

CITY CHARTER

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CITY CHARTER

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PREAMBLE

We, the people of the City of Guthrie, Logan County, Oklahoma, under the authority of the Constitution of the State of Oklahoma, do ordain and establish this charter for the City of Guthrie.

ARTICLE I. ORGANIZATION AND POWERS

SECTION 1-1. INCORPORATION.

The inhabitants within the boundaries hereinafter defined, and their successors, are hereby created and organized a Municipal Corporation and body politic with perpetual succession under the name "The City of Guthrie," and shall succeed to own and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the present corporation known as the City of Guthrie, and shall be liable for all debts and obligations which the present corporation is now liable, and shall have the power to adopt a common seal and alter the same at pleasure, to sue and be sued in all courts, to make contracts, to take and acquire property by purchase, condemnation or otherwise, and to hold, lease, mortgage, convey or otherwise dispose of any of its property within or without the limits of said city, and it shall have such other powers, rights, privileges, franchises and immunities as are granted and conferred by any other parts of this Charter or by the Constitution and the laws of the State of Oklahoma.

SECTION 1-2. MUNICIPAL BOUNDARIES.

The boundaries of said City, and the respective wards thereof, shall until altered as provided by law be the same as at the time of the adoption of this charter amendment.

SECTION 1-3. POWERS OF THE CITY.

Said City shall also have all other powers that may hereafter be given it by the Constitution and the laws of this State, and where any provisions of this charter shall be in conflict with any law or laws relating to cities, the provisions of this charter shall prevail, and said City shall have the power to enact and enforce all ordinances necessary to protect health, life and property, and to define, prevent, and summarily abate and remove nuisances; and to preserve and enforce good government and order, to protect the lives, health, and the property of the inhabitants thereof. The City shall have the power to engage directly or indirectly in advocacy calculated to influence legislative and administrative matters at all levels of government.

SECTION 1-4. AUTHORITY TO ACCEPT GIFTS OF PROPERTY.

Said City may receive bequests, gifts and donations of all kinds of property in fee simple or in trust for charitable or public purposes and perform all acts necessary to carry out the purposes of such benefits, gifts, donations or trusts, with power to manage, sell, lease or otherwise dispose of same in accordance with the terms of the bequest, gift, donation or trust.

SECTION 1-5. POWERS NOT LIMITED.

The legislative, executive and judicial powers of the City shall extend to all matters of local and municipal government, it being the intent hereof that the specification of particular powers by any other provision of this charter shall never be construed as limiting or impairing the effect of the general grant of powers hereby made.

SECTION 1-6. ORDINANCES CONTINUED; PENDING ACTIONS AND PROCEEDINGS.

All existing ordinances of the City not inconsistent with this charter or inapplicable under the municipal government provided by this charter shall be and continue in full force and effect until amended or repealed or until they expire by their own limitations, and no existing right, action (civil or penal), suit, proceeding, or contract, shall be affected by the change in the form of government of the City; but all shall continue as though no such change had taken place; and all debts, penalties and forfeitures which have accrued, or which may hereafter accrue by virtue of anything heretofore done or existing, shall inure to the benefit of the City of Guthrie and may be sued for and recovered by the City as though this charter had not been amended. Nothing herein, however, shall legalize or make legal any invalid indebtedness of the City heretofore contracted or incurred or impair any defense against the payment of the same, nor shall the amendment of this charter in any wise interfere with any proceedings heretofore instituted relating to the levy and collection of taxes, special assessments, or levies of any nature, or with any proceedings to enforce the payment of the same, and all contracts heretofore entered into by the City shall remain in full force and effect and be completed under the ordinances existing at the time of the amendment of this charter.

SECTION 1-7. PUBLIC WORKS; CONDEMNATION LIMITED.

Said City shall have power, within and without its territorial limits, to construct, condemn, purchase, acquire, lease, improve, add to, maintain and conduct and operate in whole or in part, water works, water pipelines and pump stations, light plants, telephone systems, power plants, transportation systems, heating plants, incinerating plants and disposal plants, sanitary sewers, storm sewers and drains, and any other public utility or works or ways, and everything required therefore. And any such systems, plants, works, or ways or any contracts in relation or connection therewith that may exist and which said City may desire to purchase in whole or in part maybe purchased or acquired, in whole or in part, by said City which may enforce said purchase by proceeding at law or in equity or by right of eminent domain, said City shall have the power to issue bonds upon the vote of the tax paying electors at any special or general election in any amount necessary to carry out any of said powers or purposes, said amount being alone limited by the Constitution of the State of Oklahoma. Provided, however, that the power to condemn shall not be exercised for the purpose of acquiring such utilities now existing and operating under franchise granted by a vote of the people except under the terms of said franchise. Provided, further, that the same exemption from the power to condemn may be embodied in any franchise for any other public service or public utility corporation that may be hereafter submitted to a vote of the people.

ARTICLE II. ELECTIVE OFFICERS, THEIR DUTIES AND POWERS**SECTION 2-1. MAYOR AND COUNCIL.**

The elective officers of the City of Guthrie shall be a Mayor to be nominated and elected from the City at large, and six (6) Councilmen, two (2) from each of the three wards, to be nominated and elected from the wards in which they reside. When used hereafter, the words "Council" or "The City Council" shall be understood to mean the Mayor and Councilmen. The term "Mayor" or "Councilmen" shall be understood to be either masculine or feminine.

SECTION 2-2. GOVERNING BODY.

The governing body of the City of Guthrie shall be the City Council.

SECTION 2-3. CANDIDACY FOR OFFICE.

Any qualified citizen (see Article VI, Section 16, for qualifications) may become a candidate for Mayor or Councilman by filing with the Logan County Election Board at the times and dates as set forth in Article VI, Section 16, a Certificate or Declaration of Candidacy containing the information and in the form as provided by State law (currently 26 O.S., 1981, Section 5-111), except that no political party affiliation shall be declared; a filing fee of Twenty-five Dollars (\$25.00) shall be submitted with the

Certificate or Declaration of Candidacy; in lieu of such filing fee a Certificate or Declaration of Candidacy may be accompanied by a petition supporting a candidate's filing* signed by at least twenty-five (25) registered voters eligible to vote for the candidate in the first election wherein the candidate's name could appear on the ballot.

