

# CHARTER

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## **PREAMBLE**

### **Preamble**

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### **PREAMBLE**

We the people of the City of Pawhuska, Oklahoma, exercising the powers of home rule granted to us by the Constitution and laws of the State of Oklahoma, in order to provide for more efficient, adequate and economical government, do hereby amend the heretofore existing Charter of the City of Pawhuska, Oklahoma, as amended, by repealing it and substituting in lieu thereof this Charter of the City of Pawhuska, Oklahoma; and do hereby ordain, ratify and establish this Charter of the City of Pawhuska, Oklahoma, as the organic law of the City.

**ARTICLE I**  
**INCORPORATION, FORM OF GOVERNMENT, POWERS**

<b>Section 1</b>	<b>Incorporation</b>
<b>Section 1</b>	<b>Incorporation</b>
<b>Section 2</b>	<b>Form of Government</b>
<b>Section 3</b>	<b>Powers of the City</b>

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**SECTION 1**            **INCORPORATION**

The City of Pawhuska, Oklahoma, within the corporate limits as now 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 Pawhuska, 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 Pawhuska, Oklahoma; and shall be liable for all debts and other obligations for which the corporation is now legally bound.

**SECTION 2**            **FORM OF GOVERNMENT**

The municipal government provided by this charter shall be known as the “council-manager government”. All powers of the City shall be exercised in the manner prescribed by this charter, or, if the manner is not thus prescribed, then in such manner as the council may prescribe.

**SECTION 3**            **POWERS OF THE CITY**

The City shall have all powers, functions, rights, privileges, franchises and immunities granted to cities by the state constitution and law, and all the implied powers necessary to carry into execution all the powers granted. Except as prohibited by the state constitution and law, the City shall have all municipal powers, functions, rights, privileges, franchises and immunities of every name and nature whatsoever.

The City shall have power to adopt a corporate seal and to alter it at pleasure, to sue and to be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any City purpose, including public utilities, works and ways in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation or other legal mean; and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey or otherwise dispose of, such property as its interest may require, including public utilities, works and ways. It shall have power to issue bonds in the manner and within the limitations prescribed by the state constitution and law. It shall have power, within the limits prescribed by the state constitution and laws, to accept and administer federal and state grants-in-aid and to do everything necessary to accomplish the purpose or purposes for which such grants may be made. It shall have power to ordain and to enforce local legislation, consistent with the state constitution and law, for the proper organization and functioning of the City government, for the preservation and enforcement of good government and order, for the protection of health, life, morals and property, for the prevention, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend and renew franchises in accordance with the state constitution and law.

The enumeration of particular powers by this charter shall not be deemed to be exclusive or limiting;

and in addition to the powers enumerated herein or implied hereby, the City shall have all powers which, under the state constitution and law, it would be competent for this charter specifically to enumerate.

Provisions of state law relating to matters which may be regulated by cities operating under charters, shall be in effect only insofar as they are applicable and are not superseded by this charter or by Ordinance.

## **ARTICLE II THE COUNCIL**

<b>Section 4</b>	<b>Councilmen; Number, Qualifications</b>
<b>Section 5</b>	<b>Mayor and Vice Mayor</b>
<b>Section 6</b>	<b>Compensation</b>
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<b>Section 13</b>	<b>Council; Vacancies</b>
<b>Section 14</b>	<b>Quorum; Rules; Yeas and Nays</b>
<b>Section 15</b>	<b>Ordinances; Enacting Clause</b>
<b>Section 16</b>	<b>Ordinances; Passage; When in Effect</b>
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<b>Section 18</b>	<b>Ordinances; Adoption by Reference</b>
<b>Section 19</b>	<b>Ordinances; Codification</b>

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### **SECTION 4**      **COUNCILMEN; NUMBER, QUALIFICATIONS**

There shall be a council of five members, which shall consist of a councilman at large and one councilman from each of the four wards of the City as the wards are now constituted or as they may hereafter be constituted by Ordinance. Only qualified electors of the City shall be qualified for the office of councilman at large. Only qualified electors residing in the City and, at the time of their election, in the respective wards from which they are candidates, shall be qualified for the offices of councilmen from the wards. Removal of a councilman from one ward or precinct to another within the City after his election, or a change in ward or precinct boundaries, shall not disqualify him from completing the term for which he was elected. No councilman may hold any office or position in the City government by appointment by the City Manager.

### **SECTION 5**      **MAYOR AND VICE MAYOR**

At the first meeting after the time prescribed for the beginning of the term of a newly elected councilman or councilmen, or as soon thereafter as practicable, the council shall elect from its membership a Mayor and a Vice Mayor, who shall serve until the time prescribed from the beginning of the term of the next newly elected councilman or councilmen and until their respective successors have been elected and qualify.

The Mayor shall preside at meetings of the council and shall certify to the correct enrollment of all Ordinances and resolutions passed by it. He shall be recognized as the head of the City government for all ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties except that he shall sign such written obligations of the City as the council may require. As a councilman, he shall have all powers, rights, privileges, duties and responsibilities of a councilman, including the right to vote on questions.

The Vice Mayor shall act as Mayor during the absence, disability or suspension of the Mayor, or, if the vacancy occurs in the office of Mayor, until another Mayor is elected by the council from its membership for completion of the unexpired term and qualifies. If the office of Vice Mayor becomes vacant, the council shall elect from its membership another Vice Mayor for completion of the unexpired term.

