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CHAPTER 1

GOVERNMENT ORGANIZATION

SECTION 2-101 COUNCIL-MANAGER FORM OF GOVERNMENT

The city is governed by the statutory council-manager form of government. The powers of the city are vested in the city council.

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CHAPTER 2

CITY COUNCIL

Section 2-201	Elections to be held; four-year overlapping terms
Section 2-202	Time of regular meetings of the council
Section 2-203	Meetings of the council
Section 2-204	Qualifications of Council members
Section 2-205	Election of mayor and vice-mayor, duties
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Section 2-208	Rules of procedure
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SECTION 2-201 ELECTIONS TO BE HELD: FOUR-YEAR OVERLAPPING TERMS

In this 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. Council members from Wards One (1) and Two (2)

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

1. Council members from Wards Three (3) and Four (4); and
2. The Council member-at-large.

SECTION 2-202 TIME OF REGULAR MEETINGS OF THE COUNCIL

The council of the city shall hold a regular meeting on the first Monday of every month at 7:00 P.M. If a meeting day falls on a holiday, as designated by the city council, the regular meeting shall be held on the next day which is not a holiday

SECTION 2-203 MEETINGS OF THE COUNCIL

Every meeting of the council shall be held in the council chamber unless, in case of an emergency, the Mayor or the Councilmembers calling a special meeting designate another place in the city for the holding of the special meeting. The Mayor or any three (3) Council members may call a special meeting. Any adjourned meeting may be held at any other place designated by the council. Administration and Government

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### SECTION 2-204 QUALIFICATIONS OF COUNCIL MEMBERS

Council members shall be residents and registered voters of the city. Council members from wards shall be actual residents of their respective wards at the time of their candidacy and election, but removal of a Council member from one ward to another within the city after his election, or a change in ward boundaries, shall not disqualify him from completing the term for which he was elected.

### SECTION 2-205 ELECTION OF MAYOR AND VICE-MAYOR: DUTIES

1. The council shall elect from among its members a mayor and a vice- mayor. The mayor and vice-mayor shall be elected in each odd-numbered year at the first council meeting held after council terms begin, or as soon thereafter as practicable, and they shall serve until their respective successors have been elected and qualified.
2. The mayor shall preside at meetings of the council, and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties except that he shall sign all conveyances and other written obligations of the city as the council may require. The vice-mayor shall act as mayor during the absence, disability or suspension of the mayor.

### SECTION 2-206 POWERS VESTED IN COUNCIL DESIGNATED POWERS

All powers of the city, including the determination of matters of policy, shall be vested in the council. Without limitation of the foregoing, the council may:

1. Appoint and remove the city manager as provided by law;
2. Enact municipal legislation subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
3. Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
4. Appoint or elect and remove its own subordinates, members of commissions and boards and other quasi-legislative or quasi-judicial officers as provided by law, or prescribe the method of appointing or electing and removing them;
5. Create, change and abolish offices, departments and agencies other than those established by law, and assign additional functions and duties to offices, departments and agencies established by this chapter; and
6. Grant pardons for violations of municipal ordinances, including the remission of fines and costs, upon the recommendation of the municipal judge.

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### SECTION 2-207 CITY COUNCIL COMPENSATION

1. All City Council Members of the City Council of the City of Coweta shall be paid compensation at the monthly rate of \$250.00 per month, except the Mayor shall be paid compensation at the monthly rate of \$350.00 per month;
2. This Ordinance shall become effective May 1, 2001, and shall apply to the Mayor and City Council Members holding office as of that date.

### SECTION 2-208 RULES OF PROCEDURE

1. The council may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the council may prescribe.
2. The order of business for each meeting of the council shall be as posted on the agenda for the meeting.
3. The following rules of procedure shall apply to any regular or special meeting of the council unless three (3) members agree to waive the rule or rules:
  - A. At the request of the mayor or any Council member, all motions shall be reduced to writing;
  - B. A motion to reconsider any of the proceedings of the council shall not be entertained unless it is made by a member who previously voted in the majority;
  - C. 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 council and cannot be withdrawn but by leave of the council;
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.
  - e. 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 indefinitelywhich several motions shall have precedence in the order they stand arranged;

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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 council 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;
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; and
11. Robert's Rules of Order shall govern matters not included or covered in this code or in rules adopted by the city council.

### SECTION 2-209 CONFLICTS OF INTEREST AND DISCLOSURE

#### Section 2-209 (A) Eligibility and Requirements Prior to Holding Office

State law regulates both the eligibility for candidacy and the eligibility to hold office. Although the state and/or county election boards must determine eligibility for candidacy, the City is responsible for ensuring compliance with state law as it concerns eligibility to hold office. Oklahoma Statutes provide the following concerning eligibility to hold office:

#### Title 11, Section 8-101

A municipal elected official shall be a resident and a registered voter of the municipality in which he serves, and all council members 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.

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In order to ensure compliance with the above provisions, the following procedures are adopted by the City of Coweta to apply to ALL elected officials of the City of Coweta:

Upon the conclusion of the filing period for office, or prior to the appointment of any individual to fill an unexpired term, the City Clerk shall provide to the individual an affidavit wherein the individual shall state:

- a. The location of their residence;
- b. The dates in which they have resided at the stated location;
- c. The address used for their voter registration;
- d. The location of any other residency claimed during the preceding three (3) year
- e. The location of any homestead exemption claimed during the preceding three (3) years

Upon receipt of the above affidavit, the City Clerk shall either:

- f. Certify to the current city officials that the individual is eligible to hold office;
- g. Request such other information from the individual as may be needed to make a determination of residency; or
- h. Refer the matter to the City Attorney for additional investigation or action.

In those instances in which the information above does not satisfy the City Clerk and City Attorney that the residency requirements of state law are met, the City Attorney is authorized and directed to proceed as follows:

- a. Immediately request such additional information as necessary to resolve the residency issue;
- b. Bring an action in Wagoner County District Court requesting the Court to resolve the eligibility to hold office issue;

The City Council by approval of this ordinance directs that the City Clerk, and all other officials of the City, are precluded from administering the oath of office to any individual in which the eligibility to hold office issue has not been fully resolved, as set forth above, by certification of the City Clerk or by order of the District Court.

