funding Option.

(This Option available only if elected prior to May 1, 1986)

Participant Deferral Elections shall be allowed under the provisions of Section 4.9 of the Plan. Participants shall be allowed to defer no more than % of their Compensation for each election period. The election period shall be the one month period preceding each Valuation Period calendar quarter of the Valuation Period.

No Employer Contribution Option.

5. Other Participant Contribution Options.

- Voluntary Nondeductible Contributions by Participants shall be allowed under the provisions of Section 4.5 of the Plan (but not exceeding 15% of Compensation).
- A Participant may not withdraw Voluntary Nondeductible Contributions.
- Participants shall not contribute to the Plan.

6. Self-Directed Investments.

- Are permitted.
- Are not permitted.

7. Allocation of Forfeitures Available.

- Shall be added to Employer contribution.
- Shall reduce the Employer contribution.

8. Valuation Date.

Regular valuation dates shall be (select one):

- annual
- semi-annual
- quarterly
- monthly

For purposes of this Adoption Agreement, the words "Valuation Period" means the period of time between two valuation dates.

9. Service for Worker's Compensation Period.

If a Participant is on an Authorized Leave of Absence and is receiving worker's compensation during such Authorized Leave of Absence, such Participant

- shall be credited with Service for such period for purposes of vesting only and not for purposes of allocations of Employer Contributions.
- shall not be credited with Service for such period.

10. Vesting.

For purposes of vesting under Section 6.4 of the Plan, the Employer hereby elects the following Option:

Option A

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 1	0%	100%
at least 1 but less than 2	10%	90%
at least 2 but less than 3	20%	80%
at least 3 but less than 4	30%	70%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
at least 9 but less than 10	90%	10%
10 or more	100%	0%

Option B

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 3	0%	100%
at least 3 but less than 4	20%	80%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	60%	40%
at least 6 but less than 7	80%	20%
7 or more	100%	0%

Option C

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 5	0%	100%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
at least 9 but less than 10	90%	10%
10 or more	100%	0%

Option D

The Schedule indicated below:

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
-------------------------	------------------------------	---------------------------------

Option E

To comply with the Internal Revenue Service Regulations promulgated pursuant to the Code Section 3121(b)(7)(F), Participants who are part-time, seasonal or temporary Employees will have immediate vesting.

If this Option E is elected, one of the other Options above must also be elected for Participants who are not part-time, seasonal or temporary Employees).

11. Participant Loans.

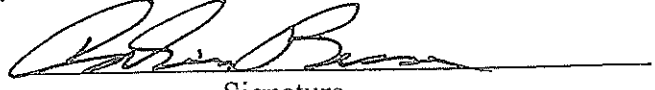
Participant loans shall be offered pursuant to Section 6.14 of the Plan.

Participant loans shall not be offered.

12. Committee.

The Committee, consisting of the following members, agrees to administer the Plan pursuant to the provisions thereof.

CALVIN REASONER
Name (Please print)


Signature

James D. Wheelbarger
Name (Please print)


Signature

Name (Please print)

Signature

Name (Please print)

Signature

Name (Please print)

Signature

Name (Please print)

Signature

Name (Please print)

Signature

Name (Please print)

Signature

Name (Please print)

Signature

Name (Please print)

Signature

13. The Employer has consulted with and been advised by its attorney concerning the meaning of the provisions of the Plan and the effect of entry into the Plan.

IN WITNESS WHEREOF Town of Cashion has caused its corporate seal to be affixed hereto and this instrument to be duly executed in its name and behalf by its duly authorized officers this 6th day of August, 2001.

Town of Cashion

By: *Robin Pearson*

Title: *Mayor*

Attest:

Kristy Cook
Title: *Town Clerk*

(SEAL)

14. The foregoing Joinder Agreement is hereby approved by the Oklahoma Municipal Retirement Fund this 26 day of April 2002

OKLAHOMA MUNICIPAL RETIREMENT FUND

By: *George Wilkinson*
Title: *Chairman*

Attest:

Burtha Ann Young
Secretary

(SEAL)

AN ORDINANCE OF THE TOWN OF CASHION, OKLAHOMA

ORDINANCE NO. 03-01

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN OF THE TOWN OF CASHION, OKLAHOMA, PROVIDING FOR EFFECTIVE DATE, LIMITATIONS ON CONTRIBUTIONS, INCREASE IN COMPENSATION LIMITS, ROLLOVER OF PLAN DISTRIBUTIONS, ROLLOVER FROM OTHER PLANS, AND REQUIRED MINIMUM DISTRIBUTIONS; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CASHION, OKLAHOMA:

Section 1. The Employee Retirement System, Defined Contribution Plan of the Town of Cashion, Oklahoma, is hereby amended as shown on the attached Exhibit "A", which is incorporated herein by reference.

Section 2. All ordinances in conflict herewith are hereby repealed.

Section 3. 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.