## **SECTION 6**            **COMPENSATION**

Neither the Mayor nor any other councilman may receive any compensation as Mayor or councilman nor for any other service rendered by the City, other than expenses.

## **SECTION 7**            **POWERS**

Except as otherwise provided in this charter all powers of the City, including the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council may:

1.     Appoint and remove the City Manager as provided in this charter;
2.     By Ordinance enact municipal legislation;
3.     Raise revenue and make appropriations, regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the City, subject to the provisions of the state constitution and law and this charter;
4.     Establish or adopt a pension, retirement and/or social security system or systems for any or all groups of the officers and employees in the service of the City; either alone or in cooperation with the state or federal government or both;
5.     Inquire into the conduct of any office, department or agency of the City, and investigate municipal affairs;
6.     Appoint, or elect and remove its own subordinates, the members of the personnel board, the members of the planning commission, the members of the board of adjustment, and other quasi-legislative, quasi-judicial or advisory officers and authorities, now or when and if established, or prescribe the method of appointing or electing and removing them;
7.     Grant pardons for violations of Ordinances;
8.     Regulate elections, the initiative and referendum, and recall, within the limits prescribed by the state constitution and law and this charter;
9.     Regulate the organization, powers, duties and functions of the municipal court and of the minor violations bureau, when and if established, within the limits prescribed by the state constitution and law and this charter;
10.    Create, change and abolish all offices, departments and agencies of the City other than the offices, departments and agencies created by this charter; and assign additional



powers, duties and functions to offices, departments and agencies created by this charter.

**SECTION 8**                    **COUNCIL NOT TO INTERFERE IN APPOINTMENTS AND REMOVALS**

Neither the council, the Mayor nor any of its other members may direct or request the appointment of any person to, or his removal from, office or employment by the City Manager or by any other authority, or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the City. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the City Manager; and neither the council nor any member thereof may give orders on administrative matters to any subordinate of the City Manager either publicly or privately.

**SECTION 9**                    **CITY CLERK TO BE CLERICAL OFFICER OF COUNCIL**

The City Clerk, hereinafter provided for, shall also serve as clerical officer of the council. He shall keep the journal of its proceedings and shall enroll in a book or books kept for the purpose all Ordinances and resolutions passed by it; shall be custodian of such documents, records and archives as may be provided by applicable law or Ordinance; shall be custodian of the seal of the City; and shall attest and affix the seal to documents when required in accordance with applicable law or Ordinance.

**SECTION 10**                    **INDUCTION INTO OFFICE; MEETINGS**

The terms of office of councilmen shall begin at 5:30 o'clock P. M. on the first Monday in May following their election. The council shall hold a meeting at that time, and those whose terms are beginning shall be inducted into office. If a councilman-elect fails to qualify within one month thereafter, his office shall become vacant; and the council shall fill the vacancy. The council shall hold at least one regular meeting every month at such time or times as it may prescribe by Ordinance or otherwise. The Mayor or any three (3) councilmen may call special meetings. All meetings of the council shall be open to the public, and the journal of its proceedings shall be open to public inspection.

**SECTION 11**                    **ABSENCES TO TERMINATE MEMBERSHIP**

If the Mayor or any other councilman shall be absent from all the meetings of the council, regular and special, held within any period of two consecutive calendar months, he shall thereupon cease to hold office.

**SECTION 12**                    **REMOVAL**

A councilman may be removed from office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed thereby; and may also be removed by recall as provided in this charter.

**SECTION 13**                    **COUNCIL; VACANCIES**

The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms. Provided that, if a vacancy occurs before the beginning of a regular filing period

for candidates for councilmen and the unexpired term extends beyond 7:30 P. M. on the next first Monday in May, then a councilman for that place shall be elected at the primary and general elections of that year to serve the rest of the unexpired term beginning at 7:30 P. M. on said Monday in May. Provided further that, if at any time there are fewer than four councilmen in office who have been elected by the qualified electors of the City, and if a petition signed by at least one hundred (100) registered qualified electors of the City demanding that special primary and general elections be held to elect councilmen for the unexpired terms for the places on the council not held by councilmen so elected, is presented to the council, then the council shall pass a resolution or Ordinance directing the Mayor to issue a proclamation calling such elections for that purpose. The primary election shall be held within sixty (60) days after the petition is presented to the council, and the general election not more than two weeks after the primary. A councilman-elect thus elected shall qualify not later than one month after he is elected. The provisions of this charter relating to regular primary and general elections shall govern such special primary and general elections insofar as they are applicable.

#### **SECTION 14**            **QUORUM; RULES; YEAS AND NAYS**

A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council may determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays and shall be entered in the journal.

#### **SECTION 15**            **ORDINANCES; ENACTING CLAUSE**

The enacting clause of all Ordinances passed by the council shall be, “Be it ordained by the Council of the City of Pawhuska, Oklahoma”, and of all Ordinances proposed by the voters under their power of initiative, “Be it ordained by the People of the City of Pawhuska, Oklahoma”.

