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**PREAMBLE**

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

**ARTICLE I. INCORPORATION; FORM OF  
GOVERNMENT; POWERS**

**Sec. 1-1. Incorporation.**

The City of Pauls Valley, Oklahoma, within the corporate limits as now established or as hereafter established, shall continue to be a municipal body politic and corporate in perpetuity under the name of "City of Pauls Valley." It shall succeed to and possess all property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the City of Pauls Valley, Oklahoma; and shall be liable for all debts and other obligations for which the corporation is now legally bound.

**Sec. 1-2. Form of government.**

The municipal government provided 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.

**Sec. 1-3. Powers of the city.**

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

The city shall have power to adopt a corporate seal and to alter it at pleasure, to sue and to be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any city purpose, including public utilities, works and ways, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation or other legal means; and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey or otherwise dispose of, such property as its interests may require, including public utilities, works and ways.

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<sup>1</sup>**Editor's note**—The present charter of the City of Pauls Valley was ratified by the electors of the city on April 6, 1965, and was approved by the governor on April 15, 1965.

**State constitution reference**—Municipal charters, Art. 18, §§ 3(a) *et seq.*

**State law references**—Municipal charters, 11 O.S. §§ 13-101 *et seq.*; when charter controls over conflicting laws, 11 O.S. § 13-109.

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It shall have power to issue bonds in the manner and within the limitations prescribed by the state constitution and law. It shall have power, within the limits prescribed by the state constitution and law, to accept and administer federal and state grants-in-aid and to do everything necessary to accomplish the purpose or purposes for which such grants may be made.

It shall have the power to ordain and to enforce local legislation, consistent with the state constitution and law, for the proper organization and functioning of the city government, for the preservation and enforcement of good government and order, for the protection of health, life, morals and property, for the prevention, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend and renew franchises in accordance with the state constitution and law.

The enumeration of particular powers by this Charter shall not be deemed to be exclusive or limiting; and in addition to the powers enumerated herein or implied hereby, the city shall have all powers which, under the state constitution and law, it would be competent for this Charter specifically to enumerate.

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

**State constitution reference**—Franchises, Art. 18, §§ 5(a), 5(b).

### ARTICLE II. THE COUNCIL

#### **Sec. 2-1. Council: Established; number; qualifications.**

There shall be a council of five (5) members elected as provided in this Charter.

Each councilman must be at least twenty-five (25) years of age, an elector of the city, not in litigation with the city nor in arrears for city taxes when elected, and not the owner of stocks or bonds of any public service corporation doing business in the city, and must for two (2) years next preceding the date of his election have been a bona fide resident and property taxpayer of the City of Pauls Valley or territory legally annexed thereto.

**Editor's note**—The current requirements as to qualifications for elected municipal offices are found in 11 O.S. § 8-101. See also cases on this subject decided by the state supreme court and the federal courts.

#### **Sec. 2-2. Mayor and vice mayor.**

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 among its members a mayor and a vice mayor, who shall serve terms of two (2) years and until their respective successors have been elected and qualified. The mayor shall preside at meetings of the council and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties except that he shall sign all conveyances and such other written obligations of the city as the council may require. The vice mayor shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term. If, by succession to the office of mayor or otherwise, the office of vice mayor becomes vacant, the council shall elect another vice mayor for completion of the unexpired term.

#### **Sec. 2-3. Councilmen: Compensation.**

Neither the mayor nor any other councilman may receive any compensation as such or for any other service rendered the city, other than expenses.

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### **Sec. 2-4. Council: Powers.**

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

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

**State constitution reference**—Initiative and referendum, Art. 18, §§ 4(a) *et seq.*

**State law references**—Municipal elections, 11 O.S. § 16-101 *et seq.*, 26 O.S. §§ 13-101 *et seq.*; initiative and referendum, 11 O.S. §§ 15-101 *et seq.*

### **Sec. 2-5. Council to act through city manager, etc.**

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

### **Sec. 2-6. Council meetings.**

The council shall hold at least one regular meeting every month, at such time as it may prescribe by ordinance or otherwise. The mayor or any three (3) councilmen may call special meetings. All meetings of the council shall be open to the public, and the journal of its proceedings shall be open to public inspection.

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### **Sec. 2-7. City clerk to be clerical officer of council.**

The city clerk, hereinafter provided for, shall also serve as clerical officer of the council. He shall keep the journal of its proceedings and shall enroll in a book 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.

### **Sec. 2-8. Councilmen: Absence to terminate membership.**

If the mayor or any other councilman is absent from more than one-half of all the meetings of the council, regular or special, held within any period of six (6) consecutive calendar months, he shall thereupon cease to hold office.

### **Sec. 2-9. Councilmen: Removal.**

The mayor or any other 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, or by recall as provided in this Charter.

~~State law reference~~—Removal of officers, 22 O.S. §§ 1181 *et seq.*

### **Sec. 2-10. Council: Vacancies.**

The council, by majority vote of its remaining members, shall fill vacancies in its own membership, including the office of mayor, for the unexpired terms or until successors are elected as provided in this section. 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 councilman for that place shall be elected at the elections of that year to serve the rest of the unexpired term beginning at the time the terms of councilmen elected that year begin.

### **Sec. 2-11. Council: Quorum; rules; yeas and nays.**

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

### **Sec. 2-12. 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 Pauls Valley, Oklahoma," and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Pauls Valley, Oklahoma."

### **Sec. 2-13. Ordinances: Passage; when in effect.**

Every proposed ordinance shall be read and a vote of a majority of all the councilmen shall be required for its passage. The vote on final passage of every ordinance shall be by yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten (10) days after its passage, every ordinance, except an emergency ordinance, shall be published in full or by number, title and condensed gist or summary in a newspaper of general circulation within the city.

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

### **Sec. 2-14. Ordinances: Emergency.**

An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health or safety, and which should become effective prior to the time when an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency," and in a separate section, herein called the emergency section, shall declare the emergency. An affirmative vote of at least four (4) councilmen shall be required for the passage of an emergency ordinance. An emergency ordinance shall take effect upon passage.

### **Sec. 2-15. Ordinances: Adoption by reference.**

The council by ordinance may adopt by reference codes, ordinances, standards and regulations relating to building, plumbing, electrical installations, milk and milk products and other matters which it has power to regulate otherwise. Such code, ordinance, standard or regulation so adopted need not be enrolled in the book of ordinances, but a copy shall be kept in the office of the city clerk.

### **Sec. 2-16. 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 looseleaf 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, provisions of the state constitution and law applicable to the city 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.

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

### **Sec. 3-1. City manager: Appointment; term; qualification; removal.**

There shall be a city manager. The council shall appoint him for an indefinite term by a vote of a majority of all its members. It shall choose him on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the city or state, but, during his tenure of office, he shall reside within the city or within a close proximity to said city. The council may suspend or remove the city manager at any time by a vote of a majority of all its members; provided, that the council shall give him a written statement of the reason for removal at least twenty (20) days before removal, and on request shall give him an opportunity for a public hearing thereon after the expiration of such time before removing him. The council may remove an acting city manager without notice or statement of cause. Neither the mayor nor any other councilman may be appointed city manager or acting city manager during the term for which he shall have been elected nor within two (2) years after the expiration of his term.

### **Sec. 3-2. 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 therefor to the council. He shall:

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- (1) Appoint and, when deemed necessary for the good of the service, lay off, suspend, demote or remove, all directors or heads of administrative departments and all other administrative officers and employees of the city except as this Charter otherwise provides and except as the city manager may authorize the head of a department, an officer or an agency to appoint, lay off, suspend, demote and remove subordinates in such department, office or agency;
- (2) Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees subject to his appointment;
- (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;
- (6) Have such other powers, duties and functions as this Charter may prescribe, and such powers, duties and functions consistent with this Charter as the council may prescribe.

### **Sec. 3-3. Administrative departments, offices and agencies.**

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

### **Sec. 3-4. Department of law: City attorney.**

There shall be a department of law, the head of which shall be the city attorney, who shall be appointed by the city manager with approval of the council, for an indefinite term.

The city attorney shall be the chief legal adviser of the council and all officers, departments and agencies of the city government in matters relating to their official powers and duties. He shall represent the city in all legal proceedings. He shall perform all services incident to his position which may be required by law, the Charter or ordinances.

### **Sec. 3-5. Library board, airport board and park and tree board.**

There shall be a library board, an airport board and a park and tree board. The number of members of each and their terms shall remain as at the time when this Charter goes into effect, until such time as the number and terms may be changed by ordinance. The council shall appoint the members and they shall serve without compensation.

At the time prescribed for the beginning of the terms of new members or as soon thereafter as practicable, each board shall elect a chairman, a vice-chairman and a secretary. The secretary need not be a member of the board. Each board shall determine the time and place of its regular meetings and the chairman or a majority of the members of each board may call special meetings of the board.

Each of these three (3) boards shall have the powers and duties which it has at the time this Charter goes into effect, until such time as the council by ordinance may modify the powers and duties.

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## ARTICLE IV. DEPARTMENT OF FINANCE AND FISCAL AFFAIRS

### **Sec. 4-1. City clerk: Office created; duties.**

There shall be a city clerk, who shall be an officer of the city appointed by the city manager with approval of the council, for an indefinite term, and who shall be head of the department of finance. Except as the council by ordinance provides otherwise, the city clerk shall collect or receive revenue and other money for the city, shall deposit the same with the city treasurer in a depository or depositories, and shall maintain a general accounting system for the city government. He shall have such other powers, duties and functions as may be prescribed by the Charter, by applicable law or by ordinance. The city clerk shall appoint his subordinates.

### **Sec. 4-2. City treasurer: Office created; duties.**

There shall be a city treasurer, who shall be an officer of the city appointed by the city manager with approval of the council, for an indefinite term. Subject to such regulations as the council may prescribe, the city treasurer shall deposit daily funds received for the city in such depositories as the council may designate. He shall have such other powers, duties and functions as may be prescribed by the Charter, by applicable law or by ordinance. The city treasurer shall appoint his subordinates.

### **Sec. 4-3. Purchases and sales.**

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

Before the purchase of, or contract for, any supplies, materials or equipment, or the sale of any surplus or obsolete supplies, materials or equipment, ample opportunity for competitive bidding, under such regulations and with such exceptions, as the council may prescribe, shall be given, but the council shall not except an individual contract, purchase or sale from the requirement of competitive bidding.

The council, by ordinance, may transfer some or all of the power granted to the city manager by this section to an administrative officer appointed by the city manager.

### **Sec. 4-4. Sale of property valued at more than five thousand dollars.**

The sale of any property, real or personal, including public utilities, or of any interest therein, the value of which is more than five thousand dollars (\$5,000.00), shall 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 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 legal and sufficient referendum petition is properly filed within thirty (30) days after its passage; otherwise it shall go into effect thirty (30) days after its passage.”

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### **Sec. 4-5. Public improvements.**

Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvement; 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 of more than three thousand dollars (\$3,000.00) shall be awarded 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.

### **Sec. 4-6. Fiscal year.**

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

### **Sec. 4-7. Independent annual audit.**

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

## ARTICLE V. MUNICIPAL COURT

### **Sec. 5-1. Municipal court.**

There shall be a municipal judge who shall be an officer of the city appointed by the mayor with approval of the council for an indefinite term. The mayor, with approval of the council, shall also appoint an acting municipal judge who shall function only when the municipal judge is absent from the city or unable for any reason to perform his duties. In appointing a municipal judge, a licensed attorney of the state, resident of the city, shall be appointed if acceptable to the council. If no licensed attorney acceptable to the council is available, then the mayor with approval of the council may appoint such person who, in their judgment, will best serve as municipal judge.

The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the Charter and ordinances of the city; provided that the council, by ordinance, may create a minor violations bureau with authority to dispose of cases arising out of designated minor violations, such as minor traffic and parking violations, when the accused waives his right to be heard in court, pleads guilty and pays fines and costs. The municipal judge shall keep a record of all proceedings of the municipal court, of the disposition of all cases and of all fines and other money collected. The municipal judge may issue warrants of arrest and subpoenas, administer oaths and affirmations, make and enforce all proper orders, rules and judgments and punish for contempt.

## ARTICLE VI. NOMINATIONS AND ELECTIONS

### **Sec. 6-1. Positions on the council; terms; nominated and elected at large; nonpartisan elections.**

The five (5) places on the council are hereby designated Place 1, Place 2, Place 3, Place 4 and Place 5. A candidate for councilman shall file for one of these specific places and each of the five (5) councilmen shall be elected to one of these places. The councilmen may be referred to as councilman number 1, councilman number 2, etc., or in other appropriate manner.

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The terms of councilmen numbers 4 and 5 shall expire on the first Monday in May, 1965, and at that time every four (4) years thereafter. The terms of councilmen numbers 1, 2 and 3 shall expire on the first Monday in May, 1967, and at that time every four (4) years thereafter. Their successors shall be elected at the elections in the respective years and shall serve overlapping terms of four (4) years and until their respective successors are elected and qualify.

All candidates for councilmen shall be nominated, and all councilmen shall be elected, at large by the qualified electors of the entire city.

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

**Sec. 6-2. Candidates and councilmen may reside anywhere within city until otherwise provided by ordinance.**

Candidates for any place on the council and the councilmen may reside anywhere within the city without regard to ward boundaries until such time as the council, by ordinance, may create four (4) wards and require that candidates for Place 1 and councilman number 1 reside in ward one, that candidates for Place 2 and councilman number 2 reside in ward two, that candidates for Place 3 and councilman number 3 reside in ward three and that candidates for Place 4 and councilman number 4 reside in ward four. If such ordinance regarding ward residence is passed, candidates for Place 5 and councilman number 5 may continue to reside anywhere within the city, and councilman number 5 may also be referred to as councilman at large; however, candidates for all places on the council shall continue to be nominated, and all five (5) councilmen shall continue to be elected, at large, by the qualified electors of the entire city, notwithstanding ward residence requirements for four (4) of the councilmen. Passage of such an ordinance requiring residence in a specific ward shall not prevent a councilman from completing his term of office.

**Sec. 6-3. Primary election: Filing.**

Any qualified person may have his or her name placed on the ballot for the primary election as a candidate for councilman, by filing with the secretary of the county election board, a sworn statement of his candidacy. The filing period for municipal elections begins at 8:00 o'clock a.m., on the last Monday in February and ends at 5:00 o'clock p.m., on the following Wednesday. Any candidate may withdraw his candidacy only by filing a written notice of withdrawal with the secretary of the county election board no later than 5:00 o'clock p.m., on the Friday following the closing of the filing period.

**Sec. 6-4. Primary election: Time; when not held; etc.**

A primary election shall be held on the third Tuesday in March of each odd-numbered year to nominate candidates for the offices of which the terms are expiring. If not more than 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 each office to be filled.

**Sec. 6-5. Primary election: Who nominated or elected.**

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

If one of the two (2) candidates nominated for an office 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 general election ballot.

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### **Sec. 6-6. General election: Time; when not held; who elected.**

A general election shall be held in the city on the first Tuesday in April of each odd-numbered year to elect the successor or successors of those whose terms are expiring, if candidates for one or more of such offices remain to be voted upon. Every qualified elector of the city shall be entitled to vote for one candidate for each office to be filled. The candidate for each office receiving the greater number of votes shall be elected.

### **Sec. 6-7. Political activity of officers and employees.**

No officer or employee of the city except the councilmen and personnel who receive no compensation for their services, may work for or against, or attempt to influence the nomination, election or defeat of any candidate for councilman, or the recall of any councilman; provided, that this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote. Any person who violates this provision shall be punished, upon conviction thereof, by a fine not exceeding seventy dollars (\$70.00), including costs. Such violation shall constitute cause for removal from office or employment; and if the regular removal authority has not already removed a person who violates this provision, he shall be automatically removed by the said conviction of violating this provision, effective at the expiration of his right of appeal or, in case of appeal, when the case is finally determined.

### **Sec. 6-8. State constitution and law to govern.**

The provisions of the state constitution and law applicable to city elections, shall govern such elections in this city insofar as they are applicable and are not superseded by this Charter or by ordinance.

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

**State constitution reference**—Municipal elections, Art. 18, §§ 3(a) *et seq.*

**State law reference**—Municipal elections, 11 O.S. §§ 16-101 *et seq.*, 26 O.S. §§ 13-101 *et seq.*

## ARTICLE VII. RECALL

### **Sec. 7-1. Recall authorized.**

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

### **Sec. 7-2. Recall petition.**

(1) To initiate recall proceedings, a written statement, in duplicate, proposing the recall of the incumbent of an elective office, shall be signed by twenty (20) or more registered qualified electors of the city, and shall be filed with the city clerk after the incumbent has held the office for 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.

(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 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.

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(3) A number of registered qualified electors of the city equal at least to fifteen (15) percent of the total number of votes cast for governor in the city 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 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 presence, that each signature on the petition is genuine and that he believes each signer to be a registered qualified elector of the city.

(4) 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 registered qualified electors of the city 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 unless the decision of the city clerk is appealed from and reversed by the district court. 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 certificate to the council at its next meeting. Provided, that any qualified elector who has signed said petition, or the officer affected, may appeal from the decision of the city clerk within five (5) days from the date of such decision, to the district court of Garvin County.

### **Sec. 7-3. Recall election: Council to order.**

The council, by resolution or ordinance passed within ten (10) days after receiving the petition and certificate of the city clerk or after the decision of the court, shall order and fix the date for a recall election, which shall be held not less than forty (40) 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 the city within ten (10) days after its passage, and such publication shall be sufficient notice of the election.

The qualified electors of the city may vote in a recall election on the election of successors to more than one incumbent of an elective office on the same day.

### **Sec. 7-4. Recall election: How held.**

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 said 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 council 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.

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.

### **Sec. 7-5. Person recalled or resigning.**

No person who has been recalled from office, or who has resigned from office while recall proceedings were pending against him, may hold office or position of employment in the city government within two (2) years after his recall or resignation.

# PAULS VALLEY CODE

## ARTICLE VIII. MISCELLANEOUS PROVISIONS

### **Sec. 8-1. Feminine gender.**

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

### **Sec. 8-2. 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.

**State constitution reference**—Initiative and referendum, Art. 18, §§ 4(a) *et seq.*

**State law reference**—Initiative and referendum, 11 O.S. §§ 15-101 *et seq.*

### **Sec. 8-3. Merit system.**

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

### **Sec. 8-4. Qualifications of officers and employees.**

Officers and employees of the city shall have the qualifications prescribed by this Charter and such additional qualifications as the council may prescribe by ordinance; but the council shall not prescribe additional qualifications for mayor and councilmen.

### **Sec. 8-5. Nepotism; compatibility of offices.**

Neither the city manager, the council nor any other authority of the city government may appoint or elect any person related to any councilman, the city manager or to himself or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the city government.

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

### **Sec. 8-6. Bonds.**

The city manager, the city clerk, the city treasurer and such other officers and employees as the council by ordinance 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 by ordinance, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

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### **Sec. 8-7. Oath 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 shall be filed and kept in the city clerk's office.

**State constitution reference**—Oath of office, Art. 15, §§ 1 *et seq.*

### **Sec. 8-8. Who may administer oaths.**

All officers authorized by federal or state law, the mayor, the city clerk, the city manager, the city treasurer, the heads of all other administrative departments, the municipal judge and such other officers as the council may authorize, may administer oaths.

### **Sec. 8-9. Removal of officers and employees.**

Except as otherwise provided by this Charter, the power to suspend, demote and remove accompanies the power to appoint or elect, and the city manager or other appointing or electing authority at any time may suspend, demote or remove any officer or employee to whom he or the other appointing or electing authority respectively may appoint or elect a successor.

### **Sec. 8-10. Acting officers and employees.**

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

### **Sec. 8-11. Separability clause.**

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

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

## ARTICLE IX. AMENDMENT

### **Sec. 9-1. 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 people as provided by the state constitution, at a general or special election, ratified by a majority of the qualified electors voting thereof and approved by the governor as provided by the state constitution. If more than one amendment is proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this Charter may be either in the form of a proposed amendment to a part or parts of the Charter or of a proposed new charter.

**State constitution reference**—Initiative, Art. 18, §§ 4(a) *et seq.*

# PAULS VALLEY CODE

## ARTICLE X. SUCCESSION IN GOVERNMENT

### **Sec. 10-1. New Charter to go into effect when approved by governor.**

If a majority of the qualified electors of the city voting on the question vote to ratify this Charter in lieu of the heretofore existing charter, this Charter shall go into effect immediately upon approval by the governor as provided by the state constitution.

**State constitution reference**—Charters, Art. 18, §§ 3(a) *et seq.*

### **Sec. 10-2. 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.

### **Sec. 10-3. Officers and employees continued.**

The five (5) commissioners under the previous charter shall continue in office under this Charter until the expiration of the terms for which they are elected, and until their respective successors have been elected and take office; but their title under this Charter shall be “councilmen” instead of “commissioner.”

All other officers and employees of the city under the previous charter shall continue in the offices and employments which they respectively hold, after this Charter goes into effect and until their services are terminated in accordance with the provisions of this Charter; provided, that the title of the city secretary shall be changed to “city clerk” under this Charter.

### **Sec. 10-4. 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 full effect, brought by or against the municipality or any office, department, agency or officer thereof.