Section 4. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the Town of Cashion and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

END

The foregoing ordinance was introduced before the Cashion Board of Trustees on the 3rd day of March, 2003, and was duly adopted and approved by the Mayor and Board of Trustees of the Town of Cashion on the 3rd day of March, 2003, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

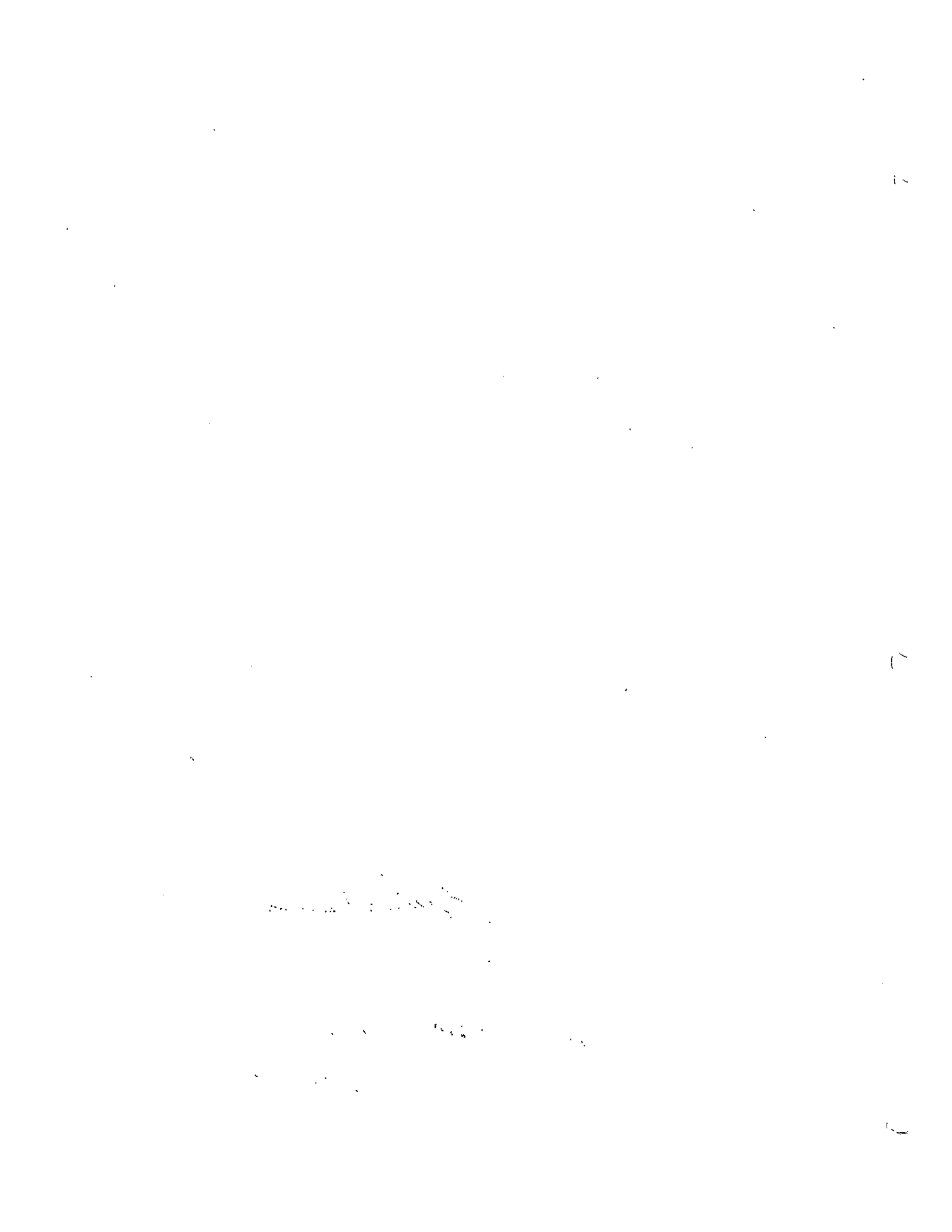
ATTEST:

Elizabeth Heston
CITY CLERK

Cecil Brown
MAYOR

Approved as to form and legality on March 20, 2003

David D.
CITY ATTORNEY



**EGTRRA AMENDMENT AND REQUIRED MINIMUM
DISTRIBUTION AMENDMENT TO THE
TOWN OF CASHION PLAN**

Pursuant to authority vested in the undersigned, the **Town of Cashion Plan** (the "Plan") is hereby amended as set forth below. This amendment (the "Amendment") of the Plan is adopted to reflect certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") and final regulations promulgated under Section 401(a)(9) of the Internal Revenue Code of 1986 concerning Required Minimum Distributions from the Plan.

PREAMBLE

1. Adoption and Effective Date of Amendment. This Amendment is intended as good faith compliance with the requirements of EGTRRA and is to be construed in accordance with EGTRRA and guidance issued thereunder. Except as otherwise provided, this Amendment shall be effective as of the first day of the first Plan Year beginning after December 31, 2001.
2. Supersession of Inconsistent Provisions. This Amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment.

SECTION 1. LIMITATIONS ON CONTRIBUTIONS

1. Effective Date. This Section shall be effective for limitation years beginning after December 31, 2001.
2. Maximum Annual Addition. Except to the extent permitted under Section 6 of this Amendment and Section 414(v) of the Code, if applicable, the annual addition that may be contributed or allocated to a Participant's Account under the Plan for any limitation year shall not exceed the lesser of:
 - (a) \$40,000, as adjusted for increases in the cost-of-living under Section 415(d) of the Code, or
 - (b) 100% of the Participant's Compensation, within the meaning of Section 415(c)(3) of the Code, for the limitation year.

The compensation limit referred to in (b) shall not apply to any contribution for medical benefits after separation from service (within the meaning of Section 401(h) or Section 419A(f)(2) of the Code) which is otherwise treated as an annual addition.

SECTION 2. INCREASE IN COMPENSATION LIMIT

1. The annual compensation of each Participant taken into account in determining allocations for any Plan Year beginning after December 31, 2001, shall not exceed \$200,000, as adjusted for cost-of-living increases in accordance with Section 401(a)(17)(B) of the Code. Annual compensation means compensation during the Plan Year or such other consecutive 12-month period over which compensation is otherwise determined under the Plan (the determination period). The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year.

