

Administration and Government

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CHAPTER 1

GOVERNMENT ORGANIZATION

Section 2-101 City Council form of government.

SECTION 2-101 CITY COUNCIL FORM OF GOVERNMENT.

The city is governed by a City Council which appoints a city manager, city attorney, city treasurer and judge. The powers of the city are vested in the City Council.

State Law Reference: City charter, Sections 13-101 et seq. of Title II of the Oklahoma Statutes.

CHAPTER 2

CITY COUNCIL

Section 2-201 Composition of the Council, mayor, terms.  
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SECTION 2-201 COMPOSITION OF THE CITY COUNCIL, MAYOR, TERMS.

The city council shall consist of two (2) councilors from each ward of the city. One of the councilors shall be elected mayor and one shall be elected vice mayor by a majority of the council. The councilors shall be elected as provided in the charter for four-year terms.

Charter Reference: Article II of the charter covers the city council. Article V covers elections. Elections are nonpartisan and conducted by the county election board.

SECTION 2-202 TIME OF REGULAR MEETINGS OF THE COUNCIL.

The city council shall hold a regular meeting on the first and third Mondays of every month at 7:00 P.M. If a meeting day falls on a legal holiday, as designated by the council, then the meeting shall be held at a time determined by a majority vote of the council. Such meetings may be adjourned from time to time by a majority vote of the councilors present at such meeting. (Prior Code, Sec. 2-3)

SECTION 2-203 MEETINGS OF THE COUNCIL.

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- A. Every meeting of the city council shall be held in the city hall council meeting room and at such other places designated by the city council, unless, in case of an emergency, the mayor or the councilors calling a special meeting designate another place in the city for the holding of the special meeting. The mayor or any three (3) councilors may call a special meeting by filing with the city clerk a call therefor, stating the purpose of such meeting. A copy of such call shall be mailed by the city clerk to each member at least two (2) days prior to the special meeting, and each councilor shall also be personally notified whenever possible. The city clerk shall keep in his office a record of the calling of all special meetings and the notice thereof given. Special meetings of the city council may be held at any time when a quorum of members are present, and the state open meeting law is complied with. Only matters set forth in the purpose of the call of a special meeting shall be considered at such special meeting. Any adjourned meeting may be held at any other place designated by the city council.
- B. The mayor shall preside at all meetings of the city council except during his absence the vice mayor shall preside. In the absence of both the mayor and vice mayor, a mayor pro-tem may be elected by a vote of the majority of the membership of the city council and shall preside at such meeting. (Prior Code, Sec. 2-4, 2-5)

State Law Reference: Open meeting act requirements, 25 O.S. Sections 301 et seq.; Absence from meetings, grounds for vacancy, 11 O.S. Section 8-108.

### SECTION 2-204    AGENDA, ORDER OF BUSINESS.

- A. All matters to come before the city council shall be placed upon a written agenda which shall be prepared by the city manager not less than three (3) days prior to the meeting date. This section shall not apply to special meetings and matters involving an emergency.
- B. The order of business for a meeting shall be as provided on the agenda.

(Prior Code, Secs. 2-6, 2-7)

### SECTION 2-205    RULES OF PROCEDURE.

The city council may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the city council may prescribe.

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CHAPTER 3

CITY MANAGER

Section 2-301 City manager appointment.  
Section 2-302 Duties.

SECTION 2-301 CITY MANAGER APPOINTMENT.

The city council shall appoint a city manager, who shall also be known as the 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.

Charter Reference: See Charter on City Manager.

SECTION 2-302 DUTIES.

The city manager shall be the chief administrative officer and head of the administrative branch of the city government and shall have such duties as are prescribed by the charter and law, and as assigned by the city council.

Charter Reference: See Charter, Sec. 5, on city manager powers.

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CHAPTER 4

CITY CLERK AND TREASURER

Section 2-401	City clerk.
Section 2-402	Duties.
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SECTION 2-401                      CITY CLERK.

The city clerk is an officer of the city appointed by the city manager.

Charter Reference: City clerk office, Charter.

State Law Reference: 11 O.S. Section 10-117.

SECTION 2-402                      DUTIES.

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 city council meetings and shall keep the journal of the proceedings of the city 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. He shall perform such other duties as may be required by law or ordinance for the city clerk, including providing a certification as to the existence of any special assessments by the city against any parcel of real estate upon receipt of the fee therefor as specified by the Master Fee Schedule.

SECTION 2-403                      CITY TREASURER, DUTIES.

- A. The city treasurer is an officer of the city appointed by the city council.
- B. The treasurer shall have the responsibility for the receipt, safekeeping, investment and daily deposit of 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, ordinance and the charter. He shall have such other powers, duties, and functions as may be prescribed by applicable law, by ordinance and the charter, including but not limited to, the promulgation of rules and procedures for the receipt, handling and deposit by City officers and employees of city monies into the city treasury. He shall also provide training, technical assistance and other support to other city departments in performing financial functions.

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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 2-501                      CITY ATTORNEY.

The city attorney is an officer of the city appointed by the city council. He shall be licensed to practice law in this state. 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 shall attend regular meetings of the council and prepare ordinances for the council. He may receive a regular salary as set by the city 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 city 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.

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SECTION 2-504

CERTAIN PERSONNEL TO BE BONDED.

- A. 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:
  - 1. City manager;
  - 2. City clerk;
  - 3. City treasurer.
- B. The city council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded.
- C. The city shall pay the premiums on the bonds.

State Law Reference: Officers designated by ordinance to give bond, city pay premium, 11 O.S. Section 8- 105.

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 and charter.

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### CITY RECORDS

Section 2-601	Appointment of official custodians.
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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	Prepayment 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. 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;
3. Fire chief. All public records not on file in the office of the city clerk and kept and maintained in the city fire department.
4. 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;
5. Court clerk. All public records not on file in the office of the city clerk and kept and maintained in the municipal court; and
6. City librarian. All public records not on file in the office of the city clerk and kept and maintained in the city library.

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SECTION 2-602

DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

- A. 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.
- B. Whenever an official custodian shall appoint another person as a record custodian he or she shall notify 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.

- A. 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.
- B. 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.

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

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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 treasurer;
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 reasonably 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;
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.

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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

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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 Master Fee Schedule appended to this code 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.



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### 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. (Prior Code, Sec. 2-1)

### 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. (Prior Code, Sec. 2-1)

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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.  
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ARTICLE C

POLICE PENSION SYSTEM

Section 2-820 Police pension board created.  
Section 2-821 State police pension and retirement provisions adopted.

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.

State Law Reference: Firefighter's retirement and pension law, joining state system, 11 O.S. Sections 49-101 et seq.

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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 July 2, 1980, the funded pension plan designated "Employee Retirement System of Sapulpa, Oklahoma" (hereinafter called "system").

State Law Reference: Authority of city to establish retirement systems, procedure, 11 O.S. Sections 48-101 et seq.

SECTION 2-811            ADMINISTRATION.

For the purpose of administration of the system there is hereby established a board of trustees of the employee retirement system consisting of five (5) members, one of which shall be the city treasurer, one of which shall be the city clerk, and three (3) of which shall be other participating employees of the city. The three (3) employee members shall be elected by the employees of the city who participate in the retirement system. The employee members shall serve for three-year staggered terms. (Prior Code, Chapter 22A)

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 treasurer, who shall be the treasurer of the system. The city treasurer shall hold such contributions in the form received, and from time to time pay over and transfer the same to the 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. (Prior Code, Chapter 22A)

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 actuarial valuation. (Prior Code, Chapter 22A)

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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.
  
- 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 council shall manifest approval of such contract and the execution thereof by the mayor and city clerk by a formal resolution. (Prior Code, Chapter 22A)

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. (Prior Code, Chapter 22A)

ARTICLE C

POLICE PENSION SYSTEM

SECTION 2-820                    POLICE PENSION BOARD CREATED.

- A.     There is hereby created a police pension board which shall have the operation and management of the police pension and retirement system of the city. The city clerk, in addition to the duties required of him, together with two (2) members of the police department, is hereby created and constituted a police pension board of the pension and requirement system of the police department.

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- B. Within thirty (30) days after the initial passage of this section, the members participating in the police pension and retirement system shall elect by ballot two (2) members of the police department, one of which shall serve for the term of two (2) years, and one for the term of four (4) years upon the police pension board.
- C. If a vacancy, or vacancies, should occur in the office of trustee, or trustees, of the board so elected, the vacancy shall be filled by the election of a member, or members, in the same manner as above provided.
- D. Each officer or member in the police pension board so elected shall, before he enters upon the duties of his office, take and subscribe an oath of office to faithfully perform the duties of his office and to account for all moneys and property in his hands.

### SECTION 2-821

### STATE POLICE RETIREMENT PROVISIONS ADOPTED.

The city council hereby adopts the provisions of the state law governing the Oklahoma Police Pension and Retirement System and amendments thereto for the purpose of providing the police officers of the city with a retirement program. The city agrees to make contributions to the system in such amounts as are required by law. (Prior Code, Secs. 1-57 to 1-79 as amended)

State Law Reference: Police pension and retirement system, 11 O.S. Sections 50-101 et seq.; Option to establish local board, 11 O.S. Section 50-106.1; Joining state system, 11 O.S. Section 50-106.3; Contributions to be paid by municipality and police members, 11 O.S. Sections 50-109 and 50-110.

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CHAPTER 9

COMMUNITY RELATIONS COMMISSION

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Section 2-910	Penalties.

SECTION 2-901                      DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall, except as otherwise expressly provided, have the meanings respectively ascribed to them by this section:

1. "Age" means that period of time when a worker is at least forty (40) years old and less than seventy (70) years old;
2. "Commission" means the Sapulpa Human Rights Commission;
3. "Dwelling" means any building, structure, or portion thereof which is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;
4. "Employer" means any person who employs five (5) or more employees, exclusive of the parents, spouse, or children of such person, including the City of Sapulpa, its departments, boards, commissions and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, or sectarian organization which is not supported in whole or part by any governmental appropriations;
5. "Employment" excludes the employment of individuals in domestic service;

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6. "Employment agency" means any person regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees;
7. "Handicapped person" means a person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such an impairment, or is regarded as having such an impairment;
8. "Housing accommodations" mean:
  - a. A building, structure, or portion thereof which is used or occupied or is intended, arranged or designated to be used or occupied, as a home, residence or sleeping place by a person, by a family, or by a group of persons living together; or
  - b. A parcel of real property or lot available for the construction of a housing accommodation;
9. "Labor organizations" mean any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment;
10. "Lending institutions" mean any bank, insurance company, savings and loan association or any other person regularly engaged in the business of lending money or guaranteeing loans;
11. "Owner" means the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent, employee or any other person having the right of ownership or possession or the authority to sell, rent, or lease any housing accommodation, or any person having equitable or security interest in any housing accommodation, including the city and its departments, boards, commissions, and authorities;
12. "Person" means any individual, association, corporation, joint apprenticeship committee, joint-stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, unincorporated organization, or other legal or commercial entity, including the City of Sapulpa;
13. "Public accommodation" means any place, business or activity which is open to, accepts or solicits the patronage of the general public or offers goods, services or recreation to the general public;

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14. "Real estate broker" means any person, who for a fee or other valuable consideration manages, sells, purchases, exchanges, or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange, or rental of, the real property of another, or holds himself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, and includes real estate salesmen or agents or any other person employed by a real estate broker to perform or to assist in the performance of his business;
15. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(Prior Code, Sec. 2-91; Ord. No. 1901, 5/6/85)

### SECTION 2-902

### DISCRIMINATION IN EMPLOYMENT.

- A. Except as otherwise provided in this chapter, it shall be unlawful for any employer, employment agency or labor organization, because of a person's race, color, religion, national origin, sex, age, or handicap to:
  1. Refuse to hire any person or otherwise discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions, or privileges, directly or indirectly related to employment;
  2. Establish, announce or follow a policy of denying or limiting through a quota system or otherwise, the employment or membership opportunities of any person or group of persons;
  3. Deny to or withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training

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program, an on-the-job training program or any other occupational training program;

4. Publish or circulate, or cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any discrimination;
5. Fail or refuse to properly classify or refer to employment or otherwise to discriminate against any person; or
6. Discriminate against any person in any way which would deprive or limit his employment opportunities or otherwise adversely affect his status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge, or any other terms, conditions or privileges directly or indirectly related to employment;

B. Nor shall any person:

1. Discriminate against any person because he has opposed any practice forbidden in this chapter or because he has made a complaint or testified or assisted in any manner in an investigation or proceeding brought under this chapter;
2. Aid, incite, compel, coerce, or otherwise participate in the commission of any unlawful employment practice under this chapter, or otherwise obstruct or prevent any person from enforcing or complying with the provisions of this chapter or any rule, regulation or order lawfully promulgated by the commission;
3. Substantially confine or limit the recruitment or hiring of employees to any employment agency, employment service, labor organization, training school, training center or any other employee referring source which services persons who are predominantly of the same race, color, religion, national origin, sex, or handicap, except where such information as to a handicap is related to a bona fide occupational qualification reasonably necessary to the performance of the prospective employment or membership;
4. Require of any applicant for employment or membership, any information concerning his race, color, religion, sex, age, national origin, or handicap (except as allowed by state law); or
5. Nor shall any person sexually harass any other person, as defined in Section 2-901.

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- C. The above mentioned practices are not unlawful discriminatory practices when based upon applicable national security regulations established by the United States. (Prior Code, Sec. 2-92; Ord. No. 1901, 5/6/85)

### SECTION 2-903     EXCEPTIONS TO DISCRIMINATORY EMPLOYMENT SERVICES.

The provisions of paragraph 6 of Subsection A of Section 2-902, of this code shall not apply to those situations wherein:

1. A school, college, university or other educational institution hires and employs a person of a particular religion, when:
  - a. That particular institution is wholly or substantially owned, supported, controlled or managed by a particular religious corporation, association, or society; or
  - b. The curriculum of that particular institution is directed to the propagation of a particular religion;
2. Differing standards of compensation, terms, conditions, privileges or responsibilities exist in a bona fide seniority or merit system, when:
  - a. The earnings are measured by quantity or quality of production;
  - b. The employees work in different locations; or
  - c. Such differences are not the result of an intention to discriminate because of race, color, religion, sex, age, national origin, or handicap, or otherwise results in such discrimination;
3. Differing standards of compensation, terms, conditions, privileges or responsibilities exist between male and female employees, when such differences are required or permitted by:
  - a. The laws of the State of Oklahoma;
  - b. The provisions of the Federal Civil Rights Act of 1964, as amended; or
  - c. The provisions of Section 6 (d) of the Federal Fair Labor Standards Act of 1938, as amended;

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4. The adoption and implementation of a plan eliminates or reduces any percentage imbalance respecting a particular race, color, religion, sex, age, national origin or handicap when that plan has been filed with and approved by the regulations of the Sapulpa Community Relations Committee;
5. The hiring, employment classification, reference, or admittance for training, or retraining an individual occurs on the basis of his sex, age or handicap, when such is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business enterprise; or
6. A professionally developed and validated ability test is given and the results acted upon when the test, its administration or action upon the results is not designed, intended, used to discriminate, or results in discrimination because of race, color, religion, sex, age, national origin or handicap. (Prior Code, Sec. 2-93; Ord. No. 1901, 5/6/85)

### SECTION 2-904     DISCRIMINATION IN HOUSING.

It shall be unlawful for any person, real estate broker, or lending institution to directly or indirectly engage in the following acts because of a person's race, color, religion, sex, age, national origin, or handicap:

1. To print, publish, circulate, issue or display any communication, notice, advertisement, or signs relating to the sale, rental, lease, sublease, assignment, transfer or listing of a housing accommodation which indicates any preference, limitation, specification, or discrimination;
2. Misrepresent that any housing accommodation is not available for inspection, sale, lease, sublease, rental assignment or other transfer;
3. To induce the sale, rental, or listing for sale or rental of a housing accommodation by representing that a change has occurred, will or may occur with respect to the racial, religious, or ethnic composition of the street, block, neighborhood or area in which such housing accommodation is located;
4. Include in the terms, conditions or privileges of any lease, sublease, rental assignment or other transfer of any housing accommodations, such clause, condition or restriction that discriminates against another person in the use or occupancy of such housing accommodation;
5. Discriminate against, segregate or assign quotas in connection with a sale, lease, sublease, rental assignment or other transfer of title, leasehold, or other interest in any housing accommodation;

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6. After the making a bona fide offer:
  - a. Refuse to negotiate for the sale, lease, sublease, rental assignment or other transfer of a title, leasehold, or other interest in any housing accommodation;
  - b. Refuse to sell, lease, sublease, rent, assign, or otherwise transfer a title, leasehold or other interest in any housing accommodation; or
  - c. Deny or otherwise withhold any housing accommodation;
7. To utilize any form or application of financial assistance, (for the purchase lease, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation) or make any record or inquiry in connection with such application, which indicates or makes any limitation, specification, or discrimination; or
8. To discriminate in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of any application for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation after the making of a bona fide offer, or in the extension of services in connection therewith.

(Prior Code, Sec. 2-94; Ord. No. 1901, 5/6/85)

### SECTION 2-905     EXCEPTIONS TO DISCRIMINATORY HOUSING PRACTICES.

The provisions of Section 2-904 of this chapter shall not apply to those situations wherein:

1. A religious or sectarian institution or organization, or a charitable or education organization (which is operated, supervised or controlled by or in connection with a religious organization), or any bona fide private or fraternal organization:
  - a. Limits admission to, or gives preference to persons of the same religion or sect, or to members of such private or fraternal organization; or
  - b. Makes such selection as is calculated by that organization to promote the religious or sectarian principles or the aims, purposes, or fraternal principles for which it is established or maintained;

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2. An owner privately offers property or gives preference to prospective tenants or buyers, as long as those reasons for the private offer or preference are based upon other than religion, sex, age, race, color, national origin, or handicap;
3. An owner rents a portion of a dwelling containing accommodations for not more than four (4) families, and one of those accommodations is the residence of the owner;
4. An owner sells or rents a single-family house, provided that:
  - a. The private individual owner does not own more than two (2) such single-family houses at any one time;
  - b. The private individual owner resided in that house as the most recent resident prior to that sale, if the private individual owner did not so reside or was not the most recent resident, the exemption granted by this subsection shall apply to one such sale or rental within any twenty-four (24) month period;
  - c. Such bona fide owner does not own any interest in, nor is there owned or reserved in his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than two (2) such single-family houses at any one time;
  - d. Such sale or rental was:
    - (1) Without the use of the sales or rental facilities or services or any real estate broker, agent, employee, any other person in the business of selling or renting dwellings; and
    - (2) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of item of Section 2-908 of this chapter;
  - e. Nothing contained herein shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and such other professional assistance as is necessary to perfect or transfer the title.

(Prior Code, Sec. 2-95; Ord. No. 1901, 5/6/85)

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### SECTION 2-906     DISCRIMINATION IN PUBLIC ACCOMMODATIONS.

It shall be unlawful for any owner, proprietor, or superintendent of any public accommodation to engage in the following acts because of another person's race, color, religion, sex, age, national origin, or handicap:

1. To refuse, withhold from or deny to any person any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation, resort, or amusement; or
2. To publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld, or that the patronage of such persons is unwelcome, objectionable, or not acceptable, desired or solicited. (Prior Code, Sec. 2-96; Ord. No. 1901, 5/6/85)

### SECTION 2-907     QUALIFICATIONS AND MAKE-UP OF COMMISSION.

- A. The Sapulpa Community Relations Commission shall consist of nine (9) members to be appointed by the mayor and approved by the council, for terms of two (2) years; provided, however that for the first appointment under the provisions of this chapter, four (4) members shall be appointed for a period of two (2) years and five (5) members shall be appointed for a period of one year. All appointment thereafter shall be for a term of two (2) years. Five (5) of the members of the above board shall be from the protected classes of race, color, national origin, sex, religion, age or handicapped. All members must be residents of the city and live within its city limits. All members will serve in a voluntary capacity without compensation. All members must be diligent in attending meetings of the commission and failure to attend three (3) consecutive meetings of the commission without cause shall be grounds for removal from the commission.
- B. At any time that a vacancy exists because of resignation, removal or expiration of a term, the mayor shall appoint a new member to either fill the unexpired term for a new term, subject to approval of the council.
- C. There is hereby established a clerk of the community relations commission. The clerk shall be a member of the city administrative staff designated by the city manager. The city shall send out public notices and perform any other necessary clerical function which the commission shall hereinafter prescribe. (Prior Code, Sec. 2-97; Ord. No. 1901, 5/6/85)

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### SECTION 2-908     DUTIES OF COMMUNITY RELATIONS COMMISSION.

The following are the duties of the community relations commission:

1. To receive, investigate, and seek the satisfactory adjustment of complaints which charge discriminatory practices as set forth herein;
2. To study and investigate by means of public hearing or otherwise any condition having an adverse effect on intergroup relations in the city and study the problems of prejudice and intolerance, bigotry and discrimination as they effect the public safety and general welfare of the city;
3. To institute and conduct educational and other programs to promote the equal rights and opportunities of all persons regardless of their age, race, color, religion, sex, or national origin, and to promote understanding among persons, groups of different ages, races, colors, religions, sex, or national origins. In performance of this duty the commission may cooperate with interested citizens, private agencies, and agencies of the federal, state and local government; and
4. To hold hearings, make findings of fact, adopt such rules and policies as may be necessary within the limits of this chapter, and otherwise carry out the purposes and provisions of this chapter. (Prior Code, Sec. 2-98; Ord. No. 1901, 5/6/85)

### SECTION 2-909     COMMUNITY RELATIONS COMMISSION: PROCEDURE AND POWERS.

- A. Any person aggrieved by discriminatory practices prohibited by this chapter, may file with the clerk of the community relations commission a complaint in writing, administered under oath. The complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this chapter, and shall further set forth the particulars of the violation, and may include such other information as may be required by the commission. Complaints filed under this section shall be filed within sixty (60) days after the alleged violation, and failure to file within the time shall be considered a waiver of the application of this chapter. The commission may issue a complaint on its own initiative at any time it has knowledge that a person has violated any of the provisions of this chapter.

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- B. The commission shall investigate each complaint filed, and shall attempt an adjustment of the complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well founded, the commission shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If the commission takes no action within ninety (90) days of the filing of the complaint, it shall be considered dismissed.
- C. If conference of conciliation does not result in compliance with this chapter, the commission shall give respondent and claimant written notice stating when the hearing on the complaint alleging discrimination is to be held. Written notice should be given at least ten (10) days prior to the hearing.
- D. At the hearing provided for in Subsection C above, the complainant or person aggrieved may appear in person or by counsel, and the respondent may file a written answer to the complaint and may appear in person or by counsel. The commission, when conducting any hearing, pursuant to this section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be under oath, and shall be transcribed or recorded at the request of either party, or at the direction of the commission. If the commission finds at the hearing that the respondent has engaged in any discriminatory practice or practices, prohibited by this chapter, it shall state its findings of fact, and shall so certify the matter to the city attorney for appropriate action. No prosecution shall be brought under this chapter except upon such certification. If the commission, upon hearings, finds that respondent has not engaged in any discriminatory practice, it shall state its findings of act, and shall issue and file an order, dismissing the complaint. The commission shall establish rules and regulations to govern, expedite, and effectuate the foregoing procedure, and shall maintain the files provided for herein.
- E. A quorum for the purposes of hearing complaints as prescribed in Subsection C above, shall be six (6) members; further, it shall require a vote of no less than five (5) councilors to certify a complaint for prosecution.
- F. All notices required under this chapter to be served upon any person, may be served personally on such person, or by mailing a copy thereof by certified or registered mail, with return receipt requested, to the current business or residence address of such person. (Prior Code, Sec. 2-99; Ord. No. 1901, 5/6/85)

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SECTION 2-910    PENALTIES.

Commission of any of the acts or omissions herein prohibited as unlawful shall be punishable as a misdemeanor as provide by Section 1-108 of this code.