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CHARTER OF THE CITY OF BRISTOW, OKLAHOMA

PREAMBLE

We, the people of the City of Bristow, exercising the powers of home rule granted to us by the Constitution and laws of the State of Oklahoma, in order to provide for more efficient, adequate, and economical government, do hereby ordain, ratify, and establish this Charter of the City of Bristow, Oklahoma.

ARTICLE I

INCORPORATION; FORM OF GOVERNMENT; POWERS

- Section 1-1 Incorporation.

The City of Bristow, 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 Bristow". It shall succeed to and possess all the property, rights, privileges, franchises, powers, and immunities now belonging to the corporation known as the City of Bristow; 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.

- Section 1-2 Form of government.

The municipal government provided by this charter shall be a "mayor-council 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 1-3 Powers of the city.

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

Section 1-4 Powers to be construed liberally.

The powers of the city under this charter shall be construed liberally in 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 stated in this article.

Section 1-5 Intergovernmental relations.

The city, to the extent allowed by law, may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies of this or other states, or the United States or any agency thereof.

ARTICLE II

THE COUNCIL

Section 2-1 Councilmen; number; qualifications.

A. There shall be a city council of eight (8) members, which shall consist of two (2) councilmen from each of the four (4) wards of the city.

B. Only qualified electors of the city who reside in the respective wards from which they are elected or appointed to fill a vacancy, and who have resided within the city for at least one year at the time of their election or appointment to fill a vacancy, shall be qualified for the offices of councilmen.

C. A councilman may not hold any administrative office or position in the city government (other than vice mayor); provided, that nothing in this charter shall prohibit councilmen who are already volunteer firemen when elected or appointed from continuing to serve as volunteer firemen and being paid as such.

Section 2-2 Presiding officer of the council.

The mayor, or, in his absence, the vice mayor, shall preside at meetings of the council. In the absence of both the mayor and the vice mayor, the council may elect a president pro tem to preside over a meeting of the council.

Section 2-3 Mayor and councilmen; compensation; expenses.

A. The compensation of the mayor and councilmen shall continue as it is at the time this charter goes into effect until the compensation of the mayor and/or councilmen is changed by ordinance other than an emergency ordinance.

B. An ordinance changing the compensation of the mayor and/or councilmen shall not change the compensation of any such officer:

1. For his current term of office during which the ordinance is adopted, nor;
2. For the succeeding term of the office when such succeeding term begins within less than three (3) months after adoption of the ordinance.

Such an ordinance, unless it is an initiated ordinance, shall be published in full in a newspaper of general circulation within the city within ten (10) days after its final passage.

C. The mayor and councilmen may be reimbursed for reasonable expenses incurred in the discharge of their official duties.

Section 2-4 Council; powers.

Except as otherwise provided in this charter, all powers of the city shall be vested in the council. Without limitation of the foregoing, the council shall have power, subject to the state constitution, law, and this charter:

1. By ordinance to enact municipal legislation on any and all subjects and matters within the competence of the city to legislate;
2. To adopt the budget, raise revenue, and make appropriations, and to regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries, wages, and other compensation of officers and employees, and all other fiscal and business affairs of the city;
3. To inquire into the conduct of any office, department, or agency of the city government, and to investigate municipal affairs, and for this purpose, to subpoena witnesses, take testimony, and require the production of evidence; and when making such an inquiry or investigation, to elect one of its members president pro tem to preside during such time, if it chooses to do so;
4. To appoint or elect and remove its own subordinates, the members of the personnel board, the members of the planning commission, the members of the board of adjustment, and other quasi-legislative, quasi-judicial, or advisory personnel, now or when and if established; or to prescribe the method of appointing or electing and removing them;
5. To regulate elections and the recall; and
6. To create, change, and abolish all offices, departments, and agencies of the city government other than the offices, departments, and agencies created by this charter; and to assign additional powers and duties consistent with this charter to offices, departments, and agencies created by this charter.

Section 2-5 City clerk; appointment; powers and duties.