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### Section 2-209(B) CONFLICTS OF INTEREST AND DISCLOSURE

- A. Any council member to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning any matter presented to the city council of the city should not participate in that action. The possibility, not the actuality, of a conflict should govern. The individual experiencing a conflict of interest should declare his interest and abstain from voting on the matter.
- B. The disclosure requirements of this section shall also apply to city employees and officers and to all other boards or agencies of the city and the city's public works authority.
- C. The city manager shall prepare and provide to council members a written form which shall be completed prior to any council meeting, provided to all members upon completion, fully disclosing in writing any and all conflicts of interest that may exist on an agenda item.

### Section 2-209(C) MEETING ATTENDANCE AND CONTINUING RESIDENCY

The statutes of the State of Oklahoma provide as follows concerning the attendance of city council meetings by members:

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.

Further, state law requires any council member in office to maintain residency within the City of Coweta throughout their term of office.

The primary responsibility to ensure compliance with the above provision shall be upon the office holder involved. Further, upon knowledge of a failure to comply, all other elected officials, the city manager, the city clerk, and the city attorney shall have the obligation to advise the other city officials of the failure to comply. All city officials acknowledge no city official has the authority to grant exceptions to the above statutory requirement, to overlook a noncompliance, or to allow any elected official to continue to discharge the duties of office after such a forfeiture, absent action by the elected officials to fill the vacancy that exists as they see fit, pursuant to state law.

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### Section 2-209(D) CODE OF CONDUCT

The following Code of Conduct is adopted to regulate the conduct and activities of the Elected Officials of the City of Coweta:

#### **CITY OF COWETA CODE OF CONDUCT FOR ELECTED OFFICIALS**

The Three R's of Coweta Government Leadership: Roles, Responsibilities and Respect

Oklahoma State Statutes and City Ordinances provide detailed information on the roles and responsibilities of Council members, the Vice Mayor, and the Mayor. However, until now, what has not been clearly written down is a Code of Conduct for Coweta's elected officials.

This Code of Conduct is designed to describe the manner in which Council members should treat one another, city staff, constituents, and others that they may come into contact while representing the City of Coweta. The policy defines more clearly the behavior, manners and courtesies that are suitable for various occasions. The policy also considers a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent theme through all of the conduct guidelines is "respect." Council members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual, through words and actions, is the touchstone that can help guide Council members to do the right thing in even the most difficult situations.

In order to control modifications to the Council Code of Conduct, 4/5th majority approval must be obtained from the Coweta City Council before modifications can be enacted.

## **Overview of Roles & Responsibilities**

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Oklahoma State Statues, Coweta Code of Ordinances and the Municipal Handbook from the Oklahoma Municipal League.

### **MAYOR**

- Elected by the Coweta City Council on each odd-numbered year.
- Acts as the official head of the City for all ceremonial purposes and military law.
- Chairs Council meetings.
- Calls for special meetings.
- Recognized as spokesperson for the City
- Selects substitute for City representation when Mayor cannot attend
- Makes judgment calls on proclamations.
- Recommends subcommittees, as appropriate, for Council approval.
- Leads the Council into an effective, cohesive working team.
- Signs documents on behalf of the City.

### **VICE MAYOR**

- Elected by the Coweta City Council on each odd-numbered year.
- Performs the duties of the Mayor if the Mayor is absent or disabled.
- Chairs Council meetings at the request of the Mayor.
- Represents the City at ceremonial functions at the request of the Mayor.
- Moves or Makes routine motion on consent items on the City Council.

### **COUNCIL MEMBERS**

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes.

No Council member has more power than any other Council member, and all should be treated with equal respect.

#### **All Council members should:**

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Represent the City at ceremonial functions at the request of the Mayor.
- Be respectful of other people's time.
- Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in our government.
- Provide contact information with the City Manager in case an emergency or urgent situation arises.
- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct.

## **MEETING CHAIR**

The Mayor will chair official meetings of the City Council, unless the Vice Mayor or another Council member is designated as Chair of a specific meeting.

The Chair shall:

- Maintain order, decorum, and the fair and equitable treatment of all speakers.
- Keeps discussion and questions focused on specific agenda items under consideration.
- Makes parliamentary rulings with advice, if requested, from the City Manager who shall act as an advisory parliamentarian.

## **FORMER COUNCIL MEMBERS**

Past members of the City Council who speak to the current City Council about a pending issue should disclose whom they are speaking on behalf of (individual or organization).

## **Policies & Protocol Related to Conduct**

### **Ceremonial Events**

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council member should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

### **Correspondence Signatures**

Council members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council member(s) or City staff.

If correspondence is addressed only to one Council member, that Council member should check with staff on the best way to respond to the sender.

**Endorsement of Candidates**

Council members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

**General City Council Comments**

Council members are able to speak during the General City Council Comments portion of the Council meeting. However, the City Council shall make no decision or action except as to request the City Manager to schedule the matter for Council discussion at a later date.

**Public Meeting Hearing Protocol**

The applicant or appellant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Chair will determine how much time will be allowed for each speaker, with three to five minutes the standard time granted. The applicant or appellant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Councilmembers will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Council members are not appropriate until after the close of the public hearing. Council members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

**Travel Expenses**

All Council travel, in which the Council member expects to officially represent the City and/or be reimbursed by the City for travel costs, must be approved in advance by the Council.

**Council Conduct with One Another**

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of our community. In all cases, this common goal should be acknowledged even as the Council may "agree to disagree" on contentious issues.

## **IN PUBLIC MEETINGS**

Practice civility and decorum in discussions and debate.

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions will be tolerated.

Honor the role of the Chair in maintaining order

It is the responsibility of the Chair to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

Avoid personal comments that could offend other Council members.

If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches.

Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

## **IN PRIVATE ENCOUNTERS**

Continue respectful behavior in private.

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voice mail messages, and e-mail.

## Administration and Government

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voice mail message was played on a speaker phone in a full office?

What would happen if this e-mail message was forwarded to others? Written notes, voice mail messages and e-mail should be treated as potentially "public" communication.

Even private conversations can have a public presence.

Elected officials are always on display — their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

### **Council Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable

Limit contact to specific City staff.

Questions of City staff and/or requests for additional background information should be directed only to the City Manager. The City Manager should be copied on any request, except those to the City Attorney. Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Council members should ask the City Manger for direction. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.

## Administration and Government

Never publicly criticize an individual employee.

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's Department Head. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

Do not get involved in administrative functions.

Council members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

Check with City staff on correspondence before taking action.

Before sending correspondence, Council members should check with City staff to see if an official City response has already been sent or is in progress.

Do not attend meetings with City staff unless requested by staff. Even if the Council member does not say anything, the Council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

Limit requests for staff support.

Routine secretarial support will be provided to all Council members. All mail for Council members

Mail addressed to the Mayor is reviewed first by the City Manager who notes suggested action and/or follow-up items. Requests for additional staff support — even in high priority or emergency situations -- should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

**Council Conduct with the Public**

**IN PUBLIC MEETINGS**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with care and gentleness.

"I give many public presentations so standing up in front of a group is not new to me. But I found that speaking in front of Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity."

Be fair and equitable in allocating public hearing time to individual speakers

"The first thing the Mayor said to me was to be brief because the meeting was running late and the Council was eager to go home. That shouldn't be my problem. I'm sorry my item was at the end of the agenda and that there were a lot of speakers, but it is critically important to me and I should be allowed to say what I have to say and believe that the Council is listening to me." No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

Give the appearance of active listening.

It is disconcerting to speakers to have Council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council members to members of the public testifying should seek to clarify or expand information.

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It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

No personal attacks of any kind, under any circumstance.

Council members should be aware that their body language and tone of voice, as well as, the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings.

The City Manager serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Chair.

### **IN UNOFFICIAL SETTINGS**

Make no promises on behalf of the Council.

Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers, etc.).

Make no personal comments about other Council members.

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council members, their opinions and actions.

Remember that despite its impressive population figures, Coweta is a small town at heart.

Council members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Coweta. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

### **Council Conduct with Other Public Agencies**

Be clear about representing the City or personal interests.

If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state: (1) if his or her statement reflects personal opinion or is the official stance of the City; (2) whether this is the majority or minority opinion of the Council. If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.

If the Council member is representing another organization whose position is different from the City, the Council member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

Correspondence also should be equally clear about representation.

City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence should be given to the City Manager for filing as part of the permanent public record.

It is best that City letterhead not be used for correspondence of Council members representing a personal point of view, or a dissenting point of view from an official Council position. However, should Council members use City letterhead to express a personal opinion, the official City position must be stated clearly so the reader understands the difference between the official City position and the minor viewpoint of the Council member.

### **Council Conduct with Boards and Commissions**

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

If attending a Board or Commission meeting, be careful to only express personal opinions.

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Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation -- especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

Limit contact with Board and Commission members to questions of clarification.

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

Remember that Boards and Commissions serve the community, not individual Council members.

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council members, nor should Council members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and reappointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

Be respectful of diverse opinions.

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

Keep political support away from public forums.

Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Council member.

## Administration and Government

Inappropriate behavior can lead to removal.

Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Board or Commission.

### Council Conduct with the Media

Council members are frequently contacted by the media for background and quotes.

The best advice for dealing with the media is to never go "off the record."

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

The Mayor is the official spokesperson for the City's position.

The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.

Choose words carefully and cautiously.

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

## **Sanctions**

### Public Disruption.

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

### Inappropriate Staff Behavior.

Council members should refer to the City Manager any City staff that does not follow proper conduct in their dealings with Council members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions.

## Administration and Government

### Council members Behavior and Conduct.

City Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (either within the City of Coweta or with inter-government agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Council members should point out to the offending Council member infractions of the Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Council member's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the Mayor. The City Council should ask the City Manager and/or the City Attorney to investigate the allegation and report the findings to the City Council. It is the City Council's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as, to recommend sanction options for

Council consideration. Videotaping of the complaint hearing should be used for a Council ad hoc subcommittee.

### **Principles of Proper Conduct**

Proper conduct IS .....

- Keeping promises.
- Being dependable.
- Building a solid reputation.
- Participating and being available.
- Demonstrating patience.
- Showing empathy.

## Administration and Government

Holding onto ethical principles under stress.  
Listening attentively.  
Studying thoroughly.  
Keeping integrity intact.  
Overcoming discouragement.  
Going above and beyond, time and time again.  
Modeling a professional manner.

Proper conduct IS NOT .....

Showing antagonism or hostility.  
Deliberately lying or misleading.  
Speaking recklessly.  
Spreading rumors.  
Stirring up bad feelings, divisiveness.  
Acting in a self-righteous manner.

### **It all comes down to respect**

Respect for one another as individuals. Respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.

Checklist for Monitoring Conduct

Will my decision/statement/action violate the trust, rights or good will of others?  
What are my interior motives and the spirit behind my actions?  
If I have to justify my conduct in public tomorrow, will I do so with pride or shame?  
How would my conduct be evaluated by people whose integrity and character I respect?  
Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?  
Is my conduct fair? Just? Morally right?  
If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?  
Does my conduct give others reason to trust or distrust me?  
Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?  
Do I exhibit the same conduct in my private life as I do in my public life?  
Can I take legitimate pride in the way I conduct myself and the example I set?  
Do I listen and understand the views of others?  
Do I question and confront different points of view in a constructive manner?  
Do I work to resolve differences and come to mutual agreement?  
Do I support others and show respect for their ideas?  
Will my conduct cause public embarrassment to someone else?

Administration and Government

CHAPTER 3

CITY MANAGER

Section 2-301 City Manager appointment

Section 2-302 Duties

SECTION 2-301 CITY MANAGER APPOINTMENT

The council shall appoint a city manager for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the city or state; but, during his tenure of office, he shall reside within the city. No Council member may be appointed city manager during the term for which he shall have been elected or within two (2) years after the expiration of his term.

SECTION 2-302 DUTIES

The city manager shall be the chief executive officer and head of the administrative branch of the city government. He shall execute the laws and administer the government of the city and shall be responsible therefor to the council. He 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 and employees of the city except as otherwise provided by law. The manager or the council by ordinance may authorize the head of a department, office or agency to appoint and remove the subordinates in such department, office or agency;
2. Supervise and control all administrative departments, offices and agencies;
3. Prepare a budget annually and submit it to the council and be responsible for the administration of the budget after it goes into effect; and recommend to the council any changes in the budget which he deems desirable;
4. Submit to the council a report after the end of the fiscal year on the finances and administrative activities of the city for the preceding year;
5. Keep the council advised of the financial condition and future needs of the city, and make recommendations as he deems desirable; and
6. Perform such other duties as may be prescribed by law or by ordinance.

Administration and Government

CHAPTER 4

FINANCE DEPARTMENT

- Section 2-401 City Clerk
- Section 2-402 Duties of City Clerk
- Section 2-403 Same person may hold both offices
- Section 2-404 City Treasurer
- Section 2-405 Duties of City Treasurer

SECTION 2-401 CITY CLERK

The city clerk shall be an officer of the city, appointed by the city manager for an indefinite term, and removable by the manager. The city clerk shall have supervision and control of the finance department. There shall be such employees in the finance department as the council may authorize.

SECTION 2-402 DUTIES OF CITY CLERK

The city clerk shall collect or receive revenue and other money for the city and shall deposit the same daily as required by law. The clerk shall attend all council meetings and shall keep the journal of the proceedings of the council. He shall enroll in a book kept for the purpose, all ordinances and resolutions passed by the council. He shall keep the seal of the city and attest the signature of the mayor or vice mayor. He shall maintain a general accounting system for the city. He shall perform such other duties as may be required by law or ordinance for the city clerk.

SECTION 2-403 SAME PERSON MAY HOLD BOTH OFFICES

The same person may hold the office of city clerk and office of city treasurer at the same time. The council may appoint as city treasurer the same person who the manager has appointed as city clerk and vice versa.

SECTION 2-404 CITY TREASURER

There shall be a treasurer for the city, appointed as the city treasurer as provided herein. The treasurer is an officer of the city and shall be appointed by the city pursuant to state law.

## Administration and Government

### SECTION 2-405 DUTIES OF CITY TREASURER

The treasurer shall deposit daily all funds coming into his hands in such depositories as the council may designate; and shall disburse such funds in the manner provided by applicable law or ordinance. He shall have such other powers, duties, and functions as may be prescribed by applicable law or by ordinance.

Administration and Government

CHAPTER 5

OTHER DEPARTMENTS AND PERSONNEL

Section 2-501	City Attorney
Section 2-502	City-county Health Department; Director
Section 2-503	Officers and employees; number and classes; compensation
Section 2-504	Certain personnel to be bonded
Section 2-505	Oath
Section 2-506	Energy officer and committee
Section 2-507	Drug testing procedure adopted

SECTION 2-501 CITY ATTORNEY

The city attorney is appointed by the city manager for an indefinite term, and is removable by the manager. The city attorney is an officer of the city. The city attorney is the chief legal adviser of the council and all other officers, departments, and agencies of the city government in matters relating to their official powers and duties. He represents the city in proceedings in the courts, and performs all services incident to his position which may be required by law or ordinance. He may attend regular meetings of the council and prepare ordinances for the council. He may receive a regular salary as set by the council and, in addition thereto, receive reasonable fees for representing the city in lawsuits or controversies to which the city is a party, whether tried, settled or otherwise. He may provide other special services as requested by the council or manager. When duly authorized by the council or manager, he shall receive a reasonable fee for such special services.

SECTION 2-502 CITY-COUNTY HEALTH DEPARTMENT; DIRECTOR

If so designated by the city manager, the cooperative health department of the county and its director shall have the powers of a city health department and city health officer respectively for the city. References to health department and health officer or director of the health department in this code and in other ordinances of the city mean the cooperative health department and its director, unless the context clearly indicates another meaning.

SECTION 2-503 OFFICERS AND EMPLOYEES; NUMBER AND CLASSES; COMPENSATION

The council, by motion, resolution, or ordinance, may regulate the number of classes of officers and positions of employment in the various departments, offices, and agencies of the city government, and may determine or regulate the compensation to be paid to officers and employees.

## Administration and Government

### SECTION 2-504 CERTAIN PERSONNEL TO BE BONDED

1. Before entering upon their official duties, the following personnel of the city government shall provide bonds for the faithful performance of their official duties, payable to the city, with a surety company authorized to operate within the state, in such amounts as set or approved by the council:
  - a. City clerk; and
  - b. City treasurer.
2. The council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded.
3. The city shall pay the premiums on the bonds.

### SECTION 2-505 OATH

Every officer of the city as required by law, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution.

### SECTION 2-506 ENERGY OFFICER AND COMMITTEE

1. There is hereby designated an employee within existing city staff who shall be known as the local energy officer (LEO). This person shall be chosen from the staff and shall be someone with either technical knowledge of the city's utility and energy services or someone with knowledge concerning the city's overall operations. This person shall be recommended by the city manager and appointed by majority vote of the city council.
2. There is hereby created a committee which shall be known as the energy management committee.
3. The energy management committee shall consist of five (5) members to be appointed by a majority of the city council.
4. The term of office of a member of the energy management committee shall be two (2) years and shall end on the first Monday of November. Of the original appointed members, one shall serve for one year, two (2) shall serve for three (3) years, and two (2) shall serve for two (2) years. The individual term of office of an original appointed member shall be determined by the mayor in such manner as he shall select.

## Administration and Government

5. Any vacancy which occurs in the energy management committee shall be filled for the unexpired term in the same manner as the original appointment.
6. A member of the energy management committee who shall miss three (3) consecutive regular scheduled meetings of the committee shall cease to be a member. The vacancy created shall be filled by an appointment of a new member to serve the remainder of the unexpired term by a majority vote of the city council.
7. The term of office for the LEO shall be established by the city manager and approved by a majority vote of the city council
8. The energy management committee and LEO shall hold regular monthly meetings. The members of the committee shall determine the time and place of such meetings. The local energy officer, the city manager, the mayor or any three (3) members of the energy management committee may call a special meeting.
9. Except for instances wherein executive sessions are authorized by state law, all meetings shall be open to the public with proper notice given as required by the Oklahoma Open Meetings Act.
10. The members of the energy management committee shall serve without compensation, but shall be reimbursed for such reasonable expense incurred in the performance of their duties as allowed by the city council. The LEO shall be compensated through his salary.
11. The energy management committee shall select from its membership a vice-chairman and a secretary to serve for terms of one year. The LEO shall serve as the chairman of the committee. The secretary shall keep minutes of all meetings of the board and certify to the chairman that proper notice has been given to the city clerk and the public of all meetings
12. The duties and powers of the energy management committee are as follows:
  1. The energy management committee shall serve as an advisory committee to the city council and city manager;
  2. Copies of city utility bills, contracts, franchise agreements and records pertaining to expenditures shall be made available to the committee upon request;
  3. The committee shall develop an ongoing energy management program (EMP) to be citywide as a method of:
    - a. Reducing energy costs by identifying energy management opportunities for which effective solutions are commercially available;

## Administration and Government

- b. Developing and maintaining a regularly scheduled maintenance program of all facilities;
  - c. Identifying and implementing "low cost/no cost measures" for proper energy management;
  - d. Developing strategies for future energy management measures;
  - e. Conducting technology seminars with manufacturers to keep abreast of current technology and future trends;
4. The committee shall monitor the EMP on an ongoing basis to ensure the program is obtaining the desired objectives, forecast savings, and policies of the program's current direction;
  5. The committee shall prepare quarterly reports involving the status, current objectives, goals and accomplishments of the energy management program;
  6. The committee shall hold two (2) public meetings annually to obtain citizen input, and to inform the citizens of the current status, objectives, goals and accomplishments of the EMP;
  7. The committee chairman shall present the quarterly reports to the city council with recommendations for consideration of implementation; and
  8. The committee's secretary shall provide copies of the minutes to the office of the city clerk within ten (10) days from the date of their approval.

### SECTION 2-507 DRUG TESTING PROCEDURE ADOPTED

The city's "Substance Abuse Testing" procedure, as adopted by Ordinance No.468, 6/5/95, and any amendments thereto, is hereby adopted and incorporated herein by reference, applicable fully as if set out at length herein. The procedure covers employees and applicants of the city and public works authority, training, testing, notices, consequences, hearing and other matters.

Administration and Government

CHAPTER 6

CITY RECORDS

Section 2-601	Appointment of official custodians
Section 2-602	Designation of additional record custodians
Section 2-603	Duties of custodians
Section 2-604	Requests to be directed to custodians
Section 2-605	Procedures regarding both inspection and copying of open public records
Section 2-606	Procedures regarding inspection of open public records
Section 2-607	Procedures regarding copies of open public records
Section 2-608	No fee for inspection
Section 2-609	Copying fee
Section 2-610	Fee for mechanical reproduction
Section 2-611	Search fee
Section 2-612	Repayment of fees

SECTION 2-601 APPOINTMENT OF OFFICIAL CUSTODIANS

The following city officials are hereby appointed as official custodians for purposes of the Oklahoma Open Records Act and are charged with responsibility for compliance with that act with respect to the following listed public records:

1. City Clerk. All public records kept and maintained in the city clerk's office and all other public records not provided for elsewhere in this chapter;
2. City Treasurer. All public records not on file in the office of the clerk and kept and maintained in the city treasurer's office;
3. Chief of Police. All public records not on file in the office of the city clerk and kept and maintained in the city police department;
4. Fire Chief. All public records not on file in the office of the city clerk and kept and maintained in the city fire department.
5. City Attorney. All public records not on file in the office of the city clerk and kept and maintained in the city attorney's office;
6. Court Clerk. All public records not on file in the office of the city clerk and kept and maintained in the municipal court; and
7. City Librarian. All public records not on file in the office of the city clerk and kept and maintained in the city library.

## Administration and Government

### SECTION 2-602 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS

1. Each of the official custodians appointed in Section 2-601 of this code is hereby authorized to designate any subordinate officers or employees to serve as record custodian. The record custodians shall have such duties and powers as are set out in the Oklahoma Open Records Act.
2. Whenever an official custodian shall appoint another person as a record custodian he or she shall notice the city clerk of such designation and the city clerk shall maintain a register of all such designations.

### SECTION 2-603 DUTIES OF CUSTODIANS

All city officials and employees appointed or designated under this chapter shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the city; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this city for inspecting and copying open public records.

### SECTION 2-604 REQUESTS TO BE DIRECTED TO CUSTODIANS

1. All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Oklahoma Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.
2. Whenever any city official or employee appointed or designated as a custodian under this chapter is presented with a request for access to, or copy of, a public record which record the custodian does not have in his possession and which he has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

## Administration and Government

### SECTION 2-605 PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS

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

1. Consistent with the policy, duties and procedures established by 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;
2. Record custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied;
3. Record custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time;
4. All inspections and copying of open public records shall be performed by, or under the supervision of, the record custodian responsible for such records;
5. 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;
6. All record inspection and copying forms are to be completed by the person requesting the record. The record custodian may demand reasonable identification of any person requesting a record;
7. 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 or city clerk;
8. The record custodian or city clerk shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in Section 2-612 of this code;
9. No record search or copying charge shall be assessed against officers or employees of the city who make requests which are reasonable necessary to the performance of their official duties.
10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;

## Administration and Government

11. Removal of open public records from the office where kept and maintained, for purposes of inspection or the making of copies, shall not be permitted; and
12. 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.

### SECTION 2-606 PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS

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

1. 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;
2. All request forms must be completed by the party requesting the record. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian and presented to the record custodian;
3. 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; and
4. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the city manager.

### SECTION 2-607 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS

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

1. 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;
2. All request forms must be completed by the party requesting the copies. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian;
3. 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; and

## Administration and Government

4. 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.

### SECTION 2-608 NO FEE FOR INSPECTION

Where a request has been made for the inspection of an open public record, no fee shall be charged.

### SECTION 2-609 COPYING FEE

A fee per page as set by the council by motion or resolution shall be charged for photocopying an open public record, such fee to cover the cost of labor, materials and equipment.

### SECTION 2-610 FEE FOR MECHANICAL REPRODUCTION

For copying any open public record which cannot be reproduced by photocopying, such as a computer printout or a blueprint, the requester shall be charged the actual cost to the city, including the cost of labor, materials and equipment.

### SECTION 2-611 SEARCH FEE

A search fee shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be the actual cost to the city of producing the record, including the cost of labor, materials and equipment.

### SECTION 2-612 PREPAYMENT OF FEES

A record custodian may demand prepayment of a fee whenever the estimated amount exceeds Twenty Dollars (\$20.00). The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.

Administration and Government

CHAPTER 7

SOCIAL SECURITY

Section 2-701	Declaration of policy to come under coverage
Section 2-702	Execution of agreement with state agency
Section 2-703	Withholdings
Section 2-704	Contributions
Section 2-705	Records and reports
Section 2-706	Exclusions

SECTION 2-701 DECLARATION OF POLICY TO COME UNDER COVERAGE

It is hereby declared to be the policy and purpose of the city to extend, at the earliest date, to the eligible employees and officials of the city the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and all amendments thereto, and Sections 121 et seq. of Title 51 of the Oklahoma Statutes. In pursuance of this policy, the officers and employees of the city shall take such action as may be required by applicable state or federal laws or regulations.

SECTION 2-702 EXECUTION OF AGREEMENT WITH STATE AGENCY

The mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of Section 2-701 of this code.

SECTION 2-703 WITHHOLDINGS

Withholdings from salaries or wages of employees and officials for the purposes provided in Section 2-701 of this code are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws and regulations.

SECTION 2-704 CONTRIBUTIONS

Employer contributions shall be paid from amounts appropriated for these purposes from available funds to the designated state or federal agency in accordance with applicable state or federal laws or regulations.

## Administration and Government

### SECTION 2-705 RECORDS AND REPORTS

The city shall keep such records and submit such reports as may be required by applicable state or federal laws or regulations.

### SECTION 2-706 EXCLUSIONS

Excluded from this chapter authorizing the extension of social security benefits to city officers and employees are the following:

1. Any authority to make any agreement with respect to any position, employee or official covered or authorized to be covered as of the initial effective date of this chapter by any other ordinance creating any retirement system for any employee or official of the city; or
2. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations.

Administration and Government

CHAPTER 8

RETIREMENT AND PENSIONS

ARTICLE A

FIREFIGHTERS RETIREMENT SYSTEM

Section 2-801 Fire pension and retirement system.

ARTICLE B

EMPLOYEE RETIREMENT SYSTEM

Section 2-810 Employee retirement system created

Section 2-811 Administration

Section 2-812 Fund

Section 2-813 Appropriations

Section 2-814 Execution

Section 2-815 Conflicting laws

Administration and Government

ARTICLE A

FIREFIGHTERS RETIREMENT SYSTEM

SECTION 2-801 FIRE PENSION AND RETIREMENT SYSTEM

There is hereby created a local firefighter's pension and retirement board composed of the mayor, the clerk and three (3) members from the fire department. The board shall have the membership, organization, powers, duties and functions and the fund shall operate as prescribed by Sections 49-103 et seq. of Title 11 of the Oklahoma Statutes. The system shall operate in accordance with applicable state law.

ARTICLE B

EMPLOYEE RETIREMENT SYSTEM

SECTION 2-810 EMPLOYEE RETIREMENT SYSTEM CREATED

Pursuant to the authority conferred by the laws of the state and for the purpose of encouraging continuity and meritorious service on the part of city employees and thereby promote public efficiency, there is hereby authorized, created, established, approved and adopted, effective as of September 1, 1985, the funded pension plan designated "Employee Retirement System of Coweta, Oklahoma" (hereinafter called "system"), and as amended from time to time, an executed counterpart of which is marked "Exhibit A" to ordinance adopting and amending the system.

Ed. Note: Exhibit A is on file in the city clerk's office and is subject to public inspection. See Ordinance Table for amendments to the retirement plan.

SECTION 2-811 ADMINISTRATION

For the purpose of administration of the system there is hereby established a board of trustees, which shall be the members of the city council of the city 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 set forth in the system instrument marked "Exhibit A" as mentioned in Section 2-810.

## Administration and Government

### SECTION 2-812 FUND

A fund is hereby provided for the exclusive use and benefit of the person 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 clerk, 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 and towns in the state as a part of the Oklahoma Municipal Retirement Fund, in accordance with a duly executed contract for such purpose which contract shall be executed by the city council as soon as feasible. 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 shall be non-fiscal and shall not be considered in computing any levy when the annual estimate is made to the county excise board. The fund and system shall be evaluated each year for actuarial soundness by a qualified actuarial firm.

### SECTION 2-813 APPROPRIATIONS

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

### SECTION 2-814 EXECUTION

A. 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 original system instrument, and all amendments thereto, and to do all other acts and things necessary, advisable and proper to put the system and amendments and related trust into full force and effect, 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. The counterpart marked as Exhibit A, which has been duly executed as aforesaid simultaneously with the passage of this chapter is hereby ratified and confirmed in all respects.

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- B. This city council is hereby authorized and directed to proceed immediately on behalf of the city to negotiate a contract with other incorporated cities and towns of the state 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. The city council shall manifest approval of such contract and the execution thereof by the mayor and city clerk by a formal resolution.

### SECTION 2-815 CONFLICTING LAWS

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

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CHAPTER 9

DRUG & ALCOHOL TESTING PROCEDURES

Section 2-901	Substance Abuse Testing
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SECTION 2-901 SUBSTANCE ABUSE TESTING

A. Definitions:

“Employee” as used in this Article means any person who supplies a service for remuneration or pursuant to any contract for hire with the City of Coweta or the Coweta Public Works Authority (CPWA)

“Job Applicant” means a person who applies to become an employee of the City of Coweta or CPWA.

“City” means the incorporated City of Coweta, Oklahoma, and its public trust, the Coweta Public Works Authority (CPWA)

B. All prospective full-time employees of the City, part-time employees and volunteers and independent contractors which in the discretion of the City Manager need to undergo pre-employment screening due to the nature of services to be rendered, and those current employees under the circumstances enumerated in this Ordinance shall be subject to testing for use of drugs by testing of bodily tissue, fluids, or products, including possible use of urinalysis, and alcohol by breath analysis as provided herein:

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Drugs which may be tested for include:

- Alcohol (ethyl)
- Amphetamine / Methamphetamine (e.g., speed, crystal, crank)
- Barbiturates (e.g., Amobarbital, Butobarbital, Phenobarbital, Secobarbital)
- Cocaine and its derivatives (e.g., coke, crack, speedballs)
- Methaqualone (e.g., Quaalude)
- Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone, Dilaudid, Tylenol #3, or #4, Loritabs)
- Phencyclidine (PCP)
- Cannabinoids (e.g., Marijuana, THC, Hashish)
- Benzodiazepines (e.g., Valium, Librium, Loripam, Diazepam, Xanax, Oxazepam, Serax, Dalmane, Ativan)
- Hallucinogens (e.g., LSD, Peyote, Mescaline)
- synthetic narcotics (e.g. Methadone)
- Designer drugs (e.g., Angel Dust)
- A metabolite of any of the substances listed above.

Any identifiable traces in excess of laboratory cut-off levels of such substances, as set forth by the State Board of Health, shall be a violation of this Ordinance. Employees may be tested for the presence of alcohol by breath analysis upon “reasonable suspicion” that one is under the influence of alcohol on the job.

### SECTION 2-902 JOB APPLICANT TESTING

General Standard: All applicants for employment with the City of Coweta or CPWA will be required to undergo a drug screening test upon a conditional offer of employment and prior to their final appointment without regard to whether reasonable suspicion of drug use exists. All employees, concerning whom there exists a “reasonable suspicion” of drug use, as defined in 3(a) of this ordinance, shall be subject to such testing.

### SECTION 2-903 CURRENT EMPLOYEE TESTING

A. Reasonable suspicion. Any current City Employee will be required to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours or is using alcohol or drugs which do or may affect his behavior during employment. “Reasonable suspicion” means an articulable belief based on specific objective and articulable facts and reasonable inference drawn from those facts in light of experience that an employee is under the influence of drugs or alcohol or suffering similar effects from prior use of the same. Circumstances which constitute a basis for determining “reasonable suspicion” may include, but are not limited to:

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1. A pattern of abnormal or erratic behavior or an incident which creates a reasonable suspicion of drug or alcohol abuse.
  2. Information provided by a reliable and creditable source and which has been independently corroborated;
  3. Direct observation of drug possession or alcohol or drug use while at work or on duty;
  4. Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination or reflexes, unusual hyperactivity or drowsiness);
  5. Evidence that an individual has tampered with an alcohol or drug test during his employment with the City;
  6. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs while on duty or while on the employer's premises or operating the employer's vehicle, machinery or equipment.
- B. Supervisor Reports: Supervisors are required to report to the City Manager all incidents or information creating a reasonable suspicion of which they have knowledge and detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the City Manager. After evaluation of the report by the City Manager, the City Manager shall request the employee submit to drug testing if, in the discretion of the City Manager, sufficient facts warrant the suspicion of drug use. The facts underlying the determination of reasonable suspicion shall be disclosed to the employees at the time the demand is made.
- C. The City Manager may require testing of an employee if he observes conduct which creates a reasonable suspicion of prohibited drug or alcohol usage or if it is brought to his attention, although not by a supervisor.
- D. The City Manager may request or require an employee to undergo drug or alcohol testing on a random basis of selection or as part of a routinely scheduled exam for all members of any employment classification if such employee:
- Is a police officer;
  - Is authorized to carry a firearm;
  - Is engaged in activities which directly affect the safety of others, such as firefighters, lifeguards, or heavy equipment operators.

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- E. The City Manager or a Department Supervisor may require an employee to undergo drug or alcohol testing if they have a reasonable suspicion that the employee or another person has sustained a work related injury or the employer's property has been damaged as a direct result of the employee's use of drugs or alcohol.
- F. The City Council shall follow the procedures set forth herein for requiring testing for its direct appointees who receive compensation from the City.

### SECTION 2-904 SUPERVISOR TRAINING

The City shall develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors recognize the conduct and behavior that give rise to a reasonable suspicion of drug or alcohol use.

### SECTION 2-905 PRIOR NOTICE OF TESTING POLICY

The City shall provide written notice of its drug and alcohol testing policy to all employees and job applicants by initial posting in a conspicuous place in the Coweta City Hall and by informing all employees. The notice shall contain the following information:

1. The consequences of refusing to undergo a drug and alcohol test;
2. The right of an applicant or employee, in confidence, to explain a positive test result and the appeal procedures available;
3. The right of an applicant or employee to obtain all information and records related to that individual's testing
4. That the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the work place and will subject an employee to discipline including termination.

### SECTION 2-906 CONSENT

Before a test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those City Officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's drug testing policy and to indicate a current or recent use of prescription or over-the-counter medication.

The consent form shall set forth the following information:

- The procedure for confirming an initial positive result;
- The consequences of a confirmed positive result;
- The right to explain a confirmed positive test result and the appeal procedures available;
- The consequences of refusing to undergo a drug and alcohol test;
- Whether the employee has used any of the substances enumerated in 1(b) within four weeks prior to the test.

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SECTION 2-907 REFUSAL TO CONSENT - APPLICANTS

A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the City.

SECTION 2-908 REFUSAL TO CONSENT - EMPLOYEES

Refusal to consent to testing by an employee for whom reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action, including termination.

SECTION 2-909 CONFIRMATION OF TEST RESULTS

- A. An employee or applicant whose drug test yields a positive result shall be given a second test, if requested, using gas chromatography or gas chromatography mass spectrometry (GC/MS) test or an equivalent method approved by State Board of Health rule. The second test shall use a portion of the same sample for use in the first test. A job applicant or employee may request a second test, but the cost of the same shall be advanced and paid by the applicant or employee prior to such second test.
- B. If the second test confirms the positive test result, the employee or applicant shall be notified of the results in writing by the City Manager or his designee. The letter of notification shall identify the particular substance found and its concentration level.
- C. If the retest reverses the findings of the challenged positive test, the City shall reimburse an employee of the costs of a retest, but shall not be required to reimburse a job applicant.

SECTION 2-910 CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT

- A. All applicants for positions with the City of Coweta and current employees are hereby notified that the use of drugs will not be tolerated, except by the direction of practitioner licensed to dispense such substances and in compliance with the provisions of this Ordinance; and discharge from or denial of employment will normally result from the use of substances described in 1(b) of this Ordinance.
- B. Applicants: Job applicants will be denied employment with the City if their initial positive test results have been confirmed. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive drug test result.

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- C. Employees: If an employee's positive test result has been confirmed the employee is subject to disciplinary action, including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, seriousness of the manner and variety of drug use and its effects upon job performance, candor, ability and willingness of the employee to refrain from use of drugs or alcohol and the existence of past disciplinary actions. No disciplinary actions may be taken against employees who, prior to demand for testing, voluntarily identify themselves as drug users, and if deemed appropriate, request leave of absence to obtain counseling and rehabilitation. Without cost to the City and thereafter refrain from violating the City's policy on drug and alcohol abuse and through periodic testing for up to two (2) years after returning to work demonstrate freedom from drug use. Such periodic testing to be at the sole discretion of the City Manager.
- D. Positive Results: An employee whose bodily tissue, fluids or products yields a positive test results is subject to discharge even though the substance detected was taken pursuant to a prescription written by a licensed practitioner of the healing arts unless the employee promptly notified his supervisor of his intended consumption of such drugs as is provided in the following subsection.
- E. Prescription medications: An employee will inform his supervisor any time prescribed medication enumerated in 1(b) of this ordinance is being taken. Failure to inform one's supervisor of consumption of prescribed medications specified in 1(b) may be grounds for discharge. When an employee gives such notice, the supervisor will require the employee to provide a doctor's written acknowledgment that the employee's use of such drug will or will not adversely affect his employment duties. If it will impair his performance, the supervisor may schedule other appropriate duty or require the employee to take available leave, including leave without pay until the medication usage ceases. An employee who is medically required to take such a drug on a continuing basis, may be reassigned if an appropriate position exists or, if not, is subject to discharge.

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### SECTION 2-911 RIGHT TO A HEARING

- A. If an employee positive test result has been confirmed, the employee is entitled to a hearing before any final disciplinary action may be taken by the City. The employee must make a written request for a hearing to the City Manager or other hearing officer designated by the City Manager within 5 days of receipt by the employee of the confirmation test results. A trial as known by the judicial system of the State is not contemplated, but employees may be represented by legal counsel, present evidence and witnesses on their behalf, and confront the evidence against them.
- B. No adverse personnel action may be taken against an employee based on a confirmed positive drug test result unless the hearing officer finds that:
  - 1. The employee drug test results are accurate; and,
  - 2. There is a reasonable suspicion to believe that the employee was affected by or under the influence of one or more of the substances enumerated in 1 (b) of this ordinance.
- C. Within 10 days following the close of the hearing, the City Manager or other designated hearing officer shall prepare a written report and a brief summary of the facts, and inform the employee of the results and any action to be taken by the City.
- D. An employee found to be in possession of any drugs as set forth in 1(b) in the workplace, except a Coweta Police Officer when said drugs have been confiscated and / or held for evidence in the course of their official duties, shall be subject to immediate suspension without pay pending a hearing, if a hearing is requested by the employee.

### SECTION 2-912 CONFIDENTIALITY OF TEST RESULTS

All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant or the same is to be used in a civil or administrative action involving the individual tested and the City, or pursuant to Court Order. The results of a positive drug test shall not be released until the results are confirmed.

### SECTION 2-913 PRIVACY IN DRUG TESTING

Urine samples shall be provided in a private rest room stall or similar enclosure so that employees may not be viewed while providing the sample. To preserve decency a view of the subject nude shall not be necessary; but street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The testing facility may provide other controls to protect the integrity of the sample.

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### SECTION 2-914 LABORATORY TESTING REQUIREMENTS

- A. All drug and alcohol testing of employees shall be conducted at medical facilities or laboratories selected by the City Manager and which are licensed by the State Department of Health to perform such tests. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the City in selecting a testing facility include:
1. Testing procedure which ensure privacy to employees and applicants consistent with the prevention of tampering;
  2. Methods of analysis which ensure reliable test results, including the use of gas chromatography / mass spectrometry to confirm positive test results;
  3. Chain-of-custody procedures which ensure proper identification, labeling, and handling of test samples; and
  4. Retention and storage procedures which ensure reliable results on confirmatory tests of original samples.
- B. If there is not substantial compliance with the testing procedures mandated by this ordinance; the results of testing on such occasion may not be utilized. Such a deviation from the testing procedures shall not, however, prohibit retesting the affected employees.

### SECTION 2-915 NOTIFICATION OF FEDERAL AGENCIES

The City Manager shall notify in writing any Federal agency from which the City is receiving any grants or contracts within ten (10) days of the criminal drug conviction of an employee or within ten (10) day of actual notice of said conviction. As a condition of continued employment an employee must notify the City Manager within five (5) days of a criminal drug conviction in the workplace.

### SECTION 2-916 CIVIL RIGHTS

The civil rights of all City employees will be scrupulously observed; and this ordinance has been drafted and will be interpreted with a design to honor those rights and protect the safety and welfare of others who may suffer serious harm by the use of drugs by those subject to the provisions of this ordinance. Should this or any portion of this ordinance be declared unenforceable or unconstitutional by any court or competent jurisdiction, those portions unaffected by such declaration shall remain in full force.

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### SECTION 2-917 EFFECT ON OTHER PERSONNEL POLICIES

The provisions of this ordinance shall supplement and govern over any other provisions in the Coweta City Code relating to personnel. In the event of an inconsistency between this ordinance and any other provision of the Coweta City Code, the terms and provisions of this ordinance shall govern.