

# ADMINISTRATION AND GOVERNMENT

## CHAPTER 1

### TOWN BOARD OF TRUSTEES

Section 2-101	General powers.
Section 2-102	Board of trustees.
Section 2-103	Meetings of the town board.
Section 2-104	Rules of order and procedure.
Section 2-105	Trustees may be designated to perform duties.
Section 2-106	Elections conducted by county election board.

## CHAPTER 2

### MAYOR

Section 2-201	Election and duties of the mayor.
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## CHAPTER 3

### TOWN OFFICERS AND PERSONNEL

Section 2-301	Town clerk.
Section 2-302	Town treasurer.
Section 2-303	Town attorney, appointment and duties.
Section 2-304	Health officer.
Section 2-305	Other personnel, appointments, removals.
Section 2-306	Bonds.
Section 2-307	Salaries.
Section 2-308	Compensation of employees, number and classes of personnel.
Section 2-309	Salaries of certain officers not to be changed after election or appointment.
Section 2-310	Oaths.
Section 2-311	Officers to continue until successors are elected and qualify.
Section 2-312	Appointment of personnel in emergencies.

## CHAPTER 1

### TOWN BOARD OF TRUSTEES

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#### SECTION 2-101      GENERAL POWERS.

A. Pursuant to the provisions of Section 12-101 of Title 11 of the Oklahoma Statutes, the town shall have all the powers, functions, rights, privileges, franchises and immunities granted, or which may be granted to towns governed by the statutory town board of trustees form of government. These powers shall be exercised as provided by law applicable to towns under the board of trustees form of government, or, if the manner is not prescribed, then in such manner as the board of trustees may prescribe.

B. The powers, rights and authorities of the town, including the determination of matters of policy, shall be vested in and exercised by the board of trustees.

State Law Reference: Town form of government, 11 O.S. Section 12-101.

#### SECTION 2-102      BOARD OF TRUSTEES.

The town board of trustees shall consist of one trustee from each ward of the town. Each trustee shall be an actual resident of his respective ward. The term of office for a trustee shall be four (4) years beginning at 12:00 noon on the second Monday following the general municipal election. The trustee shall serve until his successor is elected and qualified. The terms of the trustees shall be staggered so that at the general municipal election in 1985, the following trustees are elected for four-year terms:

1. Trustees One, Three, and Five; and
2. Clerk.

At the general municipal election in 1987, the following officers are to be elected for four-year terms:

1. Trustees Two and Four; and

2. Treasurer.

State Law Reference: Governing board, 11 O.S. Sections 12-102, 12-103; Terms of office, 11 O.S. Section 8-102; Elections, 11 O.S. Section 16-205; Vacancies in office of trustee, 11 O.S. Section 8-109; Election of board at large and not by ward, 11 O.S. Section 12-102.1.

SECTION 2-103      MEETINGS OF THE TOWN BOARD

A. The board of trustees shall meet regularly, on the first Thursday of each month at 7:00 P.M., and at such other times as it may prescribe by ordinance, resolution, or otherwise, at the town hall, Where the day for a meeting falls upon a day which is a legal holiday in the state, the meeting shall be held on the next succeeding day which is not a holiday. Special meetings may be called by the mayor or any three (3) trustees. A majority of all the members of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day.

B. Every meeting of the board of trustees shall be held in the town hall unless, in case of an emergency, the mayor designates another place in the town for the holding of a special meeting. Any adjourned meeting may be held at any other place within the town designated by the board. (Amended 1985, 1993)

State Law Reference: Meetings of trustees, 11 O.S. Section 12107; Open meeting and notice requirements, 25 O.S. Section 301-314.

Cross reference: See also Section 10-421 of this code prohibiting smoking at meetings and designated areas of the town hall.

SECTION 2-104      RULES OF ORDER AND PROCEDURE.

