

Final Charter Recommendations from the Charter Review Committee Meeting
AMENDED RECOMMENDATIONS NOV 2009

ARTICLE I INCORPORATION; FORM OF GOVERNMENT; POWERS

SECTION I-1. INCORPORATION

The City of Tuttle, 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 "City of Tuttle". It shall succeed to and possess all property, rights, privileges, franchises, powers, and immunities now belonging to the corporation known as the City of Tuttle; and shall be liable for all debts and other obligations for which the corporation is legally bound at the time this charter goes into effect. The City of Tuttle, Oklahoma, may not be annexed by any City, or be merged into a combined City-County government or other governmental unit unless approved by a majority of the electors voting thereon at an election.

SECTION I-2. FORM OF GOVERNMENT

The municipal government provided by this charter shall be exercised in the manner prescribed by this charter shall be known as a "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 by ordinance.

SECTION I-3. POWERS OF THE CITY.

(a) 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 powers granted. Except as prohibited by the State Constitution or law, the city shall have all municipal powers, functions, rights, privileges, franchises, and immunities of every name and nature whatsoever.

(b) The city shall have power to adopt a corporate seal and to alter it at pleasure, to sue and be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation, or other legal means; and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey, or otherwise dispose of, such property as its interest may require. It shall have power to incur indebtedness and to issue bonds within the limitations prescribed by the state constitution. It shall have power to accept and administer federal and state grant-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 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.

(c) The enumeration or mention of particular powers by this charter shall not be deemed to be exclusive or limiting; and in addition to the powers enumerated or mentioned 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 or mention.

(d) No public utility shall be sold or purchased unless such sale or purchase be approved by a majority vote of electors voting in a general or special election called for the purposes of approving such sale or purchase.

ARTICLE II THE COUNCIL

SECTION II-1. COUNCILMEMBERS: COMPOSITION AND QUALIFICATIONS

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(a) There shall be a council of five (5) members, which shall consist of one (1) Councilmember from each of the four (4) wards of the City and a Mayor.

(b) The Mayor and other Councilmembers, at the time of their election or appointment, shall be at least twenty-five (25) years of age, shall have been citizens of the United States and qualified electors of the City for at least two (2) years, preceding their election or appointment and have a high school diploma or equivalent GED. All Councilmembers representing wards of the City shall have, at the time of election, resided for six (6) months in their respective ward next preceding their election or appointment.

Deleted: shall be real property taxpayers of the City,

(c) Removal of a Councilmember from one ward to another within the City after his election or selection to fill a vacancy, or a change in ward boundaries shall not disqualify him from completing his term.

(d) No Councilmember may hold any office in the City government by appointment by the City Manager or by any subordinate of the City Manager. If the Mayor or any other Councilmember is convicted of a felony, his office shall become vacant immediately upon conviction.

(e) The Mayor and other Councilmembers must reside within the City for the duration of their term. If the Mayor or any other Councilmember should cease to be a resident of the City, his office shall become vacant immediately.

SECTION II-2. MAYOR AND VICE MAYOR

(a) Mayor.

1. The Mayor shall preside at meetings of the Council. He shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of military law. The Mayor shall have no regular administrative duties except that the Mayor shall sign such written obligations of the City as the Council may require. As a Councilmember, the Mayor shall have all powers, rights, privileges, duties, and responsibilities of a Councilmember, including the right to vote on questions.

2. In the event of a vacancy in the office of Mayor, the City Council shall immediately call a special election to fill that vacancy, unless said vacancy occurs or said election would occur within one hundred twenty (120) days prior to the first day of the filing period for the next regular municipal election. The vacancy shall be filled by nonpartisan special primary election and if necessary a non-partisan special general election. The person elected to fill the vacancy shall serve the remainder of the unexpired term.

(b) Vice-Mayor.

1. At the first regular meeting in May of each year, or as soon thereafter as practicable, the Council shall elect from its membership, a Vice-Mayor, who shall serve as such for a term of one (1) year or until a successor is elected.

