

CHAPTER 1

ADMINISTRATION AND MANAGEMENT

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Article 1. Incorporation; Form of Government; Powers

Section 1-1. Incorporation

The City of Hollis, Oklahoma, within the corporate limits as now established or as hereafter may be established or as hereafter may be established, shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Hollis, Oklahoma." It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the City of Hollis, Oklahoma, and shall be liable for all debts and other obligations for which the corporation is now legally bound.

Section 1-2. Form of Government

The municipal government provided for the City of Hollis, Oklahoma, shall be the "Council-Manager" form of government. All powers of the municipality shall be exercised in the manner prescribed by this Code of Ordinances, future ordinances of State Law; provided that this Code and all future ordinances are not repugnant to the State Constitution and Laws.

Section 1-3. General Powers of the Municipality.

1. The City of Hollis, Oklahoma, shall have all the powers, functions, rights, privileges, franchises and immunities specifically granted to cities and municipalities, or not prohibited by the State Constitution and Laws, and all the implied powers necessary to carry into execution all the powers granted.

2. The City of Hollis, Oklahoma, shall have the power to adopt a corporate seal and alter the same, to sue and be sued, to make contracts and to grant, extend and renew franchises. It shall have the power to issue bonds, in accordance with the State Constitution and Laws. It shall have the power, in accordance with the State Constitution and Laws, to accept and administer Federal and State grants-in-aid. It shall have the power to ordain and enforce local legislation, consistent with the State Constitution and Laws, for the proper organization and functioning of municipal government, for the preservation and enforcement of good government and order, for the protection of health, life, peace, safety, morals and property, for the preservation, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare.

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3. The enumeration of particular powers by this Code of Ordinances shall not be deemed to be exclusive or limiting. In addition to the powers enumerated herein or implied hereby, the City of Hollis, Oklahoma, shall have all powers which, under the State Constitution and Laws, it would be competent for this Code of Ordinances specifically to enumerate.

Sections 1-4 through 1-9. (Reserved for future use.)

Article 2. Municipal Government

Section 1-10. Election and Terms of Council Members and Officers.

1. The City Council shall consist, and be composed of, five (5) members: a Council Member from each of the City's four (4) wards, and one (1) Council Member at large.

2. The terms of Council Members shall be staggered, so that, at any one (1) general municipal election, the Council Members from Wards one (1), and two (2) are to be elected for four (4) year terms; and at the next general municipal election, the Council Members from wards three (3), four (4) and the Council Member at large are to be elected for four (4) year terms.

3. All Council Members shall be elected for terms of four (4) years.

Section 1-11. Powers of the City Council.

1. Except as otherwise provided in this Code of Ordinances, all powers of the municipality, including the determination of matters of policy, shall be vested in the City Council; said Council shall have, and may utilize, all of the powers granted to the municipality and said Council by the State Constitution and Laws.

2. The City Council shall appoint the City Manager for an indefinite term, by a majority vote of all of its Members; the City Council may also suspend or remove the City Manager by a majority vote of all of its Members.

3. The relationship between the City Council and the City Manager shall be as prescribed by applicable provisions of Title II of Oklahoma Statutes.

Section 1-12. Municipal Policy and Business.

1. The City Council of Hollis, Oklahoma, will carry out their responsibilities, powers and duties as officers and as a corporate and politic body, within the city limits prescribed by the State Constitution and Laws and the Code of Ordinances of the City of Hollis, Oklahoma.

2. It shall be the policy of the municipal government that no person shall be discriminated against on the ground of race, creed, color, sex, religion, national origin or age in employment or other activities sponsored directly or indirectly by the City of Hollis, Oklahoma.

Section 1-13. City Council Meetings.

1. Municipal business shall be conducted at regularly scheduled open and public meetings, held in the City Hall (or another agreed upon place which is open to the public) , on the 1st Monday of each month, or the next following day, which is not a holiday, in the event of conflict with a holiday, beginning at 7:00 p.m.

2. Special or emergency City Council meetings may be called by the Mayor, or by a majority of the Council Members, upon the serving of notice, as required by current State Law.

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Section 1-14. Removal of Council Members; Vacancies.

1. Any Council Member may be removed from office for any cause specified by, and by the methods prescribed and specified by, applicable State Law for the removal of officers, including Title 22, O.S. 1971, § 1181, et seq.
2. Whenever a member of the City Council is absent for more than one-half (1/2) of all meetings of said Council (regular and special held within any period of four (4) consecutive months, he shall thereupon cease to hold office.
3. Vacancies in the membership of the City Council shall be filled according to applicable provisions of State Law.

Section 1-15 through 1-24. (Reserved for future use.)

Article 3. Municipal Personnel

Section 1-25. Mayor; Vice-Mayor.

1. The City Council shall elect one (1) of its members as Mayor and one (1) as Vice-Mayor. The Mayor and Vice-Mayor shall be elected in each odd-numbered year, at the 1st Council meeting held after the Council Members terms begin, or as soon thereafter as practicable, and they shall serve until their respective successors have been elected and qualified.
2. When a vacancy occurs in the Office of Mayor, the Vice-Mayor shall become the Mayor for the duration of the unexpired term. When a vacancy occurs in the Office of Vice-Mayor, the City Council shall elect another Vice-Mayor from among its members for the duration of the unexpired term.
3. The Mayor shall preside at all meetings of the City Council and may call special meetings thereof.
4. The Mayor shall certify to the correct enrollment of all ordinances and resolutions passed by the City Council. The Mayor shall have all the powers, rights, privileges, duties and responsibilities of a Council Member, and may vote on all matters that come before the City Council.
5. The Mayor shall be recognized as the head of the municipal government for all ceremonial purposes and by the Governor for purposes of military law.
6. The Vice-Mayor shall act as Mayor during the absence, disability or suspension of the Mayor.
7. The Mayor and Vice-Mayor shall perform all other duties prescribed by State Law or ordinance.

Section 1-26. City Manager; Acting City Manager.

1. The City Manager shall be appointed by a majority vote of the City Council, for an indefinite term.
2. The City Manager shall be selected on the basis of his executive and administrative qualifications.
3. At the time of his appointment, the City Manager need not be a resident of the City of Hollis, Oklahoma, but during the tenure of his Office, he shall reside within the City.
4. The City Manager may appoint himself, or the City Council or other Authority may appoint or elect him, to other offices and positions in municipal government (subject to such regulations as may be prescribed by ordinance), but he may not receive 'compensation for service in such other offices or positions.
5. Neither the Mayor nor any City Council Members 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.

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6. The City Council may suspend or remove the City Manager (or Acting City Manager), at any time, by a majority vote of all of its Members.

7. The City Manager may appoint a qualified municipal administrative officer to be Acting City Manager during the temporary absence or disability of the City Manager, by filing a letter of appointment with the City Clerk.

8. The City Council may appoint an Acting City Manager if the City Manager fails to make such a designation, if the City Council suspends the City Manager, or at any time there is a vacancy in the Office of City Manager.

Section 1-27. City Clerk.

1. The City Clerk is appointed by the city manager for an indefinite term and removable by the manager.

2. The City Clerk is the clerical officer for the city council and shall attend all meetings of the city council and keep a journal of the proceedings of the council. He shall attest and affix the seal of the city to documents as required by law. The clerk shall collect or receive revenue and other money for the city, and shall deposit the same daily with the city treasurer or for the city treasurer in an account or accounts maintained by the city treasurer in a depository or depositories. The City Clerk shall have such other powers, duties and functions as may be prescribed by applicable law or by ordinance.

Reference: 11 O.S. § 10-117.

Section 1-28. City Treasurer.

1. The City Treasurer is an officer of the city and who shall be appointed by the council for an indefinite term.

2. The City Treasurer shall maintain a general accounting system for the city government. The City 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.

Section 1-29. Chief of Police; Police Officers.

1. The Chief of Police shall be appointed by, and may be removed by, the City Manager; his appointment shall be for an indefinite term. One (1) or more police officers may be appointed by the City Manager; said police officers may be removed by the City Manager.

2. The Chief of Police and all police officers shall possess the powers, and be subject to the liabilities possessed and conferred by law upon sheriffs, in enforcing the Code of Ordinances of the City of Hollis, Oklahoma.

3. It shall be the duty of the Chief of Police and/or all police officers to bring to justice all violators of municipal ordinances and Federal and State Laws, and to turn such violators over to the proper authorities. The Chief of Police shall serve all warrants, writs, executions and other process, properly directed and delivered to him.

4. All personal property coming into the possession of any police officer, which has been found, stolen or taken off the person, or out of the possession of, any prisoner or person suspected of, or charged with being a criminal, and which is not known to belong to some person laying claim thereto, shall be delivered into the charge of the Chief of Police, who shall make a permanent, written record of said property, including the date and circumstances of the receipt thereof, the name of the person from whom it was taken (or the place where it was found), the subsequent disposal thereof, the date of sale, name and address of the purchaser and the amount for which it was sold.

5. Any personal property (other than animals) which remains unclaimed and in the possession of the Chief of Police, or the ownership of which is not satisfactorily established to him for a period of thirty (30) days, shall be sold and the proceeds of the sale paid over to the City Treasurer, who shall issue his receipt therefore and deposit the same to the credit of the General Fund of the City, except for such personal property as in the opinion of the City Manager can be more advantageously used by some department of office of the municipal government. Ten (10) days before a sale of such unclaimed property, the Chief of Police shall have posted in a conspicuous place in the City Hall, notice of

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the time, place and manner of such sale, including the general description of the property to be sold. If, in the opinion of the City Manager, all or any portion of the personal property may be more advantageously used in any municipal department or office, he shall so instruct the Chief of Police in writing and said Police Chief shall thereupon deliver the designated property to the department or office of municipal government and make a permanent record of its disposition.

6. Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) days, then the Chief of Police shall see the property as if it had been found by a public official or employee, or, on the instruction of the City Manager, deliver it to some department for its use.

7. The Chief of Police, or his designated representative, is authorized to direct that any regularly employed police officers of the City of Hollis, Oklahoma, may provide law enforcement assistance to another unit of local government in an emergency; provided that, a written request from an official representative of the other unit of local government had been received by the City of Hollis, Oklahoma.

8. While serving in said capacity (above), the City of Hollis, Oklahoma, shall provide salaries, insurance and other regular benefits to these officers.

9. The City Manager or Chief of Police of the City of Hollis, Oklahoma, is also authorized to request law enforcement assistance from other units of local governments, in emergency situations. In such cases, the assisting officers of the other units of local governments shall have the same powers and duties as though employed by the City of Hollis, Oklahoma; however, salaries, insurance and other benefits shall not be paid by the City of Hollis, Oklahoma.

10. In all events, the police officers of the City of Hollis, Oklahoma, shall return to their regular duties when directed to do so by the Hollis Police Chief or the Police Chief of the requesting municipality, whichever direction occurs first.

11. When the Hollis Police Chief shall direct, the assisting police officers of the other units of local governments shall return to their own regularly scheduled duties in their own municipalities, and those assisting police officers shall cease to have the powers and duties of police officers regularly employed by the City of Hollis, Oklahoma.

12. The Chief of Police and each police officer shall perform all other duties preserved by Law or Ordinance.

Section 1-30. Municipal Judges, Alternate and Acting Judges.

1. There shall be one (1) Judge of the Municipal Court and he shall be appointed by the Mayor, with the consent of the City Council. (See Chapter 13, this Code of Ordinance).

2. The Municipal Judge shall be at least twenty-five (25) years of age, a resident of the City of Hollis, Oklahoma (if he is not a licensed attorney), and be of good moral character. A Judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as a Municipal Judge or arising out of facts which give rise to, or are connected with, cases within the jurisdiction of the Court pending therein or which might become the subject of proceedings therein.

3. If the judge is not a licensed attorney and has not complied with the educational requirements set forth by state law (11O.S. 2001, Sec.27-104, as amended), the trial shall be to the court, and the court shall not impose a fine of more than Fifty Dollars (\$50.00).

4. The official term of the Municipal Judge shall be two (2) years, expiring on the 30th day of June, in each odd-numbered year. The Municipal Judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified.

5. A Judge, other than an Alternate Judge or an Acting Judge, shall receive a salary as prescribed by the City Council paid in the same manner as the salaries of other officials of the City of Hollis, Oklahoma.

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6. The Municipal Judge may prescribe rules, consistent with the State Constitution and Laws and this Code of Ordinances, for the proper conduct of the business of the Municipal Court.

7. There may be appointed an Alternate Judge of the Municipal Court, possessed of the same qualifications as the Municipal Judge.

- a. His appointment shall be for the same term and made in the same manner as the Municipal Judge. He shall sit as Acting Judge of the Municipal Court in any case if the Municipal Judge is absent from the Court, unable to act as Municipal Judge in a case.
- b. If, at any time, there is no Municipal Judge or Alternate Judge, duly appointed and qualified, available to sit as Municipal Judge, the City Council may appoint some person possessing the qualifications required by this Chapter for the Municipal Judge, who shall preside as Acting Judge over the Municipal Court in the disposition of pending matters until such time as a Municipal Judge or Alternate Judge shall be available.

8. An Alternate Judge or an Acting Judge shall be paid, as prescribed by the City Council, for each day devoted to the performance of his duties, except that, for any month, the total payments so calculated shall not exceed the salary of the Municipal Judge in whose stead he sits. An Alternate or Acting Judge who sits for an entire month shall receive the amount specified by the City Council as the salary of the Municipal Judge in whose stead he sits.

9. Judges shall be subject to removal from office by the City Council, for the causes prescribed by the State Constitution and Laws for the removal of public officers. Provisions of the Oklahoma Administrative Procedure Act governing individual proceedings (Title 75, O.S. § 309-317 and any amendments or additions thereto in effect at the time of the hearing) shall govern removal proceedings hereunder so far as they can be made applicable.

10. A vacancy in the Office of Municipal Judge shall occur if the incumbent dies, resigns, ceases to possess the qualifications for the office or is removed. Upon the occurrence of a vacancy in the Office of Municipal Judge, the Mayor shall appoint a successor to complete the unexpired term, using the same procedure as for an original appointment.

Section 1-31. City Attorney.

1. The City Attorney shall be appointed by the City Manager, on a contractual basis, for an indefinite term; the City Attorney may be removed by the City Manager.

2. It shall be the duty of the City Attorney to give legal advice on questions submitted to him by the City Council, when the subject matter concerns the powers of any municipal officials or employees, or the performance of their duties.

3. The City Attorney shall draw such ordinances, resolutions, notices, forms, leases, deeds, papers or other documents as may be required of him by the City Council.

4. The City Attorney shall be authorized to appear, prosecute and defend all actions wherein the City of Hollis, Oklahoma, is a party, and he shall institute proceedings in courts of law upon the order of said City Council.

5. The City Attorney shall be allowed actual and necessary traveling and hotel expenses while outside the City of Hollis, Oklahoma, and on official business for said City; provided that this business has been approved and directed by the City Council.

6. The City Attorney shall perform such other duties as the City Council may require; provided that such duties are included within the scope of the contractual arrangement.

Section 1-32. Fire Chief.

1. There is hereby created the Office of Chief of the Fire Department, who shall be appointed by, and may be removed by, the City Manager. His term of office shall be indefinite. (See Chapter 8 this Code of Ordinances).

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2. Duties of the Fire Chief shall include:
 - a. The Fire Chief shall have supervision and control of the Fire Department, subject to the State Law, the provisions of this Chapter, other ordinances of the City and the City Council; he shall diligently perform the duties imposed upon him by law and ordinance;
 - b. The Fire Chief shall be held responsible for the general condition and efficient operation of the Fire Department and the training of members, and may assign duties to other members of said Departments:
 - c. The Fire Chief shall inspect, or cause to be inspected by members of the Department, the fire hydrants and water supply sources of the City at least once each year;
 - d. The Fire Chief should maintain a library of file of publications on the fire prevention and fire protection;
 - e. The Fire Chief should attend all fires and direct and have complete charges of the officers and members of the Fire Department in the performance of their duties;
 - f. The Fire Chief should ensure that the City Manager, the City Council and the City's citizens are kept informed on fire hazards in the community and on the activities of the Fire Department;
 - g. The Fire Chief shall see that each fire is carefully investigated to determine its cause and, in the case of incendiarism, shall notify proper authorities and secure and reserve all possible evidence for future use in the case; and
 - h. The Fire Chief shall see that complete records are kept of all fires, inspections, apparatus, equipment, personnel and other information about the work of the Fire Department.

Section 1-33. Assistant Fire Chief; Other Officers.

1. The Assistant Chief of the Fire Department shall be appointed by the Fire Chief. In the absence of the Fire Chief, the Assistant Fire Chief shall command the Department and be held responsible therefore in all respects, with the full powers and responsibilities of the Fire Chief. (See Chapter 8, this Code of Ordinances.)
2. The officers of the Fire Department shall be selected upon their ability to lead men and their knowledge of fire-fighting and fire-fighting equipment.
3. One (1) member elected by the members of the Fire Department shall be Secretary-Treasurer. His duties shall consist of calling the roll at each meeting, keeping the minutes of each meeting and collecting any money due said Department by the members.

Section 1-34. Building Inspector.

1. There is hereby created the Office of Building Inspector for the City of Hollis, Oklahoma. The Building Inspector shall be appointed by the Mayor, with the consent of the City Council. His appointment shall continue during good behavior and satisfactory service and he shall not be removed from office except for cause, after full opportunity has been given him to be-heard on specific charges.
2. The Building Inspector shall be in good health and physically capable of performing the duties of his office.
3. The powers and duties of the Building Inspector shall be as follows:
 - a. To enforce all provisions of the Codes adopted by this Code of Ordinances;
 - b. To receive and process applications required by such Codes or this Code of Ordinances;

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- c. To review Building Permit applications, other permit applications and issue required certificates (See Chapter 4, this Code of Ordinance);
- d. To examine premises for which Permits have been issued under such Codes or this Code of Ordinances and make necessary inspections to see that the provisions of the Codes or this Code of Ordinances are complied with and that construction is done safely;
- e. To investigate, when requested by the City Manager or the City Council, or when the public interest so requires, matters referred to in such Codes and render written reports on the same;
- f. To issue such notices or orders as may be necessary to enforce compliance with the adopted Codes or this Code of Ordinances, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in buildings and structures; and
- g. To make inspections required under the provisions of the Codes adopted by this Code of Ordinances, or to ensure that inspections are made by his duly appointed assistant.

4. During the temporary absence or disability of the Building Inspector, the City Manager may designate an Acting Building Inspector; the City Clerk may serve as Acting Building Inspector, unless the City Manager designates another person as such.

5. The Building Inspector, while in the discharge of his official duty, shall have the authority to enter any building or premise for the purpose of making any inspection or test of the construction or equipment contained therein or its installation.

6. The Building Inspector may also serve as the Electrical, Plumbing and/or Housing Inspector, if so designated by the City Manager.

Section 1-35. Electrical Inspector.

1. There is hereby created the Office of Electrical Inspector for the City of Hollis, Oklahoma.
2. The Electrical Inspector shall be appointed by the Mayor, subject to confirmation by the City Council.
3. The Electrical Inspector should have had at least two (2) years experience as an electrician, shall be of good moral character and be knowledgeable of the approved methods of electrical construction for safety of life and property.
4. The Electrical Inspector shall receive such compensation for his services as the City Council, may decide.
5. The Electrical Inspector shall have all of the powers and duties prescribed by the Electrical Code adopted by this Code of Ordinances; he shall also insure that all municipal ordinances and regulations relating to electrical safety are properly enforced. (See Chapter 4, this Code of Ordinance.)

Section 1-36. Plumbing Inspector.

1. There is hereby created the Office of Plumbing Inspector for the City of Hollis, Oklahoma.
2. The Plumbing Inspector shall be appointed by the Mayor, subject to confirmation by the City Council; the Plumbing Inspector may also hold other positions in the municipal government.
3. The Plumbing Inspector shall have all of the powers and duties prescribed by the Plumbing Code adopted by this Code of Ordinances; he shall also ensure that all municipal ordinances and regulations relating to water and sanitary plumbing are properly enforced. (see Chapter 4, this Code of Ordinances.)

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Section 1-37. Civil Defense Director.

1. The Office of Civil Defense Director is hereby created, to be appointed by the City Manager. (See Chapter 7, this Code of Ordinances.)
2. The Civil Defense Director shall be executive head of the Department of Civil Defense and shall be responsible for carrying out the Civil Defense Program of the City of Hollis, Oklahoma.
3. The Director of Civil Defense shall have the authority, duty and responsibility to:
 - a. Form an organizations to prepare and implement a Civil Defense Program;
 - b. Form committees to perfect such an organization;
 - c. Appoint the chairman of such committees;
 - d. Cooperate with other governmental civil defense agencies; and
 - e. Formulate plans, gather information and maintain records for said Civil Defense Organization.
4. The Director of Civil Defense may be reimbursed for expenses incurred in the performance of his duties; provide such expenses are at the direction of, and approved by, the City Council.
5. In the event of an enemy-caused emergency or emergency resulting from natural causes, the Civil Defense Director, after authorization from the Mayor, shall have the authority to enforce all regulations relating to civil defense, for the purpose of protecting the residents of the City of Hollis, Oklahoma.

Sections 1-38 through 1-44. (Reserved for future use.)

Article 4. Municipal Departments

Section 1-45. Municipal Departments.

There shall be a Police Department, a Fire Department, a Department of Law (headed by the City Attorney) and such other administrative departments, offices and agencies as the City Council may establish.

Section 1-46. Police Department.

There shall be a Police Department, the head of which shall be the Chief of Police. (See Section 1-29, this Code of Ordinances.)

Section 1-47. Fire Department.

There shall be a Fire Department, the head of which shall be the Fire Chief. (See Sections 1-32 and 1-33, and Chapter 8, this Code of Ordinances.)

Section 1-48. Department of Law.

There shall be a Department of Law, the head of which shall be the City Attorney. (See Section 1-31, this Code of Ordinances.)

Section 1-49. Finance Department.

There shall be a Finance Department, the head of which shall be the Treasurer. (See Section 1-28, this Code of Ordinances.)

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Section 1-50. Public Works Department.

1. There shall be a Public Works Department. The City Manager shall be ex-officio Superintendent of Public Works, unless he appoints another to said position; the Public Works Superintendent shall have supervision and control of the Public Works Department.

2. The Public Works Department shall have the following municipal duties, except where said duties are performed by the Hollis Public Works Authority:

- a. To construct, improve, maintain and clean streets (including alleys and other public ways), bridges and sidewalks; to install and maintain street lights, traffic control signs, markings, signals and devices; to erect and maintain street name signs; and to supervise the use of streets by privately-owned utilities;
- b. To construct, improve, maintain and operate storm and sanitary sewers and sewage disposal facilities;
- c. To maintain all buildings and grounds used by the City;
- d. To maintain and operate all parks, playgrounds, swimming pools and other recreational facilities and programs operated by the City;
- e. To maintain and operate all cemeteries administered by the City;
- f. To collect and dispose of refuse whenever the City provides this service by its own forces (rather than by contract);
- g. To maintain City-owned motor equipment;
- h. To maintain and operate the City water system; and
- i. To perform such other functions relating to the maintenance, repair, improvement and operation of the physical facilities owned or used by the City Government as the City Manager may prescribe, consistent with State or Federal Law and ordinance.

Section 1-51. Civil Defense Department.

1. There is hereby established a Civil Defense Department under the executive branch of the municipal government, which shall consist of a Director of Civil Defense and Civil Defense Advisory Committee. (See Sections 1-37 and 1-61, this Code of Ordinances.)

2. The purpose of said Department shall be to be prepared for, and function in the event of, emergencies endangering the lives of property of the people of the City of Hollis, Oklahoma, and to perform all functions necessary and incident to the protection of the lives, health and property of the citizens of said community. (See Chapter 7, this Code of Ordinances.)

Section 1-52. Municipal Board of Health, Health Officer.

1. The City Council of Hollis, Oklahoma, shall constitute a Municipal Board of Health and shall be capable of performing all the functions provided by State Law. (See Chapter 10, this Code of Ordinances.)

2. The Municipal Board of Health shall be under the supervision of the Oklahoma State Department of Health.

3. It shall be the general duty of the Municipal Board of Health to examine and consider all measures necessary for the preservation of the public health of residents of the City of Hollis, Oklahoma, and to see that all Ordinances and regulations in relation thereto are observed.

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4. The Municipal Board of Health may appoint a local Health Officer to carry out its health programs and policies; the County Health Officer or his authorized representative may perform the duties of a local Health Officer.

Section 1-53 through 1-59. (Reserved for future use.)

Article 5. Municipal Advisory Boards and Commissions

Section 1-60. Municipal Planning Commission.

1. There is hereby created a Municipal Planning Commission of the City of Hollis, Oklahoma, to be composed of at least five (5) members. The Mayor, the City Engineer (local staff only), the City Clerk and the City Manager shall serve as ex-officio members of said Commission, with voting powers. (See Chapter 18, this Code of Ordinances.)

2. Upon the initial appointment of members to the Municipal Planning Commission, the Mayor shall designate one (1) member of the Municipal Planning Commission to serve for a period of one (1) year, two (2) members to serve for a period of two (2) years, and two (2) members to serve for a period of three (3) years. All subsequent appointments of members shall be for a three (3) year term and until their successors are appointed and qualified.

3. The members of the Municipal Planning Commission shall be nominated for appointment by the Mayor and confirmed by the City Council, shall be residents of the City of Hollis, Oklahoma, and shall serve without salary.

4. Members of the Municipal Planning Commission may be removed by the City Council only for inefficiency, neglect of duty or malefaction in office; vacancies occurring otherwise than through the expiration of a term shall be filled only for the unexpired term by the City Council. Whenever a member of the Municipal Planning Commission is absent for more than one-half (1/2) of all meetings of the Planning Commission held within any period of four (4) consecutive months; this constitutes neglect of duty, and will be removed by the City Council.

5. Within five (5) days of the appointment and qualification of the members of the Municipal Planning Commission, said Commission shall meet and elect one (1) of their number as Chairman, one (1) as Vice-Chairman and one (1) as Secretary; in addition the Municipal Planning Commission may create and fill such other offices as it may deem necessary. The term of all such offices shall be one (1) year, with eligibility for re-election.

Section 1-61. Civil Defense Advisory Committee.

1. The Civil Defense Advisory Committee shall consist of the Mayor, who shall serve as Committee Chairman, and five (5) members appointed by the Mayor, with the approval of the City Council. Said members shall serve at the pleasure of the City Council.

2. The Civil Defense Advisory Committee shall select from its members a Vice-Chairman and a Secretary.

3. The Civil Defense Advisory Committee shall hold such meetings as are directed by the Mayor or the City Council.

4. The function of the Civil Defense Advisory Committee shall be to act in an advisory capacity to, and as needed or requested by, the Mayor or the City Council.

Section 1-62. Fair Housing Board Created.

1. There is hereby created a Fair Housing Board for the City of Hollis, Oklahoma, to assist in the enforcement of all municipal fair housing regulations and ordinances. (See Chapter 5, this Code of Ordinances.)

2. The City Council of Hollis, Oklahoma, shall serve as the Fair Housing Board of said Community.

Sections 1-63 through 1-74. (Reserved for future use.)

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Article 6. Municipal Finance and Business

Section 1-75. Purchasing and Sales Procedures.

1. The City Manager, or a designated agent, shall contract for and purchase, or issue purchase authorizations for, all supplies, materials and equipment for the operation of the municipal government. Before the purchase of, or contract for, any supplies, materials or equipment, or the sale of any surplus or obsolete supplies, materials or equipment, ample opportunity for competitive bidding under such regulations and with such exceptions as the City Council may prescribe, shall be given. The City Council or the City Manager shall not accept a particular contract, purchase or sale from the requirement of competitive bidding

2. "Contractual services", for the purposes of this Chapter, shall mean services performed for the City by persons not in the employment of the City and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. "Contractual Services" shall include travel, freight, express, parcel post, postage, telephone, telegraph, utilities, rents, printing and binding, repairs, alterations and maintenance of buildings, equipment, streets, bridges and other physical facilities of the City.

3. Subject to the provisions of this Section, surplus or obsolete supplies, materials or equipment belonging to the City may be sold by the City Manager.

4. No sale shall be made under this Section of obsolete supplies, material or equipment of a value of more than five hundred dollars (\$500.00) until the City Council had declared the supplies, material or equipment involved to be surplus or obsolete.

5. Except as otherwise provided in Subsection 6 (below), the City Manger shall advertise any sale under this Section in a newspaper of general circulation in the City or County, or in such other manner as deemed necessary to adequately reach prospective buyers to give them and opportunity to make buds shall be sealed and opened in public at a designated time and place, except when the sale is by action. The City Council my repeatedly reject all bids and authorize re-advertisement. Such suppliers, materials and equipment shall be sold to the highest responsible bidder and, if necessary, lots shall be case, in case of a tie, to determine to whom to sell.

6. The City Manager may sell surplus or obsolete supplies, materials or equipment, the total value of which does not exceed five hundred dollars (\$500.00) in a single transaction, without giving an opportunity for competitive bidding.

Section 1-76. Competitive Bidding.

1. Except as otherwise provided in Subsection 2 (below), before the City Purchasing Agent(s) makes any purchase of, or contract for, supplies, materials, equipment or contractual services, they shall submit to at least three (3) persons, firms, or corporations dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, a request for quotation or invitation to bid and specifications, to give them opportunity to bid. As an alternative, said Purchasing Agent may publish notice of the proposed purchase in a newspaper of general circulation within the City or County. He shall favor a person, firm or corporation in the City of Hollis, Oklahoma, when this can be done without additional cost to the City, but they shall submit requests for quotation to those outside the City when necessary to secure bids or to create competitive conditions, or when they think that they can make a saving for the City. All bids shall be sealed and opened in public at a designated time and place. The City Council may repeatedly reject all bids and may again submit to the same or other persons, firms or corporations, the request for quotations or invitation to bid, or again publish notice of the proposed purchase. The purchase shall be made from the bidder whose bid is most advantageous to the City, considering price, quality, date of delivery and the like; in the event of a tie, lots may be cast to determine from whom to make a purchase, or the purchase may be divided among those tying, always accepting the bid or bids most advantageous to the City.

2. The City Purchasing Agent or the City Council may purchase, or authorize the purchase of, the following without giving an opportunity for competitive bidding:

- a. Supplies, materials, equipment or contractual services, the cost of which does not exceed the

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dollar figure established by current State Law, in a single transaction;

- b. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which has a uniform price wherever bought;
- c. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers (include war surplus);
- d. Contractual services (gas, electricity, telephone service, etc.) purchased from a public utility corporation at a price or rate determined by the State Corporation Commission or other government authority; and
- e. Contractual services of a professional nature such as engineering, legal, architectural and medical services.

Section 1-77. Insurance.

1. The City Council may insure municipal property, as authorized by Oklahoma Statutes. Any money received as a result of destruction, damages or loss of such insured property shall be accounted for, and used as provided by, said Statutes.

2. The City Council may purchase insurance to pay damages to persons sustaining injuries or damages to property as a result of negligent operation of motor vehicles or motorized equipment of the City of Hollis, Oklahoma.

3. The City Council is hereby directed to procure liability insurance in the sum of ten thousand dollars (\$10,000.00) for one (1) person, twenty thousand dollars (\$20,000.00) for two (2) or more persons, for each occurrence for bodily injury, and five thousand dollars (\$5,000.00) for property damage; each occurrence to compensate persons for bodily injury or property damage caused by any negligent act of Volunteer Fire Department employee, a Police Department employee or other municipal employees and officials while in the performance of duties constituting governmentally-related functions of the City of Hollis, Oklahoma.

4. The City of Hollis, Oklahoma, for all other governmental functions prescribed in Title 2, O.S. 1977 § 23-204, not hereinbefore designated in Subsection 3 (above), wherein said City is self-insured under the provision of said Subsection and does hereby establish a liability of then thousand dollars (\$10,000.00) for one (1) persons, twenty thousand dollars (\$20,000.00) for two (2) or more persons for each occurrence for bodily injury, and five thousand dollars (\$5,000.00) for property damage caused by the negligent act of any Volunteer Fire Department employee, Police Department employee or any other municipal employee or official, while in the performance of duties constituting a governmentally-related function of said City, who are not covered by the insurance provisions contained in Subsection 3 (above).

5. By reason of the adoption of this Code of Ordinances, the City of Hollis, Oklahoma, does hereby specifically continue to reserve its rights to assert its governmental immunity and the constitutionality of Title 2, O.S. 1977. § 23-204.

Sections 1-78 through 1-84. (Reserved for future use.)

Article 7. Sales Tax

Section 1-85. Citation.

This Article constitutes, shall be known and may be cited as the “City of Hollis, Oklahoma, Sales Tax Ordinance”.

Section 1-86. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, as amended, are hereby

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adopted by reference and made a part of this Ordinance. (68 O.S. 1971, § 1302, as amended.)

Section 1-87. Tax Collector Defined.

The term "tax collector" as used herein means the department of the municipal government or the official agency of the State duly designated according to law, or contract authorized by law, to administer the collection of the tax herein levied.

Section 1-88. Classification of Taxpayers.

For the purpose of this Article, the classification of taxpayers hereunder shall be as prescribed by State Statutes for purposes of the Oklahoma Sales Tax Code.

Section 1-89. Subsisting State Permits.

All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of the Article, hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipal permit for the same purpose.

Section 1-90. Effective Date.

The Ordinance shall become and be effective on and after September 12, 1979, subject to approval of a majority of the registered voters of the City of Hollis, Oklahoma, voting on the same in the manner prescribed by Oklahoma Statutes.

Section 1-91. Purpose of Revenues.

It is hereby declared to be the purpose of this Sales Tax Ordinance to provide revenues for the support of the functions of the municipal government of the City of Hollis, Oklahoma.

Section 1-92. Tax Rate; Sales Subject to Tax.

There is hereby levied an excise tax of two percent (2%) upon the gross proceeds or gross receipts derived from all sales taxable under the Sales Tax Law of Oklahoma, including but not exclusive of the following:

1. Tangible personal property;
2. Natural or artificial gas, electricity, ice, steam or any other utility or public service except water.
3. Transportation for hire of persons by common carriers, including railroads (both steam and electric), motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire;
4. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with the transmission of any message;
5. Printing or printed matter of all types, kinds and characters and the service of printing or overprinting;
6. Service of furnishing rooms or accommodations by hotels, apartment hotels, public rooming houses, public lodging houses, tourist camps and mobile home or trailer parks or camps;
7. Service of furnishing storage or parking privileges by auto hotels and parking lots;
8. Food, confections and all drinks sold or dispensed by hotels, restaurants or other dispensers, and sold for immediate consumption upon the premises, or delivered or carried away from the premises

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for consumption elsewhere;

9. Advertising of all kinds, types and characters, including any and all devices used for advertising purposes and the servicing of any advertising devices, except as provided elsewhere in this Article.
10. Dues of fees to clubs, and the sale of tickets or admission to places of amusement, to athletic, entertainment or recreational events, or dues or fees for the privilege of having access to, or the use of, amusement, entertainment, athletic or recreational facilities (including free or complimentary passes, tickets, dues or fees which are hereby declared to have a value equivalent to the sale price of tickets, passes, admissions, fees or dues of like kind or character);
11. For the purpose of this Article, sales of service and tangible personal property made for the purpose of developing real estate, even though such real estate is intended for resale as real property, are hereby declared to be sales to consumers or users. Sales of service and tangible personal property, including materials, supplies and equipment made to contractors who use the same in the performance of contract, are hereby declared to be sales to consumers or users and not sales for resale. Sales of tangible personal property to persons who are primarily engaged in selling their services shall be deemed sales to consumers or users and, therefore, taxable. Sales of tangible personal property to peddlers, solicitors and other salesmen who do not have established places of business, shall be deemed to be sales to consumer or users, and therefore, taxable.

Section 1-93. Exemptions.

There is hereby specifically exempted from the tax levied by this Article, the gross receipts or gross proceeds exempted from the Sales Tax Law of Oklahoma, inclusive, but not exclusive of, and derived from the:

1. Sale of non-intoxicating beverages taxed as provided by State Statutes;
2. Sale of cigarettes and tobacco products taxed by State Statutes;
3. Sale of raw products from the farm, orchard or garden where such sale is made by the producer of such raw products directly to the consumer or user; gross receipts or gross proceeds derived from the sale of livestock, poultry products and dairy products by the producer; exemptions granted by this Subsection shall not apply when such articles are sold, even though by the producer thereof, at or from an "established business place" not on a farm; neither shall this exemption apply unless said articles are produced or grown within the State of Oklahoma. The provisions of this Subsection are intended to exempt the sale of livestock producers of livestock sold at special livestock sales. The provisions of this Subsection are intended to exempt the sale of dairy products when sold by a dairyman or farmer who owns all of the cows from which the dairy products he sells are to exempt sales of dairy products by another business. The provisions of this Subsection shall not be construed to exempt sales by florist, nurserymen and chicken hatcheries;
4. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided such societies or organizations operate under what is commonly termed the lodge plan or system and do not operate for a profit which insures to the benefit of any individual member or members thereof to exclusion of other members;
5. Sale of tangible personal property or services to or by churches, except where such organizations may be engaged in business for profit or savings, competing with other persons engaged in the same or similar business;
6. Gross receipts and gross proceeds deriving from the transportation of school children to and from schools and high schools in motor and other vehicles;
7. Transportation of persons where the fare of each person does not exceed fifteen cents (\$.15), or local transportation of persons within the corporate limits of cities and towns, except by taxicabs.

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8. Sales of food in public, common, high school or college cafeterias and lunch rooms operated primarily for teachers and pupils, but not operated primarily for the public or for profit;
9. Carrier sales made directly to consumers or users of newspapers or any other periodicals where any individual transaction does not exceed twenty cents (\$.20);
10. Sales to the United States Government, State of Oklahoma or any of its political subdivision;
11. Sale of gasoline or motor fuel on which the Motor Fuel Tax, Gasoline Excise Tax or Special Fuels Tax has been paid to the State of Oklahoma;
12. Sale of crude petroleum or natural or casinghead gas and other products subject to the Gross Production Tax under the provisions of the Laws of the State of Oklahoma. This exemption shall not apply when such products are sold to a consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas;
13. Sales of motor vehicles, attached optional equipment and accessories on which the Oklahoma Motor Vehicles Excise Tax has been paid;
14. Sales by county, district and State fairs;
15. Sales of advertising space in newspapers, periodicals, and billboards advertising services, and sales of time for radio and television broadcasts of advertising;
16. Sales for resale to persons regularly engaged in the business of reselling articles purchased, whether within or without the State; provided that such sales to permits have been issued by the Oklahoma Tax Commission as provided by law. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have Sales Tax permits or established places of business;
17. Goods, ware, merchandise and property sold for use in manufacturing, compounding, processing, assembling or preparing for sale shall be classified as having been sold for the purpose of resale or the subject matter of resale, only in the event:
 - a. Such goods, wares, merchandise or property are purchased for the purpose of being manufactured into a finished article and if it becomes a recognizable and integral part of the manufactured, compounded, processed, assembled or prepared products; or
 - b. If it is consumed in the process of manufacturing, compounding, processing, assembling or resale.
18. Sale of tangible personal property manufactured in Oklahoma, when sold by the manufacturer to a person who transports it to another State for immediate and exclusive use in some other State;
19. Sale of an interest in tangible personal property to a partner or other persons who, after such sale, owns a joint interest in such tangible personal property where the Oklahoma Sales or Use Tax has previously been paid on such tangible personal property;
20. Sales of containers shall be exempt, when sold to a person regularly engaged in the business of reselling empty or filled containers, or when he purchases such containers for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor; provided this exemption shall not apply to the sale of containers used more than once and which are ordinarily known as returnable containers, unless a tax under this Article is collected and paid to the tax collector with respect to each and every transfer by such person of title or possession of such

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returnable container, if made to any consumer or user within this State; nor shall it apply to the sale of labels or other materials delivered along with items sold, but which are not necessary or absolutely essential to the sale of the sold merchandise;

21. Exemptions of poultry, livestock feed and farm machinery, as prescribed by the State Sales Tax Code, shall be equally applicable as exemptions from the tax herein levied;
22. Sales of agricultural fertilizer to person regularly engaged for profit in the business of farming and/or ranching, which are exempt from State sales taxes, shall likewise be exempt from the municipal Sales Tax herein levied;
23. Sales of agricultural fertilizer to any person engaged in the business of supplying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming and/or ranching;
24. Sales of agriculture seed or plants to any person regularly engaged, for profit, in the business of farming and/or ranching; this Section shall not be construed as exempting from Sales Tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;
25. Sales of agriculture chemical pesticides to any person regularly engaged, for profit, in the business of farming and/or ranching; agricultural chemical pesticides shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant;
26. Gross proceeds from the sale of farm machinery and repair parts thereto, to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agriculture or dairy products produced from such lands;
27. Sales of tangible personal property or services to the Council Organizations or similar State supervisory organizations of the Boy Scouts of America, the Girl Scouts and the Campfire Girls; and
28. Gross proceeds from the sale of baby chick, turkey poultry and starter pullets used in the commercial production of chickens, turkeys and eggs; provided that the purchaser certifies in writing on the copy of the invoice or sales ticket to be retained by the seller that the pullets will be used primarily for egg production.

Section 1-94. Other Exempt Transfers.

Also, there is hereby specifically exempted from the tax herein levied, the transfer of tangible personal property exempted from the Oklahoma Sales Tax Law inclusive, but not exclusive, of the following:

1. From one (1) corporation to another corporation, pursuant to a reorganization. As used in the Subsection, the term "reorganization" means:
 - a. A statutory merger or consolidation; or
 - b. The acquisition by a corporation of substantially all of the properties of another corporation, when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or Subsidiary Corporation.
2. In connection with the windingup, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;

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3. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are, immediately after the transfer, in control of the corporation, and the stock or securities received by each is substantially in proportion to this interest in the property prior to the transfer;
4. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership, and the interest in the partnership received by each is substantially in proportion to his interest in the property prior to the transfer; and
5. From a partnership to the members thereof when made in kind in the dissolution of such partnership.

Section 1-95. Tax Due When; Returns; Records.

The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the State Sales Tax under the Sales Tax Law of the State of Oklahoma.

Section 1-96. Payment of Tax; Brackets.

1. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form provided for payment of the State Sales Tax under the Sales Tax Law of Oklahoma.

2. The bracket system for the collection of the two percent (2%) municipal Sales Tax by the tax collector, shall be as the same as hereafter adopted by the agreement of the City of Hollis, Oklahoma, and the tax collector in the collection of both the two percent (2%) municipal Sales Tax and the two percent (2%) State Sales Tax.

Section 1-97. Tax Constitutes Debt.

Such taxes, penalty and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt.

Section 1-98. Vendor's Duty to Collect Tax.

1. The tax levied hereunder shall be paid by the consumer or user to the vendor and it shall be the duty of each and every vendor in this City to collect from the consumer or user, the full amount of the tax levied by this Article, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

2. Vendors shall add the tax imposed thereunder or the average equivalent thereof, to the sales price or charge, and, when added, such tax shall constitute a part of such price of charge, shall be a debt from the consumer or user to the vendor until paid and shall be recoverable by law in the same manner as other debts.

3. A vendor, as defined herein, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this Article, or willfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising (verbally or otherwise) any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices, at a price including the tax or in any manner whatsoever, shall be deemed guilty of an offense, and upon conviction thereof shall be fined not more than one hundred dollars (\$100.00), including costs, and/or thirty (30) days imprisonment.

Section 1-99. Returns and Remittances; Discounts.

Returns and remittances of the tax herein levied and collected shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances required by the State Sales Tax Code; remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for collection of State Sales Taxes.

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Section 1-100. Interest and Penalties; Delinquency.

Section 217 of Title 68 O.S. 1971, as amended, is hereby adopted and made a part of this Article, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Article. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this Article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this Article.

Section 1-101. Waiver of Interest and Penalties.

The interest, penalty or any portion thereof, occurring by reason of a taxpayer's failure to pay the municipal tax herein levied, may be waived or remitted in the same manner provided for said waiver or remittance, as applied in the administration of the State Sales Tax provided in Title 68, O.S. 1971, § 220; to accomplish the purposes of this Section, the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Article.

Section 1-102. Erroneous Payment; Claim for Refund.

Refund of erroneous payment of the municipal Sales Tax herein levied may be made to any taxpayer making such erroneous payment, in the same manner and procedure and under the same limitations of time, as provided for administration of the State Sales Tax as set forth in Title 68, O.S. 1971, § 220; to accomplish the purposes of this Section, the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Article.

Section 1-103. Fraudulent Returns.

In addition to all civil penalties provided by this Article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax, or portion thereof, rightfully due under this Article, shall be an offense and, upon conviction thereof, the offending taxpayer shall be subject to a fine of not more than one hundred dollars (\$100.00), including costs, and/or thirty (30) days imprisonment.

Section 1-104. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the municipal Sales Tax is legislatively recognized and declared, and to protect the same, the provisions of Title 68, O.S. 1971, § 205 of the State Sales Tax Code and each Subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the municipal Sales Tax as if set forth herein in full.

Section 1-105. Amendments.

The people of the City of Hollis, Oklahoma, by their approval of this Ordinance at the election hereinbefore provided, have authorized the City Council, by ordinances duly enacted, to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Article as may be necessary or proper for efficiency and fairness; provided that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the municipality, as provided by law.

Section 1-106. Provisions Cumulative.

The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of municipal ordinances.

Section 1-107. Provisions Severable.

The provisions hereof are hereby declared to be severable, and if any Section, paragraph, sentence or clause of this Article is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other Section, paragraph, sentence or clause hereof.

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Article 8. Employee Retirement System.

Section 1-108. Employee Retirement System Created.

1. That pursuant to the authority conferred by the laws of the State of Oklahoma, and for the purpose on encouraging continuity and meritorious service on the part of City employees and thereby promote public efficiency, there is hereby authorized, created, established, and approved and adopted, effective as of July 1, 1985, the funded Pension Plan designated "Employee Retirement System of Hollis, Oklahoma, Defined Contribution Plan". (hereinafter called System), and executed counterpart of which is marked Exhibit "A" and Exhibit "B" and attached hereto as part hereof.

2. ADMINISTRATION. For the purpose of administration of the System there is hereby established a Board of Trustees, which shall be the members of the City Council of Hollis, Oklahoma, as now existing or as from time to time duly elected or appointed an constituted. The powers and duties of the Board of Trustees shall be as set forth in the Systems instrument attached hereto as Exhibit "A".

3. FUND. A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the System instrument attached hereto as Exhibit "A". All contributions to such fund shall be paid over to and received in trust for such purpose by the City Treasurer, who shall be the Treasurer of the System. Such Fund shall be pooled for purposes of management and investment with similar funds of the other incorporated cities, towns, and municipal trusts in the State of Oklahoma as a part of the Oklahoma Municipal Retirement Fund in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The City Treasurer shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the Board of Trustees. The Fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

4. APPROPRIATIONS. The City of Hollis, Oklahoma, is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the System, and to appropriate and pay the same. In addition, the City of Hollis, Oklahoma, is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the System and the Fund in accordance with the provisions of the Defined Contribution Plan. Any appropriation so made to maintain the System and Fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes, and shall be paid into the Fund when available, through the City Treasurer, to be by him duly transferred to the Oklahoma Municipal Retirement Fund.

5. EXECUTION. The Mayor and City Clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the System instrument, and to do all other acts and things necessary, advisable, and proper to put said System and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections 401(a) and 501 (a) of the Internal Revenue Code of the United States. The counterpart attached hereto as Exhibit "A", which has been duly executed as aforesaid simultaneously with the passage of the Ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

The City Council is hereby authorized and directed to proceed immediately on behalf of the City of Hollis, Oklahoma, to pool and combine the Fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment.

Article 9. Firemen's Pensions

Section 1-109. Participation in State Firemen's Relief and Pension Fund.

1. The Volunteer Fire Department of the City of Hollis, Oklahoma, shall be subject to all of the provisions of the Oklahoma State Firemen's Relief and Pension Act, all of the provisions of which are hereby accepted by the City of

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Hollis, Oklahoma, for the use and benefit of its Volunteer Fire Department, which shall also be subject to all of the obligations thereunder.

2. From and after the effective date of this Code of Ordinances, it shall be the duty of the City Treasurer to deduct, or have deducted, from salaries or wages of each member of the Fire Department an amount equal to four percent (4%) of the annual salaries or compensation paid to such members. The deductions shall be made at the time such firemen are paid and, when so deducted, shall be deposited in the "Firemen's Relief and Pension Fund".

Section 1-110. (Reserved for future use.)

Article 10. Social Security for City Officers and Employees

Section 1-111. Extension of Benefits.

It is hereby declared to be the policy and purpose of the City of Hollis, Oklahoma, to extend to employees and officials thereof, not excluded by law of this Article, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Federal Old-Age and Survivors Insurance, as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734-81st Congress. In pursuance of such policy and for the purpose, said municipality shall take such action as may be required by applicable State or Federal Laws or regulations.

Section 1-112. Execution of Agreements.

The Mayor of the City of Hollis, Oklahoma, is hereby authorized and directed to execute all necessary agreements and amendments thereto, with the State Department of Public Welfare as agent or agency, to secure coverage of employees and officials as provided in Section 1-111 (above).

Section 1-113. Withholdings from Salaries.

Withholdings from salaries or wages of employees and officials for the purpose provided in Section 1-111 (above) are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal Laws or regulations, and shall be paid over to the State or Federal agency designated by such laws and regulations.

Section 1-114. Contributions by City.

There shall be appropriated by the City of Hollis, Oklahoma from available funds, such amounts at such times as may be required by applicable State or Federal Laws or regulations for employers' contributions to the system of Federal Old-Age and Survivors Insurance. Such funds shall be paid over to the State or Federal agency designated by said Laws or regulations.

Section 1-115. Records and Reports .

The City of Hollis, Oklahoma shall keep such records and make such reports, relative to the system of Federal Old-Age Survivors Insurance, as may be required by applicable State or Federal Laws or regulations.

Section 1-116. Excluded Officers and Employees.

1. There is hereby excluded from this Article and the benefits established hereunder, any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the City of Hollis, Oklahoma.

2. There is hereby excluded from this Article and the benefits established hereunder, any authority to make any agreement with respect to any position, employee or official, compensation for which is on a fee basis, or any position, employee or official not authorized to be covered by applicable State or Federal Law or regulations.

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Sections 1-117 through 1-119. (Reserved for future use.)

Article 11. Telephone Exchange Fee

Section 1-120. Inspection Fee.

There is hereby levied an annual inspection fee and service charge upon every person, firm or corporation operating a telephone exchange or rendering telephone service in the City of Hollis, Oklahoma, in the amount equal to two percent (2%) of the gross revenues for each current year, for exchange telephone transmission service rendered wholly within the corporate limits of the City of Hollis, Oklahoma, to compensate the municipality for the expenses incurred and services rendered incident to the exercise of its police operation of lines and equipment of said telephone company in said municipality. Said fee shall be due and payable on or before the 1st day of March of each year and shall be paid into, and expended from, the General Fund of the City of Hollis, Oklahoma.

Section 1-121. Fee in Lieu of Taxes.

During continued substantial compliance with the terms of this Article by the owner of the telephone exchange (or company rendering telephone service within the limits of said municipality), the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excises, franchises, licenses, privileges and permit fees, taxes or assessments except ad valorem taxes; provided, however, that it is not intended hereby to extinguish or abrogate all existing arrangement whereby said municipality is permitted to use underground conduits, duct space or pole contracts of said company.

Section 1-122. Failure to Pay Inspection Fee.

Should any person, firm or corporation fail or refuse to pay such fee when levied, action may be taken against such person, firm or corporation for the amount of such fees; all expenses for collection of the same, including a reasonable attorney's fee, shall be paid by the party or parties that said action is taken against.

Section 1-123 through 124. (Reserved for future use.)

Article 12. Miscellaneous Provisions

Section -125. Officers to Give Bonds.

1. The City Manager, City Clerk, City Treasurer and the Municipal Judge shall each give bonds, payable, to the City of Hollis, Oklahoma, within ten (10) days after their election or appointment, in the following amounts:

City Manager	\$10,000.00
City Clerk	\$10,000.00
City Treasurer	\$15,000.00
Municipal Judge	\$1,000.00

2. The City Council may, by motion or resolution, require certain other officers and employees to be bonded; said Council may also, by motion or resolution, provided for blanket bonds for municipal personnel.

3. All books, vouchers, monies or other property belonging to the City of Hollis, Oklahoma, and in charge or possession of any officer of the City, shall be delivered to his successor.

ADMINISTRATION AND MANAGEMENT

Section 1-126. Compensation; Change of Salaries.

1. The basic compensation of the following elected officials shall be as provided for below:
 - a. Mayor -----\$75.00 per meeting
 - b. Each Councilmember -----\$45.00 per meeting
2. The basic salaries of elected municipal officials shall not be changed after their election or during their term of office.

Section -127. Succession in Government.

1. All ordinances, insofar as they are not inconsistent with this Code of Ordinances, shall continue in effect until they are repealed or until they expire by their own limitations.
2. All officers and employees of the City of Hollis, Oklahoma, under any and all previous ordinances, shall continue in the offices and employments which they respectively hold, after this Code of Ordinances goes into effect, until their services may be terminated in accordance with the provisions of this Code.
3. All books, vouchers, monies or other property belonging to the City of Hollis, Oklahoma, and in charge or possession of any officer of the City, shall be delivered to his successor.

Section 1-128. Nepotism; Compatibility of Offices.

1. No member of the City Council, nor any other authority of the municipal government, may appoint, or vote for the appointment of, any person related to himself by affinity or consanguinity within the 3rd degree, to any office or position of profit in the municipal government.
2. Except as may be otherwise provided by ordinance, the same person may hold more than one (1) office or position in the municipal government.

Section 1-129. Ordinances.

1. The enacting clause of all ordinances passed by the City Council shall be: "Be it ordained by the City Council of the City of Hollis, Oklahoma", and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Hollis, Oklahoma."
2. Every proposed ordinance shall be read and a vote of a majority of all the City Council Members shall be required for its final passage.
3. The Mayor shall have no power to veto.
4. Every ordinance, except those excepted by State Law, shall be published by title or in full, within ten (10) days after its passage, in a newspaper of general circulation within the City or County.
5. Every ordinance, except an emergency ordinance, shall become effective thirty (30) days after its final passage, unless it specifies a later date.
6. An emergency ordinance is an ordinance which, in the judgment of the City Council, is necessary for the immediate preservation of the peace, health or safety, and which should become effective prior to the time when a regular ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words "and declaring an emergency" and, in a separate section (herein called the emergency section), shall declare the emergency. The City Council shall vote on the emergency section separately and must adopt the emergency section by a vote of at least three-fourths (3/4) of all the members of said City Council. An emergency ordinance shall take effect upon passage unless it specifies a later date.

ADMINISTRATION AND MANAGEMENT

Section 1-130. Ordinances Adoption by Reference.

The City Council, by ordinance, may adopt by reference Code, ordinances and standards relating to building, plumbing, electrical installations and other matters which it has the power to regulate. Such a Code, ordinance or standard so adopted need not be enrolled in this Code of Ordinances; provided that three (3) copies are filed and kept in the Office of the City Clerk.

Section 1-131. Ordinances: Compilation.

1. Every ten (10) years, the City of Hollis, Oklahoma, shall compile and publish its effective penal ordinances in a permanent form.

2. One (1) copy of the compilation of ordinances shall be deposited by the City in the County Law Library, and two (2) copies shall be filed with the Clerk of the State Supreme Court.

3. Every two (2) years the City of Hollis, Oklahoma, shall publish supplements to its compiled penal ordinances, and no ordinance shall be enforced if it is not reflected in such compilation or supplement, if such ordinance was adopted more than one (1) year prior to the latest compilation or supplement.

4. When the City has compiled and published its ordinances, the City Council shall adopt a resolution notifying the public of such compliance and cause certified copies of the resolution to be filed in the Office of the Harmon County Clerk and in the Office of the Clerk of the State Supreme Court.

Section-132. Amendments or Additions to the Code of Ordinances.

1. The City Council shall have the power to repeal, alter or amend this Code of Ordinances.

2. All ordinances passed subsequent to this Code of Ordinances which amend, repeal, or in any way affect said Code, may be numbered in accordance with the numbering system of this Code of Ordinances and printed for inclusion therein. When subsequent ordinances repeal any Chapter, Section or Subsection, or any portion thereof, such repealed portions may be excluded from this Code of Ordinances by omission thereof from reprinted pages. Such inclusion of ordinances passed subsequent to this Code of Ordinances which amend or add to this Code (except in the case of repeal), shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted, are readopted as new Code of Ordinances by the City Council.

3. Amendments to any of the provisions of this Code of Ordinances shall be made by amending such provisions by specific reference to the Chapter, Article and Section numbers of this Code in the following language: That Section of Article _____, Chapter _____, of the Code of Ordinances, City of, Oklahoma, is hereby amended to read as follows: "The new provisions shall then be set out in full as desired."

4. In the event a new Section not heretofore existing in the Code of Ordinances is to be added, the following language shall be used: "That the Code of Ordinances, City of _____, Oklahoma, is hereby amended by adding a Section to Article _____ of Chapter _____, to be numbered _____, which said Section reads as follows: ' _____.' " The new Section shall then be set out in full as desired the Code of Ordinances.