



CHARTER

2012

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CHARTER OF THE CITY OF CLAREMORE, OKLAHOMA

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PREAMBLE

We, the people of the City of Claremore, Oklahoma, exercising the powers of home rule granted to us by the Constitution and laws of the State of Oklahoma, in order to form a more modern, efficient, and economical government, and to facilitate civic improvement and promote the general welfare, do by ordain, ratify and establish this Charter of the City of Claremore, Rogers County, Oklahoma.

Article I **POWERS OF THE City of Claremore**

Section 1.01 Powers of the City.

The City shall have all powers possible for a city to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

Section 1.02 Construction

The powers of the City under this Charter shall be construed liberally in the favor of the City, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

Section 1.03 Intergovernmental Relations.

The City may exercise any of its powers or perform any of its functions and may participate in financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or any state civil division or agency, or the United States or any of its agencies.

ARTICLE II **CITY COUNCIL**

Section 2.01 General Powers and Duties

All powers of the City shall be vested in the City Council, except as otherwise superseded by the laws of the State of Oklahoma or this Charter, and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Section 2.02 Composition, Eligibility, Election, and Terms

(a) Composition. There shall be a City Council composed of the Mayor and eight (8) Council members. Except for the Mayor, two Council members shall reside in each of the four wards from which they are elected during their terms of office as provided for in Article VI; all shall be elected by the voters of the City at large. The Mayor shall be elected in accordance with the provisions of Section 2.03.

(b) Eligibility. Only registered voters of the City who have been residents of their ward for not less than ninety (90) days and a resident of the City of Claremore for not less than six (6) months prior to the filing period for the election at which such voters runs for office shall be eligible to hold the office of Council member or Mayor.

(c) Election and Terms. The election of Council members shall be held on the first Tuesday of April in each odd-numbered year, in the manner provided by law. At the first election under this Charter, eight Council members shall be elected; the candidate from each ward receiving the greatest number of votes shall serve for a term of four years, and the candidate from each ward receiving the next greatest number of votes shall serve for a term of two years. Thereafter, all Council members shall be elected for four year terms. The terms of all Council members shall begin the first Council meeting in May after their election, and the Council members shall serve until his or her successor is elected and qualified.

Section 2.03 Mayor.

At the municipal election in April of 1995 and every four years thereafter, a Mayor shall be elected from the voters of the City at large for a term of four years. The Mayor shall be a voting member of the City Council and shall preside at meetings of the Council, represent the City in intergovernmental relationships, appoint with the advice and consent of the Council the members of citizen advisory boards and commissions, present an annual state of the City message, and perform other duties specified by the Council. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the governor for the purpose of military law but shall have no administrative duties. The Council shall elect from among its members a Deputy Mayor who shall act as Mayor during the absence or disability of the Mayor and, if a vacancy occurs, shall become Mayor for the remainder of the unexpired term. The term of the Mayor shall begin the first Council meeting in May after his or her election, and the Mayor shall serve until his or her successor is elected and qualified.

Section 2.04 Compensation; Expenses.

The Mayor and members of the City Council shall be compensated for serving in their respective capacities at the rate of fifty dollars (\$50.00) per meeting, including all regular, special and emergency meetings; however, such compensation will not exceed the rate of one hundred dollars (\$100.00) per month. The Mayor and members of the City Council shall otherwise serve without compensation or benefits, but they shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 2.05 Prohibitions.

(a) Holding Other Office. Except where authorized by law, no Council member shall hold any other elected public office during the term for which the member was elected to the Council. No Council member shall hold any other City office or City employment during the terms for which the member was elected to the Council. No former Council Member shall hold any compensated appointive office or employment with the City until one year after the expiration of the term for which the member was elected to the Council. Nothing in this section shall be construed to

prohibit the Council from selecting any current or former Council member to represent the City on the governing board of any regional or other intergovernmental agency.

- (b) **Appointments and Removals.** Neither the City Council nor any of its members shall in any manner control or demand the appointment or removal of any City administrative officer or employee who the City Manager or any subordinate of the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (c) **Interference with Administration.** Except for the purpose of inquiries and investigations under Section 2.09, the Council or its members shall conduct City business with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.06 Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) **Vacancies.** The office of a Council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by City ordinance or the laws of the State of Oklahoma.
- (b) **Forfeiture of Office.** A Council member shall forfeit that office if the Council member:
 - (1) Lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter, by City ordinance or by the laws of the State of Oklahoma;
 - (2) Violates any express prohibition of this Charter;
 - (3) Pleads guilty to or is convicted of a felony crime;
 - (4) Is absent from more than one-half of all meetings of the Council, whether regular or special meetings, held within a period of four (4) consecutive months; or
 - (5) Commits any of those acts set forth in Oklahoma Statutes, Title 22 Section 1181, as may be amended from time to time by the state legislature.
- (c) **Filling of Vacancies.** A vacancy in the City Council shall be filled for the remainder of the unexpired term, if any, at the next City election following not less than sixty (60) days upon the occurrence of the vacancy, but the Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the Council fails to do so within thirty days following the occurrence of the vacancy, the election authorities shall call a special election to

fill the vacancy, to be held not sooner than ninety (90) days and not later than one hundred and twenty (120) days following the occurrence of the vacancy , and to be otherwise governed by law. Notwithstanding the requirement in Section 2.11, if at any time the membership of the Council is reduced to less than five (5), the remaining members may by majority action appoint additional members to raise the membership to eight (8).

Section 2.07 Judge of Qualifications.

The City Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office to the extent not superseded by the laws of the State of Oklahoma. In order to exercise these powers, the Council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to judicial review.

Section 2.08 City Clerk, Director of Finance and Chief of Police

- (A) The City Manager shall appoint a City Clerk, subject to the approval of the City Council. The City Clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this Charter, the City Manager or the City Council.
- (B) There shall be a department of finance, the head of which shall be the director of finance. The City Council shall appoint the director of finance for an indefinite term. Subject to and in accordance with this Charter and such ordinances as the Council may enact, the director of finance, or personnel under the director's supervision and control, shall collect or receive revenue and other money for the City; shall be responsible for its custody, safekeeping, deposit, investment, and disbursement; and shall maintain a general accounting system for the city government. References in this Charter or in an ordinance shall be deemed to mean the director of finance unless the council by ordinance creates a separate office of city treasurer within the department of finance.
- (C) The City Manager shall appoint a Chief of Police, subject to the approval of the City Council. The Chief of Police shall perform such duties as are assigned by this Charter, the City Manager or the City Council.

Section 2.09 Investigations.

The City Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the Council shall be a misdemeanor punishable by a fine or imprisonment or both.

Section 2.10 Independent Audit.

The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant, independent licensed public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually. The designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of such fiscal year. If the state makes such an audit, the Council may accept it as satisfying the requirements of this section.

Section 2.11 Procedure.

- (a) **Meetings.** The City Council shall meet regularly at least once every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of three (3) or more members. All meetings of the City Council shall be subject to the Oklahoma Open Meeting Act.
- (b) **Rules and Journal.** The City Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- (c) **Voting.** Voting, except on the procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. A majority of the members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Section 2.06, shall be valid or binding unless adopted by the affirmative vote of at least a majority of the members present at such meeting.

Section 2.12 Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter, or abolish any City department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Authorize the borrowing of money;
- (6) Convey or lease or authorize the conveyance or lease of any lands of the City;
- (7) Regulate land use and development; and
- (8) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

Section 2.13 Ordinances in General.

- (a) **Form.** Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be “The City of Claremore hereby ordains.”
- (b) **Procedure.** All proposed ordinances shall appear on the published agenda for regular or special meetings of the City Council. The City Clerk, at the time an agenda is distributed, shall distribute exact copies of any proposed ordinance to all members of the City Council, including the Mayor, and to the City Manager. All proposed ordinances shall be considered at a public meeting of the City Council. A vote of a majority of all of the members of the City Council shall be required for the final adoption of the ordinance.
- (c) **Effective Date.** Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.
- (d) **“Publish” Defined.** As used in this section, the term “publish” means to print in one or more newspapers of general circulation in the City: (1) The ordinance or brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

Section 2.14 Emergency Ordinances.

An emergency measure necessary for the immediate preservation of peace, health, or safety shall go into effect upon its final passage unless it specifies a later date. An emergency measure must state in a separate section the reason or reasons it is necessary that the measure become effective immediately. The question of the emergency must be voted upon separately and approved by the affirmative vote of at least three-fourths (3/4) of all members of the City Council.

Section 2.15 Codes of Technical Regulations.

The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements of section 2.13 for distribution and filing copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to section 2.16(a).

Copies of an adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

Section 2.16 Authentication and Recording; Codification; Printing.

- (a) **Authentication and Recording.** The City Clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose of all ordinances and resolutions adopted by the City Council.
- (b) **Codification.** Within three years after adoption of this Charter and at least every seven (7) years thereafter, the City Council shall provide for the preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Oklahoma, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Claremore City Code. Copies of the code shall be furnished to City officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Council. City penal ordinances shall be published by supplement publications every two years, or as otherwise required by the laws of the State of Oklahoma.
- (c) **Printing of Ordinances and Resolutions.** The City Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and Charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the Council. Following publication of the first Claremore City Code and at all times thereafter, the ordinances, resolutions and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Oklahoma, or the codes of technical regulations and other rules and regulations included in the code.

Article III
CITY MANAGER

Section 3.01 Appointment; Qualifications; Compensation.

The City Council by a majority vote of its total membership, not including vacant positions, shall appoint a City Manager for an indefinite term and fix the Manager's compensation. The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the City or state at the time of appointment but shall become a resident of the City or the area within the fence line of the City, within a reasonable time after the commencement of his or her employment as the City Manager. The City Manager is required to have a bachelor's degree in public administration or related field and at least three years of progressively

responsible senior management experience. A master's degree in public administration or related field and at least five years of progressively responsible senior management experience within a complex municipal government setting is preferred. A combination of related experience and formal education will also be considered on a year-for-year basis.

Section 3.02 Removal.

The City Manager may be suspended at any time by a resolution approved by the majority of the total membership of the City Council, not including vacant positions, which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a hearing before the City Council, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the hearing, if one be requested, and after full consideration, the City Council by a majority vote of its total membership, not including vacant positions, may adopt a final resolution of removal. The City Manager shall continue to receive full salary until the effective date of the final resolution of removal. The position of City Manager shall be excluded from the general provisions of Section 4.02, Personnel System, as set forth in this Charter.

Section 3.03 Acting City Manager.

By letter filed with the City Clerk, the City Manager shall designate a City Officer or employee to exercise the powers and perform the duties of City Manager during the Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager returns. If the Council suspends the City Manager, or if there is a vacancy in the office of the 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 it appoints another City Manager, as the case may be. The Council may suspend or remove an acting City Manager at any time by a majority vote of its total membership, not including vacant positions.

Section 3.04 Powers and Duties of City Manager.

(A) The City Manager shall be the chief administrative officer of the City, responsible to the Council for the administration of all City affairs placed in the City Manager's charge by or under this Charter.

(B) The City Manager shall:

- (1) Appoint and, when necessary for the good of the service, suspend, demote or remove any or all heads of administrative departments and other administrative officers and employees of the City, except as otherwise provided by this Charter. The City Manager or the Council by ordinance may authorize the head of a department, an officer or the head of an agency to appoint suspend, demote or remove subordinates in such department, office or agency, subject to such merit system regulation as the Council may ordain.

- (2) Supervise and control, directly or indirectly, all administrative officers, agencies 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 at the end of each 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) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to the City Manager's direction and supervision, and long-range planning (5-10 years) for all services and programs provided by the City;
- (7) Attend all City Council meetings. The City Manager shall have the right to take part in all discussion, but shall not vote;
- (8) Perform such other duties as this Charter may prescribe and such duties as the City Council may prescribe, consistent with this Charter.

Article IV
DEPARTMENTS, OFFICES AND AGENCIES

Section 4.01 General Provisions

- (a) **Creation of Departments.** The City Council may establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.
- (b) **Direction by City Manager.** All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Council, the City Manager may serve as the head of one or more such departments, offices or agencies, or may appoint one person as the head of two or more of them.

Section 4.02 Personnel System.

- (a) **Merit Principle.** Appointments and promotions in the service of the City shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made solely for the good of the service.
- (b) **Merit System.** Consistent with all applicable federal and state laws, the City Council shall within twelve (12) months after the effective date of this Charter provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the City's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

Section 4.03 Nepotism.

Neither the City Manager, the Council, any department head, nor any other authority of the City government may appoint, elect or employ any person related to any Council member, the City Manager, or to himself, or in the case of a plural authority, to one of its members, by blood or marriage, within the third degree, including step-relationships or in-law relationships within the third degree, to any office or position of profit in the City government; but this shall not prohibit any person employed by the City at the effective date of this Charter from continuing their employment and being promoted therein.

Section 4.04 Legal Officer.

There shall be a legal officer for the City appointed by the City Council. The legal officer shall be an attorney licensed to practice law in the State of Oklahoma, and shall serve as chief legal adviser to the Council, the City Manager and all City departments, offices and agencies, shall represent the City in all legal proceedings and shall perform any other duties prescribed by state law, by this Charter or by ordinance; provided, however, that in all proceedings under Section 3.02 of this Charter, the legal officer shall represent only the City Council and not the City Manager, nor shall the legal officer represent any City employee charged with or under investigation for a crime. The legal officer shall be appointed and/or removed only by a majority vote of all members of the City Council, not including vacant positions.

Section 4.05 Planning.

The City Council may adopt regulations to be specified by ordinance with respect to land use, development and environmental protection consistent with all applicable federal and state laws.

Article v
FINANCIAL PROCEDURES

Section 5.01 Fiscal Year.

The fiscal year for the City shall begin on the first day of July, and end on the last day of June.

Section 5.02 Submission of Budget and Budget Message.

The City budget shall be prepared in accordance with section 17-201 through section 17-216 of the current Municipal Budget Act as reflected in Title 62 of the Oklahoma State Statutes. The Municipal Budget Act shall be available for review at the City Clerk's office.

Section 5.03 Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An

appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

Section 5.04 Administration of the Budget.

The City Manager, subject to any regulations which the Council may prescribe, shall contract for the 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 may also 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, relating to purchases and sales, to an officer appointed by and subordinate to the City Manager.

Section 5.05 Overspending of Appropriations.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his designee first certifies that there is sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the City for any amount so paid. Except where prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by ordinance.

Section 5.06 Capital Program.

- (a) **Submission to City Council.** The City Manager shall prepare and submit to the City Council a five (5) year capital program no later than the final date for submission of the budget.
- (b) **Contents.** The capital program shall include:
 - (1) A clear general summary of its contents.

- (2) A list of all capital improvements and other capital expenditures which need to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each, regardless of whether funding is available for any such capital expenditure or improvement;
- (3) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- (4) Method of financing upon which each capital expenditure is to be reliant; and
- (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 5.07 City Council Action on Capital Program.

- (a) **Notice and Hearing.** The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital program and a notice stating:
 - (1) The times and places where copies of the capital program are available for inspection by the public; and
 - (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.
- (b) **Adoption.** The City Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the 15th day of the twelfth month of the current fiscal year. If the City Council fails to adopt the capital program by such date, the capital program proposed by the City Manager shall go into effect.

Section 5.08 Sale of Utilities and Property Valued at More than \$25,000.00.

The sale of utilities and any other property, real, personal or mixed, or of any interest therein, the value or which is more than Twenty-Five Thousand Dollars (\$25,000.00), or such amount as the City Council may from time to time establish by ordinance, shall be made only by authority of a special non-emergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation in 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 proper referendum petition is properly filed within thirty days; otherwise it shall go into effect thirty days after it passage."

Section 5.09 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. Every contract for public improvements, the cost of which exceeds the amount set by the

Public Competitive Bidding Act of 1974, Section 101, et seq. of Title 61 of the Oklahoma Statutes, as amended from time to time, shall be let and awarded to the lowest responsible bidder, after solicitation for sealed bids, in accordance with that Act. No work shall be commenced until a written contract is executed and all required bonds and insurance have been provided by the contractor to the City.

Section 5.10 Public Records.

Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City.

Article VI **ELECTIONS**

Section 6.01 City Elections.

- (a) **City Elections.** The City elections shall be held in the manner established by state law.
- (b) **Registered Voter Defined.** All citizens legally registered under the constitution and laws of the State of Oklahoma to vote in the city shall be registered voters of the City within the meaning of this Charter.
- (c) **Conduct of Elections.** The provisions of the general election laws of the State of Oklahoma shall apply to the elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation. For the conduct of City elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt ordinances consistent with law and this Charter. Such ordinances and regulations pertaining to elections shall be publicized in the manner of City ordinances generally.

Section 6.02 Wards: number, equal, etc.

- (a) There shall be four (4) wards, which shall be numbered from one to four.
- (b) The wards shall be formed of compact, contiguous territory, and shall be substantially equal in population.
- (c) At intervals of not more than five years, or as otherwise required by law, the Council shall review the wards and their boundaries, and if necessary, shall revise them or cause them to be revised to achieve and maintain such substantial equality in population among the wards.

Section 6.03 General Election: time, who elected.

An election shall be held in the City on the first Tuesday in April of odd numbered years to elect the Council members to succeed those whose terms are expiring in the respective

year. Every qualified elector of the City may vote for one of the candidates for an 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 failure to elect because of a tie, the election shall be determined from among those tying, fairly by lot, by the county election board in a public meeting.

Section 6.04 Registered Qualified Electors.

The term qualified elector as used in this Charter means a person who has the qualifications prescribed for electors by the state constitution and law, and who is registered as required by law.

Section 6.05 Elections: when not held.

If there are no candidates and no questions to be voted upon at a general election, the election shall not be held.

Section 6.06 Political Activity of Officers and Employees.

The political activities of officers and employees of the City shall be governed according to the applicable laws of the State of Oklahoma.

Section 6.07 State Constitution and Law to Govern.

The provisions of the State of Oklahoma Constitution and laws applicable to City elections shall govern such elections in this City insofar as they are applicable and are not superceded by this Charter or by ordinance.

Section 6.08 Initiative and Referendum.

The powers of initiative and referendum are hereby reserved to the electors of the City. The laws and Constitution of the State of Oklahoma, as they currently exist or may hereafter be amended or superceded, shall govern the exercise of the powers of initiative and referendum under this Charter.

Section 6.09 Recall of Elected Officials.

(a) **Recall Authorized.** The incumbent of any elective City office, including a person appointed to fill a vacancy in any such elective office, may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided in this article.

(b) **Recall Petition.**

(1) To initiate recall proceedings, a written statement proposing the recall of the incumbent of an elective office shall be signed by one hundred (100) or more registered qualified electors of the City; and shall be filed with the City Clerk after the incumbent has held the office at least four (4) months. The statements shall also contain the reason or reasons for which the recall is sought, in not more than two hundred (200) words. Within five (5) days, the City Clerk shall

mail a photo static or other copy of such statement by registered, certified or similar special mail to the officer at his or her residential address. Within ten (10) days after the statement is mailed to the officer, the officer may make and file with the City Clerk a written statement in duplicate justifying his or her conduct in office, in not more than two hundred (200) words; and the City Clerk on request shall deliver one (1) copy to one (1) of the persons filing the statements proposing the recall.

- (2) The Petition for recall shall include a demand that a successor to the incumbent sought to be recalled be elected, and shall also include before the space where the signatures are to be written the statement giving the reason or reasons for a recall under the heading "STATEMENT FOR RECALL", and if the officer has filed a statement as authorized, the statement justifying his or her conduct in office under the heading "STATEMENT AGAINST RECALL". The two (2) statements shall be in letters of the same size. A copy of the petition shall be filed with the City Clerk within one (1) month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.
- (3) A number of registered qualified electors of the City equal to at least twenty-five percent (25%) of the total number of registered voters of the city who voted at the last statewide general election must sign the petition. Each signer shall write after his or her name and his or her address within the City, giving the street or avenue and number, if any. Not more than one hundred (100) signatures may appear on a single copy of the petition. Petitions may be circulated only by registered qualified electors of the City; and the person who circulates each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in his or her presence, that each signature on the petition is genuine, and that he believes each signer to be a registered qualified elector(s) of the City.
- (4) The circulated petition shall be filed with the City Clerk not later than one (1) month after the filing of a copy as provided above. Within one (1) month after date of filing of the circulated petition, the City Clerk shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of registered qualified electors of the City have signed it. He shall then attach his or her certificate to the petition. If his or her certificate states that the petition has not been prepared and circulated as required and/or lacks a sufficient number of signatures, the petition shall have no effect. But, if the City Clerk's certificate states that the petition has been prepared and circulated as required and has a sufficient number of signatures, he or she shall submit the petition and certificate to the Council at its next meeting.

(c) Recall Election: Council to Order.

- (1) The Council, by resolution or ordinance passed within ten (10) days after receiving the petition and certificate of the City Clerk, shall order and fix the date for a recall election, which shall be held not less than sixty (60) days, nor more than seventy (70) days, after the passage of the resolution or ordinance and the submission of the resolution or ordinance to the secretary of the county

election board. The City Clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper of general circulation within the City within ten (10) days after its passage; and such publication shall be sufficient notice of the election.

- (2) The qualified electors of the City may vote in a recall election on the election of successors to more than one (1) officer on the same day.

(d) Recall Election: How Held.

- (1) The recall election shall be an election to fill the office held by the person sought to be recalled. There shall be no primary. Any qualified person, including the incumbent, may file as a candidate for the office. The candidate receiving the greatest number of votes in the recall election shall be elected. If a candidate other than the incumbent is elected, the Incumbent shall be recalled from the office effective as of the time when the result of the election is certified. The successful candidate must qualify within one (1) month thereafter; and if he fails to do so, the office shall be vacant, and the vacancy shall be filled as other vacancies in the offices of Mayor and Council members are filled. A candidate thus elected and qualifying shall serve for the unexpired term. If the incumbent is a candidate and receives the greatest number of votes, he shall continue in office without interruption; and recall proceedings may not again be initiated against him within one (1) year after the election.
- (2) The provisions of this Charter relating to City elections shall also govern recall elections insofar as they are applicable and are not superceded by the provisions of this article.

Article IV
GENERAL PROVISIONS

Section 7.01 Conflicts of Interest; Board of Ethics

- (a) **Conflicts of Interest.** The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance within twelve (12) months after the effective date of this Charter. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official, the use of confidential information; and appearances by City officials before other City agencies on behalf of private interests of other persons or entities.
- (b) **Board of Ethics.** The City Council may, by ordinance, establish an independent board of ethics to administer and enforce the conflict of interest and financial disclosure ordinances.

Section 7.02 Prohibitions.

(a) Activities Prohibited.

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, gender, age, handicap, religion, country of origin, or political affiliation.
- (2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- (3) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render, or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

(b) Penalties. The City Council shall establish by ordinance such penalties as it may deem appropriate for the violation of this section.

Section 7.03 Municipal Court.

In the event that the Municipal Court now exercising jurisdiction for the punishment of offenders against ordinances of the City of Claremore shall at any time be abolished by law or declared not to possess jurisdiction to try and determine such offenses or shall be held unconstitutional, the City Council shall forthwith by proper ordinances, establish a Municipal Court in the City of Claremore and the City Council shall appoint a Municipal Judge to preside over the same. The methods of procedure and practice before said Court shall be fixed by ordinances of the City of Claremore and appeals therefrom shall be in the manner and form provided by law. The Municipal Judge shall be an attorney licensed to practice law in the State of Oklahoma, and shall be appointed and/or removed only by a majority vote of all the members of the City Council, not including any vacant positions.

Section 7.04 Qualifications of Officers and Employees.

The City Manager shall establish job qualifications for the heads of the various City departments, and such qualifications shall be submitted to the City Council for approval. Any amendment to such qualifications shall also be submitted in like manner.

Article VIII
CHARTER AMENDMENT

Section 8.01 Proposal of Amendment.

Amendments to this Charter may be framed and proposed in the manner provided by laws and Constitution of the State of Oklahoma.

Section 8.02 Election.

The election authorities shall submit the proposed amendment to the voters of the City at an election, which shall be announced by a notice containing the complete text of the proposed Charter amendment and published in one or more newspapers of general circulation in the City as provided by the laws of the State of Oklahoma. The election on the proposed Charter amendment shall be conducted according to the laws and Constitution of the State of Oklahoma.

Section 8.03 Adoption and Amendment.

If a majority of the registered voters of the City voting upon a proposed Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment, or if no time is therein fixed, thirty (30) days after its adoption by the voters, and upon its approval by the Governor of the State of Oklahoma, or as otherwise provided by the laws and Constitution of the State of Oklahoma.

Section 8.04 Periodic Review of City Charter

The City Council, or a committee appointed by the City Council, shall review this City Charter at least every five (5) years. The purpose of the review shall be to determine if any amendments or revisions to the City Charter should be proposed and submitted to the voters of the City at an election.

Article IX
TRANSITION/SEPERABILITY PROVISION

Section 9.01 State and Municipal Laws.

- (a) **In General.** All City ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the constitution and laws of the State of Oklahoma permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes fully effective are superceded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.
- (b) **Ordinances Continue.** All ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective, 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 9.02 Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.