





Charter

CHARTER

OF THE

CITY OF PIEDMONT, OKLAHOMA

PREAMBLE

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CHARTER

OF THE

CITY OF PIEDMONT, OKLAHOMA

PREAMBLE

We, the people of the City of Piedmont, 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 Piedmont, Oklahoma.

ARTICLE 1

INCORPORATION; FORM OF GOVERNMENT; POWERS

SECTION 1-1 INCORPORATION.

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

SECTION 1-2 FORM OF GOVERNMENT.

The municipal government provided by this charter shall be a "Council-City Administrator 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 CONSTRUCTION.

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.

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SECTION 1-5 INTERGOVERNMENTAL RELATIONS.

The City may exercise any of its powers to 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 thereof, or the United States or any agency thereof.

ARTICLE 2

THE COUNCIL

SECTION 2-1 COUNCILMEMBERS: NUMBER, QUALIFICATIONS, AND TERM.

(a) There shall be a council of five (5) members, which shall consist of one councilmember from each of the five (5) 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 shall be qualified for the office of councilmember from the wards. A change in ward boundaries shall not prohibit a councilmember from completing his term of office. A councilmember may not hold any office or position in the City government by appointment by the City Administrator or by any subordinate of the City Administrator. If a councilmember is convicted of a felony, his office shall become vacant immediately upon conviction.

(c) Notwithstanding any other provision of this charter, a person who is already a volunteer fireman or in any other volunteer service of the City at the time he becomes a councilmember may continue in such volunteer service and receive such compensation as may be provided therefor.

(d) The Councilmembers shall be elected for a term of three (3) years.

SECTION 2-2 MAYOR: QUALIFICATIONS, DUTIES.

The Mayor shall be a qualified elector of the City. The Council shall appoint one of its members as Mayor on the first meeting in May of each year beginning in May, 1985. The Mayor will serve for one (1) year, or until his successor qualifies. He shall preside at all meetings of the Council, and may participate with, and have a vote in all proceedings of and business transacted by the Council; but he shall have no power of veto. He shall certify all ordinances and resolutions passed by the Council. He shall sign all contracts awarded by the Council, all warrants drawn on the City Treasury in payment of claims and obligations of the City duly authorized by the Council, and all commissions and certificates of appointment made by the Council. He shall, by proclamation, call all special elections of the City designating the polling places, and the officials to conduct the same as shall be authorized by the Council, the Constitution, and general laws of the State or this charter. He shall perform such other ministerial duties as the Council may direct, and such other special duties as may be required by law. 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 as otherwise provided in this Charter.

SECTION 2-3 VICE-MAYOR: APPOINTMENT, DUTIES.

The Council shall appoint one of its members Vice-Mayor on the first meeting in May of each year beginning in May, 1985. The Vice-Mayor shall serve for a term of one (1) year. He shall act as Mayor during the absence or disability of the Mayor, and if a vacancy occur, shall

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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 appoint another Vice-Mayor.

SECTION 2-4 MAYOR AND COUNCIL: COMPENSATION.

The Mayor and each Councilmember shall receive such compensation as may be prescribed by ordinance; provided that neither the compensation of the Mayor or of any Councilmember shall be changed after his election or during his term of office, and further provided that the compensation of Councilmembers shall not exceed Thirty-Five Dollars (\$35.00) per month per member. Effective with the approval of this Charter the compensation of the Councilmembers shall be Fifteen Dollars (\$15.00) per month per member until changed by Ordinance.

SECTION 2-5 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 shall have power subject to the State Constitution, law, and this charter:

- (1) To appoint and remove the City Administrator;
- (2) By ordinance to enact municipal legislation;
- (3) 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 by the City;
- (4) To inquire into the conduct of any office, department, or agency of the City government, and investigate municipal affairs; and for this purpose, to subpoena witnesses, take testimony, and require the production of evidence;
- (5) To appoint or elect and remove the City Attorney, Municipal Judge, 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;
- (6) To regulate elections and the recall;
- (7) 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;
- (8) To engage directly or indirectly in advocacy calculated to influence legislative matters at all levels of government.
- (9) To define, control, and prohibit public nuisances within the City of Piedmont.
- (10) To determine all local matters of policy, except as may be prohibited by the Oklahoma Constitution.