SECTION 3. DIRECT ROLLOVERS OF PLAN DISTRIBUTIONS

1. Effective Date. This Section shall apply to distributions made after December 31, 2001.
2. Modification of Definition of Eligible Retirement Plan. For purposes of the direct rollover provisions in Section 9.6 of the Plan, an eligible retirement plan shall also mean an annuity contract described in Section 403(b) of the Code and an eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in Section 414(p) of the Code.

3. Modification of Definition of Eligible Rollover Distribution to Include After-Tax Employee Contributions. For purposes of the direct rollover provisions in Section 9.6 of the Plan, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

SECTION 4. ROLLOVERS FROM OTHER PLANS

1. If provided by the Employer in Subsection 2, 3 or 4 below, the Plan will accept Participant rollover contributions and/or direct rollovers of distributions made after December 31, 2001, from the types of plans specified below, beginning on the effective date specified in Subsection 5 below.

2. Direct Rollovers:

The Plan will accept a direct rollover of an eligible rollover distribution from: (Check each that applies or none.)

a qualified plan described in Section 401(a) or 403(a) of the Code, excluding after-tax employee contributions.

a qualified plan described in Section 401(a) or 403(a) of the Code, including after-tax employee contributions.

an annuity contract described in Section 403(b) of the Code, excluding after-tax employee contributions.

an eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.

3. Participant Rollover Contributions from Other Plans:

The Plan will accept a Participant contribution of an eligible rollover distribution from: (Check each that applies or none.)

a qualified plan described in Section 401(a) or 403(a) of the Code.

an annuity contract described in Section 403(b) of the Code.

an eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.

4. Participant Rollover Contributions from IRAs:

The Plan: (Choose one.)

will

will not

accept a Participant rollover contribution of the portion of a distribution from an individual retirement account or annuity described in Section 408(a) or 408(b) of the Code that is eligible to be rolled over and would otherwise be includible in gross income.

5. Effective Date of Direct Rollover and Participant Rollover Contribution Provisions:

Subsection 2, 3 and 4, Rollovers From Other Plans, shall be effective January 1, 2002

SECTION 5. REQUIRED MINIMUM DISTRIBUTIONS

1. General Rules.

- 1.1. Effective Date. The provisions of this Section 8 will apply for purposes of determining Required Minimum Distributions for distribution calendar years beginning with the 2003 calendar year, as well as Required Minimum Distributions for the 2002 Distribution Calendar Years that are made on or after August 1, 2002.
- 1.2. Coordination with Minimum Distribution Requirements Previously in Effect. If this Section specifies an effective date that is earlier than calendar years beginning with the 2003 calendar year, Required Minimum Distributions for 2002 under this Section will be determined as follows. If the total amount of 2002 Required Minimum Distributions under the Plan made to the distributee prior to the effective date of this Section equals or exceeds the Required Minimum Distributions determined under this Section, then no additional distributions will be required to be made for 2002 on or after such date to the distributee. If the total amount of 2002 Required Minimum Distributions under the Plan made to the distributee prior to the effective date of this Section is less than the amount determined under this Section, then Required Minimum Distributions for 2002 on and after such date will be determined so that the total amount of Required Minimum Distributions for 2002 made to the distributee will be the amount determined under this Section.
- 1.3. Precedence. The requirements of this Section will take precedence over any inconsistent provisions of the Plan.
- 1.4. Requirements of Treasury Regulations Incorporated. All distributions required under this Section will be determined and made in accordance with the Treasury regulations under Section 401(a)(9) of the Internal Revenue Code.
- 1.5. TEFRA Section 242(b)(2) Elections. Notwithstanding the other provisions of this Section, distributions may be made under a designation made before January 1, 1984, in accordance with Section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the Plan that relate to Section 242(b)(2) of TEFRA.

2. Time and Manner of Distribution.

- 2.1. Required Beginning Date. The Participant's entire interest will be distributed, or begin to be distributed, to the Participant no later than the Participant's Required Beginning Date.
- 2.2. Death of Participant Before Distributions Begin. If the Participant dies before distributions begin, the Participant's entire interest will be distributed, or begin to be distributed, no later than as follows:
 - (a) If the Participant's surviving spouse is the Participant's sole designated beneficiary, then, distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained age 70½, if later.
 - (b) If the Participant's surviving spouse is not the Participant's sole designated beneficiary, then, distributions to the designated beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died.
 - (c) If there is no designated beneficiary as of September 30 of the year following the year of the Participant's death, the Participant's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

- (d) If the Participant's surviving spouse is the Participant's sole designated beneficiary and the surviving spouse dies after the Participant but before distributions to the surviving spouse begin, this Subsection 2.2, other than Subsection 2.2(a), will apply as if the surviving spouse were the Participant.

For purposes of this Subsection 2.2 and Subsection 4, unless Subsection 2.2(d) applies, distributions are considered to begin on the Participant's Required Beginning Date. If Subsection 2.2(d) applies, distributions are considered to begin on the date distributions are required to begin to the surviving spouse under Subsection 2.2(a). If distributions under an annuity purchased from an insurance company irrevocably commence to the Participant before the Participant's Required Beginning Date (or to the Participant's surviving spouse before the date distributions are required to begin to the surviving spouse under Section 2.2(a)), the date distributions are considered to begin is the date distributions actually commence.

- 2.3. Forms of Distribution. Unless the Participant's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the Required Beginning Date, as of the first distribution calendar year distributions will be made in accordance with Subsections 3 and 4 of this Section. If the Participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Section 401(a)(9) of the Code and the Treasury regulations.