SECTION 2-4. WARD BOUNDARIES.

The boundary lines for the three (3) wards referred to in Section One (1) of this Article shall be established by the City Council within sixty (60) days of the adoption of this amendment and shall be from time to time changed as required by law; the ward boundary lines shall be reviewed for change within one (1) year after release of the final Federal Census figures each decade, and shall be reviewed for change after each annexation and deannexation.

SECTION 2-5. TERMS OF OFFICE.

The term of office of Mayor shall be two (2) years and shall begin on the first Monday in May following the election at which he or she is elected. The term for the office of Councilman shall be four (4) years and shall begin on the first Monday in May following the election at which they are elected. Three (3) Councilman shall be elected at each election, one from each of the City's three (3) wards.

SECTION 2-6. MAYOR; BALLOTS.

If only two (2) persons file for the office of Mayor their names shall not be printed on the primary ballots; if only one person files for the office of Mayor his or her name shall not be printed on either primary or general election ballots and such person shall be issued a Certificate of Election.

SECTION 2-7. COUNCIL; BALLOTS.

If two (2) or less persons file for office of Councilman within a single ward, their names shall not be printed on a primary ballot. If only one (1) person files for the office of Councilman within a single ward, their names shall not be printed on either primary or general election ballots, and such person shall be issued a Certificate of Election.

SECTION 2-8. COMPENSATION.

The Mayor and Councilmen of the City of Guthrie shall receive a salary of One Dollar (\$1.00) per annum.

SECTION 2-9. OATH OF OFFICE.

The Mayor and Councilmen of the City of Guthrie shall, before entering the duties of their office, take the oath of office prescribed by the Constitution of the State of Oklahoma.

SECTION 2-10. MAYOR; DUTIES.

The Mayor of the City of Guthrie shall preside at all meetings of the Council and shall certify to the correct enrollment of all Ordinances and Resolutions as passed by the Council. The Mayor shall be recognized as the head of the City Government for all ceremonial purposes, and by the Governor of the State of Oklahoma for military purposes. The Mayor shall sign all conveyances and written obligations of the City of Guthrie as the City Council may require. The Mayor shall also be a member of the City Council and have an equal vote at all times with the other members of the City Council. The Mayor shall appoint a Director of Civil Defense to serve at the Mayor's pleasure.

SECTION 2-11. VICE-MAYOR; APPOINTMENT; DUTIES.

At the first City Council meeting in May of each odd-numbered year the City Council shall elect one of its members to serve as the Vice-Mayor of the City of Guthrie. Said Vice-Mayor shall be selected by the affirmative vote of at least four (4) members of the Council. The Vice-Mayor shall act as, and possess all of the powers and duties of the Mayor during the absence or suspension of the Mayor. Said Vice-Mayor shall serve a term of two (2) years.

Cross-reference:

Vice-Mayor, see § 1-4

SECTION 2-12. FILLING VACANCIES IN OFFICE.

If a vacancy occurs in the office of Mayor, the Vice-Mayor shall become Mayor for the duration of the unexpired term. If a vacancy occurs in the office of Vice-Mayor, the City Council, by an affirmative vote of at least four (4) members, shall select another Vice-Mayor from among its members for the duration of the unexpired term. If a vacancy occurs in the office of Councilman, the City Council shall select, by an affirmative vote of at least four (4) members, an eligible person to fill the vacancy at the next regular meeting of the City Council following the creation of the vacancy or as soon thereafter as is practical.

SECTION 2-13. MAYOR AND COUNCIL; VACANCIES.

A vacancy shall be deemed to exist when an elective officer of the City of Guthrie fails to qualify for office within twenty (20) days after notice of his election, dies, resigns, removes his legal residency from the City or ward from which he or she was elected, fails to attend four (4) successive regular

meetings of the City Council, is convicted of a felony, becomes a habitual drunkard, or is otherwise legally disqualified.

SECTION 2-14. MEETINGS; REGULAR AND SPECIAL.

The City Council shall hold their regular meetings on the first and third Tuesday of each month, and shall hold special meetings at other times as the Mayor or a majority of the Councilmen shall call the Council together. The City Council shall hold executive sessions at such times as they deem necessary for the purposes and in the manner provided by Oklahoma law.

Cross-reference:

Regular meetings, see § 1-1

SECTION 2-15. COUNCIL TO APPOINT OFFICERS.

At such times as a vacancy occurs, the City Council shall appoint by affirmative vote of at least four (4) Council members, a City Manager, a City Treasurer, a City Clerk, a City Attorney, a City Judge and/or an alternate City Judge; in the same manner the City Council may at their discretion appoint additional City Judges as necessary; if more than one (1) City Judge is appointed it shall not be necessary to appoint an alternate City Judge, but one of the City Judges so appointed shall be designated as the presiding City Judge. Any of the officers thus appointed may at any time, by an affirmative vote of at least four (4) members of the City Council, be removed and a successor be appointed in a like manner. The Council, by an affirmative vote of at least four (4) members, may authorize the City Manager or the City Attorney to hire such deputies or assistants as necessary; such deputies or assistants shall serve at the discretion of the appointive officer by whom they are hired. At such times as the City Attorney cannot represent the City in a given matter or cause, because of a conflict of interest, the City Manager may retain an attorney, subject to the approval of the City Council, to represent the City's interest in such matter or cause.

SECTION 2-16. QUORUM.

A quorum to do business shall consist of at least four (4) members of the City Council. A majority vote of the Council present at the meeting shall constitute the action of said Council, unless provided differently elsewhere in this Charter.

SECTION 2-17. RECALL AND REMOVAL APPLICABLE.