A. The mayor, with approval of the council, shall appoint, and may remove, the city clerk, unless the council by ordinance provides that the city treasurer shall be city clerk ex officio. The city clerk serves for an indefinite term, and unless his services are sooner terminated, until his successor is appointed and qualifies.

B. The city clerk shall serve as clerical officer of the council. He shall keep the journal of its proceedings, and shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it; shall be custodian of such documents, records, and archives as may be provided by applicable law or ordinance; shall be custodian of the seal of the city, and shall attest, and affix the seal to, documents when required in accordance with applicable law or ordinance; and shall have such other powers and duties consistent with this charter as may be prescribed by ordinance or applicable law.

Section 2-6 Council; meetings.

The council shall hold at least one regular meeting every month, at such time and place as it may prescribe by ordinance or otherwise. The mayor or any five (5) councilmen may call special meetings. All meetings of the council, except as otherwise authorized by law, shall be open to public inspection.

Section 2-7 Mayor and councilmen; absences to terminate membership.

If the mayor or any councilman is absent from more than one-half (1/2) of all the meetings of the council, regular and special, held within any period of four (4) consecutive calendar months, he shall thereupon cease to hold office.

Section 2-8 Mayor and councilmen; removal.

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

Section 2-9 Mayor and councilmen; vacancies.

A. The council, by majority vote of its remaining members, shall fill vacancies in its own membership and in the office of mayor, for the unexpired terms or until successors are elected as provided in this section.

B. If a vacancy occurs before the beginning of a regular filing period for candidates for councilmen, and the unexpired term extends beyond the time when the terms of councilmen elected that year begin, then a mayor or a councilman for that office, as the case may be, shall be elected at the elections of that year to serve the rest of the unexpired term beginning at the time when he is elected and certified.

Section 2-10 Council; quorum; rules; roll call; vote required.

A majority of all the members of the council shall constitute a quorum, but a smaller number may adjourn or recess from time to time. The council may determine its own rules. On the request of the mayor or of any councilman, the vote on any question shall be by roll call, and shall be entered in the journal. The mayor may vote only in case of a tie. Except in cases where the charter or applicable law provides otherwise, an affirmative vote of a majority of those voting on a question shall be sufficient to pass or adopt any resolution, motion, or other action of the council.

Section 2-11 Ordinances; enacting clause.

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the Council of the City of Bristow, Oklahoma", and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Bristow, Oklahoma".

Section 2-12 Ordinances; passage; notice of consideration.

A. Every proposed ordinance shall be read in full or by Title. At least five (5) affirmative votes are required for the passage of an ordinance; and the five (5) votes may be the affirmative votes of five (5) councilmen or, when the councilmen are all present and voting and there is a tie, of four (4) councilmen and the mayor. The vote on passage of every ordinance shall be by roll call, and shall be entered in the journal.

B. No ordinance except an emergency ordinance passed by unanimous vote of the councilmen present in accordance with Section 2-15 C., shall be passed by the council unless a notice of a time and place of consideration of the proposed ordinance has appeared in a newspaper of general circulation within the city at least twenty-four (24) hours before the consideration.

Section 2-13 Ordinances; veto by mayor.

A. The mayor shall have power to veto ordinances. Within seven (7) days after the council passes an ordinance, the mayor shall return it to the council or to the city clerk for transmittal to the council, with or without his approval or with his veto.

If he vetoes an ordinance, he shall return with the ordinance and his veto a written statement of the reasons for his veto.

B. If the mayor approves an ordinance within such seven (7) days, it is deemed to be finally passed as of the time he approves it.

C. If the mayor vetoes an ordinance, the council may reconsider it; and the council, within not more than five (5) weeks after the mayor returns the ordinance with his veto and the statement of the reasons for his veto to the council or to the city clerk, may pass the ordinance, notwithstanding the mayor's veto, by a vote of at least six (6) councilmen. An ordinance passed over the mayor's veto is deemed to be finally passed when the council passes it over his veto.

D. If the mayor neither approves nor vetoes an ordinance within seven (7) days after the council passes it, it is deemed to be finally passed as of the time of expiration of the seven (7) days or as of the time when he returns the ordinance to the council or to the city clerk, whichever occurs first.