#### **SECTION 16**            **ORDINANCES; PASSAGE; WHEN IN EFFECT**

Every proposed Ordinance shall be read, and a vote of a majority of all the councilmen shall be required for its passage. The vote on final passage of every Ordinance shall be by yeas and nays and shall be entered in the journal. The Mayor shall have no power of veto. Within ten (10) days after its passage, every Ordinance shall be published in full or by number and title in a newspaper of general circulation within the City. Every Ordinance except an emergency Ordinance, so published, shall become effective thirty (30) days after its final passage unless it specifies a later time; provided that an Ordinance granting a franchise to a public utility shall not go into effect until it has been published in full in a newspaper of general circulation within the City and has been approved at an election by a vote of a majority of the qualified electors voting on the question.

#### **SECTION 17**            **ORDINANCES; EMERGENCY**

An emergency Ordinance is an Ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health or safety, and which should become effective prior to the time when an ordinary 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 council shall vote on the emergency section separately and must adopt the section by a vote of at least four-fifths (4/5) of all the members of the council; which vote shall be by yeas and nays and shall be entered in the journal. An emergency Ordinance shall take effect upon passage unless it specifies a later time.

**SECTION 18****ORDINANCES; ADOPTION BY REFERENCE**

The council by Ordinance may adopt by reference codes, Ordinances, standards and regulations relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such code, Ordinance, standard or regulations so adopted need not be enrolled in the book of Ordinances; but a copy shall be filed and kept in the office of the City Clerk. The City Clerk shall keep copies of all such codes, Ordinances, standards and regulations in force for distribution or sale at their approximate cost.

**SECTION 19****ORDINANCES; CODIFICATION**

The Ordinances of the City shall be codified and published in book or pamphlet form at least every ten (10) years unless the council, by use of a loose-leaf system and process of amendment, keeps the code up-to-date. Titles, enacting clauses and emergency sections may be omitted from the code; and temporary and special Ordinances, and parts of Ordinances, may be omitted. Permanent, general Ordinances and parts of Ordinances which are to be repealed by the code, shall be omitted from the code. The Ordinances and parts of Ordinances included in the code may be revised, rearranged and reorganized; and the code may contain new matter, provisions of the state constitution and law relating to the City and provisions of this charter. A copy of the published code shall be filed in the office of the City Clerk after the council adopts the code by Ordinance; but the code need not be enrolled in the book of Ordinances.

**ARTICLE III**  
**CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS**

<b>Section 20</b>	<b>Appointment; Term; Qualifications; Removal</b>
<b>Section 21</b>	<b>Acting City Manager</b>
<b>Section 22</b>	<b>City Manager; Powers and Duties</b>
<b>Section 23</b>	<b>Administrative Departments; Offices and Agencies</b>
<b>Section 24</b>	<b>Library Board</b>
<b>Section 25</b>	<b>Hospital; Administrative Supervision and Control</b>

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**SECTION 20**            **APPOINTMENT; TERM; QUALIFICATIONS; REMOVAL**

There shall be a City Manager. The council shall appoint him 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. At the time of his appointment; he need not be a resident of the City or state; but, during his tenure of office, he shall reside within the City. Neither the Mayor nor any other councilman may be appointed City Manager or acting City Manager during the term for which he shall have been elected nor within two years after the expiration of his term. The council may suspend or remove the City Manager at any time by a majority vote of all its members.

**SECTION 21**            **ACTING CITY MANAGER**

If the City Manager is absent from the City or is unable to perform his duties, if the council suspends the City Manager, or if there is a vacancy in the office of City Manager, the council may appoint an acting City Manager to serve until the City Manager returns, until his disability or suspension ceases, or until another City Manager is appointed and qualifies, as the case may be. The council may suspend or remove an acting City Manager at any time.

**SECTION 22**            **CITY MANAGER; POWERS AND DUTIES**

The City Manager shall be chief executive officer and head of the administrative branch of the City government. He shall execute the laws and Ordinances and administer the government of the City and shall be responsible therefor to the council. He shall:

1.     Appoint, and when deemed necessary for the good of the service, lay off, suspend, demote or remove all directors, or heads, of administrative departments and all other administrative officers and employees of the City except as he or the council by Ordinance or this charter may authorize the head of a department, an officer or an agency to appoint, lay off, suspend, demote and(or) remove subordinates in such department, office or agency, subject to such merit-system regulations as the council may adopt;
2.     Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees;
3.     Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any

changes in the budget which he deems desirable;

4. Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the City for the preceding year;
5. Keep the council advised of the financial condition and future needs of the City, and make such recommendations as may seem to him desirable;
6. Have such powers, duties and functions as this charter may prescribe, and such powers, duties and functions consistent with this charter as the council may prescribe.

## **SECTION 23**                    **ADMINISTRATIVE DEPARTMENTS; OFFICES AND AGENCIES**

There shall be a department of finance, a department of law headed by a City attorney, and such other administrative departments, offices and agencies as this charter establishes and as the council may establish.

## **SECTION 24**                    **LIBRARY BOARD**

There shall be a library board, which shall be head of the library department. It shall consist of six (6) members appointed by the City Manager for overlapping terms of three (3) years and to serve until their respective successors have been appointed and qualify. The terms of two (2) members shall begin at 7:30 P. M. on the first Monday in May in every year. The City Manager may remove a member for the good of the service, and he may fill vacancies for unexpired terms. Members shall serve without compensation.

