CHARTER OF
CITY OF PIEDMONT, OKLAHOMA

PREAMBLE

We, the people of the City of Piedmont, 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 ordain, ratify, and establish this Charter of the City of Piedmont, Oklahoma.

ARTICLE I. 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 Manager Government." All powers of the City shall be exercised in the manner prescribed by this Charter; or, if the manner is not thus prescribed, then in such manner as the Council may prescribe by ordinance.

SECTION 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.

SECTION 1-5. INTERGOVERNMENTAL RELATIONS. The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions of 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 have resided in the respective wards for a continuous period of six (6) months immediately prior to holding office from which they are elected or appointed to fill a vacancy shall be qualified for the office of councilmember from the wards. PROVIDED, if the residence of the candidate is destroyed or damaged by an Act of God, fire or other disaster, and the residence is under repair or construction at the time of the filing for an office, or appointment, the residency requirements is met if the candidate is otherwise qualified. 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 Manager or by any subordinate of the City Manager. 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 therefore.

D. The councilmembers shall be elected for a term of three (3) years.

SECTION 2-2. MAYOR: ELECTION, QUALIFICATIONS, DUTIES AND POWERS.

The Mayor shall be a qualified elector of the City, and shall be elected at large for a four year term. He shall preside at all meetings of the Council, and may participate in all proceedings of and business transacted by the Council; but he shall have the power to vote only in case of a tie. 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 appoint the members of the Planning Commission, Board of Adjustment, intergovernmental boards and commissions, and any other boards, positions, or commissions subordinate to the city Council, subject to confirmation of such appointment by a majority of the City Council members. In the event of the failure of the City Council to confirm the appointment of the Mayor, then the Mayor shall make another appointment. If the Mayor's second appointment is not confirmed, then the City Council shall appoint by a majority vote of its members without seeking additional mayoral appointments. He shall be recognized as the 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. MAYOR PRO TEM: APPOINTMENT, DUTIES. The Council shall appoint one of its members Mayor Pro Tem on the first regular meeting in May of each year beginning in May, 1999. The Mayor Pro Tem shall serve for a term of one (1) year. He shall act as Mayor during the absence or disability of the Mayor. If a vacancy occurs for any reason in the office of Mayor, the Mayor Pro Tem shall become Mayor to serve for the period of time provided for in Section 2-11 of this Charter. The Mayor Pro Tem shall continue to be a voting member of the City Council during such time as he serves as Mayor, and the Council position held by the Mayor Pro Tem shall not be deemed vacant during the time the Mayor Pro Tem serves as Mayor under this section. If, by succession to the office of Mayor or otherwise the office of Mayor Pro Tem becomes vacant, the Council shall appoint another Mayor Pro Tem.

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 ($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 Manager;
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 confirm and remove the City Attorney, and Municipal Judge.
6. Upon appointment of the Mayor to confirm 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; removing them; and to remove any such members under such regulations as may be established.

7. To remove members of the planning commission, Board of Adjustment, and other quasi-legislative, quasi-judicial, or advisory personnel now or when and if established.
8. To regulate elections and the recall;
9. 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;
10. To engage directly or indirectly in the advocacy calculated to influence legislative matters at all levels of government.
11. To define, control, and prohibit public nuisances within the City of Piedmont.
12. To determine all local matters of policy, except as may be prohibited by the Oklahoma Constitution.

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 Manager, or by another 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, its members, and the Mayor shall deal with subordinates of the City Manager solely through the City Manager; and neither the Council nor any member thereof nor the Mayor may give orders on administrative matters to any subordinate of the City Manager 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 AND MAYOR: 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 Clerk. The City Clerk is hereby charged with the responsibility of keeping records of such absences.

SECTION 2-10. COUNCILMEMBERS AND MAYOR: REMOVAL. A councilmember or Mayor 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 or Mayor may also be removed by recall as provided by this Charter.

SECTION 2-11. COUNCIL AND MAYOR: 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. The Mayor Pro Tem shall succeed to the position of Mayor until his successor is elected as provided in this section

B1. If a vacancy occurs in the office of Mayor more than sixty (60) days before the beginning of the next regular filing period for Mayor/councilmember (filing period as set forth in Section 6-4 of this Charter) and the unexpired term of Mayor extends beyond the first regular City Council meeting following the next regular election, then the Mayor shall be elected at the next regular election to serve the balance of the unexpired term of Mayor. The Mayor elected at such election shall take office at the time and date of the first regular Council Meeting following the election.