2. The Vice-Mayor shall act as Mayor during the temporary absence, disability, or suspension of the Mayor.

3. The Vice-Mayor shall assume the office of Mayor, when a vacancy occurs in the office of Mayor until such time that a new Mayor is elected by the registered voters of the City of Tuttle and qualifies for office. At the time that a new Mayor qualifies for office, the Vice-Mayor shall reassume the office which he previously held unless the term for which he was elected or appointed has expired during the period that he held the office of Mayor.

4. In the event a vacancy occurs in the office of Vice-Mayor, the City Council shall elect from its membership another Vice-Mayor for completion of the unexpired term.

SECTION II-3. COUNCIL AND MAYOR COMPENSATION

Effective with the approval of this charter the compensation of the Mayor and councilmembers shall be set by ordinance and will take effect after the next election. The Mayor and Councilmembers may be reimbursed for expenses incurred in the discharge of their official duties.

Deleted: Fifty (\$50.00) per month per member

SECTION II-4. POWERS VESTED IN COUNCIL DESIGNATED POWERS

All powers of a statutory council-manager city, including the determination of matters of policy, shall be vested in the council. Without limitation of foregoing, the council may:

1. Appoint and remove the city manager as provided by law;
2. Enact municipal legislation subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
3. Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
4. Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs, or authorize and provide for such inquiries;
5. Appoint or elect and remove its own subordinates, members of commissions and boards and other quasi-legislative or quasi-judicial officers as provided by law, or prescribe the method of appointing or electing and removing them;
6. Create, change and abolish offices, departments and agencies other than those established by law, and assign additional functions and duties to offices, departments and agencies established by this article; and
7. Grant pardons for violations of municipal ordinances, including the remission of fines and cost, upon the recommendation of the municipal judge.

SECTION II-5. LIMITATIONS OF COUNCIL AUTHORITY TO ACT THROUGH CITY MANAGER

Except for purposes of inquiry, the council and its members shall deal with the administrative services of the city solely through the city manager. The council and its members may not:

1. Direct or request the city manager or other authority to appoint or remove officers or employees;
2. Participate in any manner in the appointment or removal of officers and employees of the city, except as provided by law: or
3. Directly, indirectly, or impliedly, give orders or suggestions in ordinary administrative matters to any subordinate of the City Manager either publicly or privately, including interfering or involving themselves in day to day functions of the municipality and its operations on matters within the purview of the powers and duties of the City Manager.

Deleted: Give orders on ordinary administrative matters to any subordinate of the city manager either publicly or privately.

SECTION II-6. VACANCIES IN OFFICE

1. A vacancy shall exist when an elective officer fails to qualify within twenty days after notice of his election, dies, resigns, removes from said City, absents himself therefrom for a period of ninety days, except on account of sickness, is convicted of a felony, becomes an habitual drunkard, or is otherwise legally disqualified.
2. When a vacancy occurs in an office of an elected municipal official, except the Office of Mayor which will be filled as specified in Section II-2 (a)(2) of this Charter, the governing body shall appoint, by a majority vote of the remaining members, an eligible person to fill the vacancy until the next general municipal election, to serve until a successor is elected and qualified. Any vacancy shall then be filled at the next general municipal election by election of a person to complete the balance of any unexpired term.

ARTICLE III CITY MANAGER

SECTION III-1. CITY MANAGER APPOINTMENT, TERM, QUALIFICATION, REMOVAL

There shall be a city manager. The council shall appoint him for an indefinite term by vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications. ~~The Council may, by Ordinance, establish residency requirements of the City Manager.~~ The council may suspend or remove the city manager at any time by a vote of a majority of all its members.

Deleted: 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.

SECTION III-2. CITY MANAGER POWERS AND DUTIES

The city manager shall be chief administrative 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 therefore to the council. He shall:

Deleted: The council may require the City Manager to reside within the city within a reasonable period of time after the beginning of his tenure.

- (1) Appoint, and when deemed necessary for the good of the services, lay off, suspend, demote, or remove all directors, or heads of administrative departments and all other administrative officers of employees of the city except as he may authorize the head of a department, an officer or an agency to appoint, lay off, suspend, demote an remove subordinates in such department, office, or agency.
- (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.
- (5) Keep the council advised of the financial condition and future needs of the city, and make such recommendations to the council on matters of policy and other matter as may seem to him desirable.
- (6) Have such other powers, duties, and functions consistent with this charter as the council may prescribe.

ARTICLE IV ADMINISTRATIVE DEPARTMENT OFFICES AND AGENCIES

SECTION IV-1. GENERAL PROVISIONS

The City Administration under the City Manager shall be arranged into a Finance Department, Police Department, a Fire Department, a Law Department, An Ambulance Service (EMS), and such other departments as the council may prescribe by ordinance.

SECTION IV-2 FINANCE DEPARTMENT

- (a) Purchase and sales by city manager/competitive bidding/transfer of city manager's powers.

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

(2) The council may prescribe requirements and procedures for competitive bidding. Notice and opportunity for competitive bidding shall be given before a purchase or contract for supplies, materials, or equipment is made, in accordance with the regulations the council may prescribe.

~~Except as provided by Law, the Council shall not exempt a particular contract, purchase, or sale from any competitive bidding requirement established by the federal or state law or this charter.~~

Deleted: The council shall not exempt a particular contract, purchase, or sale from the requirement of competitive bidding.

(3) The council may transfer some or all of the power granted to the city manager pursuant to the provisions of this section to an employee appointed by and subordinate to the city manager.

(b) City Clerk – Creation and Duties

The city clerk shall be an officer of the city, appointed by the city manager for an indefinite term. The city clerk shall serve as clerk for the council. Subject to regulations the council may prescribe, the city clerk shall:

- (1) Keep the journal of the proceedings of the council;
- (2) Enroll all ordinances and resolutions passed by council in a book or set of books kept for that purpose;
- (3) Have custody of documents, records and archives, as may be provided for by law or ordinance, and have custody of the seal of the city; and
- (4) Attest and affix the seal of the city to documents as required by law or by ordinance; and
- (5) Have such other powers, duties and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as city clerk may be employed by the city to perform duties not related to his position as city clerk.

Deleted: The salary, if any, for said duties shall be provided for separately by ordinance.

(c) City Treasurer- Creation and Duties

The city treasurer shall be an officer of the city, appointed by the council for an indefinite term. The same person may not hold both the office of city clerk and the office of city treasurer. Subject to such regulations as the council may prescribe, the city treasurer shall deposit daily funds received for the city in depositories as the council may designate. The city treasurer shall have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as city treasurer may be employed by the city to perform duties not related to his position as city treasurer.

Deleted: The salary, if any for said duties shall be provided for by ordinance.

SECTION IV-3. POLICE DEPARTMENT

There shall be a Tuttle Police Department created in conformance with Title 11 Article 34 of the Oklahoma State Statutes.

SECTION IV-4. FIRE DEPARTMENT

There shall be a Tuttle City Fire Department created in conformance with Title 11 Article 29 of the Oklahoma State Statutes.

SECTION IV-5. LAW DEPARTMENT

(a) City Attorney

The council shall appoint a City Attorney for an indefinite term. The City Attorney shall be licensed to practice law in the courts of the State of Oklahoma. The council may suspend or remove the City Attorney by majority vote of all members. It shall be the duty of the City Attorney to attend council meetings, when requested by any councilmember or the city manager, to prepare ordinances, and resolutions when directed by the council to advise the council, city manager, and with council approval other officers of the City as regards their official powers, duties, and responsibilities, upon request; to represent the City in suits in which the City is a party; and to perform such other duties as may be prescribed by law, this charter, or ordinance.

(b) Municipal Courts

- (1) Cases arising out of violations of the ordinances of the City shall be tried by existing municipal court created by state law or a lawful successor of such court created by state law; provided, that the council by ordinance shall have power to create a municipal court to hear and determine such cases if and when it deems it necessary or desirable to do so.

(2) The City Council shall appoint a Judge of the municipal court for an indefinite term, The Judge shall be licensed to practice law in the Courts of the State of Oklahoma. The council may suspend or remove the Municipal Judge by a majority vote of all its members. The Municipal Judge shall have jurisdiction to hear and determine all cases involving offenses against the City of Tuttle.

SECTION IV-6. AMBULANCE SERVICE

There shall be a Tuttle City Ambulance Service ~~created and operated in conformance of applicable Oklahoma State Statutes.~~

Deleted: The ambulance service shall have a director who shall as a minimum be licensed as a Basic Emergency Medical Technician by the State of Oklahoma and as many other Oklahoma licensed Emergency Medical Technicians and First Responders as may be provided for and required.