3. Required Minimum Distributions During Participant's Lifetime.

- 3.1. Amount of Required Minimum Distribution For Each Distribution Calendar Year. During the Participant's lifetime, the minimum amount that will be distributed for each distribution calendar year is the lesser of:

- (a) the quotient obtained by dividing the Participant's account balance by the distribution period in the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury regulations, using the Participant's age as of the Participant's birthday in the distribution calendar year; or
- (b) if the Participant's sole designated beneficiary for the distribution calendar year is the Participant's spouse, the quotient obtained by dividing the Participant's account balance by the number in the Joint and Last Survivor Table set forth in Section 1.401(a)(9)-9 of the Treasury regulations, using the Participant's and spouse's attained ages as of the Participant's and spouse's birthdays in the distribution calendar year.

- 3.2. Lifetime Required Minimum Distributions Continue Through Year of Participant's Death. Required minimum distributions will be determined under this Subsection 3 beginning with the first distribution calendar year and up to and including the distribution calendar year that includes the Participant's date of death.

4. Required Minimum Distributions After Participant's Death.

- 4.1. Death On or After Date Distributions Begin.

- (a) Participant Survived by Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is a designated beneficiary, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's account balance by the longer of the remaining life expectancy of the Participant or the remaining life expectancy of the Participant's designated beneficiary, determined as follows:

- (1) The Participant's remaining life expectancy is calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.
 - (2) If the Participant's surviving spouse is the Participant's sole designated beneficiary, the remaining life expectancy of the surviving spouse is calculated for each distribution calendar year after the year of the Participant's death using the surviving spouse's age as of the spouse's birthday in that year. For distribution calendar years after the year of the surviving spouse's death, the remaining life expectancy of the surviving spouse is calculated using the age of the surviving spouse as of the spouse's birthday in the calendar year of the spouse's death, reduced by one for each subsequent calendar year.
 - (3) If the Participant's surviving spouse is not the Participant's sole designated beneficiary, the designated beneficiary's remaining life expectancy is calculated using the age of the beneficiary in the year following the year of the Participant's death, reduced by one for each subsequent year.
- (b) No Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is no designated beneficiary as of September 30 of the year after the year of the Participant's death, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's account balance by the Participant's remaining life expectancy calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.

4.2. Death Before Date Distributions Begin.

- (a) Participant Survived by Designated Beneficiary. If the Participant dies before the date distributions begin and there is a designated beneficiary, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's account balance by the remaining life expectancy of the Participant's designated beneficiary, determined as provided in Section 4.1.
- (b) No Designated Beneficiary. If the Participant dies before the date distributions begin and there is no designated beneficiary as of September 30 of the year following the year of the Participant's death, distribution of the Participant's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.
- (c) Death of Surviving Spouse Before Distributions to Surviving Spouse Are Required to Begin. If the Participant dies before the date distributions begin, the Participant's surviving spouse is the Participant's sole designated beneficiary, and the surviving spouse dies before distributions are required to begin to the surviving spouse under Subsection 2.2(a), this Subsection 4.2 will apply as if the surviving spouse were the Participant.

5. Definitions.

- 5.1. Designated beneficiary. The individual who is designated as the beneficiary under Section 6.11 of the Plan and is the designated beneficiary under Section 401(a)(9) of the Internal Revenue Code and Section 1.401(a)(9)-1, Q&A-4, of the Treasury regulations.
- 5.2. Distribution calendar year. A calendar year for which a minimum distribution is required. For distributions beginning before the Participant's death, the first distribution

calendar year is the calendar year immediately preceding the calendar year which contains the Participant's Required Beginning Date. For distributions beginning after the Participant's death, the first distribution calendar year is the calendar year in which distributions are required to begin under Subsection 2.2. The Required Minimum Distribution for the Participant's first distribution calendar year will be made on or before the Participant's Required Beginning Date. The Required Minimum Distribution for other distribution calendar years, including the Required Minimum Distribution for the distribution calendar year in which the Participant's Required Beginning Date occurs, will be made on or before December 31 of that distribution calendar year.

- 5.3. Life expectancy. Life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the Treasury regulations.
- 5.4. Participant's account balance. The account balance as of the last valuation date in the calendar year immediately preceding the distribution calendar year (valuation calendar year) increased by the amount of any contributions made and allocated or forfeitures allocated to the account balance as of dates in the valuation calendar year after the valuation date and decreased by distributions made in the valuation calendar year after the valuation date. The account balance for the valuation calendar year includes any amounts rolled over or transferred to the Plan either in the valuation calendar year or in the distribution calendar year if distributed or transferred in the valuation calendar year.
- 5.5 Required Beginning Date. The date specified in the Plan.

Except as otherwise provided in this Amendment, the Plan is hereby ratified and confirmed in all respects.

EXECUTED as of the 3rd day of March, 2003.

TOWN OF CASHION,

By: 

Title: 

5. Other Participant Contribution Options.

- A Participant may withdraw Voluntary Deductible Contributions as set forth in Section 6.8(a) of the Plan.
- A Participant may not withdraw Voluntary Deductible Contributions.
- Voluntary Nondeductible Contributions by Participants shall be allowed under the provisions of Section 4.5 of the Plan.
- Participants shall not contribute to the Plan.

6. Self-Directed Investments.

- Are permitted.
- Are not permitted.

7. Allocation of Contributions. Any Participant who received Compensation from the Employer during the Valuation Period;

- shall share in the Employer's contribution for that Valuation period, if not employed on the last day of the Valuation Period.
- shall not share in the Employer's contribution for that Valuation period, if not employed on the last day of the Valuation Period. (Exception for termination due to Death, Disability or Retirement.)

8. Allocation of Forfeitures.

- Shall be added to Employer contribution.
- Shall reduce the Employer contribution.

9. Valuation Date.

Regular valuation dates shall be (select one):

- annual
- semi-annual
- quarterly
- monthly

For purposes of this Adoption Agreement, Valuation Period means the period of time between two valuation dates.