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SECTION 2-6 COUNCIL: APPOINTMENTS AND REMOVALS.

Neither the Council, 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 Administrator 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, other than the expression of views and the giving of information to the appointing authority. Except for the purpose of inquiry, the Council and its members shall deal with subordinates of the City Administrator solely through the City Administrator; and neither the Council nor any member thereof may give orders on administrative matters to any subordinate of the City Administrator either publicly or privately.

SECTION 2-7 CITY CLERK TO BE CLERICAL OFFICER OF COUNCIL.

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; and shall have such other powers and duties consistent with this charter as may be prescribed by ordinance or applicable law.

SECTION 2-8 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) councilmembers may call special meetings. All meetings of the Council, except as otherwise authorized by law, shall be open to the public, and the journal of its proceedings shall be open to public inspection, except the City Council may conduct executive sessions for the purposes enumerated in the Oklahoma Open Meeting Law as it now exists and as it may hereinafter be amended.

SECTION 2-9 COUNCILMEMBER: ABSENCE TO TERMINATE MEMBERSHIP.

If the Mayor or any other councilmember is absent from more than one-half (1/2) of the meetings of the Council, regular and special, held within any period of four (4) consecutive calendar months, he shall cease to hold office effective with the entering of a certificate of such absence in the official records of the City by the City Clerk. The City Clerk is hereby charged with the responsibility of keeping records of such absences.

SECTION 2-10 COUNCILMEMBERS: REMOVAL.

A councilmember 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. A councilmember may also be removed by recall as provided by this charter.

SECTION 2-11 COUNCIL: VACANCIES.

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

(b) If a vacancy occurs within sixty (60) days of a regular Council election and the unexpired, vacant term extends beyond the time when the terms of councilmember elected that year begin, then a councilmember for that vacant seat shall be elected at the election of that year to serve the rest of the unexpired term beginning at the time the terms of councilmember elected that year begin.

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SECTION 2-12 COUNCIL: QUORUM, RULES, ROLL CALL, VOTE REQUIRED.

A majority of all of 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 any member the vote on any question shall be by roll call, and shall be entered in the journal. An affirmative vote of a majority of all the councilmembers is required for the passage or adoption of any ordinance.

SECTION 2-13 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 Piedmont, Oklahoma"; and of all ordinances proposed by the voters under their power of initiative: "Be it ordained by the People of the City of Piedmont, Oklahoma".

SECTION 2-14 ORDINANCES: PASSAGE, PUBLICATIONS, WHEN IN EFFECT.

(a) Every proposed ordinance shall be introduced before the Council and an affirmative vote of a majority of all the councilmembers shall be required for its passage. The vote of each councilmember shall be entered in the journal.

(b) Within ten (10) days after its passage every ordinance shall be published by number, title, and brief gist in a newspaper of general circulation within the City.

(c) Every ordinance except an emergency ordinance so published shall become effective thirty (30) days after its final passage unless it specifies a later time.

(d) Except when waived by the City Council and the reasons therefor recorded in the minutes, all ordinances, except emergency ordinances, shall be introduced at a regular or special meeting of the Council, and final consideration and the vote thereon deferred until the next regular or special meeting of the Council which shall be no less than ten (10) days following introduction.

SECTION 2-15 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) councilmembers shall be required for the passage of an emergency ordinance. An emergency ordinance shall take effect upon passage unless it specifies 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.

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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, 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.

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 3

CITY ADMINISTRATOR AND ADMINISTRATIVE DEPARTMENTS

SECTION 3-1 CITY ADMINISTRATOR: APPOINTMENT, TERM, QUALIFICATIONS, REMOVAL.

(a) There shall be a City Administrator. The Council shall appoint him for an indefinite term by a vote of a majority of all its members, provided he shall be appointed only at a meeting with four (4) councilmembers present. 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, within one year of his appointment he shall become an actual resident within the City. Provided, the City Council may extend said time for residency by majority vote of all its members upon a finding that an economic hardship exists, or would exist, on the part of the City Administrator then serving and/or to be employed which hardship would deprive the City of a qualified Administrator if the time for residency requirement were not extended. It is the intent of this residency requirement that, considering all factors, it would be in the best interest of the City if the requirement does not deprive the City of the most qualified person at a reasonable cost. Neither the Mayor nor any other councilmember hereafter elected may be appointed City Administrator or acting City Administrator during his term, nor within one year after the expiration of his term.

(b) The Council may suspend or remove the City Administrator at any time by a vote of a majority of all its members.

SECTION 3-2 TEMPORARY ABSENCE OR DISABILITY OF CITY ADMINISTRATOR.

By letter filed with the City Clerk the City Administrator may designate, subject to council approval, a qualified City administrative officer to be acting City Administrator during his temporary absence or disability. The City Administrator or the Council may revoke such designate at any time, and another person may be designated acting City Administrator to serve during such times. If the City Administrator fails to make such designation the Council may appoint an acting City Administrator to serve during such time. The Council may remove an acting City Administrator at any time.

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SECTION 3-3 CITY ADMINISTRATOR: POWERS AND DUTIES.

The City Administrator shall be chief administrative officer and head of the administrative branch of the City government. Under the supervision of the City Council he shall execute the laws and ordinances, and administer the government of the City, and shall be responsible therefor to the Council. He shall:

(1) Appoint, and when deemed necessary for just cause lay off, suspend, demote, or remove all directors, heads of administrative departments, and all other administrative officers and employees of the City, except as he may authorize the head of a department, an officer, or an agency to appoint, lay off, suspend, demote, and remove subordinates in such department, office, or agency. Provided, the heads of administrative departments shall make employee selections, and shall recommend disciplinary actions to the City Administrator.

(2) Supervise and control, directly or indirectly, all administrative departments, agencies, officers, and employees.

(3) Prepare a budget annually and submit it to the Council, be responsible for the administration of the budget after it goes into effect, and recommend to the Council any changes in the budget which he deems desirable.

(4) Submit to the Council a report as of the end of the fiscal year on the finances and administrative activities of the City for the preceding year.

(5) Keep the Council advised of the financial condition and future needs of the City, and make such recommendations to the Council on matters of policy and other matters as may seem to him desirable.

(6) Have such other powers and duties as this charter may prescribe, and such powers and duties consistent with this charter as the Council may prescribe.

SECTION 3-4 ADMINISTRATIVE DEPARTMENT, OFFICES, AND AGENCIES.

There shall be a Department of Finance, a Police Department, a Fire Department, and such other administrative departments, offices, and agencies as are established by this charter and as the Council may establish.

ARTICLE 4

DEPARTMENT OF FINANCE, FISCAL AFFAIRS

SECTION 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 Council for an indefinite term, and who shall be head of the Department of Finance. Subject to such regulations as the Council may prescribe, the City Clerk shall collect or receive revenue and other money for the City, and shall deposit same with the City Treasurer in an account or accounts maintained by the City Treasurer in a depository or depositories. The City Clerk shall maintain a general accounting system for the City government.

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SECTION 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 Council for an indefinite term. Subject to such regulations as the Council may prescribe, the City Treasurer shall deposit all funds coming into his hands in such depositories as the Council may designate. The same person may hold the office of both City Clerk and City Treasurer.

SECTION 4-3 PURCHASES AND SALES.

The City Administrator, subject to any regulations which the Council may prescribe, shall contract for and purchase, or issue purchase orders for, all supplies, materials, and equipment for 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 Administrator 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.

SECTION 4-4 SALE OF PROPERTY VALUED AT MORE THAN TEN THOUSAND DOLLARS (\$10,000.00).

The sale of any property, real or personal, or of any interest therein the value of which is more than Ten Thousand Dollars (\$10,000.00), shall be made only by authority of a special ordinance other than an 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 proper referendum petition is properly filed within thirty (30) days after its passage; otherwise, it shall go into effect thirty (30) days after its passage."

SECTION 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 improvements; provided, that the Council may authorize the City Administrator 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 Seven Thousand Five Hundred Dollars (\$7,500.00), or such amount as may be required by the Oklahoma Public Competitive Bidding Act, 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. Such contracts may be altered by mutual consent of the parties. Public improvement means any beneficial or valuable change or addition, betterment, enhancement, or amelioration of or upon any real property, or interest therein, belonging to a public agency, intended to enhance its value, beauty or utility, or to adapt it to new or further purposes. The term does not include the direct purchase of materials, equipment, or supplies by a public agency. Nothing herein shall prevent the City from constructing public improvements by the Force Account method.

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SECTION 4-6 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 4-7 INDEPENDENT ANNUAL AUDIT.

The Council may designate a qualified public accountant or accountants who shall make an independent annual audit of the accounts and evidences of financial transactions of the department of finance and all other departments, offices, and agencies keeping separate or subordinate accounts or making financial transactions as of the end of every fiscal year, or more often at the discretion of the Council, and who shall report to the Council and to the City Administrator. 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 5

OFFICERS TO BE APPOINTED BY COUNCIL

SECTION 5-1 CITY ATTORNEY: APPOINTMENT, TERM, QUALIFICATIONS, DUTIES.

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

SECTION 5-2 MUNICIPAL COURTS.

(a) 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.

(b) The Council shall appoint a Judge of the municipal court for an indefinite term. The Council may suspend or remove the Municipal Judge by a majority vote of all its members. The Municipal Judge shall have original jurisdiction to hear and determine all cases involving offenses against the City of Piedmont.

ARTICLE 6

ELECTIONS

SECTION 6-1 NO CITY PRIMARY: GENERAL ELECTION ONLY.

There shall be no City primary election but only a City general election, herein also called election.

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SECTION 6-2 ELECTION: TERMS: NONPARTISAN ELECTIONS: ETC.

(a) A general election shall be held on the first Tuesday in April of 1985, and every year thereafter from the election of those Councilmembers whose terms expire in that year.

(b) At the election in 1985, the Councilmembers from Wards Two (2) and Four (4) shall be elected for a term of three (3) years.

(c) In 1986 no election shall be held.

(d) At the election in 1987, the Councilmembers from Wards Three (3) and Five (5) shall be elected for a term of three (3) years, and the Councilmember from Ward One (1) shall be elected for a term of two (2) years.

(e) At the election in 1989, the Councilmember from Ward One (1) shall be elected for a term of three (3) years.

(f) Those persons serving as members of the board of Trustees of the Town of Piedmont shall continue to serve after the adoption and approval of this Charter as Councilmembers of the City of Piedmont until their current terms expire.

(g) The Councilmembers and Mayor shall serve until their successors are elected and qualify, or until removed or recalled as provided by law.

(h) The terms shall begin at the time and date of the first regular Council meeting in May next following their election.

(i) The Councilmembers from the Wards shall reside in the Ward for which they become a candidate, and shall be elected by Ward.

SECTION 6-3 WARDS: NUMBER: EQUAL, ETC.

(a) There shall be five (5) Wards which shall be numbered from one to five. The Ward boundaries shall remain as they are at the time this charter goes into effect until the Council changes them by ordinance.

(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 6-4 ELECTION: FILING.

Any person qualified for the office for which he is filing may have his name placed on the ballot or the election as a candidate for councilmember by filing with the secretary of the County Election Board, a sworn statement of his candidacy, specifying the office for which he is a candidate, and making any deposit required by law. The time for filing shall be a six (6) working-day period determined by the Council, which six (6) working-day period shall be not less than

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fourteen (14) days nor more than thirty (30) days prior to the election. Working day is defined as Monday through Friday, excluding legal holidays.

SECTION 6-5 ELECTION: TIME, ETC.

All regular Council elections shall be held on the first Tuesday in April. If only one person is a candidate for an office to be filled, he shall be elected ipso facto, and his name shall not appear on the election ballot.

SECTION 6-6 ELECTION: WHO ELECTED.

In an election the candidate for each office to be filled receiving the greatest number of votes for that office shall be elected. In case of failure to elect because of a tie, the election shall be determined from among those tying, fairly by lot, by the County Election Board in a public meeting.

SECTION 6-7 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 6-8 ELECTIONS: WHEN NOT HELD.

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

SECTION 6-9 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.

SECTION 6-10 POLITICAL ACTIVITY OF OFFICERS AND EMPLOYEES.

No officer or employee of the City, except the Mayor, other councilmembers, and personnel who receive no compensation for their services, may work for or against, or attempt to influence, the election or defeat of any candidate for councilmember, but this shall not prohibit the exercise of one's right of freedom of speech and his right to vote. Violation of this section shall constitute cause for removal from office or employment.

ARTICLE 7

RECALL

SECTION 7-1 RECALL AUTHORIZED.

Any councilmember 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. Provided, no councilmember or Mayor shall be recalled until he shall have held such office for more than six (6) months.

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SECTION 7-2 RECALL PETITION.

(a) To initiate recall proceedings a written statement proposing the recall of a councilmember shall be signed by twenty-five (25) or more qualified electors of the Ward which the councilmember represents, and shall be filed with the City Clerk after the incumbent has held the office at least six (6) months. The statement shall also contain the reason or reasons for which the recall is sought, in not more than two hundred (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, upon 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 statements shall be in letters of the same size. A copy of the petition shall be filed with the City Clerk within 30 days 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 Ward which the councilmember represents, equal at least to thirty percent (30%) of the total number of votes cast for governor in the 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, and the person who circulates each copy of the petition shall sign an affidavit on the copy stating that each signer of the petition 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.

(d) The circulated petition shall be filed with the City Clerk not later than 30 days after the filing of a copy as provided above. Within fifteen (15) days 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 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 sufficient number of signatures, he shall submit the petition and certificate to the Council at its next meeting.

SECTION 7-3 RECALL ELECTION: COUNCIL TO ORDER.

(a) The Council, by resolution or ordinance passed at the next regular meeting 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 or more than forty-five (45) 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.

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(b) The City Council shall fix the filing period for filing of candidates in the recall election.

(c) If only the incumbent should file in the recall election, then the election would be either for or against his recall. If the recall is approved, then the office becomes vacant and the Council shall fill the vacancy by a majority vote of the remaining members, provided the persons recalled shall not be reappointed.

SECTION 7-4 RECALL ELECTION: HOW HELD.

(a) The recall election shall be an election to fill the office held by the incumbent sought to be recalled. 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 thirty (30) days 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 (1) 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 7-5 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 be appointed to office or position of employment in the City government within two (2) years after his recall or resignation, but may become a candidate for Council position at the next regular election held for the Ward in which he resides.

ARTICLE 8

OFFICERS AND EMPLOYEES GENERALLY

SECTION 8-1 MERIT SYSTEM CREATED: APPOINTMENTS, REMOVALS, ETC.; 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 lay offs shall be made solely for just cause. The Council, consistently with this Charter, by ordinance or personnel rules may regulate personnel matters and provide for proper personnel administration. The City Council shall adopt written personnel policies and job descriptions for the classified service within one year of the effective date of this Charter.

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SECTION 8-2 PERSONNEL BOARD CREATED.

(a) There shall be a personnel board of consisting of three (3) members appointed by the Council for overlapping five-year terms. The Council may also appoint an alternate member to serve. The term of each member shall begin July 1st. The Council shall appoint the original members so that the term of each member will expire in a different year. A member may not hold any other office or position of employment in the City government. The Council, by a vote of a majority of all its members, after adequate opportunity for a public hearing, may remove a member of the personnel board for just cause; 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, vice-chairman, and a secretary, who 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 members may call special meetings. The chairman shall have power to administer oaths and affirmations.

(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 8-3 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 other councilmembers, the municipal judge or judges, and the City Clerk and City Treasurer when appointed by the Council.

(2) The City Administrator, one Assistant City Administrator, if any, the principal secretary to the City Administrator, if any, and the City Attorney.

(3) Members and secretary of each board, commission, or other plural authority.

(4) All personnel who serve without compensation, except volunteer Firefighters and reserve Police Officers.

(5) 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.

(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 8-4 REMOVAL, ETC.; HEARING BEFORE THE PERSONNEL BOARD.

(a) The City Administrator or any other authority who lays off, suspends without pay for more than ten (10) days, demotes, or removes any officer or employee in the classified service

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after a probationary period of six (6) months shall, at that time or within five (5) days thereafter, deliver, 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 lay off, 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 [transmittal] to the board within ten (10) days after receipt of notice of the lay off, suspension, demotion, or removal.

(c) As soon as practicable thereafter the board shall hold a public hearing on the appeal, or give an adequate opportunity therefor, and shall report in writing its findings and recommendations in cases of subordinates of the City Administrator to the City Administrator, and in other cases to the respective authorities having power of removal within thirty (30) days after the conclusion of hearing. The City Administrator or other authority having power of removal shall then make a final decision in writing regarding the appellant's lay off, suspension, demotion, or removal, as the case may be; provided, if the board finds that the lay off, suspension, demotion, or removal was made for a political reason or reasons, or for any other reason or reasons than just cause, it shall modify or veto the lay off, suspension, demotion, or removal, and the action by the City Administrator or other authority shall be nullified thereby.

SECTION 8-5 NEPOTISM.

Neither the City Administrator, the Council, nor any other authority of the City government may appoint or elect any person related to any councilmember, City Administrator, 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 8-6 HOLDING MORE THAN ONE OFFICE.

Except as may be otherwise provided by this charter or by ordinance the same person may hold more than one office in the City government. The City Administrator may hold more than one such office through appointment by the Council, or by other City authority having power to fill the particular office, subject to any regulations which the Council may make by ordinance. Also the Council, by ordinance, may provide that the City Administrator shall hold ex officio designated offices subordinate to the City Administrator as well as other designated compatible City offices, notwithstanding any other provision of this charter.

SECTION 8-7 BONDS OF OFFICERS AND EMPLOYEES.

The City Administrator, City Treasurer, City Clerk, 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.

first Tuesday of April of 1985, and every year thereafter for the election of those Councilmembers or Mayor whose terms expire in that year, and for filling vacancies as provided in Section 2-11 of this Charter.

(b) At the election in 1985, the Councilmembers from Wards Two (2) and Four (4) shall be elected for a term of three (3) years.

(c) In 1986, no election shall be held.

(d) At the election in 1987, the Councilmembers from Wards Three (3) and Five (5) shall be elected for a term of three (3) years, and the Councilmember from Ward One (1) shall be elected for a term of two (2) years.

(e) At the election in 1989, the Councilmember from Ward One (1) shall be elected for a term of three (3) years.

(f) Those persons serving as members of the Board of Trustees of the Town of Piedmont shall continue to serve after the adoption and approval of this Charter as Councilmembers of the City of Piedmont until their current terms expire.

(g) The Councilmembers and Mayor shall serve until their successors are elected and qualify, or until removed or recalled as provided by law.

(h) The terms shall begin at the time and date of the first regular Council meeting next following their election.

(i) The Councilmembers from the Wards shall reside in the Ward for which they become a candidate, and shall be elected by Ward.

ARTICLE 6. ELECTIONS

SECTION 6-1. NO CITY PRIMARY; GENERAL ELECTION ONLY. There shall be no City primary election but only a City general election, herein also called election.

SECTION 6-2. ELECTION: TERMS: NONPARTISAN ELECTIONS; ETC.

- A. A general non-partisan election shall be held on the first Tuesday of April of 1985, and every year thereafter for the election of those Councilmembers or Mayor whose terms expire in that year, and for filling vacancies as provided in Section 2-11 of this Charter.
- B. At the election in 1985, the Councilmembers from Wards two (2) and four (4) shall be elected for a term of three (3) years.
- C. In 1986, no election shall be held.
- D. At the election in 1987, the Councilmembers from Wards three (3) and five (5) shall be elected for a term of three (3) years, and the Councilmember from Ward one (1) shall be elected for a term of two (2) years.
- E. At the election in 1989, the Councilmember from Ward one (1) shall be elected for a term of three (3) years.
- F. Those persons serving as members of the Board of Trustees of the Town of Piedmont shall continue to serve after the adoption and approval of this Charter as Councilmembers of the City of Piedmont until their current terms expire.
- G. The Councilmembers and Mayor shall serve until their successors are elected and qualify, or until removed or recalled as provided by law.
- H. The terms shall begin at the time and date of the first regular Council meeting next following their election.
- I. The Councilmembers from the Wards shall reside in the Ward for which they become a candidate, and shall be elected by Ward.
- J. The Mayor shall be elected at large beginning in the year 1999.
- K. A person may not be a candidate for the offices of Councilmember and Mayor at the same election.
- L. An incumbent Councilmember is not required to resign his position as Councilmember to become a candidate for Mayor.

SECTION 6-3. WARDS: NUMBER: EQUAL, ETC.

- A. There shall be five (5) Wards which shall be numbered from one to five. The Ward boundaries shall remain as they are at the time this Charter goes into effect until the Council changes them by ordinance.
- 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 6-4. ELECTION: FILING. Any person qualified for the office for which he or she is filing may have their name placed on the ballot for the election as a candidate for Councilmember or Mayor by filing with the Secretary of the Canadian County Election Board a sworn statement of his candidacy, specifying the office for which they are a candidate, and making any deposit required by law. The time for filing shall be from 8:00 A.M. on the first Monday in February until 5:00 P.M. on the next following Wednesday. (

SECTION 6-5. ELECTION: TIME, ETC. All regular Council and Mayoral elections shall be held on the first Tuesday in April. If only one person is a candidate for an office to be filled, he shall be elected ipso facto, and his name shall not appear on the election ballot.

SECTION 6-6. ELECTION: WHO ELECTED. In an election the candidate for each office to be filled receiving the greatest number of votes for that office shall be elected. In case of failure to elect because of a tie, the election shall be determined from among those tying, fairly by lot, by the County Election Board in a public meeting.

SECTION 6-7. QUALIFIED ELECTORS. The term qualified elector as used in this Charter means a person who has the qualifications prescribed by electors by the State Constitution and law, and who is registered as may be required by law.

SECTION 6-8. ELECTIONS: WHEN NOT HELD. If there are no candidates and no questions to be voted upon at one election, the election shall not be held.

SECTION 6-9. 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.

SECTION 6-10. POLITICAL ACTIVITY OF OFFICERS AND EMPLOYEES. No officer or employee of the City, except the Mayor, other councilmembers, and personnel who receive no compensation for their services may work for or against, or attempt to influence the election or defeat of any candidate for councilmember; but this shall not prohibit the exercise of one's right to freedom of speech and his right to vote. Violation of this section shall constitute cause for removal from office or employment.

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No officer or employee of the City, except the Mayor, other councilmembers, and personnel who receive no compensation for their services may work for or against, or attempt to influence the election or defeat of any candidate for councilmember; but this shall not prohibit the exercise of one's right to freedom of speech and his right to vote. Violation of this section shall constitute cause for removal from office or employment.

ARTICLE 7. RECALL

SECTION 7-1. RECALL AUTHORIZED. Any councilmember or the Mayor 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. Provided, no councilmember or Mayor shall be recalled until he shall have held such office for more than six (6) months.

SECTION 7-2. RECALL PETITION.

(a) To initiate recall proceedings a written statement proposing the recall of a councilmember or Mayor shall, in case of a councilmember, be signed by twenty-five (25) or more qualified electors of the Ward which the councilmember represents, or in the case of the Mayor, One Hundred twenty-five (125) or more electors of the City at large, and shall be filed with the City Clerk after the incumbent has held the office at least six (6) months. The statement shall also contain the reason or reasons for which the recall is sought in not more than two hundred (200) words. Within five (5) days the City Clerk shall mail a copy of such statement by

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IN TESTIMONY WHEREOF, we hereunto set our hands at Piedmont, Oklahoma, this 25 day of July, 1984.

From Ward One:

/s/ Montee L. Hoffman
MONTEE L. HOFFMAN

/s/ Lucille Hall
LUCILLE HALL

From Ward Two:

/s/ George C. Fina
GEORGE C. FINA

/s/ Belva R. Siard
BELVA R. SIARD

From Ward Three:

/s/ Ken Dickerson
KEN DICKERSON

/s/ Thomas E. McClellan
THOMAS E. McCLELLAN

From Ward Four:

/s/ J. E. Redus
J. E. REDUS

/s/ Herman A. Cleaton
HERMAN A. CLEATON

From Ward Five:

/s/ Jerry Anduss
JERRY ANDUSS

/s/ Beulah Jech
BEULAH JECH

Subscribed and sworn to before me this ____ day of ____, 1984.

NOTARY PUBLIC

My Commission Expires:

