

YALE CITY CODE

Chapter 1

AGENCIES, OFFICERS, AND EMPLOYEES

Article 1. Elective Officers

Sec. 1-1. Election, elective officers of the city.

(a) The officers of the City of Yale shall consist of five (5) Commissioners and shall be elected by the qualified electors of the city at an election to be held as provided by the Yale City Charter and the Statutes of the State of Oklahoma. All initiative and referendum questions shall be decided only by elections conducted by the Payne County Election Board pursuant to Title 11 § 15-101, et seq. of the Oklahoma Statutes.

Article 2. City Commission

Sec. 1-2. Meetings.

(a) The City Commission shall establish an annual regular meeting schedule in accordance with the provisions of Title 25 Section 301 of the State Statutes.

(b) Regular meetings. The City Commission shall hold regular meetings the second Tuesday of every month at the hour of six thirty (6:30) o'clock p.m.; provided that if any Tuesday falls on a holiday there will be no regular commission meeting that week, and instead, a commission meeting will be held the next succeeding Tuesday. It is further provided, however, that the City Commission may by a vote of not less than four-fifths (4/5ths) of the entire commission decide to not hold a regular commission meeting during any given month, however, such vote shall be subject to and shall in no way be in conflict with the provisions of Section 2-13 of the Yale City Charter.

(c) Special meetings. The Mayor or any three (3) commissioners may call special meetings of the City Commission whenever in their opinion the public business may require it.

Sec. 1-3. Place of meeting of the City Commission.

Every meeting of the City Commission shall be in a public building unless, in case of an emergency, the chairman of the City Commission designates another place in that city for the holding of a special meeting; provided that any adjourned meeting may be held at any other place within the city designated by the City Commission.

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Sec. 1-4. Election of Mayor.

(a) The chairman of the City Commission shall be elected by the board from among its members, and shall serve for a term of one (1) year, unless such person sooner dies, resigns, or is removed by the City Commission. Said Mayor shall be elected each year at the City Commission meeting held after commission terms begin. At the time that the City Commission elects a Mayor, the City Commission shall also elect a Vice-Mayor.

(b) When the words "Mayor" or "Chief Executive Officer" are used in this code or in other ordinances of the city they shall be deemed to mean the chairman of the City Commission unless another meaning is clearly indicated by the context.

Sec. 1-5. Mayor, duties.

The chairman of the City Commission shall preside over meetings of the board, and may call special meetings thereof. The Mayor shall sign all warrants properly and legally drawn upon the city and shall perform all other duties prescribed by law or ordinance. In the absence of the Mayor or if he is unable to act, the Vice Mayor shall preside.

Article 3. City Clerk.

Sec. 1-6. City Clerk.

(a) The City Clerk shall be the clerical officer of the commission with the powers and duties prescribed by Section 2-12 of the Yale City Charter, by ordinance, and by applicable state law.

Sec. 1-7. City Clerk Duties.

(a) The City Clerk shall have custody of the records, books, and papers of the City Commission and shall keep minutes of its proceedings, as provided by Oklahoma Statutes, Title 25, Section 312, and other applicable state statutes.

(b) The City Clerk shall collect or receive such revenue and other money for the City as the law or ordinances may provide. The City Clerk shall keep proper records and accounts of all the financial transactions of such office.

(c) The City Clerk shall keep an accurate account in charge of all monies received from utility services.

(d) The City Clerk shall perform all other duties prescribed by law or ordinances.

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Article 4. City Attorney.

Sec. 1-8. City Attorney.

The City Commission shall appoint the City Attorney for an indefinite term. Such person shall have the powers and duties prescribed by Section 2-10 of the City Charter and by applicable state law and ordinance.

Sec. 1-9. Powers and duties.

The City Attorney, when and if appointed, shall be the legal advisor to the commission, all officers, departments and agencies of the city government in matters relating to their official powers and duties. The City Attorney shall represent the city in proceedings in the Courts and shall perform all services incidental to the position which may be required.

Article 5. City Manager

Sec. 1-10. City Manager; Powers and duties.

The City Manager is the Chief Administrative Officer of the city. The City Manager has all the powers and duties prescribed by Section 3-2 of the Yale City Charter. The City Manager shall have supervision and control, directly or indirectly, of all administrative departments, agencies, officers, and employees appointed by the City Manager or by the City Managers' subordinates.

Article 6. City Commission

Sec. 1 -11. Agenda.

All reports, communications, ordinances, resolutions, contract documents, and other matters to be submitted to the board shall at least seventy-two hours prior to each board meeting be delivered to the City Clerk whereupon he shall immediately arrange a list of such matters according to the order of business and furnish each member of the board and the City Attorney with a copy of same prior to the board meeting and as far in advance of the meeting as time for preparation will permit.

Sec. 1-12. Presiding officer.

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(a) The Mayor, or in his absence, the Vice-Mayor, shall take the chair precisely at the hour appointed for the meeting and shall immediately call the commission to order. In the absence of the Mayor and Vice-Mayor, the City Manager shall call the commission to order whereupon an acting chairman shall be elected by the members of the board present. Upon the arrival of the Mayor or Vice-Mayor the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the board.

Sec. 1-13. Quorum, Open meetings.

(a) Before processing the business of the board, the City Clerk or deputy shall take the roll of the members and the names of those present shall be entered in the minutes. A majority of the board shall be necessary to constitute a quorum.

(b) Meetings of the City Commission shall be opened to the public and the journal of its proceedings shall be opened to public inspection, except the City Commission may hold those executive sessions as permitted by Title 25, Section 301, et. seq. of the Oklahoma Statutes.

Sec. 1-14. Minutes.

Unless a reading of the minutes of a board meeting is requested by a member of the board, such minutes may be approved without reading.

Sec. 1-15. Order of business.

All meetings of the City Board shall be open to the public pursuant to the Statutes of the State of Oklahoma. Promptly at the hour set by law on the day of each regular meeting, the members of the commission, the City Clerk, the City Attorney, and the City Manager shall take their regular stations in the commission chambers and the business of the board shall be taken up for consideration and disposition in the following order unless changed by the majority of the board:

- | | |
|---|---------------------------|
| (1) Roll Call | (7) Awarding of Contracts |
| (2) Consideration of Consent Agenda | (8) Resolutions |
| (3) Consideration of Items Removed
from Consent Agenda | (9) Ordinances |
| (4) Opening of Bids | (10) General Orders |
| (5) Public Hearings | (11) Miscellaneous |
| (6) Public Appearances, Petitions,
Remonstrances, Communications
and Personal Appearances | (12) Appointments |
| | (13) Executive Session |
| | (14) Reports from Staff |
| | (15) Adjournment |

Sec. 1-16. Voting.

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All votes shall be by roll call vote and listed by Commission in accordance with the Statutes of the State of Oklahoma. All board members shall vote "yes" or "no", or "aye" or "nay" in accordance with the provisions of state law, and the records of such roll call vote shall be incorporated in the minutes of the meeting. An abstention shall be counted as a "no" vote.

Sec. 1-17. Rules of debate.

(a) Presiding officer not deprived of rights as board member. The Mayor or Vice-Mayor, or such other member of the board as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are imposed on all members and shall not be deprived of any of the rights and privileges of a Commission member by reason of his acting as the presiding officer.

(b) Privilege of closing debate. The Commission member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate on said ordinance or resolution.

Sec. 1-18. Addressing the Board of Commissioners.

Any person desiring to address the Commission shall first secure the permission of the Mayor to do so. Citizens, or their authorized representatives may address the Commission by oral communication on any matter over which the Commission has control. Such citizen comments shall be limited to three (3) minutes per citizen appearance. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person other than members of the Commission and the person having the floor to address the Commission shall be permitted to enter into any discussion, either directly or through a member of the Commission without the permission of the Mayor. After a motion is made and seconded, no person shall address the Commission. (ORD. NO. 405)

Sec. 1-19. Public hearings.

(a) The City Commission shall hold a public hearing open to all interested citizens when required to do so by the provisions of the Yale City Code, Oklahoma State Statutes or the laws of the United States of America. The City Commission may order the holding of such other public hearings as they find to be necessary and in the best interests of the citizens of the City of Yale, Oklahoma. When said board shall direct that a special hearing be held at their order, they shall give at least five (5) days' notice of the time and place of such hearing in an official

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newspaper of circulation within the municipality, and said hearing shall have the same affects, requirements, and be the same as those hearings held under the provisions of the Oklahoma State Statutes and the Yale City Code. All hearings shall be proceedings of relative formality, open to the public, with definite issues of facts or of the law to be heard, and shall be much the same as trials in that a public hearing may terminate with issuance of final order. All public hearings shall be held consistent with the fundamental principles of justice embraced with the concept of due process of law and all authority exercised at said hearings shall be fairly exercised.

(b) Whenever a public hearing is held, the presiding officer shall first recess the Commission meeting and declare "this is a public hearing", naming the subject of such public hearing. Upon the presiding officer declaring the public hearing open, any interested person, or their representative may address the board in regard to the matter then under consideration. During the public hearing there shall be no debate by the Commission although questions may be asked or the persons making such presentation by individual Commission members. During the public hearing, those persons advocating or wishing to speak in favor of the matter before the board shall be heard first, then those persons desiring to speak against the matter shall be allowed to speak; whereupon those persons advocating or speaking in favor of said matter shall have the right of rebuttal. Those persons speaking against the matter shall not at that time be extended the right for rebuttal comments. After having conducted said public hearing and having reached the conclusion of the presentation of all views by the public, the presiding officer shall then declare the public hearing closed and shall recall the meeting to order.

Sec. 1-20. Decorum At Meetings.

(a) During those times when the Yale City Commission is in session the members of the Commission shall preserve order and decorum. No member of the Commission shall either by conversation or other means delay or interrupt or interfere with the proceedings of the Commission or the peace of the Commission or disturb or interrupt any other member while speaking or refuse to obey orders of the Commission.

(b) Any person may speak before the Commission on any item on the agenda provided that such person has signed the request to speak sheet prior to the commencement of the City Commission meeting. Every person who signs the request to speak sheet shall clearly state the agenda item that they wish to speak about. At the appropriate place on the agenda, the

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Mayor will recognize those persons who have signed up to speak on that agenda item and secure permission of the Mayor to speak pursuant to the provisions of Section 1-18 hereof.

(1) All persons addressing the Commission shall give their name and address.

(2) All of the speakers' comments must directly pertain to the item on the agenda that is being considered by the Commission. Should the comments of any person not pertain to the item under discussion, such citizen shall be asked to discontinue speaking or to wait to make comments until the City Commission reaches the agenda item entitled "Public Comments and Personal Appearances."

(3) All persons speaking shall address his or her comments directly to the Mayor.

(4) Each person shall be allowed to speak only one (1) time to any agenda item. Any person who addresses the City Commission during a Commission meeting or public hearing shall be limited to three (3) minutes in length per individual presentation. The Clerk or Sergeant At Arms shall maintain the official time and notify the speaker when his or her time has elapsed. A person may not give their speaking time to another speaker.

(5) No citizen shall speak or comment as to distract, disturb, or interrupt any other speaker, but shall make comments or speak after the Mayor has recognized such person to speak and after he or she has stated his name and address.

(6) The Mayor shall have the authority to ask any person who disturbs the lawful assembly of the City Commission to leave such meeting and in the event such person refuses to leave the meeting and continues to disturb, disrupt or interfere with such public meeting, such person may be removed by the Sergeant At Arms and may be in violation of the provisions of this section.

(c) The purpose of the "Public Comments and Personal Appearances" item on the agenda of the City Commission meeting is to give the public an opportunity to bring any matter to the attention of the Yale City Commission and that is not on the public meeting agenda. Any person may address the City Commission during such agenda item provided that they sign up to speak prior to commencement of the meeting. No action, vote or comment of the City Commission shall be taken during the "Public Comments" section of the agenda.

(d) The Chief of Police or such members of the Police Department as may be so designated, shall be Sergeant At Arms of the Commission meetings. The Sergeant at Arms shall

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carry out all orders and instructions given by the presiding officer of such meetings for the purpose of maintaining order and decorum at the Commission meeting. Upon instruction from the presiding officer, unless overruled by a majority vote of the City Commission, it shall be the duty of the Sergeant at Arms to place any person who violates the order and decorum of the meeting under arrest and cause such person to be prosecuted under the provisions of the Yale City Code. Any complaint shall be signed by the presiding officer of the Yale City Commission.

(e) Any person who violates the provisions of this section shall, upon conviction, be punished by a fine of not more than Five Hundred Dollars (\$500.00). (ORD. NO. 405)

Sec. 1-21. Basis for determining and voting result.

All matters coming before the City Commission of the City of Yale, Oklahoma, whether they be ordinances, contract, resolution, or matter of parliamentary procedure, and on which a vote is taken, shall require a majority vote of those members of the duly elected, appointed and acting Commission that might be present before said matter shall pass, provided said members constitute a quorum. Provided further that nothing contained herein shall be interpreted in violation of Section 2-14 of the Yale City Charter.

Sec. 1-22. Ordinances, resolutions and contract.

(a) Preparation of ordinances. All ordinances and resolutions shall be prepared by, and approved as to form by the City Attorney.

(b) Passage and approval of ordinances.

(1) No ordinance shall relate to more than one subject which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.

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(2) Any commission member may request a public hearing on any ordinance presented to the commission prior to its consideration for final adoption.

(3) An emergency ordinance may be adopted by a vote of 4/5ths of the members of the Yale City Commission on the grounds that it is immediately necessary for the preservation of the peace, health, and safety.

(c) Introduction and Passage of resolutions. A resolution may be adopted at the meeting at which it is introduced. It may be introduced orally and following adoption may be reduced to writing in a form approved by the City Attorney.

(d) Approval of contracts or agreements. Contracts or agreements which seek to bind the city may be approved by resolution or by simple motion which shall be adopted by a majority vote of the commission.

(e) Execution of ordinances, resolutions, and agreements. Upon final passage and adoption of any ordinances, resolutions, contracts and agreements adopted by the board in the presence of the Mayor or Vice Mayor, the City Clerk, or deputy City Clerk, shall attest to his signature. In the event of the absence of the Mayor, the Vice-Mayor shall sign such ordinances, resolutions, contracts or agreements as then adopted.

Sec. 1-23. Motion to table.

A motion to table any matter under consideration, except during a public hearing, shall always be in order and decided without debate.

Sec. 1-24. Adjournment.

A motion to adjourn shall always be in order and decided without debate.

Sec. 1-25. Parliamentarian.

The City Clerk shall maintain time records and the City Attorney shall serve as parliamentarian under the terms of this article.

Sec. 1-26. Procedure.

All questions of law, questions of procedure or questions of fact which may present themselves to the City Commission and which are not covered by the provisions of any portion of this article shall hereby be governed by the parliamentary procedure manual, "Roberts Rules of Order".

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Article 7. City Boards

Sec. 1-27. Appointment procedure.

Unless otherwise provided by city ordinance, members of all authorities, boards, commissions, or trusts shall be appointed by the City Commission whenever vacancies occur. The Mayor shall have the privilege of nominating persons to fill such vacancies and the commission shall have the right to accept or reject any such nomination, or to select any other person it deems suitable to fill the vacancy.

Sec. 1-28. Members; qualifications; oath of office; term limits; removal.

(a) Unless otherwise provided by city ordinance, members of all authorities, boards, committees, commissions, or trusts need not be residents of the City of Yale.

(b) Members of all authorities, boards, commissions, or trusts shall prior to assuming their duties of office, take the oath of office prescribed by the Constitution of the State of Oklahoma.

(c) Unless otherwise provided by city ordinance, members of all authorities, boards, commissions, or trusts shall serve until a qualified successor is appointed and takes the oath of office.

(d) Members of all authorities, boards, or commissions serve at the pleasure of the City Commission and may be removed from office at any time for any reason.

(e) The City Manager shall serve as an ex-officio member to all authorities, boards or commissions established by the City Commission.

(f) The members of any Yale Board or Authority shall serve without compensation.

(g) If any member of any City of Yale Board or Authority appointed by the City Commission shall be absent for more than one-half (1/2) of all regular meetings of such Board or Committee during any period of six (6) consecutive months, such person shall immediately cease to hold office on such Board or Authority.

Sec. 1.29. Officers; selection; tenure; by-laws.

(a) Members of all authorities, boards, commissions, or trusts shall annually select from their membership a chairperson and vice-chairperson.

(b) The chairperson, or in his or her absence vice-chairperson, shall serve as presiding officer at all meetings.

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(c) The membership of any authority, board, commission, or trust may adopt by-laws to govern procedures and establish offices in addition to those specifically provided for by city ordinance. Any such by-laws will become effective upon approval of such by-laws by a four-fifths (4/5) of the City Commission.

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Sec. 1-30. Commission review of decisions.

(a) The City Commission shall have the right to review any decision of an authority, board, or commission upon application of an aggrieved party or city staff and the affirmative vote of three (3) commission members. This provision shall not apply to quasi-judicial rulings by any other entity authorized by state statute or city ordinance to make such determinations; to decisions of public trusts; or whenever city ordinance provides a specific review or appeal procedure. Authority to review under this section must be invoked by the City Commission no later than the second regular City Commission meeting following the date that the decision to be reviewed was rendered by the authority, board or commission.

(b) Whenever the City Commission decides to exercise this authority, a hearing date shall be scheduled no less than ten (10) days from the date the City Commission votes to review the decision. Written notice shall be sent to all parties involved in the decision below, and the City Clerk shall certify to the City Commission that said notice was received by said persons or entities before the hearing may commence.

(c) The City Commission shall review the decision de novo and shall have the right to affirm, reverse, modify, or remand any decision reviewed.

Sec. 1-31. Authority of members.

All authorities, boards, commissions, or trusts established by the City Commission shall exercise their official duties as an entity at meetings convened pursuant to applicable state statutes and city ordinances. No member has authority to act or otherwise conduct business on behalf of the authority, board, commission, trust, or city, or to direct the activities of city staff, outside of a properly convened meeting.

Article 8. Official Bonds

Sec. 1-32. Certain personnel to be bonded.

(a) Before entering upon their official duties the following personnel of the City of Yale pursuant to Section 2-4 of the Yale City Charter shall provide bonds for the faithful performance of their official duties, payable to the City of Yale, with a surety company authorized to operate within the state, in the amounts respectively indicated after their titles:

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| (1) | City Manager | \$100,000 |
| (2) | City Clerk | \$100,000 |

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| (3) | Municipal Court Clerk | \$25,000 |
| (4) | Deputy City Clerk | \$100,000 |
| (5) | Deputy Municipal Court Clerk | \$25,000 |

(b) The City Commission, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded; and also by motion or resolution may increase the amount of the bonds for the personnel listed hereinabove.

(c) The City of Yale shall pay the premiums on such bonds.

Article 9. Oaths

Sec. 1-33. Oath.

The City Manager and the City Clerk, shall, within five (5) days of their election or appointment and before entering upon the duties of the respective offices take and subscribe to the oath or affirmation of office prescribed by Section 2-3 of the Yale City Charter before they enter upon their duties.

Article 10. Continuation after Expiration of Term.

Sec. 1-34. Officers to continue until successors are elected or appointed and qualified.

Every officer who is elected or appointed for a definite term, shall continue to serve thereafter until his successor is elected or appointed and qualifies unless his services are sooner terminated by resignation, disqualification, removal, death, abolition of the office, or other legal manner.

Article 11. Compensation

Sec. 1-35. Compensation of certain personnel determined by ordinance.

The City Commission shall have the power to determine the compensation of the officers and employees of the City of Yale whom it elects or appoints. The compensation for each of the following employees and officers shall be as respectively indicated herein below:

City Commissioner - \$20.00 per month, for each regularly scheduled meeting attended not to exceed \$240.00 annually as provided for in Section 2-1 of the Yale City Charter.

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Sec. 1-36. Salaries of certain officers not to be changed after election or appointment.

In no case, shall the salary or emoluments of any city officer elected or appointed for a definite term be changed after his election or appointment or during his term of office unless by operation of an ordinance passed prior to such election or appointment; or provided that such change shall not violate the provisions of Article 23, § 10 of the Oklahoma State Constitution. It is further provided, that this shall not apply to officers chosen for indefinite terms nor to employees.

Sec. 1-37. City Commission or authority may lay-off, suspend, demote and remove.

The City Commission or any other authority may lay-off, suspend, demote, or remove any officer or employee whom it appoints or elects, or whose successor it may appoint or elect.

Article 12. Open Records.

Sec. 1-38. Procedures regarding inspection of open public records.

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

(a) Consistent with the policy, duties and procedures established by Title 51, Section 24A of the Oklahoma State Statutes and referred to as the Oklahoma Open Records Act, record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records provided however that this Section does not apply to records specifically required by law to be kept confidential to include, but not limited to the following:

(a) records protected by a state evidentiary privilege such as the attorney-client privilege,

(b) records of what transpired during meetings of the Yale City Commission, Board of Trustees of the Yale Water & Sewer Trust or the Yale Economic Development Authority lawfully closed to the public such as executive sessions,

(c) all social security numbers included in a record regardless of the person's status as a public employee,

(d) any exemption provided by Title 51, Section 24A.5 of the Oklahoma Statutes.

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Sec. 1-39. Procedures regarding copying of open records.

- (a) Records custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied.
- (b) Records custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time.
- (c) All inspections and copying of open public records shall be performed by, or under the supervision of, the record custodian for the City of Yale who is responsible for such records.
- (d) All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution.
- (e) All record inspection and copying forms are to be completed by employees of the City of Yale. In all cases the party so requesting must sign his or her individual name to the inspection request ledger. The record custodian may demand reasonable identification of any person requesting a record. Any written requests shall be made on the form provided by the record custodian and presented to the record custodian.
- (f) Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has demanded that prepayment of all or part of such fees be made. Fees are to be paid to the record custodian.
- (g) The record custodian for the City of Yale shall demand full or partial prepayment of fees whenever his or her estimate for such fees exceeds \$10.00.
- (h) No record search or copying charge shall be assessed against officers or employees of the City of Yale who make requests which are reasonably necessary to the performance of their official duties.
- (i) Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours.
- (j) Removal of open public records from the office where kept and maintained, for purposes of inspection and/or the making of copies shall not be permitted by the City of Yale.
- (k) The above procedures, as well as any other inspection and copying procedures shall be posted in a conspicuous place in the office of the record custodian.

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Sec. 1-40. Procedures regarding inspection of open public records.

The following procedures are hereby adopted and shall be applied by every official custodian and record custodian within the City of Yale.

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

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

(c) The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the City Attorney for the City of Yale that he has made a inspection request denial.

Sec. 1-41. Procedures regarding copies of open public records.

The following procedures are hereby adopted and shall be applied by each official custodian and record custodian within the City of Yale.

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

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

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

Sec. 1-42. Fees for copying records.

There is hereby levied and assessed the following fees and costs for the copying of records by the City of Yale.

There shall be charged a document copying fee of twenty-five cents (\$0.25) per page for documents having the dimensions of eight and one-half (8 1/2) by fourteen (14) inches or smaller, and a fee of One Dollar (\$1.00) per copied page for a certified copy.

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However, if the request:

- (1) is solely for commercial purpose, or
- (2) would clearly cause excessive disruption of the public body's essential

functions, then there shall be charged an additional search fee, which fee shall be equal to the lowest hourly secretarial salary paid by the City of Yale at the time of the request times the numbers of hours spent by City of Yale employees in meeting the request. For purposes hereof, the smallest sequence of time shall be one-half (1/2) hour. It is the intent of the City Commission of the City of Yale the above fees are to reimburse the City of Yale for its costs and expenses in providing the copying of open public records.

Publication in a newspaper or broadcast by news media for news purposes shall not constitute a resale or use of data for trade or commercial purpose and charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy.

A search fee shall not be added to the copying fee when the release of said documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

Article 13. Federal Old-Age and Survivors Insurance

Sec. 1-43. Benefits of Federal O.A.S.I. to be extended to personnel.

It is hereby declared to be the policy and purpose of this City to extend at the earliest date to the employee and officials thereof, not excluded by law or ordinance, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Federal Social Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such actions as may be required by applicable state or federal laws or regulations.

Sec. 1-44. Mayor authorized to execute agreements.

The Mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Department of Public Welfare, as agent or agency, to secure coverage of employees and officials as provided in Section 1-43 hereof.

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Sec. 1-45. Withholdings from salaries and wages.

Withholdings from salaries or wages of employees and officials for the purpose provided in Section 1-43 hereof, are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and be paid over to the state or federal agency designated by said laws or regulations.

Sec. 1-46. Appropriations for employer's contributions.

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

Sec. 1-47. Employees and officers now covered by other retirement systems.

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

Sec. 1-48. City records; destruction, sale or disposition after certain time limitations.

The City Manager or a person designated by him is hereby authorized to have destroyed, sold for salvage or otherwise disposed 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: See Title 11 Section 22-131.

(a) One (1) year: Parking citations may be destroyed or otherwise permanently disposed of one (1) year after the date of issuance.

(b) Two (2) years: Water, sewer, garbage and utility receipts and statements which have been previously audited; miscellaneous petitions and letters addressed to the City Commission 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.

(c) Five (5) years: Successful and unsuccessful bids for the purchase or furnishing of equipment, material and improvements; claims that have been denied; license applications; bonds; special, primary and general election payrolls; election tabulations and returns;

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department reports; withholding statements; garnishment records; traffic tickets and receipts; bond receipts and fine receipts, paid general obligation and revenue bonds; paid street improvement, sewer and sidewalk district bonds; warrants; claims; checks; vouchers; purchase orders; payrolls; municipal court files; and papers pertaining to violations of city ordinances, except parking citations and court dockets.

(d) Ten (10) years: Inspection records; 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.

(e) Fifteen (15) years: Sewer and improvement district records, except payment records.

(f) Five (5) years: Any other paper, documents and records not specifically mentioned in this Article.

Article 14. Firemen's Pensions

Sec. 1-49. Board of Trustees of firemen's relief and pension fund created.

There is hereby created the Board of Trustees of the firemen's relief and pension fund of this municipality, with membership, organization, and powers, duties and functions as prescribed by Oklahoma Statutes, Title 11, §§ 49-100.1 et seq., and as may be provided by any later laws relating to said board.

Sec. 1-50. Funds to be operated according to law.

The fireman's relief and pension fund shall be operated in accordance with state law relating to the fund and pensions and other benefits shall be paid as provided by state law.

Article 15. Employee Retirement System

Sec. 1-51. Creation.

There is hereby 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 the city employees and thereby promoting public efficiency, there is hereby authorized, created, established, approved and adopted, effective as of the 3rd day of January, 1978, the funded pension plan designated "Employee Retirement System of Yale, Oklahoma," hereinafter called

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"system", an executed counterpart of which is to be filed in the office of the City Clerk of said city.

Sec. 1-52. 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 Commissioners of the City of Yale, 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 filed in the office of the City Clerk.

Sec. 1-53. Fund.

A fund is hereby provided for the explicit use and benefit of the persons entitled to benefits under the system. All contributions to such funds shall be paid over to and received in trust for such purpose by the City Clerk, who shall be the treasurer of the system. Such funds shall be pooled for purposes of management and investment with similar funds of other incorporated cities and towns in the State of Oklahoma as a part of the Oklahoma Municipal Retirement Fund, in accordance with the duly executed contract for such purpose which contract shall be executed by the Board of Commissioners. The City Clerk 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 and system shall be valued each year for actual actuarial soundness by a qualified actuarial firm.

Sec. 1-54. Appropriations to Employee Retirement System.

The City of Yale is hereby authorized to incur the necessary expenses for the establishment, operation and administration of the Employee Retirement System of the City of Yale and to appropriate and pay the same.

The City of Yale is further authorized to appropriate annually such amounts as are required, in addition to employee contributions, to maintain the retirement system and to fund such system on a sound actuarial basis in accordance with the respective annual actuarial evaluations. However, such amount so appropriated in any single fiscal year of the city to maintain the retirement system and trust fund shall not exceed fifteen percent (15%) of the current annual salaries of all employees covered by the employee retirement system. Any appropriations so made to maintain the retirement system shall be for deferred wages or salaries

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and for payment of necessary expenses of operation and administration of such retirement system. Such appropriations shall include separate annual appropriations to be transferred to the Trustees of the Oklahoma Municipal Retirement Fund for such purposes, and shall be paid into such fund when available, to be transferred by the City Clerk to the Oklahoma Municipal Retirement Fund.

Sec. 1-55. Execution.

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