

Ordinance No. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF JONES CITY, OKLAHOMA BY REPEALING TITLE 1, ADMINISTRATION, CHAPTER 7 TOWN OFFICERS AND PERSONNEL, SECTION 1-7-1: APPOINTMENT AND REMOVAL; AMENDING SECTION 1-7-2: DUTIES; CREATING NEW SECTION 1-7E-1: TOWN ADMINISTRATOR, APPOINTMENT, SALARY; CREATING NEW SECTION 1-7E-2: TOWN ADMINISTRATOR DUTIES; AMENDING TITLE 1 ADMINISTRATION, CHAPTER 11 MUNICIPAL COURT, BY REPEALING SECTION 1-11-6: CLERK OF THE COURT AND CREATING NEW SECTION 1-11-6 CHIEF MUNICIPAL COURT OFFICER, COURT CLERK; AMENDING TITLE 5, CHAPTER 1, FIRE DEPARTMENT, BY AMENDING SECTION 5-1-1 DEPARTMENT ESTABLISHED, MEMBERS, DUTIES; AMENDING TITLE 6, CRIMINAL ACTIVITIES; ENFORCEMENT, BY AMENDING CHAPTER 1, POLICE DEPARTMENT, SECTION 6-1-1: DEPARTMENT AND CHIEF, APPOINTMENT; PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED by the Board of Trustees of the Town of Jones City, Oklahoma, the Code of Ordinances of the Town of Jones City, Oklahoma, are hereby amended as follows:

Section 1: Title 1 Administration, Chapter 7 Town Officers and Personnel, Section 1-7-1: Appointment and Removal is repealed in its entirety.

~~1-7-1: APPOINTMENT AND REMOVAL~~

~~The board of trustees may appoint such officers and employees as it deems desirable and may determine their compensation by motion or resolution, and may demote, suspend, lay off or remove all such personnel at pleasure.~~

Section 2: Title 1 Administration, Chapter 7 Town Officers and Personnel, Section 1-7A-2 Duties is amended to read as follows:

1-7A-2: DUTIES

A. General Duties: The town clerk shall perform the following duties:

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.

~~5. Keep the town hall open continuously between eight o'clock (8:00) A.M. and four thirty o'clock (4:30) P.M. each day except Saturdays, Sundays and holidays.~~

56. Have such other powers, duties and functions as may be prescribed by law or ordinance or by the board.

B. Additional Administrative Duties: The person who serves as town clerk may also perform additional administrative duties not specified by state law as an employee of the town. The 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.

Section 3: Title 1 Administration, Chapter 7 Town Officers and Personnel, is amended to add new Section 1-7E-1 Town Administrator, Appointment, Salary:

1-7E-1: TOWN ADMINISTRATOR, APPOINTMENT, SALARY

The board of trustees may appoint a town administrator to serve on a full-time, part-time, or interim basis. The town administrator may be appointed for an indefinite term or for a fixed term if the town administrator is appointed on an interim basis or pursuant to an annual contract. A town administrator appointed to serve an indefinite term without a contract serves at will and is subject to removal by the board of trustees for any reason. The salary of the town administrator may be set by the board of trustees by resolution or by contract.

Section 4: Title 1 Administration, Chapter 7 Town Officers and Personnel, is amended to add new Section 1-7E-2 Town Administrator Duties:

1-7E-2: TOWN ADMINISTRATOR DUTIES

The town administrator shall be the chief executive officer and head of the administrative branch of the town government. He or she shall execute the laws and administer the government of the town and shall be responsible therefor to the board of trustees. The town manager shall:

1. Appoint, and when necessary for the good of the service, remove, demote, lay off or suspend all heads of administrative departments and other administrative officers he or she is authorized by ordinance to appoint, and employees of the town, or as otherwise provided by law;

2. Supervise and control the clerk, treasurer, and all administrative departments, officers and agencies, except the attorney and municipal judge;

3. Prepare a budget annually and submit it to the board of trustees and be responsible for the administration of the budget after it goes into effect; and recommend to the trustees any changes in the budget which he or she deems desirable;

4. Submit to the board of trustees a report after the end of the fiscal year on the finances and administrative activities of the town for the preceding year;

5. Keep the board of trustees advised of the financial condition and future needs of the town, and make recommendations as he or she deems desirable;

6. To make or authorize the purchase of goods, materials or services valued at less than twenty-five thousand dollars; and

7. Perform such other duties as may be prescribed by law or by ordinance.

Section 6: Title 1 Administration, Chapter 11 Municipal Court, Section 1-11-6: Clerk of the Court is deleted in its entirety.

1-11-6: CLERK OF THE COURT

A. Duties:

1. ~~The town clerk, or a deputy designated by him, shall be the clerk of the court. The clerk of the court shall:~~

~~Assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers;~~

~~Administer oaths required in proceedings before the court;~~

~~Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;~~

~~Perform such other clerical duties relating to the proceedings of the court as the judge shall direct; and~~

~~Receive and give receipt for forfeitures, fines, deposits, and sums of money payable to the court.~~

~~2. Such sums and funds while in the custody of the town clerk shall be deposited as directed by the board of trustees. The court clerk shall make duplicate receipts for the fees, fines and forfeitures collected. All monies shall be placed in the general fund of the town, or in such other funds as the board of trustees may direct, and it shall be used in the operation of the town government in accordance with budgetary arrangements governing the fund in which it is placed.~~

~~B. Bond Schedule: The clerk of the court shall give bond schedule in the form provided by 11 Oklahoma Statutes section 27-111, bond schedule fines/fees to be approved by the board of trustees. When approved, it shall be filed with the town clerk and retained in the town archives.~~

Section 7: Title 1 Administration, Chapter 11 Municipal Court, is amended by adding new Section 1-11-6: Chief Municipal Court Officer; Court Clerk:

1-11-6: CHIEF MUNICIPAL COURT OFFICER; COURT CLERK

1. Office Established: There is hereby established the office of chief municipal court officer to be appointed by the board of trustees for an indefinite term.

2. Duties: The chief municipal court officer shall administer the day-to-day operations of the municipal court. The municipal court officer shall also serve as the court clerk and perform the following duties:

- a. Assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers;
- b. Administer oaths required in proceedings before the court;
- c. Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;
- d. Perform such other clerical duties relating to the proceedings of the court as the judge shall direct; and
- e. Receive and give receipt for forfeitures, fines, deposits, and sums of money payable to the court.
- f. Account for and deposit all monies received by the court in accordance with procedures established by resolution of the board of trustees.

3. Additional Administrative Duties: The chief municipal court officer may serve in a full or part-time capacity as the board of trustees deems appropriate. The person who serves as chief municipal court officer may also perform additional administrative duties not specified by state law as an employee of the town. The person performing additional administrative duties shall serve at the pleasure of the board of trustees and shall perform such duties as may be prescribed by the board.

Section 8: Title 5 Public Health and Safety, Chapter 1 Fire Department, Section 5-1-1: Department Established; Members; Duties is amended to read as follows:

5-1-1: DEPARTMENT ESTABLISHED; MEMBERS; DUTIES

A. Definition: The term "volunteer firefighter" means one who is enrolled as a member of the fire department of the town and who serves in that capacity without receiving a regular salary.

B. Appointment of Members:

1. Chief and Members: There shall be a fire department, the head of which shall be the chief of the fire department. The chief shall be appointed for an indefinite term by the board of trustees and may be removed by the board at any time. The fire chief shall administratively function under the general supervision of the town administrator. There shall be such assistant chiefs, firefighters, and other personnel as the ~~board of trustees~~² town administrator may appoint or approve.

2. New Members: New members of the department shall be appointed by the chief and shall be on probation for one year after their appointment. Upon completion of their probation period, new members must be approved by the majority of the other members of the fire department.

C. Duties Generally: It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate and to administer first aid to persons injured in or about burning structures, or elsewhere, in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in public and private buildings.

Section 9: Title 6 Criminal Activities; Enforcement, Chapter 1 Police Department, Section 6-1-1: Department and Chief, Appointment, is amended to read as follows:

6-1-1: DEPARTMENT AND CHIEF, APPOINTMENT

There shall be a police department, the head of which shall be the chief of police, appointed by the ~~town board of trustees~~ town administrator for an indefinite term, and removable by the ~~board of trustees~~ town administrator. The chief of police shall be an officer of the town, and shall have supervision and control of the police department. There may be such additional police officers as the ~~board of trustees~~ town administrator may authorize. All police officers shall be officers of the town.

Section 10. Repealer: All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 11. Severability: The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

INTRODUCED and CONSIDERED in an open meeting of the Board of Trustees of the Town of Jones City this 5th day of July, 2023.

PASSED and APPROVED by the Board of Trustees of the Town of Jones City this 5th day of July, 2023.

MISSY WILKINSON, MAYOR

ATTEST:

[seal]

TAMMY WALLACE, TOWN CLERK

APPROVED AS TO FORM AND CONTENT:

JOHN E. DORMAN, TOWN ATTORNEY