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

B. The order of business for each meeting of the board may be as follows;

1. Call to order;
2. Determination of a quorum;
3. Reading and approval of the minutes;

4. Purchase orders for approval;
5. Old business;
6. New business;
7. Business from the floor; and
8. Adjournment.

C. The following rules of procedure shall apply to any regular or special meeting of the board unless three (3) trustees agree to waive the rule or rules:

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

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

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

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

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

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

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

- a. To adjourn;
- b. To lay on the table;
- c. For the previous question;

- d. To postpone to a day certain;
- e. To commit;
- f. To amend; or
- g. To postpone indefinitely,

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

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

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

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

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

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

SECTION 2-105      TRUSTEES MAY BE DESIGNATED TO PERFORM DUTIES.

The board of trustees may designate various ones of its members or a committee of its members to have supervision of various personnel and activities of the town, such as streets, water systems and so on, and may give each such trustee or committee designated an appropriate title. Each such trustee or committee so designated shall be subordinate to the board.

SECTION 2-106      ELECTIONS CONDUCTED BY COUNTY ELECTION BOARD

A. Pursuant to Section 16-302 of Title 11 of the Oklahoma Statutes, the town declares that it shall not be governed by the Oklahoma Town Meeting Act as a means of electing its officers and deciding initiative and referendum questions.

B. The town shall elect its officers and decide initiative and referendum questions through elections conducted by the county election board pursuant to Sections 16-101 et seq. of Title 11 of the Oklahoma Statutes. (Added 1988)

## CHAPTER 2

### MAYOR

Section 2-201 Election and duties of the mayor.

#### SECTION 2-201 ELECTION AND DUTIES OF THE MAYOR.

A 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.

B. 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, duties and responsibilities of a trustee, including the right to vote on questions.

C. 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 the mayor, the board shall elect another mayor from among its members to serve for the duration of the unexpired term.

State Law Reference: Election of town mayor, acting mayor, 11 O.S. Sections 12-104, 12-105.

CHAPTER 3  
TOWN OFFICERS AND PERSONNEL

Section 2-301	Town clerk;
Section 2-302	Town treasurer;
Section 2-303	Town attorney, appointment and duties;
Section 2-304	Health officer;
Section 2-305	Other personal, appointments, removals;
Section 2-306	Bonds;
Section 2-307	Salaries;
Section 2-308	Compensation of employees, number and classes of personal;
Section 2-309	Salaries of certain officers not to be changed after election or appointment;
Section 2-310	Oaths;
Section 2-311	Officers to continue successors are elected and qualify;
Section 2-312	Appointment of personnel emergencies;

SECTION 2-301 TOWN CLERK

A. The town clerk is an elected official of the town, elected for a four-year term at the general municipal election in which trustees from odd-numbered wards are elected. The town clerk shall:

1. Keep the journal of the proceedings of the board;
2. Enroll in a book kept for that purpose all ordinances and resolutions passed by the board.
3. Have custody of documents, records and archives as may be provided by law or ordinance and have custody of the town seal;
4. Attest and affix the seal of the town to documents as required by law or ordinance; and
5. Have such other powers, duties and functions as may be prescribed by law or ordinance; or by the board.

B. When the words "clerk" or "town clerk" are used in this code or in other ordinances of the town, they shall be deemed to mean the town clerk or the deputy town clerk unless another meaning is clearly indicated by the context.

C. In accordance with Section 8-106 of Title 11 of the Oklahoma Statutes, the town clerk shall have the authority to appoint one or more deputy clerks, subject to confirmation by the board of trustees. Deputy clerks may be removed by the board of trustees at a regular meeting and such clerks may hold more than one office or position in the town government as the board of trustees may obtain.



D. The pay period for the Town Clerk of the Town of Porter, Oklahoma, shall be semi-monthly. The Clerk shall be paid each pay period the amount of \$100.00 contingent upon the Clerk's performance of the Clerk's legal duties of the office. Any increase or decrease in Clerk's salary for legal duties shall not go into effect until the next term of office. (Amended January 5, 1995)

E. The person who serves as Town Clerk may also perform additional administrative duties not specified by State law as an employee of the Town. Said additional duties shall be performed by the person serving as the Town Clerk or as otherwise provided by motion or other action of the Board. The person performing additional administrative duties shall serve at the pleasure of the Board and shall perform such duties as may be prescribed by the Board.