ARTICLE V. BOARDS, COMMITTEES, COMMISSION, AND AGENCIES

(a) Each board, committee, commission, or agency created by the Council shall ~~be established by ordinance or resolution.~~

Deleted: have a member nominated by a Councilmember from its respective ward and one nominated by the Mayor at large and confirmed by the Council

(b) Meetings shall be open to the public and subject to all other provisions of the Oklahoma Open Meeting Act.

Deleted: Each board shall meet as prescribed by City Ordinance and shall, in an advisory capacity only, report to the Council through the City Manager.

ARTICLE VI ELECTIONS

SECTION VI-1. CANDIDACY AND PRIMARY AND GENERAL ELECTIONS.

(a) All elections to elect officers for the City of Tuttle shall be non-partisan and shall be conducted through the use of a Primary Election, and in those elections where necessary, a General Election. No party designation or emblem shall be placed on the ballots.

(b) Any qualified person may have their name placed on the ballot for the election as a candidate for elected municipal official, by filing as a candidate for elected municipal official, with the Grady County Election Board between the hours of 8:00 a.m. and 5:00 p.m., during the filing period for said election, a sworn statement of candidacy, specifying the office for which the individual is a candidate. The filing period shall begin on the First Monday of December, prior to the primary, and end on the Wednesday following the First Monday of December.

(c) A primary election shall be held in the City on the second Tuesday in February of each year in which the term of an elected official of the City of Tuttle will expire to nominate candidates to succeed the official(s) whose terms are expiring in that year. If only one (1) person is a candidate for an office to be filled, the candidate shall be not only nominated, but also elected ipso facto; and the candidate's name shall not appear on the primary or general election ballot. If only two (2) persons are candidates for Councilmember from the same ward, they shall both be nominated ipso facto; and their names shall not appear on the primary election ballot. Every qualified elector of the City shall be entitled to vote for one candidate for Mayor, and every qualified elector of a ward shall be entitled to vote for one candidate for Councilmember from their respective ward.

(d) 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 except as otherwise provided in the next sentence. If one of the candidates for each office to be filled for both Mayor and Council Member received a majority of all votes cast for all candidates for that office to be filled, the candidate shall be not only nominated, but also elected ipso facto; and the candidate's name shall not appear on the ballot for the general election. In case of failure to nominate one or both nominees because 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 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 the candidate's name need not appear on the ballot for the general election.

(e) A general election shall be held in the City on the first Tuesday in April of every year in which the term of an elected official of the City of Tuttle will expire to elect the municipal official(s) to succeed those whose terms are expiring in that year. Every qualified elector of this City shall be entitled to vote for one of the two candidates for the office of Mayor. Every qualified elector of a ward shall be entitled to vote for one of the two candidates for the office of Councilmember from their respective ward.

(f) Elections shall be held in the City on the date established by this Charter in odd numbered years to elect municipal officials, except the Mayor, to succeed those municipal officials, except the Mayor, whose terms are expiring and who represent wards of the City. Elections shall be held in the City on the date established by this Charter in every second even numbered year to elect a Mayor to succeed the Mayor whose term is expiring. In case of failure to elect because of a tie, the election shall be determined, fairly by lot, by the Grady County Election Board in a public meeting. For transitional purposes, at the regular municipal elections held in 2009, a Mayor shall be elected by the qualified electors of the City of Tuttle to serve a term of one year. Beginning with the regular municipal elections held in 2010 and at the regular municipal elections held in even numbered years every four (4) years thereafter, a Mayor shall be elected by the qualified electors of the City of Tuttle to serve terms of four (4) years.(g) When a vacancy occurs in an office of an elected municipal official except the mayor, the governing body shall appoint, by a majority vote of the remaining members, a person to fill the vacancy until the next general municipal election, to serve until a successor is elected and qualified. Any vacancy shall then be filled at the next general municipal election by election of a person to complete the balance of any unexpired term. If the vacancy has not been filled within sixty (60) days after it occurs, the governing body shall call for a special election for the purpose of filling the vacancy for the duration of the unexpired term unless said vacancy occurs or said election would occur within one hundred twenty (120) days prior to the first day of the filing period of the next regular municipal election. If a vacancy is not filled by the special election, it shall be filled by appointment of a person to complete the balance of any unexpired term.

SECTION VI-2. POLITICAL ACTIVITY OF OFFICERS AND EMPLOYEES

No officer or employee of the city except the mayor and other councilmembers may work for or against, or attempt to influence, the nomination, election, or defeat of any candidate for mayor or other councilmember, or the recall of the mayor or any councilmember; but shall not prohibit the ordinary exercise of one's right to express his opinions and vote.

SECTION VI-3. STATE CONSTITUTION AND LAW TO GOVERN

The provisions of the State Constitution and law applicable to city election shall govern such elections in this city insofar as they are applicable and are not superseded by charter or ordinance.

SECTION VI-4. TERM OF COUNCILMEMBERS

The term of Mayor and Councilmembers shall be staggered, so that, at the regular municipal elections in an odd numbered year, the Councilmembers from Wards One (1) and Two (2) will be elected for four (4) year terms and at the regular municipal elections in the next succeeding odd numbered year, the Councilmembers from Wards Three (3) and Four (4) will be elected for four (4) year terms and at the regular municipal elections in the every second even numbered year, the Mayor will be elected for a four (4) year term. There shall be no regular municipal elections in the even numbered years that next succeed the even numbered year in which the regular municipal election for the election of a Mayor was held. The newly elected Councilmembers and Mayor shall take office the first meeting in the month following their election.

SECTION VI-5. COUNCILMEMBERS ELECTED BY WARDS

The Councilmembers of Wards One (1), Two (2), Three (3), and Four (4) shall be elected by Wards and the Mayor shall be elected at large. All Councilmembers and the Mayor, shall subscribe to the Oath of Office as provided for by the Constitution of the State of Oklahoma.

ARTICLE VII. INITIATIVE, REFERENDUM, RECALL

SECTION VII-1. INITIATIVE AND REFERENDUM

The powers of the initiative and the referendum are reserved to the people of the City in accordance with the State Constitution. In the exercise of these powers, the requirements of the State Constitution and Law shall be observed.

SECTION VII-2. RECALL AUTHORIZED

The incumbent of any elective city office, including a person appointed to fill a vacancy in such 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.

SECTION VII-3. RECALL PETITION

(a) To initiate recall proceedings, a written statement in duplicate proposing the recall of the incumbent of an elective office, shall be signed by at least twenty-five percent (25%) of the registered electors of the city, who are qualified to vote for the election of a successor to the incumbent and shall be filed with the city clerk after the incumbent has held office at least six (6) months. The statement shall also contain the reason or reasons for which the recall is sought, in not more than two hundred words. Within five (5) days, the city clerk shall mail a copy of such statement by registered, certified, or similar special mail to the incumbent. The incumbent may make and file with the city clerk within five (5) days after receipt of the statement, a written statement in duplicate justifying his conduct in office in not more than two hundred words; and the city clerk shall deliver within five (5) days of receipt of the incumbents statement, one copy to one of the persons filing the statement proposing the recall.

(b) 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 recall under the heading "STATEMENT FOR RECALL", and if the incumbent has filed a statement as authorized, the statement justifying his conduct in office under the heading "STATEMENT AGAINST RECALL". The two statements shall be in letters of the same size. A copy of the petition shall be filed with the city clerk within thirty (30) days after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.

(c) A number of registered electors of the city equal to at least thirty per cent (30%) of registered electors of the city who are qualified to vote for the election of the successor to the incumbent, must sign the petition. Each signer shall write after his name his address within the city, giving street or any avenue and number, if any. Not more than one hundred signatures may appear on a single copy of the petition. Petitions may be circulated only by persons qualified to sign the petition. The person who circulates each copy of the petition shall sign an affidavit on the copy saying that each signer signed the petition in his presence, that each signature on the petition is genuine, and that he believes each signer to be a qualified signer.

(d) The circulated petition shall be filed with the city clerk no later than thirty (30) days after the filing of a copy as provided above. Within thirty (30) days after the date of filing of the circulated petition, the city clerk and city attorney shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of qualified signers have signed it as verified by the Grady County Election Board. The city clerk, city attorney, and the Secretary of the Grady County Election Board shall then attach their certificates to the petition. If any of the certificates states that the petition has not been prepared and circulated as required and/or lacks a sufficient number of valid signatures, the petition shall have no effect. But, if all of the required certificates state that the petition has been prepared and circulated as required and has sufficient number of valid signatures, the city clerk shall submit the petition and certificates to the council at its next meeting.

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SECTION VII-4. RECALL ELECTION: COUNCIL TO ORDER

(a) The council, by resolution passed within ten (10) days after receiving the petition and certificate of the city clerk, shall order and fix the date for the filing period and for the said recall election which shall be

held not less than forty (40) days, nor more than fifty (50) days after the passage of the resolution. The city clerk shall cause the resolution ordering the election to be published in full in a newspaper of general circulation within the city within ten (10) days after its passage by the council; and such publication shall be sufficient notice of the election.

(b) More than one (1) incumbent may be recalled in a single election.

SECTION VII-5. RECALL ELECTION: HOW HELD

(a) The election shall be an election to fill the office held by the incumbent 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 office at the time of the certification of the election, at which time the elected candidate shall be eligible to take office and may be sworn in at any time thereafter. A candidate thus elected shall serve for the unexpired term. If the incumbent is a candidate 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.

(b) The provisions of this charter relating to city elections shall also govern recall elections insofar as they as they are applicable and they are not superseded by the provision of this article.

SECTION VII-6. 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 government within two years after his recall or resignation.

ARTICLE VIII GENERAL PROVISIONS

SECTION VIII-1. FEMININE GENDER ALSO MEANT

When the masculine gender is used in this charter it shall also mean the feminine unless the masculine alone is clearly indicated.

SECTION VIII-2. OATH OF OFFICE

Any officer, elected or appointed, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the Oklahoma Constitution. The oath or affirmation shall be filed in the office of the city clerk.

SECTION VIII-3. WHO MAY ADMINISTER OATHS

All officers authorized by state law, the mayor, the city clerk, the city manager, the municipal judge, or judges and such other officers as the municipal governing body may authorize by ordinance, may administer oaths and affirmations in any manner pertaining to the affairs and government of the municipality.

SECTION VIII-4. CERTAIN OFFICERS TO GIVE BOND

The municipal governing body shall require the municipal treasurer, and any other officers and employees as the governing body may designate by ordinance, to give bond for the faithful performance of his duties within ten (10) days after his election or appointment, in such amount and form as the governing body shall prescribe. The municipality shall pay the premiums on such bonds.

SECTION VIII-5. NEPOTISM; COMPATIBILITY OF OFFICES

(a) No member of the City Council nor any other authority of the Municipal Government, may appoint, or vote for the appointment of, any person related to himself or any other governing body member by affinity or consanguinity within the 3rd degree, top any office or position of profit in the municipal government.

(b) The following relatives shall be considered as within the 3rd degree of affinity or consanguinity: spouses, sons, daughters, grandsons, granddaughters, great grandsons, great granddaughters, brothers, sisters, nephews, nieces, aunts, uncles, primary cousins, grandfathers, grandmothers, grand uncles, great aunts, great grandfathers, great grandmothers, son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, great grandson-in-law, great granddaughter-in-law, brother-in-law, sister-in-law, nephew-in-law, niece-in-law, aunt-in-law, uncle-in-law, primary cousins-in-law, grandfather-in-law, grandmother-in-law, grand uncle-in-law, grand aunt-in-law, great grandfather-in-law, great grandmother-in-law, grand nephew, grand niece, grand nephew-in-law, grand niece-in-law, stepson, stepdaughter, stepfather, or stepmother; a divorce decree shall be deemed to dissolve all relationships arising by that marriage.

SECTION VIII-6. HOLDING MORE THAN ONE OFFICE OR POSITION

Except as may be otherwise provided by Ordinance, the same person may not hold more than one (1) office or position in the Municipal government, unless otherwise provided by this charter.