Section 2-14 Ordinances; publication; when in effect.

A. Within ten (10) days after its final passage, every ordinance shall be published in full or by number and title in a newspaper of general circulation within the city.

B. Every ordinance except an emergency ordinance, so published, shall become effective thirty (30) days after its final passage unless it specifies a later time; provided, that a franchise for a public utility shall not go into effect until the ordinance granting it has been published in full in a newspaper of general circulation within the city and has been approved at an election by a vote of a majority of the qualified electors voting on the question.

Section 2-15 Ordinances; emergency.

A. An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health, or safety, and which should become effective prior to the time when an ordinary ordinance would become effective.

B. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency.

C. An affirmative vote of at least six (6) councilmen shall be required for the passage of an emergency ordinance; provided, that, if notice of consideration of an emergency ordinance has not been published as provided in section 2-12 B., the ordinance must also receive the affirmative vote of each councilman present.

D. An emergency ordinance shall take effect upon its final passage and publication unless it specifies a later time.

Section 2-16 Ordinances; adoption by reference.

The council by ordinance may adopt by reference, with or without modification, codes, standards, and regulations relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such code, standard, or regulation so adopted need not be enrolled in the book of ordinances; but a copy shall be filed and kept in the office of the city clerk.

Section 2-17 Ordinances; codification.

The permanent, general ordinances of the city shall be codified and published in book or pamphlet form at least every ten (10) years unless the council, by use of a loose-leaf or supplement system, provides for keeping the code up-to-date. The ordinances and parts of ordinances included in the code may be revised, rearranged, and reorganized; and the code may contain new matter and this charter. A copy of the published code shall be filed in

the office of the city clerk after the council adopts the code by ordinance, but the code need not be enrolled in the book of ordinances.

Section 2-18 Initiative and referendum.

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

ARTICLE III

MAYOR AND ADMINISTRATION

Section 3-1 Mayor; office created; qualifications.

- A. There shall be a mayor of the city, who shall be elected by the qualified electors of the city.
- B. Only qualified electors of the city who have resided within the city for at least one year at the time of their election or appointment to fill a vacancy, shall be qualified for the office of mayor.

Section 3-2 Mayor to be chief executive officer; powers and duties.

The mayor shall be chief executive officer and head of the administrative branch of the city government. He shall execute the laws and ordinances, and administer the government of the city. He shall be recognized as the head of the city government for ceremonial purposes and by the governor for purposes of military law. He shall:

1. Appoint with approval of the council, and when deemed necessary for the good of the service, but without council approval, lay off, suspend, demote, or remove all directors, or heads, of administrative departments and all other administrative officers and employees of the city (except as provided by Article 4); provided, that the council by ordinance or personnel rules may authorize the mayor to make designated appointments without council approval, and that the mayor may appoint his secretary (if any) without council approval;
2. Supervise and control, directly or indirectly, all administrative departments, agencies, officers, and employees (except as modified by article 4);
3. Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable;
4. Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year;
5. Keep the council advised of the financial condition and future needs of the city, and make such recommendations to the council on matters of policy and other matters as may seem to him desirable; and

6. Have such other powers and duties as this charter prescribes, and such powers and duties consistent with this charter as the council may prescribe.

Section 3-3 Vice mayor; election; powers and duties.

At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmen, or as soon thereafter as practicable, the council shall elect from its membership a vice mayor, who shall serve as such until the next such first meeting. The vice mayor shall act as mayor during the absence, disability, or suspension of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is chosen and qualifies. If the office of vice mayor becomes vacant, the council shall elect from its membership another vice mayor for completion of the unexpired term.

Section 3-4 Administrative departments, offices, and agencies.

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

ARTICLE IV

OTHER ADMINISTRATIVE OFFICERS AND AGENCIES

Section 4-1 City attorney.

There shall be a city attorney, who shall be appointed, and may be removed, by the mayor with approval of the council. The city attorney serves for an indefinite term, and unless his services are sooner terminated, until his successor is appointed and qualifies.

Section 4-2 Library board.

A. There shall be a library board. It shall consist of six (6) members appointed by the mayor with approval of the council for overlapping terms of three (3) years. The terms of two (2) members shall begin May 1 in every year. The mayor with approval of the council may remove a member for the good of the service, and may fill vacancies for unexpired terms. Members shall serve without compensation.

B. Every year, at the time prescribed for the beginning of the terms of new members or as soon thereafter as practicable, the library board shall elect a chairman, a vice chairman, and a secretary; and the secretary need not be a member of the board. It shall determine the time and place of its regular meetings; and the chairman or any four (4) members may call special meetings of the board.

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

D. Nothing in this charter shall prohibit the city from participating in a county or other area library service.

Section 4-3 Hospitals and certain other institutions.

If and when the city itself operates a hospital, other institution for the care and/or custody of persons, a museum, or other cultural or educational institution or agency, the hospital or other such institution or agency shall be governed, administered, and operated as the council may provide by ordinance, notwithstanding any other provision of this charter. This section does not affect the foundation which now operates the hospital.

ARTICLE V

DEPARTMENT OF FINANCE; FISCAL AFFAIRS

Section 5-1 Department of finance; city treasurer.

A. There shall be a department of finance, the head of which shall be the city treasurer. The city treasurer shall be appointed, and may be removed, as provided by this charter.

B. Subject to and in accordance with this charter, applicable law, and such ordinances as the council may adopt, the city treasurer shall collect or receive revenue and other money for the city; shall be responsible for its custody, safekeeping, deposit, and disbursement; shall maintain a general accounting system for the city government; and shall have such other powers and duties consistent with this charter as may be prescribed by ordinance or applicable law.

Section 5-2 Purchases and sales.

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

B. Before the purchase, or contract for purchase, of 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 exempt an individual contract, purchase, or sale from the requirement of competitive bidding.

C. The council by ordinance may transfer some or all of the power granted to the mayor by this section to an administrative officer appointed as provided in section 3-2(1).

Section 5-3 Sale of property valued at more than \$25,000.00.

The sale of any city property, real or personal, including public utilities, or of any interest therein, the value of which is more than Twenty-five Thousand Dollars (\$25,000.00) may be made only:

1. By authority of an affirmative vote of a majority of the qualified electors of the city who vote on the question of approving or authorizing the sale at an election; or

2. By authority of a special non-emergency ordinance.

Such ordinance shall be published in full in a newspaper of general circulation within the city within ten (10) days after its final passage, and shall include a section reading substantially as follows; "Section _____. This ordinance shall be referred to a vote of the electors of the city if a sufficient and lawful referendum petition is properly filed within thirty (30) days after its final passage." The sale of an entire public utility may be authorized only as provided in (1) hereinabove.

Section 5-4 Public improvements.

Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements. A contract for public improvements of more than Two Thousand Dollars (\$2,000.00) may be awarded only to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the council may prescribe. All bids may be rejected, and further notice and opportunity for competitive bidding may be given.

Section 5-5 Fiscal year.

The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June of every calendar year.

Section 5-6 Independent annual audit.

The council shall designate a qualified public accountant or firm of such accountants who shall make an independent audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices, and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report to the mayor and to the council. The mayor shall neither suggest nor recommend the accountant or accountants.

ARTICLE VI

MUNICIPAL COURT

Section 6-1 Municipal court.

Cases arising out of violations of the ordinances of the city shall be tried by the 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.

ARTICLE VII

OFFICERS AND EMPLOYEES GENERALLY

Section 7-1 Merit system created; appointments; removals; personnel rules.

A merit system is hereby established for personnel in the city service. 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. The council, consistently with this charter, by ordinance or personnel rules, may regulate personnel matters and provide for proper personnel administration.

Section 7-2 Personnel board created.

A. There shall be a personnel board consisting of three (3) members appointed by the council for overlapping six-year terms. The term of one member shall begin July 1 in every odd-numbered year. The council shall appoint the original members so that the term of one will expire at that time in each of the first three (3) succeeding odd-numbered years. A member may not hold any other office or position of employment in the city government. The council, after adequate opportunity for a hearing, may remove a member of the personnel board for the good of the service; and the vote shall be by roll call and shall be entered in the journal. The council shall fill vacancies for the unexpired terms. Members shall serve without compensation unless the council provides otherwise.

B. At the time prescribed for the beginning of the term of a newly appointed member or as soon thereafter as practicable, the board shall elect a chairman, a vice chairman, and a secretary; and the secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairman or two (2) members may call special meetings.

C. The personnel board shall have power to subpoena officers and employees of the city and other persons to testify and to produce documents and other effects as evidence.

Section 7-3 Classified and unclassified services.

A. All officers and employees of the city shall be divided into the classified and the unclassified service.

B. The following shall constitute the unclassified service:

1. The mayor and councilmen, the municipal judge or judges, the city clerk when appointed by the mayor with approval of the council, one secretary to the mayor (if any), and the city attorney;

2. Members and secretary of each board, commission, or other plural authority;

3. All personnel who serve without compensation;

4. All temporary and all part-time officers and employees, except those whom the council may place in the classified service by ordinance or personnel rules; and

5. Not to exceed five (5) additional officers and/or employees whom the council may place in the unclassified service by ordinance or personnel rules.

C. All other officers and employees shall be in the classified service.

D. Nothing herein shall prohibit including unclassified personnel in the classification plan for pay purposes.

Section 7-4 Removal of officers and employees.

Unless otherwise provided by this charter, any officer or employee of the city may be laid off, suspended, demoted, or removed by the same authority who has power to appoint or elect a successor of the officer or employee.

Section 7-5 Removal; hearing before the personnel board.

A. The mayor or any other authority who lays off, suspends without pay, demotes, or removes any officer or employee in the classified service after a probationary period of six (6) months, shall, at that time or within two (2) days thereafter, deliver, or have delivered, or mail by registered, certified, or similar special mail, to the officer or employee a written statement of the reason or reasons for the layoff, suspension, demotion, or removal.

B. Such officer or employee may appeal in writing to the personnel board. The appeal must be filed with the secretary of the board, or with the city clerk for transmittal to the board, within ten (10) days after receipt of notice of the layoff, suspension, demotion, or removal.

C. As soon as practicable thereafter, the board shall hold a hearing on the appeal, or give an adequate opportunity therefor, and shall report in writing its findings and recommendations to the mayor or other authority who laid off, suspended, demoted, or removed the officer or employee. The mayor or other authority shall then make a final decision in writing regarding the appellant's layoff, suspension, demotion, or removal, as the case may be; provided, that, if the board finds that the layoff, suspension, demotion, or removal was made for a political reason or reasons or for any other reason or reasons than the good of the service, and the action by the mayor or other authority shall be nullified thereby.

Section 7-6 Nepotism.

Neither the mayor, the council, nor any other authority of the city government, may appoint or elect any person related to any councilman, to the mayor, or to himself, or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the city government; but this shall not prohibit an officer or employee already in the service of the city from continuing and being promoted therein.

Section 7-7 Bonds of officers and employees.

The mayor, the city treasurer, and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the

city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Section 7-8 Oath or affirmation of office.

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

Section 7-9 Who may administer oaths and affirmations.

All officers authorized by federal or state law, the mayor, the city clerk, the municipal judge or judges, the chairman of the personnel board, and such other officers as the council may authorize, may administer oaths and affirmations in any matter pertaining to the affairs and government of the city.

Section 7-10 Conviction of a felony to terminate office or employment.

If the mayor, a councilman, or other officer, or any employee of the city is convicted of a felony, his office or position shall become vacant immediately when the case is finally determined.

Section 7-11 Acting officers and employees; temporary appointments.

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

B. No temporary appointment made by the mayor shall require approval by the council, but the council by ordinance or personnel rules may limit the time which temporary appointees may serve.

Section 7-12 Regular appointive officers and employees; term.

All regular (that is, nontemporary) appointive officers and employees of the city except members and secretaries of boards, commissions, and other plural authorities, shall serve indefinite terms.

Section 7-13 Officers to continue until successors are elected or appointed and qualify.

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

Section 7-14 Feminine gender.

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

ARTICLE VIII

ELECTIONS

Section 8-1 Elections; terms; nonpartisan elections.

- A. Only the mayor and the eight (8) councilmen shall be elected by the qualified electors of the city.
- B. At the elections in 1976, one councilman from each of the four (4) wards of the city shall be elected for a five-year term.
- C. At the elections in 1979 and in every fourth year thereafter, the mayor and one councilman from each of the four (4) wards of the city shall be elected for four-year terms.
- D. At the elections in 1981 and in every fourth year thereafter, one councilman from each of the four (4) wards of the city shall be elected for a four-year term.
- E. The mayor and councilmen shall serve for the terms indicated, and until their respective successors are elected and qualify. Their terms shall begin on the first Monday in May in the year in which elected. If a mayor-elect or a councilman-elect fails to qualify within one month after the beginning of his term, his office shall become vacant, and the vacancy shall be filled as other vacancies in the office of mayor or councilman are filled.
- F. The mayor shall be elected at large, by the qualified electors of the entire city. The councilmen shall be elected by ward, by the qualified electors of their respective wards.
- G. The elections shall be nonpartisan; and no party designation or emblem shall be placed on the ballots.
- H. Nothing in this charter shall prohibit the use of voting machines.

Section 8-2 Wards; number; equal.

- A. There shall be four (4) wards, which shall be numbered from one to four (4). The council by ordinance may change the ward boundaries.
- B. The wards shall be formed of compact, contiguous territory, and shall be substantially equal in population.
- C. At intervals of not more than ten (10) years, the council shall review the wards and their boundaries, and if necessary, shall revise them to achieve and maintain substantial equality in population among the wards.

Section 8-3 Primary election; filing.

Any person qualified for the office for which he is filing may have his name placed on the ballot for the primary election as a candidate for mayor or councilman from his ward by filing, not more than four (4) weeks and at least three (3) weeks prior to the primary election, with the secretary of the county election board, a declaration of candidacy and a petition or a filing fee as may be required by law.

Section 8-4 Primary election; time; voting.

A primary election shall be held on the third Tuesday in March of 1976, 1979, and every odd-numbered year thereafter to nominate candidates for mayor and/or councilmen to succeed those whose terms are expiring in the respective year. If only one person is a candidate for an office to be filled, he shall be not only nominated, but also elected ipso facto; and his name shall not appear on the primary or general election ballot. Every qualified elector of the city shall be entitled to vote for one candidate for mayor, and every qualified elector of a ward shall be entitled to vote for one candidate for councilman from his ward. (Amendment to Charter adopted March 15, 1983)

Section 8-5 Primary election; who nominated or elected.

A. In a primary election, the two (2) candidates for each office to be filled receiving the greatest number of votes for that office, shall be nominated. If one of the candidates for an office receives a majority of all votes cast for all candidates for that office, he alone shall be not only nominated, but also elected ipso facto; and his name shall not appear on the ballot for the general election.

B. In case of failure to nominate because of a tie, the nominee or nominees (as the case may be) shall be determined from among those tying in the manner provided by law.

C. If one of the two (2) candidates for an office nominated in a primary election dies or withdraws before the general election, the remaining candidate shall be elected ipso facto; and his name need not appear on the ballot for the general election.

Section 8-6 General election; time; who elected.

A general election shall be held in the city on the first Tuesday in April of 1976, 1979, and every odd-numbered year thereafter to elect the mayor and/or councilmen to succeed those whose terms are expiring in the respective year. Every qualified elector of the city may vote for one of the two (2) candidates for mayor, and every qualified elector of a ward may vote for one of the two (2) candidates for councilman from his ward; but electors may not vote for any person other than the two (2) nominees for an office. The candidate for each office receiving the greatest 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, in the manner provided by law. (Amendment to Charter adopted March 15, 1983)

Section 8-7 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 may be required by law.

Section 8-8 Elections; when not held.

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

Section 8-9 State constitution and law to govern.

The provisions of the state constitution and law applicable to elections in cities operating under charters shall govern such elections in this city insofar as they are applicable and are not superseded by this charter.

ARTICLE IX

RECALL

Section 9-1 Recall authorized.

The mayor or any councilman 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 9-2 Recall petition.

A. To initiate recall proceedings, a written statement proposing the recall of the mayor or a councilman shall be signed by twenty (20) or more qualified electors of the city or ward concerned, as the case may be, and shall be filed with the city clerk after the incumbent has held the office at least four (4) months. The statement 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 copy of such statement by registered, certified, or similar special mail to the officer at his 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 conduct in office, in not more than two hundred (200) words; and the city clerk on request shall deliver 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 officer has filed a statement as authorized, the statement justifying his 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 month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.

C. A number of qualified electors of the city or ward concerned equal at least to twenty percent (20%) of the total number of votes cast for governor in the city or ward at the last general state election at which a governor was elected, must sign the petition. Each signer shall write after his name his address within the city, giving 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 qualified electors of the city or ward concerned; 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 presence, that each signature on the petition is genuine, and that he believes each signer to be a qualified elector of the city or ward concerned.

D. The circulated petition shall be filed with the city clerk not later than one month after the filing of a copy as provided above. Within one 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 qualified electors of the city or ward concerned have signed it. He shall then attach his certificate to the petition. If his 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 shall submit the petition and the certificate to the council at its next meeting.

Section 9-3 Recall election; council to order.

A. The council, by resolution or ordinance passed within one month 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 thirty (30) days, nor more than fifty (50) days, after passage of the resolution or ordinance. The city clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper of general circulation within ten (10) days after its passage; and such publication shall be sufficient notice of the election.

B. The qualified electors of the city may vote in a recall election on the election of successors to more than one officer on the same day.

Section 9-4 Same; how held.

A. The recall 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 effective as of the time when the result of the election is certified. The successful candidate must qualify within one 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 office of mayor or councilmen 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 year after the election.

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

Section 9-5 Person recalled or resigning.

A person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, may not hold any office or position of employment in the city government within two (2) years after his recall or resignation.

ARTICLE X

AMENDMENT AND SEPARABILITY OF CHARTER

Section 10-1 Amendment; proposal; ratification; approval.

This charter may be amended by proposals therefor 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 a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If more amendments than one 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 10-2 Separability.

A. If a part of this charter is invalid, all valid parts which are severable from the invalid parts remain in effect. If a part of this charter is invalid in one or more of its applications, the part remains in effect in all valid applications which are severable from the invalid applications.

B. If a part of this charter is invalid in its entirety or in one or more of its applications, the council by ordinance may take such appropriate action as will enable the city government to function properly.

ARTICLE XI

SUCCESSION IN GOVERNMENT

Section 11-1 When charter goes into effect.

This charter shall go into effect immediately upon its ratification by a vote of a majority of the qualified electors of the city voting upon the question at an election and its approval by the governor as provided by the state constitution; and this charter shall supersede the law governing statutory aldermanic cities, under which the city has been operating.

Section 11-2 Officers and employees to continue.

When this charter goes into effect:

1. The mayor and councilmen shall continue in their respective offices until the expiration of their respective terms;
2. The city clerk, the city treasurer, the city marshal (chief of police), and the street commissioner shall continue in their respective offices until the expiration of their respective terms. During such time, the incumbents of these offices at the time this charter goes into effect may be removed only in a manner provided by law

applicable to statutory aldermanic cities (under which the city has operated heretofore); and during such time, their salaries may not be decreased.

3. All other officers and employees of the city under the law applicable to statutory aldermanic cities (including members of boards and commissions) shall continue in their respective offices and positions of employment under this charter until their terms expire or until their services are terminated in accordance with the provisions of this charter.

Section 11-3 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 limitation.

Section 11-4 Pending actions and proceedings.

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