All elective officers and those appointed to fill vacancies in elective office as herein provided, shall hold their respective office subject to the provisions of recall as provided by this Charter, and subject to removal from office as provided by law.

SECTION 2-18. COUNCIL TO DETERMINE SALARIES.

The City Council of the City of Guthrie shall determine and fix from time to time the salaries of all employees of the City of Guthrie, and also the salaries of all officers of the City of Guthrie appointed by the City Council.

SECTION 2-19. COUNCIL TO REGULATE FISCAL AFFAIRS.

The City Council shall have the power to raise revenue, make appropriations, and regulate all fiscal affairs of the City, subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution.

SECTION 2-20. AUTHORITY TO INVESTIGATE MUNICIPAL AFFAIRS.

The City Council may, while in session as a body, inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs, or authorize and provide for such inquiries.

SECTION 2-21. AUTHORITY TO APPOINT SUBORDINATES, COMMISSIONS AND BOARDS.

The City Council may, in addition to the appointment and removal of officers herein provided, appoint or elect and remove members of Commissions and Boards and other quasi-legislative or quasi-judicial officers, as provided by law or may from time to time be established by the City Council, and prescribe the method of appointing and electing and removing them.

SECTION 2-22. ACQUISITION AND SALE OF REAL PROPERTY.

The City Council of the City of Guthrie shall have the power to purchase and acquire any real property, the acquisition of which it deems to be in the best interest of the City, and shall have the power to sell and dispose of any real property now or hereafter owned by said City, provided that the sale of any real property must be authorized by Ordinance passed by the City Council in the same manner as any other Ordinance. No such Ordinance approving the sale of any real property shall become effective for thirty (30) days after the passage and approval of the Ordinance; provided that no contrary provision for emergency passage of an Ordinance shall apply to this Article. Within the thirty (30) day period, the question of the sale of the real property involved may be put to a vote of the people upon the filing with the Clerk of the City of Guthrie of a petition calling for such vote. Said petition shall contain signatures of qualified voters residing within the territorial limits of the City of Guthrie of a number equal to at least twenty-five percent (25%) of the total electors voting at the last preceding City general election. Where the value of the real property sought to be sold exceeds the sum of Twenty-five Thousand Dollars (\$25,000.00), the question of its sale shall first be submitted to the electors of said

City at an election called for that purpose; and the question submitted thereat shall be substantially as follows:

“Shall the City Council of the City of Guthrie sell (the property to be sold, accurately describing the same), for (the value to be received by the City of Guthrie, precisely stated).”

If the majority of the votes cast in said election shall be in the affirmative, then the City Council shall have the power hereby conferred, but not otherwise.

No real property may be disposed of by gift unless such gift is valid within the constraints of the Oklahoma State Constitution and unless such gift is submitted to a vote of the electors of the City in the same manner as provided for herein for property exceeding the value of Twenty-five Thousand Dollars (\$25,000.00). “Value,” as used herein, shall mean market value as defined by law.

SECTION 2-23. AUTHORITY TO CREATE DEPARTMENTS.

The City Council may create, change and abolish offices, departments and agencies other than those established by this Charter, and assign additional functions and duties to offices, departments and agencies so established.

SECTION 2-24. AUTHORITY TO ENACT MUNICIPAL LEGISLATION.

The City Council has the power to enact municipal legislation subject to limitations as may now or hereinafter be imposed by the Oklahoma Constitution; provided, that all ordinances, resolutions, rules and regulations now in force in the City of Guthrie not in conflict with the provisions of this Charter, as amended, shall remain in full force and effect until altered, amended or repealed by the City Council.

The general power of the City Council to enact legislation shall include, but not be limited to, the power to establish by ordinance land use regulations including, but not limited to, planning, zoning, subdivision regulations and all other regulations regarding land use management within the corporate limits, the power to establish by ordinance building codes and building regulations, the power to establish by ordinance collective bargaining procedure, rules and regulations, the power to establish by ordinance an Historical Preservation District, and the power to establish by ordinance rules and regulations governing the drilling of oil and gas wells, water wells and disposal wells, within the corporate limits of the City.

SECTION 2-25. OATHS.

The Mayor and each Councilman, City Judges, and the City Clerk or the Clerk's deputies, shall be and they are hereby authorized to administer oaths in all matters concerning municipal affairs of the City.

SECTION 2-26. AUTHORITY TO GRANT PARDONS.

The City Council may grant pardons for violations of municipal ordinances, including the remission of fines and costs, upon the recommendation of the Municipal Judge.

SECTION 2-27. COUNCIL NOT TO INTERFERE IN APPOINTMENTS AND REMOVALS.

Except for the purposes of inquiry, the Council and its members shall deal with the administrative service of the City solely through the City Manager. The Council and its members may not:

1. Direct or request the City Manager or other authority to appoint or remove employees of the City.
2. Participate in any manner in the appointment or removal of employees of the City, except as provided by law.
3. Give orders on ordinary administrative matters to any subordinate of the City Manager, either publicly or privately.

The word "employee," as used herein, shall not include appointive officers, either appointed by the Mayor or Council.

SECTION 2-28. GENERAL POWERS; CHARTER PREVAILING.

In addition to the powers hereinabove or hereinafter enumerated, the City Council shall be vested with all powers of the City of Guthrie bestowed on the City of Guthrie by the Constitution of the State of Oklahoma, this Charter, and such powers as are vested upon statutory cities by the Statutes of the State of Oklahoma, as now exist or are hereinafter enacted, including, but not limited to, the determination of matters of policy; providing that where any provisions of the Charter shall be in conflict with any law or laws relating to Cities, the provisions of the Charter shall prevail.

SECTION 2-29. FISCAL YEAR.

The fiscal year for the City of Guthrie shall commence on the 1st day of October in each year.

ARTICLE III. DUTIES OF APPOINTIVE OFFICERS**SECTION 3-1. CITY MANAGER; POWERS AND DUTIES.**

The City Manager shall be the administrative head of the municipal government responsible only to the Council. He or she shall not, during his or her tenure of office, be a regular employee or perform any duties for any person, firm, corporation or institution other than the City of Guthrie, and shall not, be interested in the profits or emoluments of any contract, job, work or service of the City. In addition to the general powers of administration the City Manager shall have the special powers and duties herein enumerated, and shall be directly responsible to the Council for the proper administration thereof, to-wit:

1. Administer, monitor and take any appropriate measures to ensure the proper enforcement of all laws and ordinances governing the City by the appropriate City department;
2. Appoint and when necessary at any time for the good of the service, remove, demote, lay off or suspend, all heads of administrative departments and other administrative officers and employees of the City, except such deputies or assistants authorized by the Council to be hired by appointive officers (see Article 2, Section 2-15), without regard to age, race, color, religion, ancestry, national origin, sex or place of birth. The City Manager, by written directive, may authorize the head of a department, office or agency, to appoint and remove the subordinates in such department, office or agency;
3. Exercise actual management, control and supervision over all departments of the City Government and exercise all other administrative functions, except as otherwise in this Charter provided;
4. Recommend to the Council for adopting such ordinances, rules, regulations, measures, or policies as he may deem necessary or expedient;
5. Keep the Council fully advised as to the financial condition of the City;
6. Ascertain that all franchise rights and provisions are justly enforced; and ascertain that all leases and contracts with the City are enforced; and notify the Council at least thirty (30) days prior to expiration of such leases or contracts;
7. Prepare a budget annually and submit it to the Council and be responsible for the administration of the budget after it goes into effect; the budget shall include both operating needs and capital improvement needs; and recommend to the Council any changes in the budget which he deems to be desirable;
8. Submit to the Council a report at the end of the fiscal year on finances and administrative activities of the City for the preceding year; and

9. Perform such other duties as may be prescribed by law or ordinance.

Statutory reference:

Duties, see 11 O.S. § 10-113

Cross-reference:

City Manager, see § 1-20

SECTION 3-2. ACTING CITY MANAGER.

The City Manager, by letter filed with the City Clerk, may appoint a qualified administrative officer of the City to be acting City Manager during the temporary absence or disability of the City Manager. The Council may appoint an acting City Manager whenever;

1. The Manager fails to make such designation;
2. The Council suspends the City Manager; or
3. There is a vacancy in the office of City Manager.

Cross-reference:

City Manager, see § 1-20

SECTION 3-3. CITY MANAGER BOND.

The City Manager shall give bond in the sum of Twenty Thousand Dollars (\$20,000.00), or such sum as may be provided by ordinance.

Cross-reference:

City Manager, see § 1-20

SECTION 3-4. CITY TREASURER; POWERS AND DUTIES.

The City Treasurer shall head the Department of Finance and shall be under the direct supervision of the City Manager. He or she shall:

1. Collect all revenues receivable by the City and deposit them daily;
2. Maintain the general accounting system for the City and provide a monthly report to the City Council and the City Manager of monies received and Disbursed and all such other reports as are requested by the City Manager;
3. Invest the funds of the City, under the direction of the Council, only in such securities as are provided for by the Constitution and laws of the State of Oklahoma; all uninvested funds shall be deposited by the Treasurer in the depository or depositories of the City;

4. Assure that the City depository or depositories shall secure the City for all deposits by getting good and sufficient collateral as is required by the laws of the State of Oklahoma, or by pledging collateral or bonds backed by the full faith and credit of the State or Federal Government in an amount at least equal to the maximum funds the City has or could have on deposit. The City Council shall approve each depository and shall approve the method of securing deposits therein; such approval of depository and of method of securing deposits shall be by simple majority and shall remain in effect until withdrawn by simple majority. The Treasurer shall advise the Council of any and all changes in State law affecting the security of deposits in municipal depositories;

5. Assist the City Manager in the timely preparation of an annual budget by providing all financial data required by the City Manager and fully cooperate with the City Manager in the timely preparation of annual budget projections to be incorporated into the annual budget which is submitted by the City Manager to the City Council;

6. Have such other powers, duties and functions as may be prescribed by law or ordinances.

Statutory reference:

Duties, see 11 O.S. § 10-113

Cross-reference:

City Treasurer, see § 1-5

SECTION 3-5. CITY TREASURER; BOND.

The City Treasurer shall give bond in the sum of no less than One Hundred Thousand Dollars (\$100,000.00), or greater, as may be provided by ordinance.

Cross-reference:

City Treasurer, see § 1-5

SECTION 3-6. CITY CLERK; POWERS AND DUTIES.

The City Clerk shall serve as clerical officer for the Council and shall be under the direct supervision of the City Manager. He shall:

1. Keep the journal of the proceedings of the Council;
2. Enroll in a book or books kept for the purpose all ordinances and resolutions passed by the Council;
3. Have custody of documents, records and archives as may be provided by law or ordinance and have custody of the seal of the City;
4. Attest and affix the seal of the City to documents as required by law or ordinance; and

5. Have such other powers, duties and functions as may be prescribed by law or ordinance.

Statutory reference:

Duties, see 11 O.S. § 10-113

Cross-reference:

City Clerk, see § 1-6

SECTION 3-7. CITY ATTORNEY; POWERS AND DUTIES.

The City Attorney shall head the Legal Department and shall be responsible to the City Council and the City Manager. He shall:

1. Advise the Council and each member thereof, and the City Manager, upon all legal questions and he shall give opinions in writing when requested;
2. Represent the City as Counsel in litigation in all Courts;
3. Perform such other legal services in behalf of the City, its officers or employees, as may from time to time be required by the City Manager or by the Council;
4. Have such other powers, duties and functions as may be prescribed, by law or ordinance.

SECTION 3-8. CITY JUDGE; POWERS AND DUTIES.

The City Judge and Alternate City Judge shall be attorneys licensed to practice law in the State of Oklahoma. They shall:

1. Have the power to administer oaths, keep and preserve the records of the Court, certify transcripts and other records;
2. Have the power to issue subpoenas for the attendance of witnesses and for the production of records, to issue arrest warrants and to issue search warrants;
3. Have such other general powers as are possessed by the District Judge of the State Court;
4. Have such other powers, duties and functions as may be prescribed by law or ordinance.

SECTION 3-9. CITY JUDGE TO DETERMINE RULES OF COURT.

The City Judge shall fix and determine the administrative rules of the City Court; if more than one City Judge be appointed by the Council, the Judge designated presiding City Judge shall fix and determine the administrative rules of the City Court.

ARTICLE IV. PERSONAL PROPERTY PURCHASE AND BID PROCEDURE

SECTION 4-1. 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 the offices, departments, and agencies of the City government. Every such contract or purchase exceeding an amount to be established by ordinance shall require the prior approval of the Council. The City Manager also may transfer to or between offices, departments, and agencies, or sell surplus or obsolete supplies, materials, and equipment subject to such regulations as the Council may prescribe. Before the purchase of or contract for any supplies, materials, or equipment, or the sale of any surplus or obsolete supplies, materials, or equipment, ample opportunity for competitive bidding under such regulations and with such exceptions as the Council may prescribe shall be given; but the Council shall not except a particular contract, purchase, or sale from the requirement of competitive bidding, provided however, the City Council may by simple majority, waive the bidding and advertising procedure hereinabove set forth and such emergency or unusual contracts can be let immediately upon approval of the City Council; provided that in the motion for waiver of the bidding and advertising procedure the facts or circumstances relied on to waive such procedure shall be included and stated in concise terms. Emergency as used in this section shall be limited to conditions resulting from a sudden, unexpected happening or unforeseen occurrence or condition and situation wherein the public health or safety is endangered or a situation involving injury to persons or injury and damage to public or personal property or immediate financial loss. Unusual purchase as used in this section shall be limited to purchases for which the taking of bids is not feasible because of practical limitations upon the bidding procedure which are beyond the control of the City of Guthrie.

SECTION 4-2. 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 such amount as the Council may determine by ordinance, or such amount as may be required by the Oklahoma Public Competitive Bidding Act, whichever amount is greater, shall be awarded to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the Council may prescribe, or as is required by law. 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 the City, its public trusts or agencies and intended to enhance its value, beauty, or utility, or to adopt it to new or future purposes. The term does not include the direct purchase of materials, equipment, or supplies by the City, its public trusts or agencies. Nothing herein shall prevent the City from constructing public improvements by the force account method.

ARTICLE V. MUNICIPAL COURT**SECTION 5-1. POLICIES AND PROCEDURES.**

The Municipal Court of the City of Guthrie shall be as provided by the Constitution and laws of the State of Oklahoma unless otherwise provided by this Charter. The City Council may by ordinance establish rules, policies or procedures for the operation of the Guthrie Municipal Court, and when such policies, rules or procedures are so adopted they shall take precedence over conflicting State statutory law affecting the Guthrie Municipal Court.

ARTICLE VI. MUNICIPAL ELECTIONS**SECTION 6-1. COUNTY TO CONDUCT ELECTIONS.**

All municipal elections for the City of Guthrie, Oklahoma, shall be conducted by the County Election Board of Logan County, unless otherwise provided by law.

Cross-reference:

Municipal elections, see § 1-190

SECTION 6-2. NOTIFICATION TO COUNTY.

Not fewer than fifteen (15) days before the filing period for a City election, or in the event of a special election, not fewer than thirty (30) days before such election, the City council shall cause the Mayor to submit a resolution to the secretary of the Logan County Election Board. Said resolution shall contain the following facts:

1. The dates of the election or elections;
2. The offices to be filled or the questions to be voted upon at said election or elections;
3. Qualifications for said offices;
4. Designation of which offices shall be filled by voting by ward and which offices shall be filled by voting at large;
5. Any other information necessary for conducting said election or elections.

SECTION 6-3. ELECTIONS; TIME AND MANNER.

The City of Guthrie municipal elections shall be held at the same place and in the same manner prescribed for the conduct of state and county elections, unless otherwise provided by the Charter, or by state law. All precincts totally or partially contained within the limits of the City of Guthrie, Oklahoma, shall be open for all elections held by the City of Guthrie; provided, however, that the City may authorize any precinct which is only partially contained within the limits of the City not to be opened by certifying to the County Election Board in its resolution calling for an election that no person reside within that portion of the precinct contained within the limits of the City of Guthrie. The polling places shall be open from 7:00 a.m. until 7:00 p.m. Each precinct election board shall be the same as for state and county elections; provided, however, that substitutions, if necessary, shall be made by the County Election Board. Except as otherwise provided by this Charter, all elections for municipal officers in the City of Guthrie shall be held and conducted as provided by the Statutes of the State of Oklahoma.

SECTION 6-4. CANDIDACY; WHEN FILING FEE REQUIRED.

Persons filing Declarations of Candidacy, who do not file accompanying petitions supporting the filing, shall be required to post the filing fee in the amount and in the form as required by the state law governing municipal elections. Petitions and Declarations of Candidacy shall not state political party affiliations.

SECTION 6-5. BALLOTS NOT TO STATE PARTY AFFILIATION.

All materials and ballot necessary to conduct the City of Guthrie elections shall be provided by the County Election Board unless otherwise provided by law. Ballots shall not state political party affiliations.

SECTION 6-6. CERTIFICATION OF RESULTS.

At the time prescribed by law, the County Election Board shall certify the results of any municipal election of the City of Guthrie to the City Council. Certificates of election shall be issued to the successful candidates by the County Election Board, in the same manner as prescribed by state law for county officers.

SECTION 6-7. MAYOR TO PROVIDE MAP.

The City Council shall cause the Mayor to provide to the County Election Board a current map of the City of Guthrie. Such map must clearly define the municipal limits and ward boundaries of the City of Guthrie. Should any changes be made in the municipal limits or ward boundaries, the City Council

shall cause the Mayor to immediately provide the County Election Board a complete revised map showing such changes.

SECTION 6-8. ELIGIBILITY TO VOTE.

Only registered voters who reside within the municipal limits of the City of Guthrie shall be permitted to vote in any City election.

SECTION 6-9. MAYOR TO PROVIDE CHARTER.

The City Council shall cause the Mayor to furnish a copy of the City Charter, as it applies to the conduct of elections, to the County Election Board. Any changes in the City Charter, as it applies to the conduct of elections, shall be provided immediately to the County Election Board.

SECTION 6-10. ELECTION EXPENSES.

The expenses incurred in the conduct of City elections shall be charged and paid as provided by the state laws governing municipal elections.

SECTION 6-11. ELECTIONS; DATE.

The date of the Primary election shall be the first Tuesday in March in each odd-numbered year, the date of the General election shall be the first Tuesday in April in each odd-numbered year.

SECTION 6-12. NOTICE AND PUBLICATION OF ELECTION.

Notice of a General municipal election or special election shall be given by publishing a resolution of the City Council calling for the election. The resolution shall set forth:

1. The date or dates of the election; and the offices to be filled or the questions to be voted upon at the election.
2. The resolution shall be published in a newspaper of general circulation in the City of Guthrie at least ten (10) days before the beginning of the filing period for a General municipal election, or at least ten (10) days before the date of a special election. If there is no newspaper of general circulation within the City, the notice shall be given by posting a copy of the resolution in at least five (5) public places in the City of Guthrie.

SECTION 6-13. NOMINATION.

No candidate's name shall be printed upon the official ballot for a General election, unless such candidate shall have been duly nominated at the Primary election or unless an insufficient number of Certificates of Candidacy were filed to require a Primary election for that particular office or offices.

SECTION 6-14. PREPARATION OF BALLOT.

The ballot for a special election shall be prepared by the secretary of the County Election Board and shall set forth the proposition or propositions to be voted upon, and if more than one proposition is submitted, they shall be arranged so that each proposition may be voted upon separately.

SECTION 6-15. SPECIAL ELECTIONS; COUNCIL RESOLUTION OR ORDER.

When the office of an elected official is to be filled at a special election, the resolution or order of the City Council calling the election shall contain the following facts:

1. A filing period of three (3) days on a Monday, Tuesday, and Wednesday, not less than ten (10) days after the date of publication of the resolution;
2. The date of the special Primary election, not less than thirty (30) days after the close of filing period; and
3. The date of the special General election, not less than thirty (30) days after the date of the Primary election.

A copy of the resolution shall be filed with the secretary of the County Election Board.

SECTION 6-16. MAYOR AND COUNCIL; QUALIFICATIONS.

To be eligible to be elected to the office of Mayor or Councilmen of the City of Guthrie, a person must be a citizen of the United States of America, and of the State of Oklahoma, be at least twenty-one (21) years of age, be a registered voter, be a resident of the ward if the office is from a ward, and be a resident of the City of Guthrie for two (2) years immediately preceding the date of the General election, or a resident of an area which has been annexed to and has become a part of the City for two (2) years immediately preceding the General election. To become a candidate, a Declaration of Candidacy must be filed with the County Election Board no earlier than 8:00 a.m. on the first Monday in February and no later than 5:00 p.m. on the next succeeding Wednesday.

SECTION 6-17. SECTION "S" REPEALED.

Section "S" being the Charter Amendment adopted April 5, 1949 is hereby repealed.

ARTICLE VII. RECALL**SECTION 7-1. COUNCIL SUBJECT TO RECALL.**

Any holder of elective City office, including a person appointed to fill a vacancy in any such office, may be recalled at any time by the electors qualified to vote for the successor of such office holder in the manner provided herein. Provided that no such office holder shall be removed from office by recall until he shall have held such office for a period of time greater than six (6) months.

SECTION 7-2. INITIATING RECALL PROCEEDINGS AND PETITION.

To initiate recall proceedings, a written statement, in duplicate, proposing the recall of the office holder shall be signed by one hundred (100) or more registered, qualified electors of the City of Guthrie, and shall be filed with the City Clerk. The statement shall contain the reason, or reasons, for which recall is sought, such statement in two hundred (200) words or less. Within five (5) business days, the City Clerk shall mail a copy of such statement by registered, certified or similar special mail to the official sought to be recalled at his or her residential address. Said officer shall have ten (10) business days after mailing of such statement to formulate and deliver to the City Clerk a statement of not more than two hundred (200) words setting forth the reason, or reasons, justifying such officer's conduct in office. When the ten (10) business day period for response on the part of the office holder has expired, the persons desiring said recall shall file with the City Clerk a petition for the recall of such officer. Said petition shall contain in the heading thereof the reasons for the recall as stated in the statement filed, and the reasons justifying such officer's conduct in office, if the office holder shall have filed any such reasons within the ten (10) business day period. Said petition shall be filed with the City Clerk prior to circulation.

SECTION 7-3. REQUIREMENTS OF PETITION.

A number of registered qualified electors of the City of Guthrie, equal to at least twenty-five percent (25%) of the total electors voting at the last preceding City general election must sign the petition. Each signer shall write after his name his address within the City of Guthrie, giving street or avenue, if any. Not more than twenty-five (25) signatures may appear on a single copy of the petition. Petitions shall be circulated only by registered qualified electors of the City and the person who circulates each copy of the petition shall sign an affidavit on the copy of the petition stating each signer thereof signed the petition in his presence, that each signature on the petition is genuine and that he believes each signer to be a registered qualified elector of the City.

SECTION 7-4. CITY CLERK TO DETERMINE SUFFICIENCY OF PETITION.

The circulated petition shall be filed with the City Clerk not later than one month after the filing of a copy as provided above. Within one month after date of filing the circulated petition, the City Clerk shall examine it and ascertain whether it has been prepared and circulated as required and whether the required number of registered qualified electors of the City of Guthrie have signed it. The City Clerk shall then attach a certificate to the petition. If the City Clerk certified 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 certifies 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 City Council at its next meeting.

SECTION 7-5. DATE OF RECALL ELECTION.

The Council, by resolution, after receiving the petition and certificate of the City Clerk, shall order and fix a date for the recall election. Such election shall be held not less than thirty (30), nor more than forty (40), days after the passage of the resolution. The City Clerk shall cause the resolution ordering the election to be published in full in a newspaper of general circulation within the City, within ten (10) days after its passage and such publication shall be sufficient notice of the election.

SECTION 7-6. MULTIPLE RECALLS.

If more than one elected official is sought to be recalled, then and in that event, separate petitions shall be filed and circulated as hereinbefore provided for each such official.

SECTION 7-7. RESULTS OF RECALL.

There shall be no primary election. The recall election shall be an election to fill the office or offices held by the incumbent or incumbents sought to be recalled. Any qualified person, including the incumbent or incumbents, may file as a candidate for the office or offices. The candidate or candidates receiving the greatest number of votes for the office or offices in the recall election shall be elected. If at such election, some person or persons other than the incumbent or incumbents receives the highest number of votes, the said incumbent or incumbents shall be deemed to have been removed, and shall vacate the office after qualification of his successor, which shall be within ten (10) days from declaration of the result, otherwise the incumbent shall remain in office.

SECTION 7-8. CHARTER TO GOVERN RECALL ELECTIONS.

The provisions of this Charter relating to City's elections shall govern recall elections insofar as they are applicable to and are not superseded by the provisions of this Article.

SECTION 7-9. RECALLED OFFICIAL NOT TO HOLD OFFICE OR EMPLOYMENT.

No person who has been recalled from an office or has resigned from such office, while recall proceedings are pending against him may hold any office or position of employment in City government of the City of Guthrie within four (4) years after his recall or resignation.

ARTICLE VIII: ORDINANCES, RESOLUTIONS AND MOTIONS**SECTION 8-1. ORDINANCES; ENACTING CLAUSE.**

The enacting clause of all ordinances shall be, "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GUTHRIE," but such enacting clause may be omitted when said ordinances are revised and compiled under the order of the Council, or when they are published in book form.

SECTION 8-2. SINGLE SUBJECT REQUIRED; AMENDMENT.

No ordinance shall contain more than one subject, which shall be clearly expressed in its title. An ordinance may be amended in whole or a section or sections thereof amended, but so much thereof as is amended shall be re-enacted and published at length or summarized by gist.

SECTION 8-3. ORDINANCES; PUBLICATION.

Within ten (10) days after its passage, every ordinance shall be published at least once in full, or summarized by gist, except as provided in Section 7 of this Article, in a newspaper meeting the requirements of the Statutes of the State of Oklahoma in respect to legal publications and of general circulation in the City of Guthrie. If there be no such legal newspaper, then publication of the ordinance shall be by posting a copy of the ordinance in ten (10) of the most public places in the City of Guthrie.

SECTION 8-4. ORDINANCES; WHEN EFFECTIVE.

Every ordinance, except an emergency ordinance, shall go into effect thirty (30) days after its final passage unless it specifies a later date.

SECTION 8-5. CERTAIN EMERGENCY ORDINANCES PROHIBITED.

No ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

SECTION 8-6. 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 an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title the words, "DECLARING AN EMERGENCY" and in a separate section, herein called the emergency section, shall declare the emergency. The Council shall vote on the emergency section separately, and must adopt the section by a vote of at least five-sevenths (5/7ths) of all members of the Council.

SECTION 8-7. ORDINANCES; PASSAGE; RECORDING AYES AND NOES.

The ayes and noes shall be taken on the passage of all ordinances, resolutions, motions and appropriations and entered upon the journal or minutes of its proceedings. Every member when present must vote or abstain. Every ordinance, other than emergency ordinances, shall require for final passage the affirmative vote of a majority of all members of the Council.

SECTION 8-8. ADOPTION BY REFERENCE.

Ordinances which are compilations of rules and regulations or codes may be enacted by reference to such compilation or code and may be published by title in a condensed summary of the contents thereof. Provided that when such compilations or codes are passed or enacted by reference, or are published in summary form such compilation or code so enacted need not be enrolled in the book or ordinances, but a copy shall be authenticated by the signatures of the Mayor and the City Clerk and filed and kept in the office of the City Clerk. The City Clerk shall keep copies of all such compilations or codes for distribution or sale at their approximate cost.

SECTION 8-9. ORDINANCES; AUTHENTICATION.

An ordinance may be proved by a copy thereof certified by the City Clerk under the seal of the City; or when printed in a book or pamphlet form published by authority of the City the same shall be received in evidence in all courts, or other places, without further proof. A true copy of every ordinance shall be kept in a book marked "Ordinance Record" and authenticated by the signatures of the Mayor and the City Clerk.

SECTION 8-10. ORDINANCES; CODIFICATION.

The ordinances of the City shall be codified and published in a book or pamphlet form at least every ten (10) years. Title, enacting clauses, severability clauses and emergency sections may be omitted from the Code, and temporary and special ordinances may be omitted in the codification. Section titles may be added in the codification. The Code may contain new matter, provisions of the State Constitution

and law relating to the City and provisions of this Charter. A copy of the published Code shall be filed in the office of the City Clerk and the City Clerk shall record a duplicate copy thereof with the County Clerk of Logan County, Oklahoma, and file a duplicate copy thereof with the Logan County Law Librarian to be placed in the Logan County Law Library after adoption by the Council.

SECTION 8-11. RESOLUTIONS; PASSAGE.

A resolution may be adopted at the meeting at which it is introduced and become effective immediately upon passage. It may be introduced orally and following adoption may be reduced to writing in a form approved by the City Attorney.

SECTION 8-12. APPROVAL OF CONTRACTS.

Contracts or agreements which seek to bind the City may be approved by resolution or by simple motion which shall be adopted by a majority vote of those present.

ARTICLE IX. GENERAL PROVISIONS

SECTION 9-1. POLITICAL ACTIVITY OF APPOINTIVE OFFICERS OR EMPLOYEES.

Neither the City Manager nor any appointive officer or employee drawing salary or other compensation from the City shall take part in any campaign for the nomination or election of City officers, or engage in political activity in any form in connection with such nomination or election.

SECTION 9-2. EXPENSES OF FRANCHISE ELECTIONS.

No election shall be called for the purpose of submitting a question of a grant, renewal or extension of a franchise unless and until grantee named therein shall provide by an adequate cash deposit with the City Treasurer to be estimated by the Treasurer and approved by the Council for the payment in full of all expenses of such election.

SECTION 9-3. LIABILITY OF OFFICERS FOR ILLEGAL PAYMENTS.

Every officer who shall approve or allow or pay any demand on the Treasury of the City not authorized by law, ordinance or this Charter shall be liable to the City individually and on his bond for the amount of the demand so illegally approved, allowed or paid.

SECTION 9-4. DUAL OFFICE HOLDING; COMPATIBILITY OF OFFICES.

No person holding office under the County, State or United States government, notary public excepted, shall hold elective office or full time regular employment with this City, except that a member of a federal, county or state advisory board or commission may hold office or serve on an advisory board or commission of this City. No elective or appointive officer or employee of the City shall receive any compensation from the City other than specified in the salary and benefits attached to his position. No person shall be permitted under any circumstances to draw more than one salary from the City for any and all purposes.

SECTION 9-5. AUTOMOBILE EXPENSES LIMITED.

No automobile or motor vehicle or the gasoline or oil used therein, shall be furnished by the City for any City official or any employee, except for the use in discharging official duties of such employee.

SECTION 9-6. APPOINTMENTS NOT FOR DEFINITE TERM.

No appointment to an office or position in the City shall be made for any definite time.

SECTION 9-7. CONFLICTS OF INTEREST.

No officer or employee of the City, elective or appointive, shall be interested, directly or indirectly, in any contract or job for work or for material, or supplies, or the profits thereof, for any purchase made for or sales made by, to or with the City, or own more than one percent (1%) of the stock in a corporation having any contract or subcontract, or doing contract, job or work, and all such contracts with such City officers or employees shall be void.

SECTION 9-8. NEPOTISM.

No person who is a relative by blood or marriage within the third degree of any of the councilmen or the City Manager shall be appointed to City office or employment.

SECTION 9-9. WAITING-PERIOD FOR EMPLOYMENT OF COUNCIL MEMBERS.

No councilman shall be employed by the City until the expiration of one year after his connection with the Council shall have been severed.

SECTION 9-10. GENERAL OBLIGATION BONDS.

General Obligation Bonds shall be sold to the bidder most favorable to the City at not less than par and accrued interest and shall bear the lowest rate of interest obtainable not to exceed the maximum interest rate authorized by the laws of the State of Oklahoma.

SECTION 9-11. AMENDMENT; PROPOSAL.

This charter may be amended at any time by initiative petition as provided by the Constitution and laws of the State of Oklahoma, at an election at which the proposed amendment is submitted to a vote of the qualified electors of the City, by majority vote of such electors voting at such election on such proposed amendment, provided such proposed amendment is filed with the City Clerk for submission not less than forty-five (45) days before the election at which it is to be voted upon.

The Council may propose and submit any amendments to this charter to a vote of the qualified electors of the City provided such amendments are filed with the City Clerk for submission not less than forty-five (45) days before the election at which they are to be voted upon. Amendments, whether by initiative petition or by Council referral, may be submitted at a general or special election as the Council may prescribe for such election; the election provisions of this Charter shall govern.

SECTION 9-12. ACCEPTANCE OF CERTAIN GIFTS PROHIBITED.

No official or employee of the City, elective or appointive, shall accept any gifts, commissions, or referrals from any contractor, subcontractor, supplier or any person, firm, partnership or corporation doing business with the City.

SECTION 9-13. REMOVAL FROM OFFICE.

The violation of any sections of this Article IX shall be deemed a sufficient cause for the removal from office or employment, of such officer or employee.

SECTION 9-14. PUBLICATION OF CHARTER.

This Charter shall be codified and published in a book or pamphlet, which shall be updated at such time as the Charter is amended. The number and introductory sentence of each part of this amendment reading “ _____ : Let Article _____ of the Guthrie City Charter be amended to read as follows:” may be omitted from the codification. An index shall be added and a title shall be added to each section of the Charter during codification, which shall not be a part of the Charter, but for ease of reference only.

SECTION 9-15. CLARIFICATION.

If any part of the Charter of the City of Guthrie becomes inoperative, vague, or conflicting by virtue of this amendment, the City Council is hereby empowered and it shall be its duty to enact the necessary ordinances to put into operation and clarify such provisions.

SECTION 9-16. SEPARABILITY CLAUSE.

If any section or part of a section of this Charter is determined by a court of competent jurisdiction to be invalid, it shall not invalidate or impair the force or effect of any other section or part of a section of this Charter, except insofar as such other section or part of a section is dependent for its operation upon the section so held to be invalid.

SECTION 9-17. FEMININE GENDER.

In this Charter, the use of words in the masculine gender shall be taken to include and refer to the feminine and neuter genders as well and the use of words in the feminine gender shall be taken to include and refer to the masculine and neuter genders as well.

SECTION 9-18. ABSTENTION FROM VOTING.

If a member of the City Council or a member of any board or commission of the City abstains from voting on an issue, said abstention shall not be recorded as a negative vote but rather shall be reflected in the minutes as an abstention and not counted in determining whether the issue passed or failed.