F. The pay period for performance of additional duties by the Town Clerk-Treasurer shall be the same as for other municipal employees and shall be paid each pay period the amount of \$18.30 per hour in accordance with the personnel policy or other policy of the Town of Porter. The compensation for performing the additional administrative duties shall not be subject to constitutional restriction. (Amended 2021)

G. The positions of Town Clerk and Town Treasurer are hereby consolidated into one position which shall be termed Town Clerk-Treasurer. The consolidation shall go into effect at the end of the term of office of both the Town Clerk and Town Treasurer, which is in effect on the date of adoption of this Ordinance. From and after the effective date of the consolidation hereby ordained, the Town Clerk-Treasurer shall perform all duties as set forth in Part One, Administration and Government, Chapter 3, Town Officers and Personnel, Sections 2-301, Town Clerk and 2-302, Town Treasurer, of the Code of Ordinances of the Town of Porter, Oklahoma, now existing or as may be hereinafter ordained by the Board of Trustees, as well as any provisions of State of Oklahoma law pertaining thereto. The compensation of the consolidated position shall be as set by Ordinance. Such compensation shall go into effect immediately upon the immediately succeeding term of office. (Adopted 2/9/2017)

State Law Reference: Clerk duties, 11 O.S. Section 12-109; Election of clerk, 11 O.S. Section 16-205; Vacancies, 11 O.S. Section 8-109.

#### SECTION 2-302 TOWN TREASURER.

A. The town treasurer is an elected official of the town, elected for a four-year term at the general municipal election in which trustees from odd-numbered wards are elected. The treasurer shall:

1. Maintain accounts and books to show where and from what source all moneys paid to him have been derived and to whom and when any moneys have been paid;
2. Deposit daily funds received for the town in depositories as the board may designate and
3. Have such other powers, duties and functions as may be prescribed by law or ordinance.

The treasurer's books and accounts shall at all times be subject to examination by the board.

B. When the words "treasurer" or "town treasurer" are used in this code or in other ordinances of the town, they shall be deemed to mean the town treasurer or the deputy town treasurer unless another meaning is clearly indicated by the context.

C. In accordance with Section 8-106 of Title 11 of the Oklahoma Statutes the town treasurer shall have the authority to appoint one or more deputy treasurers, subject to confirmation by the board of trustees. Deputy Treasurers may be removed by the board of trustees at a regular meeting and such a treasurer may hold more than one office or position in the town government as the board of trustees may ordain.

D. The pay period for the Town Treasurer of the Town of Porter, Oklahoma, shall be yearly. The Treasurer shall be paid each period the amount of \$400.00 contingent upon the Treasurer's performances of the Treasurer's performance of the Treasurer's legal duties of the office. Any increase or decrease in Treasurer's salary for legal duties shall not go into effect until the next term of office.

E. The person who serves as Town Treasurer may also perform additional administrative duties not specified by State Law as an employee of the Town. Said additional duties shall be performed by the person serving as the Town Treasurer or as otherwise provided by motion or other action of the Board. The person performing additional administrative duties shall serve at the pleasure of the board and shall perform such duties as may be prescribed by the Board.

F. The pay period for the performance of additional duties by the Town Clerk-Treasurer shall be the same as for other municipal employees and shall be paid as provided in Section 2-301, F. above in accordance with the personnel policy or other policy of the Town of Porter. The compensation for performing the additional administrative duties shall not be subject to constitutional restriction. (Amended 2021)

G. The positions of Town Clerk and Town Treasurer are hereby consolidated into one position which shall be termed Town Clerk-Treasurer. The consolidation shall go into effect at the end of the term of office of both the Town Clerk and Town Treasurer, which is in effect on the date of adoption of this Ordinance. From and after the effective date of the consolidation hereby ordained, the Town Clerk-Treasurer shall perform all duties as set forth in Part One, Administration and Government, Chapter 3, Town Officers and Personnel, Sections 2-301, Town Clerk and 2-302, Town Treasurer, of the Code of Ordinances of the Town of Porter, Oklahoma, now existing or as may be hereinafter ordained by the Board of Trustees, as well as any provisions of State of Oklahoma law pertaining thereto. The compensation of the consolidated position shall be as set by Ordinance. Such compensation shall go into effect immediately upon the immediately succeeding term of office. (Adopted 2/9/2017)

State Law Reference: Town treasurer duties, 11 O.S. Section 12,110; Designation of county treasurer as town treasurer, 19 O.S. Section 645.