B2. If a vacancy occurs in the office of councilmember more than sixty (60) days before the beginning of the next regular filing period for Mayor/councilmember (filing period as set forth in Section 6-4 of this Charter) and the unexpired term of the councilmember extends beyond the first regular City Council meeting following the next regular election, then the councilmember shall be elected at the next regular election to serve the balance of the unexpired term of the councilmember. The councilmember elected at such election shall take office at the time and date of the first regular Council Meeting following the election.

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 Mayor shall not be counted in establishing a quorum. The Council may determine its own rules. On the request of any member the vote on any questions shall be by roll call, and shall be entered in the journal. An affirmative vote of a majority of all 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 therefore 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, safety, and which should become effective prior to the time when an ordinary ordinance would become effective. Every such ordinance shall contain, as part of its title, the words, "an declaring an emergency;"

SECTION 2-16. ORDINANCES: ADOPTION BY REFERENCE. The Council by ordinance may adopt by reference, with or without modification, codes, standards, and regulations relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such code, standard, or regulation so adopted need not be enrolled in the book of ordinances, but a copy shall be filed and kept in the office of the City Clerk.

SECTION 2-17. ORDINANCES: CODIFICATION. The permanent, general ordinances of the City shall be codified and published in a 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 MANAGER AND ADMINISTRATIVE DEPARTMENTS

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

A. 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, 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 a majority vote of all its members upon a finding that an economic hardship exists, or would exist, on the part of the City Manager then serving and/or to be employed, which hardship would deprive the City of a qualified Manager 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 City Manager were a resident 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 Manager or acting City Manager during his term, nor within one (1) year after the expiration of this term.

B. The Council may suspend or remove the City Manager at any time by a vote of a majority of all its members.

SECTION 3-2. TEMPORARY ABSENCE OR DISABILITY OF CITY MANAGER. By letter filed with the City Clerk the City Manager may designate, subject to Council approval, a qualified City administrative officer to be acting City Manager during his temporary absence or disability. The City Manager or the Council may revoke such designate at any time, and another person may be designated acting City Manager to serve during such times. If the City Manager fails to make such designation, the Council may appoint an acting City Manager to serve during such time. The Council may remove an acting City Manager at any time.

SECTION 3-3. CITY MANAGER: POWERS AND DUTIES. The City Manager 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 therefore 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 the 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 Manager.

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 and under the supervision of the City Manager 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.

SECTION 4-2. CITY TREASURER: OFFICE CREATED, DUTIES. There shall be a City Treasurer who shall be an officer of the City appointed by and under the supervision of the City Manager 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 Manager, 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 Manager may also transfer to or between offices, departments, and agencies, or sell surplus or obsolete supplies, materials, and equipment subject to such regulations as the Council may prescribe.

SECTION 4-4. SALE OF PROPERTY VALUED AT MORE THAN $10,000. 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 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 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 adopt 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.

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 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 5. CITY ATTORNEY; MUNICIPAL COURT, AND MUNICIPAL JUDGE

SECTION 5-1. CITY ATTORNEY: APPOINTMENT, TERM, QUALIFICATIONS, DUTIES. The Mayor shall appoint a City Attorney for an indefinite term, subject to confirmation by a majority of the City Councilmembers. 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 Mayor, Council, City Manager, and with Council approval other officers of the City as regards their official powers, duties, and responsibilities, upon request; to represent the City in suits in which the City is a party; and to perform such other duties as may be prescribed by law, this Charter, or ordinance.

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 Mayor shall appoint a Judge of the municipal court for an indefinite term, subject to confirmation by a majority of the City Councilmembers. 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.

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 form 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 qualifies for the office for which he is filing may have his name placed on the ballot for the election as a candidate for councilmember or Mayor 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 from 8:00AM on the first Monday in February until the 5PM 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.

ARTICLE 7. RECALL

SECTION 7-1. RECALL AUTHORIZED. Any councilmember or the Mayor may be recalled for reason of willful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office.

SECTION 7-2. RECALL PETITION.

A. To initiate recall proceedings a written Statement For Recall proposing the recall of a councilmember or Mayor shall, in case of a councilmember, be signed by fifty (50) 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. Provided, no Councilmember or Mayor shall be recalled until he shall have held such office for more than six (6) months. The Statement For Recall may only be circulated for signatures by qualified electors of the ward which the Councilmember represents or in the case of the Mayor by qualified electors of the City. The Statement For Recall shall also contain the reason or reasons for which the recall is sought in not more than two hundred (200) words. Within five (5) working 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) working days after the statement is mailed to the officer the officer may make and file with the City Clerk a written Statement Against Recall 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 For 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 place 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, color and font. A copy of the Petition For Recall shall be filed with the City Clerk within thirty (30) days after recall proceedings are initiated by the filing of the first statement, and before the Petition For Recall is circulated. The City Clerk shall review and approve of the form of the petition before circulation.

C. A number of qualified electors of the Ward which the councilmember represents, or in the case of the Mayor qualified electors of the City at large, equal at least to thirty percent (30%) of the total number of votes cast for governor 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 For Recall. 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 below the signature on each page of the Petition For Recall 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 For Recall shall be filed with the City Clerk not later than thirty 30 days after the filing of a copy as provided above. Within fifteen (15) working days after date of filing of the circulated petition the City Clerk shall examine it and ascertain 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 and recall proceedings may not again be initiated against the same person within six months after the date of the certificate. 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 regular or special meeting.

E. TIME. Where time is indicated in these Sections, unless otherwise indicated, the time shall be in calendar days. The first day of the designated period which time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or any other day City Hall does not remain open for public business until the regularly scheduled closing time, in which case the period runs until the next day which is not Saturday, Sunday or a day when City Hall does not remain open for public business until the regularly scheduled closing time. Working day shall mean a day City Hall is open for public business until the regularly scheduled closing time.

F. PROHIBITION The interested parties shall not circulate the petition nor request signatures on a Sunday.

G. QUALIFIED ELECTORS Where the Term "qualified electors" is used it shall be qualified electors of the Ward in case of Councilmember, the City in the case of the Mayor.

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 nor more than forty-five (45) days after passage of the resolution or ordinance or otherwise as required by the Canadian County Election Board. The City Clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper of general circulation within the City within ten (10) days after its passage, and such publication shall be sufficient notice of the election.

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 person 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 or Mayor, as the

case may be, 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 the 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 regular 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.

SECTION 8-2. PERSONNEL BOARD CREATED.

A. There shall be a personnel board consisting of three (3) members appointed by the Mayor and confirmed by the Council at the regular May meeting for overlapping five-year terms. Upon nomination by the Mayor the Council may also confirm an alternate member to serve. The original members shall be appointed 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:

a. The Mayor and other councilmembers, the Municipal Judge or Judges, and the City Clerk and City Treasurer.

b. The City Manager, one Assistant City Manager, if any, the principal secretary to the City Manager, if any, and the City Attorney.

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

d. All personnel who serve without compensation, except volunteer firefighters and reserve police officers.

e. 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 Manager 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 after a probationary period of six (6) months shall, at the 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 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, ore give an adequate opportunity therefore, and shall report in writing its findings and recommendations in cases of subordinates of the City Manager to the City Manager, and in other cases to the respective authorities having power of removal within thirty (30) days after the conclusion of hearing.

The City Manager 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 Manager or other authority shall be nullified thereby.

SECTION 8-5. NEPOTISM. Neither the Mayor, City Manager, City Council, nor any other authority of the City government may appoint or elect any person related to the Mayor, any Councilmember, City Manager, or to himself, or in the case of a plural authority to one of its members, by affinity or consanguity 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 Manager 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 Manager shall hold ex officio designated offices subordinate to the City Manager 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 Manager, 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.

SECTION 8-8. OATH OR AFFIRMATION OF OFFICE. Every officer of the City, before entering up on the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the State Constitution. The oath or affirmation shall be filed in the City Clerk's office.

SECTIO 8-9. WHO MAY ADMINISTER OATHS AND AFFIRMATIONS. All officers authorized by federal or state law, the Mayor, Mayor Pro Tem, City Manager, City Clerk, City Attorney, Municipal Judge or judges, and such other officers as the Council may authorize may administer oaths and affirmations in any matter pertaining to the affairs and government of the City.

SECTION 8-10. REMOVAL, ETC. OF OFFICERS AND EMPLOYEES. The power to lay off, suspend, demote, and remove accompanies the power to appoint or elect; and the City Manager, Council, or other appointment or electing authority at any

time may lay off, suspend, demote, or remove any officer or employee to whom he, the Council, or other appointment or electing authority respectively may appoint or elect a successor, subject to the limitations contained herein.

SECTION 8-11. 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 provides by general ordinance that a particular superior or subordinate of such officer or employee shall act. The Council by general ordinance may provide for a deputy to act in such cases.

SECTION 8-12. OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED OR APPOINTED AND QUALIFY. Every officer who is elected or appointed for a term ending at a definite time shall continue to serve thereafter until his successor is elected or appointed and qualifies unless his services are sooner terminated by resignation, removal, disqualification, death, abolition of office, or other legal manner.

SECTION 8-13. CONFLICT OF INTEREST.

A. Neither the Mayor, councilmembers, nor the City Manager shall sell or barter anything to the City or to a contractor to be supplied to the City; or make any contract with the City; or purchase anything from the City other than those things which the City offers generally to the public (i.e. utility services), and then only on the same terms as are offered to the public. Any such officer violating this section, upon conviction thereof, shall thereby forfeit his office. Any violation of this section with knowledge, expressed or implied, of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the Council. This subsection shall not apply in cases in which the City acquires property by condemnation.

B. The Council, by ordinance or personnel rules, may further regulate conflicts of interest and ethics of officers and employees of the City.

C. Any member of the council or any board, commission, or other authority who has a direct personal or private interest in any question before the body of which he is a member shall disclose that fact and decline to vote thereon. Violation of this section shall constitute cause for removal from office for all members of any board, commission, or other authority of the City government, except the City Council, same being subject to recall.

SECTION 8-13A. ABSTENTION FROM VOTING. If a council member or member of a board, committee, or a commission abstains from voting, he shall be deemed to have cast a negative vote, which shall be recorded in the minutes.

SECTION 8-14. FEMININE GENDER. When the masculine gender is used in this Charter it shall also include the feminine unless the masculine alone is clearly indicated.

ARTICLE 9. AMENDMENT AND SEPARABILITY OF CHARTER

SECTION 9-1. AMENDMENT: PROPOSAL, RATIFICATION, APPROVAL. This Charter may be amended by proposals therefore submitted by the Council, Mayor, or upon initiative petition of the electors, as provided by State Constitution, at a general or special election ratified by a majority of the qualified electors voting thereon and approved by the Governor as provided by the State Constitution. If more 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.

SECTION 9-2. SEPARABILITY.

A. If a court of competent jurisdiction holds any section or part of this Charter invalid such holding shall not affect the remainder of this Charter nor the context in which such section or part so held invalid may appear, except to the extent that an entire section or part may be inseparably connected in meaning and effect with that section or part.
B. If a court of competent jurisdiction holds a part of this Charter invalid, or if a change in the State Constitution or law renders a part of this Charter invalid or inapplicable, the Council by ordinance may take such appropriate action as will enable the City government to function properly.

ARTICLE 10. SUCCESSION IN GOVERNMENT

SECTION 10-1. WHEN CHARTER GOES INTO EFFECT. This Charter shall go into effect immediately upon its ratification by a vote of a majority of the qualified electors of the City voting upon the question at an election and its approval by the Governor as provided by the State Constitution; and the government created by this Charter shall supersede the heretofore existing statutory Town government as of that time.

SECTION 10-2. OFFICERS AND EMPLOYEES TO CONTINUE. When this Charter goes into effect:

1. The Mayor shall continue as Mayor and the councilmembers from the Wards shall continue as councilmembers from their respective Wards, subject to the provisions of this Charter; the City Clerk, City Treasurer, and Police Chief shall continue respectively as City Clerk, City Treasurer, and Police Chief subject to the provisions of this Charter.
2. All other officers and employees under the statutory Town government (including members of the boards and commissions) shall continue in their

and Police Chief shall continue respectively as City Clerk, City Treasurer, and Police Chief subject to the provisions of this Charter.

2. All other officers and employees under the statutory Town government (including members of the boards and commissions) shall continue in their respective offices and positions of employment until their respective terms expire or until their services are terminated in accordance with the provisions of this Charter and the compensation of each shall continue at the same rate until changed by the Council.

SECTION 10-3. ORDINANCES CONTINUED. All ordinances, insofar as they are not inconsistent with this Charter, shall continue in effect until they are repealed or until they expire by their own limitations.

SECTION 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 effect, brought by or against the municipality or any office, department, agency, or officer thereof.

ARTICLE 11. PLANNING AND ZONING, OIL AND GAS REGULATION, AND REGULATION OF HAZARDOUS WASTE DISPOSAL

SECTION 11-1. GENERAL GRANT OF POWER.

A. The City of Piedmont shall have full power to promote the general welfare by regulating the use of property and by controlling the development of the City through the exercise of the complete powers of planning and zoning within the City limits to the fullest extent permissible under the Constitution of this state. The exercise of the powers of planning and zoning within the City shall be in pursuance of this grant of authority, except with respect to those matters of general state concern as to which state law controls under the State Constitution. The City also may exercise powers of planning and zoning granted by the State in respect to matters of general state concern, as aforesaid, and also in respect to property situated outside the City limits.

B. The scope of the planning function shall include, but not be limited to, the **development and administration of a comprehensive land-use plan which will provide for the careful and thoughtful integration of residential, commercial, industrial, public, and other elements to achieve and preserve social purposes economic values, and aesthetic quality of the neighborhoods, and of other areas that compose the City.**

C. The City of Piedmont shall have full authority to regulate and restrict the location of mobile homes and manufactured housing within the City of Piedmont to the extent allowed a home rule city under the Oklahoma and United States Constitutions.

D. The construction, erection, or alteration of more than twelve (12) dwelling units per acre shall be prohibited within the City of Piedmont. For

purposes of this section a dwelling unit means a room or group of rooms, mobile homes, or any structure design or occupied as living quarters for one family, but does not include motels, hotels, hospitals, retirement or nursing homes, or institutional dormitories.

E. The City of Piedmont shall have full authority to regulate and restrict the location of oil, gas, and disposal wells and related appurtenances within the City, and to adopt regulations concerning oil, gas, and disposal wells and related appurtenances within the City for the general safety and welfare of the inhabitants of the City of Piedmont insofar as is consistent with the Oklahoma and United States Constitutions. Provided, any ordinance or regulation adopted by the City Council of Piedmont which regulates or restricts the drilling of oil and gas wells, disposal wells, or appurtenant structures shall contain requirements and restrictions which will allow the owners of the minerals to develop the minerals in a safe and reasonable manner.

F. The City of Piedmont shall have the power to regulate, restrict, and/or prohibit the operation of disposal sites for hazardous and deleterious wastes within the City of Piedmont to the fullest extent possible under the Oklahoma and United States Constitutions.

ARTICLE 12. POLICE DEPARTMENT AND FIRE DEPARTMENT

SECTION 12-1. VOLUNTEER FIRE DEPARTMENT AND RESERVE POLICE DEPARTMENT. The City of Piedmont shall maintain a reserve Police Department and volunteer Fire Department. The City shall provide that the volunteer Fire Department shall consist of not less than twelve (12) nor more than twenty (20) members, or such additional members as may be allowed by the State Firefighters Pension Law.

ARTICLE 13. RIGHT TO BEAR ARMS

SECTION 13-1. RIGHT OF CITIZENS TO BEAR ARMS. The right of the citizens of the City of Piedmont to bear arms shall not be infringed, and no ordinance, resolution, or other regulation shall be adopted by the City of Piedmont which restricts, regulates, prohibits, or requires registration of handguns, rifles, shotguns, or ammunition therefor.

CERTIFICATE

The undersigned hereby certified that the foregoing is a true and correct copy of the Charter of the City of Piedmont, including those changes approved at an election held on 1st day of April, 2014, and as Certified by the Canadian County Election Board on April 4, 2014.

Valerie Thomerson

MAYOR