Every year, at the time prescribed for the beginning of the terms of new members or as soon thereafter as practicable, the library board shall elect a chairman, a vice chairman and a secretary; and the secretary need not be a member of the board. It shall determine the time and place of its regular meetings; and the chairman or any three (3) members may call special meetings of the board.

The library board shall have supervision and control of the public library or libraries of the City and shall appoint the librarian or librarians and all other subordinates; provided that the board may authorize a librarian to appoint his subordinates. The library board may adopt regulations for the administration and operation of the library or libraries, subject to Ordinances which the council may enact.

## **SECTION 25 HOSPITAL**                    **ADMINISTRATIVE SUPERVISION AND CONTROL**

Any hospital or hospitals operated by the City shall be operated under the name of Pawhuska Hospital, Inc., and in accordance with and as provided in the Amended Articles of Incorporation as filed with the Oklahoma Secretary of State, and the by-Laws of said corporation, all as they now exist or as they may hereafter be amended.

**ARTICLE IV**  
**DEPARTMENT OF FINANCE, FISCAL AFFAIRS**

<b>Section 26</b>	<b>City Clerk; Office Created, Duties</b>
<b>Section 27</b>	<b>City Treasurer: Office Created; Duties</b>
<b>Section 28</b>	<b>Purchases and Sales</b>
<b>Section 29</b>	<b>Purchase or Sale of Property Valued at More Than \$100,000.00 And \$20,000.00</b>
<b>Section 30</b>	<b>Public Improvements</b>
<b>Section 31</b>	<b>Electric Utility; Operation and Accounting</b>
<b>Section 32</b>	<b>Hospital; Operation and Accounting</b>
<b>Section 33</b>	<b>Other Utilities and Enterprises; Operation and Accounting</b>
<b>Section 34</b>	<b>Fiscal Year</b>
<b>Section 35</b>	<b>Independent Annual Audit</b>

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**SECTION 26**            **CITY CLERK; OFFICE CREATED, DUTIES**

There shall be a City Clerk, who shall be an officer of the City appointed by the City Manager for an indefinite term, and who shall be head of the department of finance. Subject to such regulations as the council may prescribe, the City Clerk shall collect or receive revenue and other money for the City and shall deposit the same 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 maintain a general accounting system for the City government. He shall have such other powers, duties and functions as may be prescribed by the charter, by applicable law or by Ordinance.

**SECTION 27**            **CITY TREASURER: OFFICE CREATED; DUTIES**

Within the department of finance, there shall be a City Treasurer, who shall be an officer of the City appointed by the City Manager for an indefinite term. Subject to such regulations as the council may prescribe, the City Treasurer shall deposit funds received for the City in such depositories as the council may designate. He shall have such other powers, duties, and functions as may be prescribed by the charter, by applicable law or by Ordinance.

**SECTION 28**            **PURCHASES AND SALES**

The City Manager, subject to any regulations which the council may prescribe, shall contract for and purchase, or issue purchase authorizations for, all supplies, materials and equipment for the offices, departments and agencies of the City government. Every such contract or purchase exceeding an amount to be established by Ordinance, shall require the prior approval of the council. The City Manager also may transfer to or between offices, departments and agencies, or sell, surplus or obsolete supplies, materials and equipment, subject to such regulations as the council may prescribe.

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 council may prescribe, shall be given; but the council shall not except a particular contract, purchase or sale from the requirement of competitive bidding.

The council by Ordinance may transfer some or all of the power granted to the City Manager by this section to an officer appointed by and subordinate to the City Manager.

**SECTION 29**                    **PURCHASE OR SALE OF PROPERTY VALUED AT MORE THAN \$100,000.00 AND \$20,000.00.**

1. The purchase of any property, real or personal, including public utilities, or of any interest therein, the value of which is more than One Hundred Thousand Dollars (\$100,000.00), shall be made only by authority of an affirmative vote of a majority of the qualified electors of the City who vote on the question.
2. The sale of any City property, real or personal, including public utilities, or of any interest therein, the value of which is more than Twenty Thousand Dollars (\$20,000.00) may be made only by:
  - a. Authority of an affirmative vote of a majority of the qualified electors of the City who vote on the question of approving of authorizing sale at an election; or
  - b. By authority of a special nonemergency Ordinance. Such Ordinance shall be published in full in a newspaper of general circulation within the City within ten (10) days after its passage, and shall include a section reading substantially as follows: "Section \_\_. This Ordinance shall be referred to a vote of the electors of the City if a sufficient and lawful referendum petition is properly filed within thirty (30) days after its passage; otherwise it shall go into effect thirty (30) days after its passage."
  - c. The sale of an entire public utility may be authorized only as provided in subsection 2a of this Section 29.

**SECTION 30**                    **PUBLIC IMPROVEMENTS**

Public improvements may be made by the City government itself or by contract. The council shall award all contracts for such improvements; provided that the council may authorize the City Manager to award such contracts not exceeding an amount to be determined by the council and subject to such regulations as the council may prescribe. The provisions of Section 101 et seq. of Title 61, Oklahoma Statutes, (Public Competitive Bidding Act of 1974) now existing or as hereafter amended shall govern all contracts for public improvements except as modified or superseded by this Charter or by Ordinance. All bids shall be awarded to the lowest responsible bidder as provided in the Public Competitive Bidding Act. The council shall at all times have the right to reject all bids and give further notice and opportunity for competitive bidding. Notwithstanding any provision of the Public Competitive Bidding Act, the council may require any contract for public improvements regardless of amount to be awarded only after notice and opportunity for public bidding.

**SECTION 31**                    **ELECTRIC UTILITY; OPERATION AND ACCOUNTING**

The electric utility of the City is a business, and it shall be operated in a businesslike manner. An electric utility fund is hereby established; and the electric utility shall be operated from this fund, separate from the general fund of the City.

An accounting system for the electric utility shall be established within the general accounting system of the City. The accounting system shall be so set up and operated as to reflect the financial condition of the utility and its income and expense; and a balance sheet and a statement of income and expense (profit and loss) shall be made annually and as often as the council may require.

The electric utility shall be duly compensated for all supplies, materials, equipment and services (including electric current at regular rates) which it furnished either to other units of the City government or to others; and all income of the electric utility shall be credited to the electric utility fund.

The electric utility shall be duly charged, for all the supplies, materials, equipment and services which are furnished to it either by other units of the City government or by others; and all expenses shall be an amount reasonably reflecting the actual depreciation of the properties of the utility during the accounting period. Also, among the expenses shall be an amount equal to the interest earned during that period on any bonds the proceeds of which were used for the electric utility, and the amount shall be paid into the sinking fund to pay the interest on bonds or into the general fund. The council may make, or authorize to be made, a reasonable estimate of all taxes of all kinds which the electric utility would pay if it were privately owned and operated, but which it does not pay; and may provide that a payment in lieu of taxes of the estimated amount be charged against the electric utility as an expense, and that the amount be paid into the general fund or into the sinking fund.

No contribution or transfer from the electric utility fund may be made to the general fund or to any other fund of the City until and unless an amount or amounts sufficient to meet sinking fund requirements for the fiscal year for principal and interest of outstanding bonds the proceeds of which were used for the electric utility, have been paid from the electric utility fund into the sinking fund; provided that this shall not prohibit the payment for value received from other units of the City government, the payment of an amount equal to interest on said bonds, and the payment in lieu of taxes, as provided hereinabove.

## **SECTION 32**            **HOSPITAL; OPERATION AND ACCOUNTING**

Any hospital or hospitals operated as herein provided shall be operated from a fund separate from the general fund of the City.

An accounting system for any such hospital or hospitals shall be established and administered by the governing body of the hospital corporation. Such accounting system shall be so set up and operated as to reflect the financial condition of the hospital and its income and expense. A balance sheet and a statement of income and expense shall be made no less than annually or as requested by the council and furnished to the council.

## **SECTION 33**            **OTHER UTILITIES AND ENTERPRISES; OPERATION AND ACCOUNTING**

The council may require that other utilities and enterprises operated by the City (water, utility, airport, parking facility, refuse disposal, etc.) shall be operated from funds separate from the general fund and be accounted for in a manner similar to that prescribed above for the electric utility, with such modifications as the council may deem appropriate for a particular utility or enterprise.



**SECTION 34****INDEPENDENT ANNUAL AUDIT**

The council shall designate a certified public accountant or accountants who shall make an independent audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report to the council and to the City Manager. In lieu of the above, the council may arrange with an appropriate state authority for such an audit when and if permitted by law.

**ARTICLE V  
MUNICIPAL COURT**

**Section 36                      Municipal Court**

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**SECTION 36                      MUNICIPAL COURT**

There shall be a municipal court as established by Ordinance. The court shall be so established and operated in accordance with all provisions of state law as it now exists or may be amended to the extent that state law applies.

There shall be a municipal judge, who shall be an officer of the City appointed by the Mayor with the consent of the council for a term as provided by Ordinance. The council may suspend or remove the municipal judge or acting municipal judge for such cause as is provide by law for removal of public officers. The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the charter and Ordinances of the City. The municipal judge shall keep a record of all proceedings of the municipal court, of the disposition of all cases, and of all fines and other money collected. The style of all processes shall be in the name of the City. The municipal judge may issue subpoenas, administer oaths and affirmations, make and enforce all proper orders, rules and judgments, and punish for contempt, and exercise all other powers as may be conferred upon him by state law or Ordinance.

## **ARTICLE VI ELECTIONS**

<b>Section 37</b>	<b>Overlapping Terms of Three Years; Nominated and Elected At Large; Nonpartisan Elections</b>
<b>Section 38</b>	<b>Filing Period</b>
<b>Section 39</b>	<b>Primary Election; Time, Etc.</b>
<b>Section 40</b>	<b>Primary Election; Who Nominated or Elected</b>
<b>Section 41</b>	<b>General Election; Time; When Not Held; Who Elected</b>
<b>Section 41 A</b>	<b>Special Elections</b>
<b>Section 42</b>	<b>Registered Qualified Electors</b>
<b>Section 43</b>	<b>Political Activity of Officers and Employees</b>
<b>Section 44</b>	<b>State Constitution and Law to Govern</b>

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<b><u>SECTION 37</u></b>	<b><u>OVERLAPPING TERMS OF THREE YEARS; NOMINATED AND ELECTED AT-LARGE; NONPARTISAN ELECTIONS</u></b>
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The terms of the first councilmen from wards one and two (2) who serve under this charter, shall expire at 7:30 P. M., on the first Monday in May 1959. The term of the first councilman at-large who serves under this charter, shall expire at 7:30 o'clock P. M. on the first Monday in May 1960. The terms of the first councilmen from wards three and four who serve under this charter, shall expire at 7:30 o'clock P. M. on the first Monday in May 1961. In each of these years and every year thereafter, the successor or successors of those whose terms are expiring shall be elected for overlapping terms of three (3) years.

All candidates for councilmen shall be nominated, and all councilmen shall be elected, at-large, by the qualified electors of the entire City; but candidates for councilmen from the wards must be qualified electors of their respective wards.

Both primary and the general election shall be nonpartisan; and no party designation or emblem shall be placed on the ballots.

<b><u>SECTION 38</u></b>	<b><u>FILING PERIOD</u></b>
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Any qualified person may have his name placed on the ballot for the primary election as a candidate for council person by filing a sworn declaration of candidacy with the secretary of the county election board. The declaration of candidacy must be filed with the county election board no earlier than 8:00 o'clock A.M. on the first Monday in December and no later than 5:00 P.M. on the next succeeding Wednesday of each year.

<b><u>SECTION 39</u></b>	<b><u>PRIMARY ELECTION; TIME, ETC.</u></b>
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A primary election shall be held every year in February, the exact date of which will be the date designated by Oklahoma Statutory Law for holding special municipal elections, said election being for the purpose of nominating candidates for council person or council persons to succeed the council person or council persons whose terms are expiring. If only one person is a candidate for an office to be filled, said person shall not only be nominated, but also elected ipso facto, and said candidate's name shall not appear on the primary or general election ballot. Every qualified elector of the City shall be

entitled to vote for one candidate for each office to be filled.

**SECTION 40**            **PRIMARY ELECTION; WHO NOMINATED OR ELECTED**

In a primary election, the two (2) candidates for each office to be filled receiving the greatest number of votes for that office, shall be nominated. If one of the candidates for an office receives a majority of all votes cast for all candidates for that office, he alone shall be not only nominated, but also elected ipso facto; and his name shall not appear on the ballot for the general election. In case of a tie, the nominee or nominees (as the case may be) shall be determined from among those tying, fairly by lot, by the county election board in a public meeting. If one of the two (2) candidates for an office nominated in a primary election dies or withdraws before the general election, the remaining candidate shall be elected ipso facto; and his name need not appear on the ballot for the general election.

**SECTION 41**            **GENERAL ELECTION; TIME; WHEN NOT HELD; WHO ELECTED**

A general election shall be held in the City of Pawhuska, Oklahoma, in April of every year, the exact date of which will be the date designated by Oklahoma Statutory Law for holding special municipal elections, said election being for the purpose of electing the council person or council persons to succeed the council person or council persons whose terms are expiring, if candidates remain to be elected. Only the names of the two (2) candidates for each office nominated in the primary election, shall appear on the general election ballots. Every qualified elector of the City shall be entitled to vote for one of these candidates for each office to be filled but may not vote for any other person. The candidate for each office receiving the greater number of votes, shall be elected. In case of a tie, the election shall be determined from those tying, fairly by lot, by the county election board in a public meeting.

**SECTION 41-A**        **SPECIAL ELECTIONS**

Special elections may be called by the council and be held in the City of Pawhuska, Oklahoma, on any date as established by the Ordinance or resolution calling said special election.

**SECTION 42**            **REGISTERED QUALIFIED ELECTORS**

Only electors residing in this City who have the qualifications prescribed for elections by the state constitution and law, and who are registered as required by law, may vote in City elections.

**SECTION 43**            **POLITICAL ACTIVITY OF OFFICERS AND EMPLOYEES**

No officer or employee of the City except the councilmen, may attempt to influence the nomination, election or defeat of any candidate for councilman; provided that this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote. Any person who violates this provision, shall be punished, upon conviction thereof, by a fine not exceeding Twenty Dollars (\$20.00) inclusive of costs. Such person shall be removed from office or employment by the authority having power of removal and may not hold office or employment in the City government for a period of three (3) years.

**SECTION 44**            **STATE CONSTITUTION AND LAW TO GOVERN**

The provisions of the state constitution and law relating to City primary and general elections and

special elections, shall govern such elections in this City insofar as they are applicable and are not superseded by this charter or by Ordinance.

A proclamation of the Mayor calling a special election need not (but may) set forth the names of the precinct officers who are to conduct the election but shall give the location of polling places.

## **ARTICLE VII RECALL**

<b>Section 45</b>	<b>Recall Authorized</b>
<b>Section 46</b>	<b>Petition, Proclamation</b>
<b>Section 47</b>	<b>Recall Election; How Held; Ballot</b>
<b>Section 48</b>	<b>Recall Election; Result</b>
<b>Section 49</b>	<b>Filling Vacancies Created by Recall</b>
<b>Section 50</b>	<b>Person Recalled or Resigning</b>

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### **SECTION 45**      **RECALL AUTHORIZED**

The incumbent of any elective City office including an incumbent appointed to fill a vacancy therein, may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided herein.

### **SECTION 46**      **PETITION, PROCLAMATION**

Whenever a petition signed by a number of registered qualified electors of the City equal at least to twenty-five percent (25%) of the total number of ballots cast at the last general municipal election demanding the recall of the incumbent of an elective office, shall have been filed with the City Clerk, it shall be the duty of the member or members of the council not sought to be recalled, or in the event the recall of all the councilmen is sought, it shall be the duty of the Mayor, within ten (10) days thereafter, to issue a proclamation calling a special election for the purpose of voting upon such recall, setting forth the question or questions to be voted upon at such election. Such proclamation shall be published for a period of not less than two (2) weeks prior to the date of such election in a newspaper published and of general circulation within the City. Such election shall be held not less than thirty (30) nor more than sixty (60) days after the filing of such petition. After the calling of any such election, said petition shall remain in the office of the City Clerk. The signatures to such petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street number thereof, if any, or if not numbered, the number of the lot and block, and the date of affixing his signature. Some qualified elector shall take oath to each paper containing signatures that each signature appended to such paper is the genuine signature of the person whose name purports to be thereunto subscribed. A petition for recall must be filed within fifteen (15) days after obtaining the first signature thereto, or it shall be without effect.

A recall petition may not be filed against any councilman elected by the qualified electors of the City until he shall have held his office for at least six (6) months, nor against a councilman appointed by the council to fill a vacancy until he shall have held his office for at least three (3) months.

### **SECTION 47**      **RECALL ELECTION; HOW HELD; BALLOT**

The provisions of this charter relating to elections shall govern recall elections insofar as they are applicable and are not superseded by the provisions of this article. The City Clerk shall prepare the ballots for recall elections and shall have them printed. The question on such ballots shall be substantially as follows: Shall (name of officer) be recalled from the office of (name of office)? YES  
NO

**SECTION 48****RECALL ELECTION; RESULT**

If a majority of those voting on the question of recall vote to recall an officer, and the number so voting is equal at least to a majority of the number of votes cast at the last general municipal election, he shall thereby be removed from office effective when the result of the election is officially certified. Otherwise he shall continue to hold his office as if no recall election had been held; and recall proceedings may not again be initiated against him within six (6) months after the election.

**SECTION 49****FILLING VACANCIES CREATED BY RECALL**

A vacancy in an elective office created by recall of the incumbent of the office, shall be filled in the same manner as a vacancy created otherwise.

**SECTION 50****PERSON RECALLED OR RESIGNING**

A person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, may not hold any office or position of employment in the City government within one year after his recall or resignation.

## **ARTICLE VIII MISCELLANEOUS PROVISIONS**

<b>Section 51</b>	<b>Gender</b>
<b>Section 52</b>	<b>Initiative and Referendum</b>
<b>Section 53</b>	<b>Merit System</b>
<b>Section 54</b>	<b>Qualifications of Officers and Employees</b>
<b>Section 55</b>	<b>Nepotism, Holding More Than One Office or Position</b>
<b>Section 56</b>	<b>Official Bonds</b>
<b>Section 57</b>	<b>Oath or Affirmation of Office</b>
<b>Section 58</b>	<b>Who May Administer Oaths and Affirmations</b>
<b>Section 59</b>	<b>Removal, Etc.; of Officers and Employees</b>
<b>Section 60</b>	<b>Acting Officers and Employees</b>
<b>Section 61</b>	<b>Officers to Continue Until Successors Are Elected or Appointed and Qualify</b>
<b>Section 62</b>	<b>Publicity of Records</b>
<b>Section 63</b>	<b>Separability Clause</b>

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### **SECTION 51**      **GENDER**

Use of the masculine gender in this Charter shall also mean the feminine and the feminine shall also mean the masculine.

### **SECTION 52**      **INITIATIVE AND REFERENDUM**

The powers of the initiative and referendum are reserved to the people of the City. In the exercise of these powers, the requirements of the state constitution and law shall be observed.

### **SECTION 53**      **MERIT SYSTEM**

Appointments and promotions in the service of the City shall be made solely on the basis of merit and fitness; and layoffs, suspensions, demotions and removals shall be made solely for the good of the service. Better to achieve these ends the council may establish a merit system and provide for its proper organization and functioning and for proper personnel administration.

### **SECTION 54**      **QUALIFICATIONS OF OFFICERS AND EMPLOYEES**

Officers and employees of the City shall have the qualifications prescribed by this charter and such additional qualifications as the council may prescribe; but the council shall not prescribe additional qualifications for councilmen.

### **SECTION 55**      **NEPOTISM, HOLDING MORE THAN ONE OFFICE OR POSITION**

Neither the City Manager, the council nor any other authority of the City government, may appoint or elect any person related to any councilman, to the City Manager, or to himself, or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the City government, but this shall not prohibit an officer or employee so



related from continuing in the service of the City.

Except as may be otherwise provided by this charter or by Ordinance, the same person may hold more than one office or position, through appointment by himself, by the council or by other City authority having power to fill the particular office or position, subject to any regulations which the council may make by Ordinance; but he may not receive compensation for service in other offices and positions. Also, the council by Ordinance may provide that the City Manager shall hold ex officio designated administrative offices subordinate to the City Manager as well as another designated compatible City office.

#### **SECTION 56**            **OFFICIAL BONDS**

Each councilman, the City Manager, the City Clerk, the City Treasurer and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the City, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state; provided that the bond of each councilman shall be Five Thousand Dollars (\$5,000.00). The City shall pay the premiums on such bonds.

#### **SECTION 57**            **OATH OR AFFIRMATION OF OFFICE**

Every officer of the City, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed and kept in the City Clerk's office.

#### **SECTION 58**            **WHO MAY ADMINISTER OATHS AND AFFIRMATIONS**

All officers authorized by federal or state law, the Mayor, the City Manager, the City Clerk, the heads of all other administrative departments, the municipal judge and such other officers as the council may authorize, may administer oaths and affirmations.

#### **SECTION 59**            **REMOVAL, ETC.; OF OFFICERS AND EMPLOYEES**

Except as otherwise provided by this charter, the power to lay off, suspend, demote and remove accompanies the power to appoint or elect; and the City Manager or other appointing or electing authority at any time may lay off, suspend, demote or remove any officer or employee to whom he or the other appointing or electing authority respectively may appoint or elect a successor.

#### **SECTION 60**            **ACTING OFFICERS AND EMPLOYEES**

The appointing or electing authority who may appoint or elect the successor of an officer or employee, may appoint or elect a person to act during the temporary absence, disability or suspension of such officer or employee, or, in case of a vacancy, until a successor is appointed or elected and qualifies, unless the council ordains that a particular superior or subordinate of such officer or employee shall act. The council by Ordinance may provide for a deputy to act in such cases.

**SECTION 61****OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED OR APPOINTED AND QUALIFY**

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

**SECTION 62****PUBLICITY OF RECORDS**

All records and accounts of every office, department or agency of the City government, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, shall be open to public inspection.

**SECTION 63****SEPARABILITY CLAUSE**

If a court of competent jurisdiction should hold any section or part of a section of this charter invalid, such holding shall not affect the remainder of this charter nor the context in which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with that section or part of a section.

If a court of competent jurisdiction holds a part of this charter invalid, or if a change in the state constitution or law renders a part of this charter invalid or inapplicable, the council by Ordinance may take such appropriate action as will enable the City government to function properly.

## **ARTICLE IX AMENDMENT**

<b>Section 64</b>	<b>Proposal, Ratification, Approval</b>
<b>Section 65</b>	<b>Board of Freeholders</b>

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<b><u>SECTION 64</u></b>	<b><u>PROPOSAL, RATIFICATION, APPROVAL</u></b>
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This charter may be amended by proposals therefor submitted by the council, or by the Mayor upon initiative petition of the people as provided by the state constitution, at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If more than one amendment is proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner, that the electors may vote on them separately. A proposition to amend this charter may be either in the form of a proposed amendment to a part or parts of the charter or of a proposed new charter.

<b><u>SECTION 65</u></b>	<b><u>BOARD OF FREEHOLDERS</u></b>
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The council by Ordinance may provide for the election of a board of freeholders to prepare and propose amendments to this charter. When an amendment proposed by a board of freeholders shall have been submitted by the council at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor, as provided by the state constitution, it shall go into effect.

**ARTICLE X  
SUCCESSION IN GOVERNMENT**

<b>Section 66</b>	<b>New Charter to Go into Effect When</b>
<b>Section 67</b>	<b>Officers and Employees Continued; Commissioners to Become Councilmen; members of Library Board Continued</b>
<b>Section 68</b>	<b>Ordinances Continued</b>
<b>Section 69</b>	<b>Pending Actions and Proceedings</b>

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**SECTION 66**                    **NEW CHARTER TO GO INTO EFFECT WHEN**

If a majority of the qualified electors of the City voting on the question at an election as provided by Article 10 of the charter heretofore in effect vote to ratify this charter in lieu of the charter heretofore in effect, then this charter shall go into full effect when approved by the governor and filed in the manner provided by law. The charter heretofore in effect shall be repealed as of the time when this charter goes into full effect.

**SECTION 67**                    **OFFICERS AND EMPLOYEES CONTINUED; COMMISSIONERS TO  
BECOME COUNCILMEN; MEMBERS OF LIBRARY BOARD  
CONTINUED**

The commissioner at large under the previous charter shall become councilman at large under this charter; and the commissioners from wards one (1), two (2), three (3) and four (4) under the previous charter shall become respectively the councilmen from wards one (1), two (2), three (3) and four (4) under this charter. If for any reason there is a vacancy in any one or more places on the council when this charter goes into effect, the vacancy shall be filled in the usual manner. The commissioners thus holding over as councilmen under this charter shall continue to draw compensation as provided by the previous charter until their respective terms expire, notwithstanding any other provisions of this charter; provided that any such councilman, by letter filed with the City Clerk, may waive his right to receive such compensation.

The directors of the library board heretofore existing, shall become members of the library board created by this charter; and their terms shall end at 7:30 P. M. on the first Monday in May in the respective years when their terms would have ended if this charter had not been adopted.

All other officers and employees of the City under the previous charter, shall continue in the offices and employments which they respectively hold, after this charter goes into effect, and until their services are terminated in accordance with the provisions of this charter relating to the creation, change and abolition of offices and removal of officers and employees, or until their terms of office expire.

**SECTION 68**                    **ORDINANCES CONTINUED**

All Ordinances, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or until they expire by their own limitations.

**SECTION 69****PENDING ACTIONS AND PROCEEDINGS**

The adoption of this charter shall not abate or otherwise affect any action or proceeding civil or criminal, pending when it takes full effect, brought by or against the municipality or any office, department, agency or officer thereof.