10. Vesting.

For purposes of vesting under Section 6.4 of the Plan, the employer hereby elects the following Option:

(a) Option A

This option will apply to all employees who are not considered part-time, seasonal or temporary (IRC 3121):

<u>Year of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 1	0%	100%
1 but less than 2	10	90
2 but less than 3	20	80
3 but less than 4	30	70
4 but less than 5	40	60
5 but less than 6	50	50
6 but less than 7	60	40
7 but less than 8	70	30
8 but less than 9	80	20
9 but less than 10	90	10
10 or more	100	0

(b) [] Option B

This option will apply to all employees who are not considered part-time, seasonal or temporary (IRC 3121):

<u>Year of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 5	0%	100%
5 but less than 6	25	75
6 but less than 7	30	70
7 but less than 8	35	65
8 but less than 9	40	60
9 but less than 10	45	55
10 but less than 11	50	50
11 but less than 12	60	40
12 but less than 13	70	30
13 but less than 14	80	20
14 but less than 15	90	10
15 or more	100	0

(c) [XX] Option C.

This option will apply to all employees who are not considered part-time, seasonal or temporary (IRC 3121):

<u>Year of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 5	0%	100%
5 but less than 6	50	50
6 but less than 7	60	40
7 but less than 8	70	30
8 but less than 9	80	20
9 but less than 10	90	10
10 or more	100	0

(d) Option D

This option will apply to all employees who are not considered part-time, seasonal or temporary (IRC 3121):

The Schedule indicated below:

(e) Option E

To comply with the Internal Revenue Service Regulations promulgated pursuant to the Internal Revenue Code Section 3121(b)(7)(F), part-time, seasonal and temporary employees will have immediate vesting.

11. Committee.

The Committee, consisting of the following members, agrees to administer the Plan and Trust pursuant to the provisions thereof.

Calvin Reasoner
Name (Please print)

Calvin Reasoner
Signature

Richard Claussen
Name (Please print)

Richard Claussen
Signature

Joe Lamm
Name (Please print)

Joe Lamm
Signature

Name (Please print)

Signature

Name (Please print)

Signature

Name (Please print)

Signature

Name (Please print)

Signature

Name (Please print)

Signature

Name (Please print)

Signature

12. The Employer has consulted with and been advised by its attorney concerning the meaning of the provisions of the Plan and Trust Agreements and the effect of entry into the Plan and Trust.

IN WITNESS WHEREOF Town of Cashion
has caused its corporate seal to be affixed hereto and this instrument to be duly executed in its name and behalf by its duly authorized officers this 4th day of January, 1993.

Town of Cashion
(Name of Employer)

By: [Signature]

Title: Mayor

Attest:

[Signature]
Title Clerk

(SEAL)

13. The foregoing Joinder Agreement is hereby approved by The Oklahoma Municipal Retirement System this 29th day of January, 1993.

THE OKLAHOMA MUNICIPAL
RETIREMENT SYSTEM

By: [Signature]

Title: Chairman

Attest:

[Signature]
Assistant Secretary

(SEAL)

RESOLUTION NO. 2-1992-93

A RESOLUTION OF Town of Cashion ADOPTING BY REFERENCE THE TRUST INDENTURE TITLED, "OKLAHOMA MUNICIPAL RETIREMENT FUND" AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE AGREEMENT TO POOL FUNDS WITH OTHER OKLAHOMA CITIES AND TOWNS FOR PURPOSES OF ADMINISTRATION, INVESTMENT, AND MANAGEMENT.

WHEREAS, the City Council of Town of Cashion has heretofore adopted an Employee Retirement System by Ordinance No 56, dated January 4, 1993; and

WHEREAS, the City Council of Town of Cashion has determined that it is advisable to enter into a pooling agreement with the Oklahoma Municipal Retirement Fund, a public trust, for purposes of administration, investment, and management of the funds of the Employee Retirement System of Town of Cashion.

NOW, THEREFORE, BE IT RESOLVED by City Council of Town of Cashion that the Mayor and Clerk of the Town of Cashion are hereby authorized to enter into the agreement for pooling of funds, same being attached hereto as Appendix B and incorporated herein by reference, effective as of January 1, 1993.

BE IT FURTHER RESOLVED that the Trust Indenture of the Oklahoma Municipal Retirement Fund, a public trust, is hereby adopted, accepted, and approved, same being attached hereto as Appendix C and incorporated herein by reference, effective as of January 1, 1993.

Passed and approved by the City Council of the Town of Cashion this day of Jan. 4, 1993;

ATTEST:


MAYOR


CLERK

AGREEMENT

THIS AGREEMENT made and entered into this 24th day of June, 1966, by and between the City of Shawnee, Oklahoma, and the City of Ada, Oklahoma, both duly organized municipal corporations in and of the State of Oklahoma,

WITNESSETH:

WHEREAS, Each of the parties hereto has established or will establish a retirement fund and system for the benefit of its employees which are not now provided for by a pension or retirement system, as authorized and provided by Sections 1551 et seq., Title II, Chapter 37, Oklahoma Statutes 1961, and;

WHEREAS, As an integral part of such retirement fund and system, each of the parties hereto must provide a fund to which contributions shall be made and held for purposes of management and investment, and;

WHEREAS, It is recognized and agreed by the parties hereto that greater simplicity and efficiency in the management and operation of such funds can be achieved by combining or pooling for purposes of management and investment, the pension and retirement funds of such incorporated cities and towns in the State of Oklahoma as shall establish such retirement funds and systems for the benefit of their employees,

NOW THEREFORE, In consideration of the covenants and agreements hereinafter set forth, it is mutually agreed between the parties hereto as follows:

(1) The parties hereto will join together in the creation of a Trust to which they and each of them, will contribute for purposes of management and investment, the contributions required to be made by them pursuant to the provisions of the respective retirement funds and systems adopted or to be adopted by each of them.

(2) The duration of this Agreement and the Trust to be created hereunder shall, as to any party hereto, commence upon the execution hereof and continue until the same shall be rescinded, revoked or cancelled by such party.

(3) The Trust to be created pursuant to the terms hereof shall be organized as a Trust under the laws of the State of Oklahoma and shall be known as the "Oklahoma Municipal Retirement Fund." The precise organization, composition and nature of such Trust and the powers delegated to the Trustees thereof shall be as fully set forth in "Exhibit A" hereto attached and specifically made a part hereof.

(4) The purpose of this Agreement is to provide greater simplicity and efficiency in the management and investment of the pension and retirement funds of such incorporated cities and towns in the State of Oklahoma as shall establish such retirement funds and systems for the benefit of their employees and become a party to this Agreement as hereinafter provided.

(5) The operation of the Trust herein agreed to be created shall be financed by contributions to be made thereto by all cities and towns becoming parties hereto as specified in the attached "Exhibit A."

(6) This Agreement may be terminated as to any party hereto by proper resolution or ordinance of its governing body and upon such termination any property or assets held by the Trustees of the Trust created pursuant hereto shall be distributed and disposed of as specified in the attached "Exhibit A."

(7) The parties hereto further agree that any other incorporated city or town in the State of Oklahoma which is a member of the Oklahoma Municipal League and which has established or may establish a retirement fund and system for the benefit of its employees may, at any time, become a party to this Agreement

by properly executing this instrument or any copy, duplicate or counterpart thereof and by filing such properly executed instrument, copy, duplicate or counterpart with the Trustees or Trust Administrator of the "Oklahoma Municipal Retirement Fund" hereinabove referred to, and upon so becoming a party to this Agreement, such other incorporated city or town shall be considered for all purposes hereof and for all purposes of the "Oklahoma Municipal Retirement Fund" hereinabove referred to as though such other incorporated city or town had been an original party hereto.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed and attested on its behalf by its proper and duly authorized officers, the day and year first above written.

The City of Shawnee, Oklahoma

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

The City of Ada, Oklahoma

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

KNOW ALL MEN BY THESE PRESENTS:

That Town of Cashier, Oklahoma, a duly organized municipal corporation or public trust, in the State of Oklahoma, upon proper resolution or ordinance, has established a retirement fund and system for the benefit of certain of its employees pursuant to the provisions of Title 11, Oklahoma Statutes, Sections 48-101, et seq., and has elected and does hereby elect to become a party to the above and foregoing Agreement pursuant to the terms thereof, and does hereby accept and adopt the "Oklahoma Municipal Retirement Fund" heretofore created pursuant to said Agreement, as the fund to which it will contribute for purposes of management and investment, the contributions required to be made by it under the terms of said retirement fund and system established for the benefit of its employees.

IN WITNESS WHEREOF, the said Town of Cashier, has caused this Acceptance and Agreement to be executed and attested on its behalf by its proper and duly authorized officers this 4th day of January, 1993.

ATTEST:

Cheryl Wheeler
CLERK

By [Signature]
MAYOR

CERTIFICATE

City/Town of Cashion, Oklahoma
(Address)

I, Cheryl W. Hallinger, the undersigned duly appointed, qualified, and acting Clerk of Cashion, Oklahoma, do hereby certify that attached hereto is a true and correct copy of Ordinance No. 56, including Exhibits "A" and "B" thereto containing the Employee Retirement System of Cashion, Oklahoma, which ordinance was duly passed on the 4th day of January, 1993, as the same appears of record and on file in my office in said City/Town.

I further certify that a quorum of the members of the Board of Trustees, of the City/Town of Cashion, Oklahoma, was present at the meeting in which said ordinance was passed, and that said ordinance has not been altered, modified, or rescinded, and is now in full force and effect; and that the provisions of the Oklahoma Open Meeting Law were complied with in adoption of said ordinance.

IN WITNESS WHEREOF, I have hereunto affixed my name and the official seal of the City/Town of Cashion, Oklahoma, this 4th day of January, 1993.

Cheryl W. Hallinger
CLERK

STATE OF OKLAHOMA)

COUNTY OF)

SS.

Subscribed and sworn to before me this 6th day of June,
1993.

Rita Webb

NOTARY PUBLIC

My Commission Expires:

8-18-95

ORDINANCE NO. 56

AN ORDINANCE ADOPTING AN EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR Town of Cashion, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF Town of Cashion, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS, AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE TREASURER OF Town of Cashion, OKLAHOMA, AND FOR TRANSFER OF SUCH CONTRIBUTIONS AND FUND ASSETS TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE Board of Trustees,
(Governing body, ie, City Council, Trustees)
OF Town of Cashion, OKLAHOMA:

Section 1. That pursuant to the authority conferred by the laws of the State of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of City employees and thereby promote public efficiency, there is hereby authorized, created, established, and approved and adopted, effective as of January 1, 1993, the funded Pension Plan designated "Employee Retirement System of Town of Cashion Oklahoma, Defined Contribution Plan," (hereinafter called System), an executed counterpart of which is marked Exhibit "A" and Exhibit "B" and attached hereto as part hereof.

Section 2. ADMINISTRATION. For the purpose of administration

of the System there is hereby established a Board of Trustees, which shall be the members of the Board of Trustees of Town of Cashion, Oklahoma, as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the Board of Trustees shall be as set forth in the System instrument attached hereto as Exhibit "A".

Section 3. FUND. A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the System. All contributions to such fund shall be paid over to and received in trust for such purpose by the City Treasurer, who shall be the Treasurer of the System. Such Fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns, and municipal trusts in the State of Oklahoma as a part of the Oklahoma Municipal Retirement Fund in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The City Treasurer shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the Board of Trustees. The Fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

Section 4. APPROPRIATIONS. The City/Town of Cashion, Oklahoma, is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the System, and to appropriate and pay the same. In addition, the City/Town of Cashion, Oklahoma, is hereby authorized to appropriate

annually such amounts as are required in addition to employee contributions to maintain the System and the Fund in accordance with the provisions of the Defined Contribution Plan. Any appropriation so made to maintain the System and Fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes, and shall be paid into the Fund when available, through the City Treasurer, to be by him duly transferred to the Oklahoma Municipal Retirement Fund.

Section 5. EXECUTION. The Mayor and City Clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the System instrument, and to do all other acts and things necessary, advisable, and proper to put said System and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart attached hereto as Exhibit "A", which has been duly executed as aforesaid simultaneously with the passage of this Ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

This Board of Trustees (Governing body) is hereby authorized and directed to proceed immediately on behalf of the City/Town of Cashion, Oklahoma, to pool and combine the Fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment.

Section 6. REPEALER. Any Ordinance inconsistent with the

terms and provisions of this Ordinance is hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 7. SEVERABILITY. If, regardless of cause, any section, subsection, paragraph, sentence or clause of this Ordinance, including the System as set forth in Exhibit "A", is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this Ordinance.

Section 8. EMERGENCY. Whereas, in the judgment of the Board of Trustees (governing body) of the City/Town of Cashion, Oklahoma, the public peace, health, safety, and welfare of the City/Town of Cashion, Oklahoma, and the inhabitants thereof demand the immediate passage of this Ordinance, an emergency is hereby declared, the rules are suspended, and this Ordinance shall be in full force and effective on its passage, approval, and publication.

END

The undersigned hereby certifies that the foregoing Ordinance was introduced before the Board of Trustees of the City/Town of Cashion, on the 4th day of January 1993, and was duly adopted and approved by the Mayor and Board of Trustees, on the 4th day of January, 1993, after compliance with notice requirements of the Open Meeting

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

CITY/TOWN OF

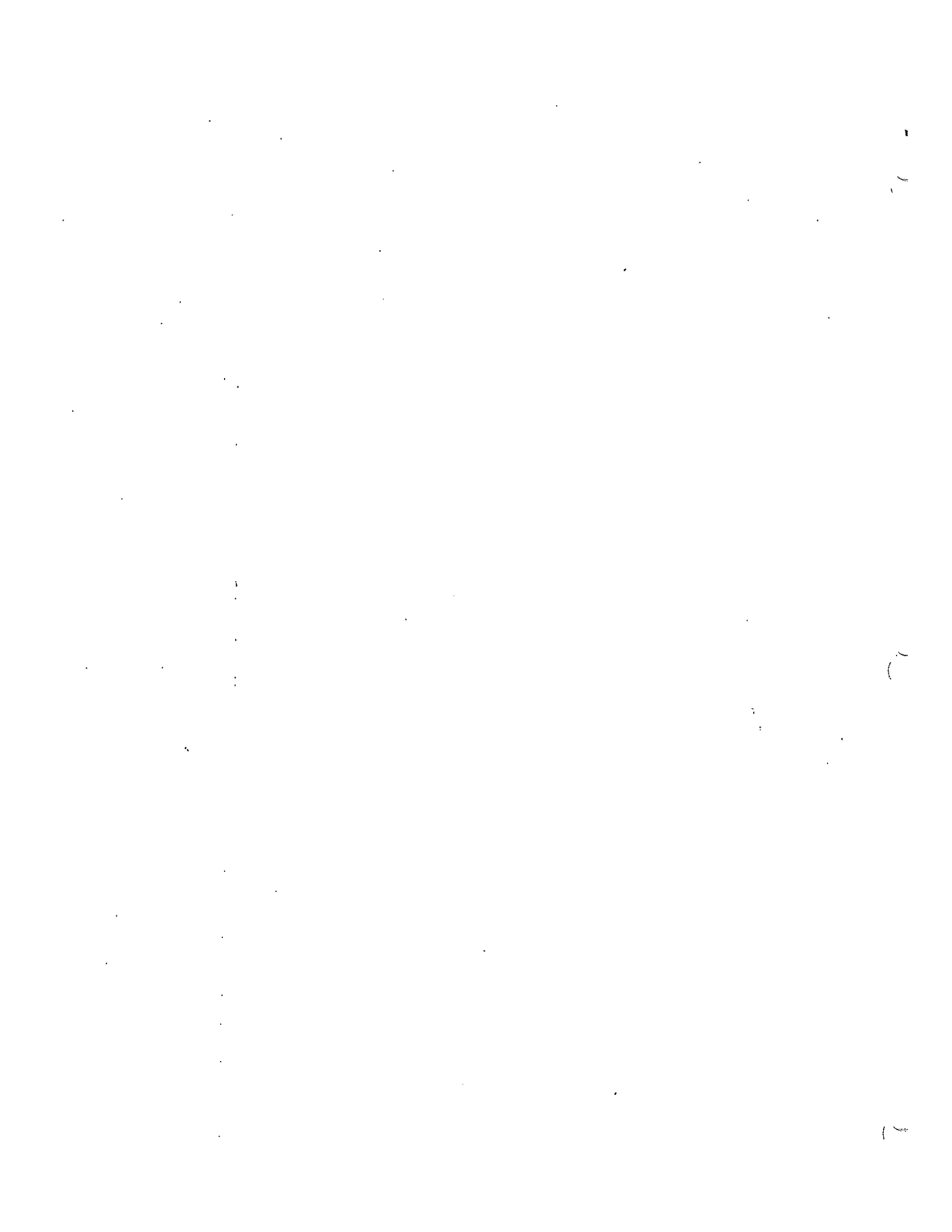
By *Robin Brown*
MAYOR

ATTEST:

Cheryl Wheelbarger
CLERK

2002 EGTRRA PLAN AMENDMENT
DEFINED CONTRIBUTION PLAN - SUMMARY OF PLAN CHANGES

Section/Topic	Impact/ Comments
<p>1. Limitations on Contributions</p> <p><i>Required by IRS</i></p>	<p>The IRS has increased the limits for maximum plan contributions by the employee and employer.</p> <p><i>This change has no cost impact to the employer, but would allow an employee to contribute greater amounts in to the retirement plan if desired – up to \$40,000 per year or 100% of salary.</i></p>
<p>2. Increase in Compensation Limit</p>	<p>The IRS has increased the limit for recognized salary of plan participants. The maximum was \$170,000, but is now \$200,000 under this change.</p> <p><i>This change will have no impact until or unless an employee's salary exceeds \$170,000.</i></p>
<p>3. Direct Rollovers of Plan Distributions</p> <p><i>Required by IRS</i></p> <p>4. Rollovers from Other Plans</p>	<p>The IRS has expanded the list of plan types which a participant can transfer monies to and from.</p> <p><i>This change has no cost impact to the employee or employer. It will allow, for example, an employee to transfer IRA account balances to their OMRF account.</i></p>
<p>5. Required Minimum Distributions</p> <p><i>Required by IRS</i></p>	<p>The IRS has always required a terminated employee to begin receiving money from their retirement account by the age of 70½. The method of calculating the minimum amount that must be paid each year has been relaxed, lowering the required amount.</p> <p><i>This change benefits all participants by lowering the amount they must be paid. Of course, the participant can always choose to receive more than the required minimum.</i></p>



AN ORDINANCE OF THE TOWN OF CASHION, OKLAHOMA

ORDINANCE NO. 04-01

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR TOWN OF CASHION, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF TOWN OF CASHION, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; LOSS OF BENEFITS FOR CAUSE AND LIMITATIONS OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENTS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE TREASURER OF TOWN OF CASHION, OKLAHOMA, AND FOR TRANSFER OF SUCH CONTRIBUTIONS AND FUND ASSETS TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY BOARD OF TRUSTEES OF THE TOWN OF CASHION, OKLAHOMA.

Section 1. The Employee Retirement System, Defined Contribution Plan, of the Town of Cashion, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on **March 1, 2004**.

Section 2. The City Clerk and Mayor be and they 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 hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

Section 3. If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the

remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

Section 4. Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5. Whereas, in the judgment of the Board of Trustees of the Town of Cashion, Oklahoma, the public peace, health, safety, and welfare of the Town of Cashion, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

END

The foregoing ordinance was introduced before the Board of Trustees on the 1 day of March, 2004, and was duly adopted and approved by the Mayor and Board of Trustees on the 1 day of March, 2004, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

ATTEST:

Stephanie Clark
CITY CLERK


MAYOR

Approved as to form and legality on _____, _____.

CITY ATTORNEY

Published Sunday, March 14, 2004, in The Kingfisher Times and Free Press.

AN ORDINANCE OF THE TOWN OF CASHION, OKLAHOMA: ORDINANCE NO. 04-01

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN, FOR TOWN OF CASHION, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF TOWN OF CASHION, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-LIENATION OF BENEFITS; LOSS OF BENEFITS FOR CAUSE AND LIMITATIONS OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENTS PART OF OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE TREASURER OF TOWN OF CASHION, OKLAHOMA, AND FOR TRANSFER OF SUCH CONTRIBUTIONS AND FUND ASSETS TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND OR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

PROOF OF PUBLICATION

STATE OF OKLAHOMA COUNTY OF KINGFISHER ss.

Gary Reed lawful age, being duly sworn upon oath, deposes and says: That he is the publisher of The Kingfisher Times & Free Press, (editor, publisher, or printer)

P.O. Box 209, Kingfisher, OK 73750, a weekly newspaper published in the City of Kingfisher, County of Kingfisher and State of Oklahoma, and has personal knowledge of the facts hereinafter stated.

That a printed notice, copy of which is hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for 1 consecutive weeks, the first publication thereof being made on Wednesday or Sunday, the 14 day of March, 2004, and the last publication on the day of March, 2004, and that said notice was published in each successive weekly issue of said paper in the same day of the week between the dates of the first publication of said notice.

That said newspaper had been continuously and uninterruptedly published in said county during a period of more than one hundred and four (104) weeks, consecutively and immediately prior to the first publication of the attached notice or advertisement; that the same is published in the English language, and has a paid general circulation within the county aforesaid; that it has entrance into the United States mails as second-class mail matter, and is delivered to the United States mails in the city and county where published; that said newspaper comes within all of the prescriptions and requirements of House Bill No. 327 (an Act amending Section 54 of the Compiled Oklahoma Statutes of 1931, as amended by Article 1, Chapter 1, Session Laws of 1935), enacted by the Eighteenth Oklahoma Legislature, and effective May 31, 1941, and meets all other requirements of the laws of the State of Oklahoma with reference to legal publications.

PUBLICATION FEE \$ 28.70

-This Affidavit Also Serves As Your Statement-

Gary Reed (Editor, Publisher, or Printer)

SUBSCRIBED and sworn to me this 15 day of March 2004

Kathleen S. Heinrich Notary Public.

My Commission expires:

