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**CHAPTER 1
CITY COUNCIL**

Section 2-101	General Powers
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SECTION 2-101 GENERAL POWERS

- A. Pursuant to the provisions of Section 12-101 of Title 11 of the Oklahoma Statutes, the City shall have all the powers, functions, rights, privileges, franchises and immunities granted, or which may be granted to cities governed by the statutory aldermanic form of government. These powers shall be exercised as provided by law applicable to cities under the City Council form of government, or, if the manner is not prescribed, then in such manner as the City Council may prescribe.
- B. The powers, rights and authorities of the City, including the determination of matters of policy, shall be vested in and exercised by the City Council.

State Law Reference: City form of government, 11 O.S. Section 9-101.

SECTION 2-102 CITY COUNCIL

- A. The City Council shall consist of four (4) members, with one (1) Council Member elected from each ward in the City.
- B. The term of office for a Councilmember shall be four (4) years beginning at 12:00 noon on the second Monday following the general municipal election. The Council Member shall serve until his successor is elected and qualified. The terms of the Council Members shall be staggered so that at one general municipal election, the following Council Members are elected for four (4) year terms:
1. One (1) Councilmember from each ward;
 2. Mayor;
 3. Street commissioner; and
 4. Marshal.

- C. At the next general municipal election, the following Officers are to be elected for four-year terms:
 - 1. One Councilmember from each ward; and
 - 2. Treasurer.
- D. The resolution of the City Council calling for a general or special election to fill the office of Councilmember shall State the number of four-year terms and the number of unexpired terms, if any, to be filled.

State Law Reference: Governing board, 11 O.S. Sections 9-102, 9-103; Terms of office, 11 O.S. Section 8-102; Elections, 11 O.S. Section 16-205; Vacancies in office of Councilmember, 11 O.S. Section 8-109.

Ed. Note: By Ordinance 68 the City marshal's office was consolidated into the office of street commissioner.

SECTION 2-103 MEETINGS OF THE CITY COUNCIL

- A. The City Council shall meet regularly, on the first Wednesday of each month at 6:00 P.M., and at such other times as it may prescribe by Ordinance, resolution, or otherwise, at the City Hall. Where the day for a meeting falls upon a day which is a legal holiday in the State, the meeting shall be held on the next succeeding day which is not a holiday. Special meetings may be called by the Mayor or any four (4) Councilmember's. A majority of all the members of the Council shall constitute a quorum to do business, but a smaller number may adjourn from day to day.
- B. Every meeting of the City Council shall be held in the City hall unless, in case of an emergency, the Mayor designates another place in the City for the holding of a special meeting. Any adjourned meeting may be held at any other place within the City designated by the Council.

State Law Reference: Meetings of Councilmember's, 11 O.S. Section 12-107; Open meeting and notice requirements, 25 O.S. Section 301 -314.

SECTION 2-104 RULES OF ORDER AND PROCEDURE

- A. The Council may determine its own rules and may compel the attendance of absent members in the manner and under penalties as the Council may prescribe.
- B. The order of business for each meeting of the Council may be as posted on the agenda for the meeting.
- C. Except as otherwise provided in rules of the Council, Robert's Rules of Order shall govern meetings of the Council.

SECTION 2-105 ELECTIONS REQUIRED

- A. Sections 16-301 et seq. of Title 11 of the Oklahoma Statutes provide that the City by virtue of having fewer than one thousand (1,000) residents, elect Officers and consider questions raised by initiative or referendum, pursuant to Sections 15-101 et seq. of Title 11 of the Oklahoma Statutes. Sections 16-301 et seq. also provide that a municipality of fewer than one thousand (1,000) residents may at any time adopt an Ordinance requiring that its Officers shall be elected and initiative and referendum questions shall be decided only through elections conducted by the County Election Board pursuant to Sections 16-101 et seq. of Title 11 of the Oklahoma Statutes.

- B. The Officers of the City shall hereby be elected and initiatives and referendum questions shall hereby be decided only through elections conducted by the County Election Board pursuant to Sections 16-101 et seq. of Title 11 of the Oklahoma Statutes.