SECTION 2-303      TOWN ATTORNEY, APPOINTMENT AND DUTIES.

The board of trustees may appoint a town attorney or may secure the services of an attorney or attorneys on a contractual basis when needed. The town attorney, when and if appointed, shall be the legal adviser of the board, all officers, departments and agencies of the town government in matters relating to their official powers and duties. He shall represent the town in proceedings in the courts. He shall perform all services incident to his position which may be required by law or ordinance.

SECTION 2-304      HEALTH OFFICER.

The board of trustees may appoint a town health officer. The county health officer or any qualified personnel of the state department of health may perform the duties and functions of a town health officer.

SECTION 2-305      OTHER PERSONNEL, APPOINTMENTS, REMOVALS.

A.      The board of trustees may appoint such other officers and employees as it deems desirable and may determine their compensation by motion or resolution, and may demote, suspend, layoff or remove all such personnel in compliance with due process and other requirements of law.

B.      An employee or officer who, after a probationary period as set by the town board, is laid off, suspended without pay for more than ten (10) days, demoted or removed may appeal in writing to the town board. The appeal must be filed with the town clerk for transmittal to the board within ten (10) days after receipt of the notice of the layoff, suspension, demotion or removal. As soon as practicable thereafter, the board shall conduct a hearing on the appeal, or give an adequate opportunity therefore, and shall report in writing its findings and recommendations and make its final decision in writing regarding the appellant's layoff, suspension, demotion or removal. If the board finds that the layoff, suspension, demotion or removal was made for any reason other than the good of the service, it shall veto the layoff, suspension, demotion or removal and order the reinstatement of the employee or officer. Any proceedings of the board shall be subject to open meeting laws and applicable exceptions provided for executive sessions. Employees or officers on probationary status may be laid off, suspended without pay, demoted or removed at any time without the written statement, hearings and procedures required in this section.

SECTION 2-306      BONDS.

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

State Law Reference: Officers' bonds, 11 O.S. Section 8-105.

SECTION 2-307      SALARIES.

The compensation of all elective town officers, including the following, shall be fixed by ordinance:

1. Mayor;
2. Each trustee;
3. Town clerk; and
4. Town treasurer.

State Law Reference: Compensation of town elected officers, 11 O.S. Section 12-113; Increasing salary during term, Oklahoma Constitution, Art. 23, Section 10.

SECTION 2-308      COMPENSATION OF EMPLOYEES. NUMBER AND CLASSES OF PERSONNEL.

A      The compensation of all other officers and employees excepting those whose compensation the law requires to be set by ordinance, may be determined by motion or resolution adopted by the board of trustees, and may be changed at any time in the same manner.

B.      Except as the law provides otherwise, the board of trustees may determine or regulate the number and classes of officers and employees.

SECTION 2-309      SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT.

In no case shall the salary or emoluments of any town 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, such being prohibited by the Constitution, Article. 23, Section 10. This provision shall not apply to officers chosen for indefinite terms nor to employees.

SECTION 2-310      OATHS.

A.      All officers of the town, but not employees, are required to take the oath or affirmation of office prescribed by the state constitution before they enter upon their duties.

B.      Both officers and employees are currently required to take and subscribe to the loyalty oath prescribed by state law.

SECTION 2-311      OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND OUALIFY.

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.

SECTION 2-312      APPOINTMENT OF PERSONNEL IN EMERGENCIES.

The mayor may, in an emergency situation, appoint such other officers and employees as he may deem necessary to protect the health, safety and welfare of the citizens of the town during the existence of the emergency, subject to the approval of the board of trustees as soon as a special meeting or regular meeting can reasonably be called or held therefore. The board of trustees may determine the compensation of such emergency employees by motion or resolution and may direct the demotion, layoff or removal of such personnel at the conclusion of such emergency. For the purposes of this section, the term "emergency" shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affecting the health, safety or welfare of the citizens of the town.