SECTION VIII-7. ACTING OFFICERS AND EMPLOYEES

The appointing or electing authority who may appoint or elect the successor of an officer or an employee, may appoint or elect a person to act during the temporary absence, leave, 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 provides by general ordinance that a particular superior or subordinate may provide for a deputy to act in such cases. Also an acting municipal judge may be appointed to serve in any case or proceeding for which the municipal judge is disqualified.

SECTION VIII-8. 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 or qualifies unless his services are sooner terminated by resignation, removal, disqualification, death, abolition of the office, or other legal manner.

SECTION VIII-9. CONFLICT OF INTEREST

(a) Except as otherwise provided by this section, no municipal officer or employee, or business in which said officer, employee, or spouse of the officer or employee has a proprietary interest, shall engage in:

1. selling, buying, or leasing property, real or personal, to or from the municipality;
2. contracting with the municipality; or
3. buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants or other evidence of indebtedness if the municipality.

(b) For purposes of this section, "employee" means any person who is employed by a municipality more than ten (10) hours on a week for more than thirteen (13) consecutive weeks and who enters into, recommends or participates in the decision to enter into any transaction described in the subsection (a) of this section. Provided that any person who receives wages, reimbursement for expenses, or emoluments of any kind from a municipality, any spouse of such person, or any business in which such person or a spouse has a proprietary interest shall not buy or otherwise become interested in the transfer of any surplus property of a municipality or a public trust of which the municipality is beneficiary unless such surplus property is offered for sale to the public after notice of sale is published.

(c) For purposes of this section, "proprietary interest" means ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage which constitutes a controlling interest but shall not include any such interest held by a binding trust.

(d) Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor. Any transaction entered into in violation of the provisions of this section is void. Any member of a governing body who approves any transaction in violation of the provisions of this section shall be held personally liable for the amount of said transaction.

SECTION VIII-10 DE-ANNEXATION

(a) The City Council shall direct that notice of a proposed de-annexation of the territory be published in a legally qualified newspaper of general circulation in the city and shall describe the boundaries of the territory proposed to be de-annexed by reference to a map, geographical locations, legal or physical description or other reasonable designation. The notice shall state the date, time, and place the City Council shall conduct a public hearing on the question of de-annexing the territory.

(b) A copy of the notice of de-annexation shall be mailed by first-class mail to all owners of property to be de-annexed as shown by the current year's ownership rolls in the office of the county treasurer.

(c) The public hearing of such de-annexation shall be held no earlier than fourteen (14) days nor more than thirty (30) days following the publication and mailing of the notice.

ARTICLE IX AMENDMENT AND SEPARABILITY OF CHARTER

SECTION IX-1. AMENDMENT: PROPOSAL, RATIFICATION, APPROVAL

This charter may be amended by proposals therefore submitted by the council, or by the mayor upon initiative petition of the electors as provided by the State Constitution, at a general or special election, ratified by majority of the electors voting thereon, and approved by the governor as provided by the State Constitution. If more than one amendment are 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.

SECTION IX-2. SEPARABILITY

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

(b) 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 X SUCCESSION IN GOVERNMENT

SECTION X-1. WHEN CHARTER GOES INTO EFFECT

This charter shall go into effect immediately upon ratification by a vote of a majority of the electors of the city voting upon question at an election and its approval by the Governor as provided by the State Constitution; and this charter shall supersede the heretofore existing charter if any as of that time and become the organic law of the City of Tuttle.

SECTION X-2. WARDS

The boundaries of the four wards of the city shall remain as they are at the time this charter is adopted until the council by ordinance changes them. It shall be the duty of the Planning Commission to review every two (2) years, the boundaries of the wards as they pertain to population and make appropriate recommendations to the council.

SECTION X-3. 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 X-4. OFFICERS AND EMPLOYEES TO CONTINUE

When this charter goes into effect, the mayor and other councilmembers shall remain in office and be respectively mayor and councilmembers of their respective wards, as the case may be, and shall continue in office until their respective terms expire. All other officers and employees shall continue in their respective offices and positions of employment under this charter until their respective terms expire or until their services are terminated in accordance with the provision of this charter and ordinances relating to the creation, change, and abolition of offices and removal of officers and employees, as the case may be.

SECTION X-5. PENDING ACTIONS AND PROCEEDINGS

Deleted: PROCEEDINGS

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

END OF CHARTER TEXT