**CHAPTER 2
MAYOR**

Section 2-201 Election and Duties of the Mayor

SECTION 2-201 ELECTION AND DUTIES OF THE MAYOR

The Mayor shall preside at meetings of the Council and certify to the correct enrollment of all Ordinances and resolutions passed by it. The Mayor is not considered a member of the Council for quorum or voting purposes, except that he may vote on questions under consideration by the Council only when the Council is equally divided. The Mayor may sign or veto any City Ordinance or resolution passed by the City Council. The Mayor shall be Chief Executive Officer and head of the administrative branch of the City government. He is also recognized as the head of the City government for all ceremonial purposes and by the governor for purposes of military law. He shall have such powers and duties as may be prescribed by law or Ordinance.

State Law Reference: Election of City Mayor, acting Mayor, 11 O.S. Sections 9-103 et seq.

**CHAPTER 3
CITY OFFICERS AND PERSONNEL**

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SECTION 2-301 CITY CLERK; ADDITIONAL DUTIES FOR OFFICE MANAGEMENT

- A. The City Clerk shall be appointed by the City Council of the City. The appointment and removal of the City Clerk shall be by a majority vote of all of the members of the City Council.
- B. The City Clerk shall:
1. Keep the journal of the proceedings of the Council;
 2. Enroll in a book kept for that purpose all Ordinances and resolutions passed by the Council;
 3. Have custody of documents, records and archives as may be provided by law or Ordinance and have custody of the City seal;
 4. Attest and affix the seal of the City to documents as required by law or Ordinance; and
 5. Have such other powers, duties and functions as may be prescribed by law or Ordinance or by the Council.

The pay period for the City Clerk shall be every two (2) weeks with the amount paid contingent upon the Clerk's performance of the Clerk's statutory duties of the Office.

- B. There is hereby created a position for the performance of such duties relating to the maintenance of the books and records and office operations of the City as the City Council

shall prescribe. The position shall be filled by the person serving as the City Clerk or as otherwise provided by the City Council. The person shall be an employee of the City and shall serve at the pleasure of the City Council. The pay period for such position shall be the same as for other municipal employees. Benefits, holidays and sick leave for such position shall be provided in accordance with any personnel policy or other policy of the City. The City Council may determine the City Clerk's salary by motion. The salary of the position shall not be subject to constitutional restrictions.

State Law Reference: Clerk duties, *Okla. Stat. Ann. tit 11, Section 9-112*; Vacancies, *Okla. Stat. Ann. tit 11, Section 8-109*.

SECTION 2-302 **CITY TREASURER; ADDITIONAL DUTIES PRESCRIBED**

- A. The City Treasurer shall be appointed by the Mayor with the approval of the City Council. The Treasurer may also be removed by the Mayor with the approval of the City Council. The City Treasurer is an appointed official of the City. The City Treasurer or the Treasurer's designee or Deputy, shall:
1. Maintain accounts and books to show where and from what source all monies paid to him have been derived and to whom and when any monies have been paid;
 2. Deposit daily funds received for the City in depositories as the Council may designate; and
 3. Have such other powers, duties and functions as may be prescribed by law or Ordinance.
- B. There is hereby created a position for the performance of such duties relating to the maintenance of the books and records and office operations of the City as the City Council shall prescribe. The position shall be filled by the person serving as the City Treasurer or as otherwise provided by the City Council. The person shall be an employee of the City and shall serve at the pleasure of the City Council. The pay period of such position shall be the same as for other municipal employees. Benefits, holidays and sick leave for such position shall be provided in accordance with any personnel policy or other policy of the City. The City Council may determine the City Treasures' salary. The salary of the position shall not be subject to constitutional restrictions. (Amended 2001, by a vote of the people on the 3rd day of April, 2001.)

State Law Reference: City Treasurer duties, *Okla. Stat. Ann. tit 11, Section 9-113*; Designation of County Treasurer as City Treasurer, *Okla. Stat. Ann. tit 19, Section 645*.

SECTION 2-303 **DEPUTY CLERK AND DEPUTY TREASURER**

- A. There may be created the offices of:
1. Deputy City Clerk; and

2. Deputy City Treasurer.

B. Persons appointed to fill the positions shall be appointed by the Mayor with approval of the City Council.

SECTION 2-304 CITY ATTORNEY, APPOINTMENT AND DUTIES

The Mayor, with approval of the City Council, may appoint a City Attorney or may secure the services of an attorney or attorneys on a contractual basis when needed. The City Attorney, when and if appointed, shall be the legal adviser of the City Council, all Officers, departments and agencies of the City Government in matters relating to their official powers and duties. He may represent the City in proceedings in the Court and perform services incident to his position which may be required by law or Ordinance.

SECTION 2-305 HEALTH OFFICER

The Mayor, with approval of Council, may appoint a City Health Officer. The County Health Officer or any qualified personnel of the State Department of Health may perform the duties and functions of a City Health Officer if so designated by the City.

SECTION 2-306 OTHER PERSONNEL, APPOINTMENTS, REMOVALS

A. The Mayor, with approval of Council, may appoint such other Officers and employees as he deems desirable and may determine their compensation, and may demote, suspend, lay off or remove all such personnel in compliance with due process and other requirements of law.

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

SECTION 2-307 BONDS

The Mayor, City Clerk and treasurer and any other Officers and employees as the Council may designate by Ordinance or otherwise to give bond for the faithful performance of duties in such amount and form as the Council shall prescribe. The City shall pay the premiums on such bonds. The City may require the Officer to secure the bond within ten (10) days after his election or appointment.

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

SECTION 2-308 SALARIES OF ELECTED OFFICIALS

The compensation of all elective City Officers, including the following, shall be fixed by Ordinance:

1. Mayor;
2. Each Council member;

SECTION 2-309 COMPENSATION OF EMPLOYEES, NUMBER AND CLASSES OF PERSONNEL

- A. The compensation of all other Officers and employees excepting those whose compensation the law requires to be set by Ordinance, may be determined by motion or resolution adopted by the City Council, and may be changed at any time in the same manner.
- B. Except as the law provides otherwise, the City Council may determine or regulate the number and classes of Officers and employees.

SECTION 2-310 SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT

In no case shall the salary or emoluments of any City Officer elected or appointed for a definite term, be changed after his election or appointment or during his term of office unless by operation of an Ordinance passed prior to such election or appointment, such being prohibited by the Constitution, Article 23, Section 10. This provision shall not apply to Officers chosen for indefinite terms nor to employees.

SECTION 2-311 OATHS

Officers of the City shall take the oath or affirmation of office prescribed by the State constitution before they enter upon their duties.

SECTION 2-312 OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND QUALIFY

Every Officer who is elected or appointed for a definite term shall continue to serve thereafter until his successor is elected or appointed and qualifies, unless his services are sooner terminated by resignation, disqualification, removal, death, abolition of the office, or other legal manner.

**CHAPTER 4
SOCIAL SECURITY**

Section 2-401	Declaration of Policy to Come Under Coverage
Section 2-402	Execution of Agreement with State Agency
Section 2-403	Withholdings
Section 2-404	Contributions
Section 2-405	Records and Reports
Section 2-406	Exclusions

SECTION 2-401 DECLARATION OF POLICY TO COME UNDER COVERAGE

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

State Law Reference; Social security coverage for local governments, 51 O.S. Section 125.

SECTION 2-402 EXECUTION OF AGREEMENT WITH STATE AGENCY

The Mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of Section 2-401 of this Ordinance.

SECTION 2-403 WITHHOLDINGS

Withholdings from salaries or wages of employees and officials for the purposes provided in Section 2-401 of this Code are hereby authorized to be made in the amounts and at such times as may be required by applicable State and Federal laws or regulations and shall be paid over to the State or Federal agency designated by the laws and regulations.

SECTION 2-404 CONTRIBUTIONS

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

SECTION 2-405 RECORDS AND REPORTS

The City Clerk shall keep such records and submit such reports as may be required by applicable State or Federal laws or regulations.

SECTION 2-406 EXCLUSIONS

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

- A. Any authority to make any agreement with respect to any position, 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; or
- B. 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.

**CHAPTER 5
FIREFIGHTERS PENSION AND RETIREMENT FUND**

Section 2-501	State Pension System Adopted
Section 2-502	Fund to be Operated in Accordance with Law
Section 2-503	Contributions to Fund

SECTION 2-501 STATE PENSION SYSTEM ADOPTED

The City hereby adopts the provisions of State law governing the Oklahoma Firefighters Relief and Pension System and amendments thereto for the purpose of providing firefighters of the City with a retirement program.

State Law Reference: Firefighters Pension Fund, 11 O.S. Sections 49-122 et seq.

SECTION 2-502 FUND TO BE OPERATED IN ACCORDANCE WITH LAW

The Firemen's Relief and Pension Fund shall be operated in accordance with State law relating to the fund, and pensions and other benefits shall be paid as provided by State law.

SECTION 2-503 CONTRIBUTIONS TO FUND

- A. The Treasurer shall deduct from the salaries or wages of each paid member of the Fire Department the appropriate amounts of money as established and required by State law as contribution to the Firefighter's Pension Fund. However, if the members of the Fire Department, by a majority vote of its paid members, vote to increase the amount of the deductions, the amounts authorized by this Subsection shall be increased to reflect the amounts approved by the majority vote. The Treasurer of the City shall deposit monthly in the Oklahoma Firefighters Pension and Retirement Board the amounts deducted pursuant to this Subsection. Any amounts deducted from the salary or wages of a Fire Department member shall be made at the time of each payroll. The deductions shall be set forth in the payroll so that each member may be able to ascertain the exact amount, which he is contributing.
- B. The City Treasurer shall deposit monthly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money as established and required by State law for each paid member of the Fire Department.
- C. For each volunteer member of the Fire Department, the City Treasurer shall deposit yearly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money as established and required by State law. These amounts may be revised according to actual studies and amounts as set by the Oklahoma Firefighters Pension and Retirement Board.
- D. All assets of the City Firefighters Pension and Retirement Fund shall be transferred to the Oklahoma Firefighters Pension and Retirement Board. Assets shall be transferred in the

form of cash, negotiable securities and such other specific assets as permitted by the State Board.

State Law Reference: Firefighters pension fund, 11 O.S. Section 49-122.

**CHAPTER 6
RECORD RETENTION AND DESTRUCTION**

Section 2-601 Record Retention and Destruction

SECTION 2-601 RECORD RETENTION AND DESTRUCTION

The City Clerk shall destroy the following papers, documents and records after presentation at the end of each fiscal year of a certified and notarized inventory of records meeting the following criteria, to-wit:

- A. One (1) year: Parking Citations may be destroyed or otherwise permanently disposed of one (1) year after the date of issuance;

- B. Five (5) years: Municipal Court Warrants, water, sewer, garbage and utility receipts and Statements, which have been previously audited; inspection records relating to water meters and sewer inspections; utility billing ledger or register; utility cash receipts ledger or register; and utility accounts receivable ledger or register. Fire run contracts may be destroyed or otherwise disposed of two (2) years after their expiration;

- C. Ten (10) years: Successful and unsuccessful bids for the purchase or furnishing of equipment, material and improvements; inspection records, except as provided for in paragraph (2) above; claims that have been denied; licenses applications; bonds; special, primary and general election payrolls; election tabulations and returns; withholding Statements; garnishment records; traffic tickets and receipts; bond receipts and fine receipts; paid general obligation and revenue bonds; paid street improvement, sewer and sidewalk district bonds; warrants; claims; checks; vouchers; purchase orders; payrolls; inventories; appropriation ledgers; sidewalk assessment records, except payment records; cash receipt book or register for the General Fund, the Street and Alley Fund, any Bond Fund or Sinking Fund and all other Trust Funds that have been audited.

Prior to the destruction of any records, the City Council must approve the inventoried documents meeting the above criteria by majority vote. Thereafter, the local historical society shall be given the opportunity to review and select from the inventoried documents and records, papers or documents for their exclusive purposes as a non-profit entity. All remaining documents shall be destroyed by appropriate means as determined by the Mayor, same being witnessed by the Clerk, Mayor and two (2) other witnesses. (Ord. 184, 07-13-2001)

**CHAPTER 7
COLLECTION OF DEBTS**

Section 2-701 Collection Agency
Section 2-702 Oklahoma Tax Commission Claims

SECTION 2-701 COLLECTION AGENCY

- A. The City Clerk, and with respect to Paragraph 2 below, the Court Clerk, subject to the approval of the City Council, may enter into a contract with a collection agency for the provision of collection services for one or more of the following items:
1. Debts and accounts receivable, including, but not limited to, unpaid fees, penalties, interest, and other sums due the City, as applicable; or
 2. Court penalties, costs, fines and fees in cases in municipal Court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the Municipal Court.
- B. A contract with a collection agency pursuant to this Section may authorize the addition of a collection fee in an amount not to exceed thirty-five percent (35%) on each item described in Subsection A of this Section that has been referred to the collection agency for collection. If the City enters into such contract with a collection agency and authorizes the collection fee, the Municipal Court shall order the defendant to reimburse the fee arising pursuant to paragraph 2 of Subsection A of this Section and such Court-ordered fee may be collected as provided by law for the collection of any other civil debt or criminal action.

State Law: Title 68 Section 22-138, Oklahoma Statutes.

SECTION 2-702 OKLAHOMA TAX COMMISSION CLAIMS

- A. A City Clerk or Court Clerk seeking to collect a debt, unpaid fines and cost or final judgment of at least Fifty Dollars (\$50.00) from an individual who has filed a State income tax return may file a claim with the Oklahoma Tax Commission requesting that the amount owed to the municipal Court be deducted from any State income tax refund due to that individual. The claim shall be filed electronically in a form prescribed by the Tax Commission and shall contain information necessary to identify the person owing the debt, including the full name and Social Security number of the debtor.
1. The City Clerk or Court Clerk shall send notice to the debtor by regular mail at the last-known address of the debtor as shown by the records of the Tax Commission when seeking to collect a debt not reduced to final judgment. The City Clerk or Court Clerk shall send notice to the judgment debtor or municipal Court defendant by first class mail at the last-known address of the judgment debtor or municipal Court defendant as shown by the records of the Tax Commission when seeking to

collect a final judgment or unpaid municipal fines and cost. The notice shall state:

- a. that a claim has been filed,
- b. the basis for the claim,
- c. that the City has applied to the Tax Commission for any portion of the tax refund due to the debtor or municipal Court defendant which would satisfy the debt, unpaid municipal fines and cost, or final judgment in full or in part,
- d. that the debtor or municipal Court defendant has the right to contest the claim by sending a written request to the City Clerk or Court Clerk for a hearing to protest the claim, and if the debtor or municipal Court defendant fails to apply for a hearing within sixty (60) days after the date of the mailing of the notice, the debtor or municipal Court defendant shall be deemed to have waived his or her opportunity to contest the claim,
- e. that a collection expense of five percent (5%) of the gross proceeds owed to the City or municipal Court shall be charged to the debtor or municipal Court defendant and withheld from the refund upon final determination of the debt or final judgment at the hearing or upon failure of the debtor to request a hearing, and
- f. if the taxpayer settles the outstanding debt, unpaid municipal fines and costs, or final judgment with the City before the time to contest the claim expires, the City Clerk or Court Clerk shall notify the Tax Commission in writing or by electronic media that the claim has been released.

2. In the case of a joint return, the notice shall State:

- a. if the taxpayer settles the outstanding debt,
- b. the name of any taxpayer named in the return against whom no debt, no unpaid fines and cost, or final judgment is claimed,
- c. the fact that a debt, unpaid municipal fines and cost, or final judgment is not claimed against the taxpayer,
- d. the fact that the taxpayer is entitled to receive a refund if it is due regardless of the debt, municipal fines and cost, or final judgment asserted against the debtor or municipal Court defendant.
- e. that in order to obtain the refund due, the taxpayer must apply, in writing, for a hearing with the City or municipal Court, as applicable, named in the notice within sixty (60) days after the date of the mailing of the notice, and

- f. if the taxpayer against whom no debt, no unpaid municipal fines and cost, or final judgment is claimed fails to apply in writing for a hearing within sixty (60) days after the mailing of the notice, the taxpayer shall have waived his or her right to a refund.
- B. If the City or municipal Court receives a written request for a hearing from the debtor or taxpayer against whom no debt, no municipal fines and cost, or final judgment is claimed the City or municipal Court shall grant a hearing according to the provisions of the Administrative Procedures Act, Section 250 et seq., of Title 75 of the Oklahoma Statutes. It shall be determined at the hearing whether the claimed sum is correct or whether an adjustment to the claim shall be made. Pending final determination at the hearing of the validity of the debt, unpaid fines and cost, or final judgment asserted by the City or municipal Court no action shall be taken in furtherance of the collection of the debt, unpaid fines and cost, or final judgment. Appeals from actions taken at the hearing shall be in accordance with the provisions of the Administrative Procedures Act.
- C. Upon final determination at a hearing, as provided for in Subsection B of this Section, of the amount of the debt, unpaid fines and cost, or final judgment or upon failure of the debtor or taxpayer against whom no debt, no unpaid fines and cost, or final judgment is claimed to request such a hearing, the City or municipal Court shall submit in the manner prescribed by the Tax Commission notification of the action taken on the claim and a request that the amount owed, including the collection expense, be deducted from the tax refund due to the debtor and transferred to the City or municipal Court. However, if the tax refund due is inadequate to pay the collection expense and debt, unpaid fines and cost, or final judgment, the balance due shall be a continuing debt or final judgment until paid in full.