

CHARTER OF THE CITY OF DEWEY, OKLAHOMA

PREAMBLE

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

ARTICLE I

INCORPORATION, FORM OF GOVERNMENT, POWERS

SECTION 1 INCORPORATION

The City of Dewey, 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 the "City of Dewey, Oklahoma". It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the City of Dewey, Oklahoma; and shall be liable for all debts and other obligations for which the corporation is now legally bound.

SECTION 2 FORM OF GOVERNMENT

The municipal government provided by this charter shall be known as the "council-manager government". All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner is now thus prescribed, then in such manner as the council may prescribe by ordinance.

SECTION 3 POWERS OF THE CITY

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

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

public utilities, works and ways. It shall have power to issue bonds in the manner and within the limitations prescribed by the state constitution and law, to accept and administer federal and state grants-in-aid and to do everything necessary to accomplish the purpose or purposes for which such grants may be made. It shall have power to ordain and to enforce local legislation, consistent with the state constitution and law, for the proper organization and functioning of the city government, for the preservation and enforcement of good government and order, for the protection of health, life, morals and property, for the prevention, summary abatement, and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend and renew franchises in accordance with the state constitution and law.

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

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

ARTICLE II

THE COUNCIL

SECTION 4 COUNCILMEN: NUMBER, QUALIFICATIONS

There shall be council of (5) members, which shall consist of a councilman at large and one councilman from each of the four (4) wards of the city as the wards are now constituted or as they hereafter be constituted by ordinance. Only qualified electors of the city shall be qualified for the office of councilman at large. Only qualified electors residing in the city and, at the time of their election, in the wards from which they are respectively elected, shall be qualified for the offices of councilmen from the wards. Removal of a councilman from one ward or precinct to another within the city, after his election, shall not disqualify him from completing the term for which he was elected. No councilman may hold any office or position in the city government by appointment by the city manager.

SECTION 5 MAYOR AND VICE-MAYOR

The councilman at large shall, upon taking office, become and be mayor of the city. At the first meeting after the time prescribed for the beginning of the term of newly elected councilman or councilmen, or as soon thereafter as practicable, the council shall elect from its members a vice-mayor, who shall act (serve) until the time prescribed for the beginning of (the term of) the next newly elected councilmen and until their respective successors have been elected and qualify.

The mayor shall preside at meetings of the council, and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as 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 that he shall sign such written obligations of the city as the council may require. He shall have all powers, rights, privileges, duties and responsibilities of a councilman, including the right to vote on all questions.

The vice-mayor shall act as mayor during the absence or disability of the mayor. If a vacancy occurs in the office of mayor (or councilman at large), the council shall, as soon thereafter as practicable, call a special for councilman at large to elect such person to be mayor. During the period of such vacancy and until such other mayor shall be elected, the vice-mayor shall act as mayor. In event of vacancy in the office of vice-mayor the council shall elect another vice-mayor. (Amendment adopted August 27, 1968).

SECTION 6 COUNCILMEN: COMPENSATION

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

SECTION 7 COUNCIL: POWERS

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

1. Appoint and remove the city manager as provided in this charter;
2. By ordinance enact municipal legislation;
3. Raise revenue, make appropriations, regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the city, subject to the provisions of the state constitution and law and this charter;
4. Establish or adopt a pension, retirement and/or social security system or systems for any or all groups of the officers and employees in the service of the city, either alone or in cooperation with the state or federal government or both;
5. Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs;
6. Appoint or elect and remove its own subordinates, the members of the personnel board, the members of the planning commission, the members of the board of

adjustment and other quasi-legislative, quasi-judicial or advisory officers and other authorities, now or when and if established, or prescribe the method of appointing or electing and removing them;

7. Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge;
8. Regulate elections and the initiative and referendum within the limits prescribed by the state constitution and law and this charter;
9. Regulate the organization, powers, duties and functions of the municipal court and of the minor violations bureau, when and if established, within the limits prescribed by the state constitution and law and this charter;
10. Create, change and abolish all offices, departments and agencies of the city other than the offices, departments and agencies created by this charter; and assign additional powers, duties and functions to offices, departments and agencies created by this charter.

SECTION 8 COUNCIL NOT TO INTERFERE IN APPOINTMENTS AND REMOVALS

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

SECTION 9 CITY CLERK TO BE CLERICAL OFFICER OF COUNCIL

The city clerk, hereinafter provided for, 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 law or ordinance; shall be custodian of the seal of the city; and shall attest, and affix the seal to, documents required of the city; and shall attest, and affix the seal to, documents when required in accordance with law or ordinance.

SECTION 10 COUNCIL: INDUCTION INTO OFFICE, MEETINGS

A. The terms of office of councilmen shall begin at 7:00 o'clock P. M. on the first Monday in May following their election. The council shall hold a meeting in May following their election. The council shall hold a meeting at that time, and those whose terms are beginning shall be inducted into office. If a councilman elect fails to qualify within one

month thereafter, his office shall become vacant; and the council shall fill the vacancy. The council shall meet regularly at least monthly at such times as it may prescribe by ordinance or otherwise. The mayor or any three (3) councilmen may call special meetings.

B. Executive sessions of public bodies will be permitted only for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, or for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest. (Charter Amendment 08/15/94).

SECTION 11 COUNCIL: ABSENCES TO ELIMINATE MEMBERSHIP

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

SECTION 12 COUNCILMEN: REMOVAL

The mayor or any other councilman may be removed from office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed thereby.

SECTION 13 COUNCIL: VACANCIES

The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms.

SECTION 14 QUORUM, RULES, YEAS AND NAYS

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

SECTION 15 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 Dewey, Oklahoma", and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Dewey, Oklahoma".

SECTION 16 PASSAGE, WHEN IN EFFECT

Every proposed ordinance shall be read, and a vote of a majority of all the councilmen shall be required for its passage. The vote on final passage of every ordinance shall be by yeas and nays, and shall be entered into the journal. The mayor shall have no power of veto. Within ten (10) days after its passage, every ordinance except an emergency ordinance, shall be published in full or by title in a newspaper of general circulation within the city. Every ordinance except an emergency ordinance, so published, shall become effective thirty (30) days after its final passage unless it specifies a later time; provided that an ordinance granting a franchise to a public utility shall not go into effect until it has been published in full in a newspaper of general circulation within the city and has been approved at an election by a vote of a majority of the qualified electors voting on the question.

SECTION 17 ORDINANCES: EMERGENCY

An emergency ordinance is an ordinance which the judgment of the council is necessary for the immediate preservation of peace, health or safety, and which should become effective prior to the time when an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency. The council shall vote of at least four-fifths (4/5) of all the members of the council, which vote shall be by yeas and nays, and be entered in the journal. An emergency ordinance shall take effect upon passage unless it specifies a later time.

SECTION 18 ORDINANCES: ADOPTION BY REFERENCE

The council by ordinance may adopt by reference codes, ordinances and standards relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such a code, ordinance or standard so adopted need not be enrolled in the book or ordinances; but a copy shall be filed and kept in the office of the city clerk. The city clerk shall keep copies of every such code, ordinance or standard in force for distribution or sale at their approximate cost.

SECTION 19 ORDINANCES: CODIFICATION

The ordinances of the city shall be codified and published in book or pamphlet form at least every ten (10) years unless the council, by use of a loose-leaf system and process of amendment, keeps the code up-to-date. Titles, enacting clauses, and emergency sections may be omitted from the code; and temporary and special ordinances and parts of ordinances may be omitted. Permanent general ordinances and parts of ordinances which are to be repealed by the code, shall be omitted from the code. 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 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 after adoption by the council, but the code need not be enrolled in the book of ordinances.

ARTICLE III

CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

SECTION 20

CITY MANAGER: APPOINTMENT, TERM, QUALIFICATIONS, REMOVAL

There shall be a city manager. The council shall appoint him for an indefinite term by a vote of a majority of all of its members. It shall choose him solely on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the city or state; but, during his tenure of office, he shall reside in the city. Neither the mayor nor any other councilman may be appointed city manager during the term for which he shall have been elected nor within two (2) years after the expiration of his term. The council may suspend or remove the city manager at any time by a vote of a majority of all its members.

SECTION 21

ACTING CITY MANAGER

If the city manager is absent from the city or is unable to perform his duties, if the council suspends the city manager, or if there is a vacancy in the office of city manager, the council may appoint an acting city manager to serve until the city manager returns, until his disability or suspension ceases, or until another city manager is appointed and qualifies, as the case may be. The council may suspend or remove an acting city manager at any time.

SECTION 22

CITY MANAGER: POWERS AND DUTIES

The city manager shall be chief executive officer and head of the administrative branch of the city government. He shall execute the laws and ordinances and administer the government of the city, and shall be responsible therefore to the council.

He shall: 1. Appoint, and when necessary for the good of the service, suspend, demote or remove all directors, or heads, of administrative departments and all other administrative officers and employees of the city except as he or the council by ordinance or this charter may authorize the head of a department, an officer or an agency to appoint and suspend, demote or remove subordinates in such department, office or agency, subject to such merit system regulations as the council may ordain;

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 as may seem to him desirable;

6. Perform such other duties as this charter may prescribe and such duties consistent with this charter as the council may prescribe.

SECTION 23 ADMINISTRATIVE DEPARTMENTS, OFFICES AND AGENCIES

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

SECTION 24 LIBRARY BOARD

There shall be a library board, which shall be head of the library department. It shall consist of five (5) members appointed by the city manager for overlapping terms of five (5) years and to serve until their successors have been appointed and qualify; but the term of one of the first five (5) members to serve under this charter shall expire at 7:30 o'clock P. M. on the first Monday in May in each of the first five (5) years. The term of one member shall begin at 7:30 o'clock P. M. on the first Monday in May in every year. The city manager may remove a member for the good of the service, and he may fill vacancies for the unexpired terms. Members shall serve without compensation.

Every year, at the time prescribed for the beginning of the term of a new member or as soon thereafter as practicable, the library board shall elect a chairman, a vice-chairman and a secretary; and the secretary need not be a member of the board. It shall determine the time and place of its regular meetings; and the city manager, the chairman or any three (3) members may call special meetings of the board.

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

ARTICLE IV

DEPARTMENT OF FINANCE, FISCAL AFFAIRS

SECTION 25 CITY CLERK: OFFICE CREATED, DUTIES

There shall be a city clerk, who shall be an officer of the city appointed by 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 the same with the city treasurer or for the city treasurer in an account or accounts maintained a general accounting system for

the city government. He shall have such other posers, duties and functions as may be prescribed by the charter, by law or by ordinance.

SECTION 26 CITY TREASURER: OFFICE CREATED, DUTIES

Within the department of finance, there shall be a city treasurer, who shall be an officer of the city appointed by the city manager for an indefinite term; **provided** also that the same person may be appointed both city clerk and city treasurer, and that the council by ordinance may provide that the city clerk shall be ex officio city treasurer and that an acting city clerk shall be ex officio acting city treasurer. Subject to such regulations as the council may prescribe, the city treasurer shall deposit funds received for the city in such depositories as the council may designate. He shall have such other powers, duties and functions as may be prescribed by the charter, by law or by ordinance.

SECTION 27 PURCHASES AND SALES

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

The council by ordinance may transfer some or all of the power granted to the city manager by this section, relating to purchases and sales, to an officer appointed by subordinate to the city manager.

SECTION 28 SALE OF PROPERTY VALUED AT MORE THAN \$25,000

The sale of property, real or personal, including public utilities, or of any interest therein, the value of which is more than Twenty Five Thousand Dollars (\$25,000), shall be made only by authority of a special non-emergency ordinance. Such ordinance shall be published 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 days (30) days after its passage."

SECTION 29 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 One Thousand Dollars (\$1,000) 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.

SECTION 30 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 31 INDEPENDENT ANNUAL AUDIT

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

ARTICLE V

MUNICIPAL COURT

SECTION 32 MUNICIPAL COURT

There shall be a municipal judge, who shall be an officer of the city appointed by the mayor for a one year term. The council may suspend or remove the municipal judge or acting municipal judge at any time by a vote of a majority of all its members. The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the charter and ordinances of the city; **provided** that the council by ordinance may create a minor violations bureau with authority to dispose of cases arising out of designated minor violations, such as minor traffic and parking violations, on request of accused persons who desire to plead guilty, and who are able and willing to pay fines and costs, and who do plead guilty, and pay fines and costs. The municipal judge shall keep a record of all proceedings of the municipal court, of the disposition of all cases, and of all fines and other money collected. The style of all processes shall be in the name of the city. The municipal judge may issue subpoenas, administer oaths, make and enforce all proper orders, rules and judgments, and punish for contempt.

ARTICLE VI

ELECTIONS

SECTION 33 TERMS OF THREE YEARS – COUNCILMAN ELECTED AT LARGE SHALL BE MAYOR – NONPARTISAN ELECTIONS

The terms of the councilmen shall be three (3) years. Five (5) councilmen shall be elected, one each from Wards One (1), Two (2), Three (3) and Four (4), and one councilman at large. The terms for each of the councilmen shall begin at 7:00 o'clock P. M. on the first Monday in May, 1969, and shall serve until their successors may be elected and qualified.

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

All councilmen shall be voted upon at large by the qualified electors of the entire city; but candidates for councilmen from the respective wards must be qualified electors of their respective wards.

The election shall be nonpartisan, and no party designation or emblem shall be placed on the ballots. (Amendment approved August 27, 1968.)

SECTION 34 ELECTION: FILING

Revert to section 37 State Constitution and Law to govern. Section 34 was replaced by State Law which is applicable to conducting all elections, passed January 15, 1996.

SECTION 35 TIME, WHO ELECTED, ETC

An election shall be held on the first Tuesday in April, 1956, to elect the first councilmen from Wards One (1), Two (2), and Three (3), and on the first Tuesday in April every year thereafter to elect the councilman or councilmen to succeed those whose terms are about to expire that year. If only one person is a candidate for an office, he shall be elected ipso facto; and his name need not appear on the ballot. Every qualified elector of the city shall be entitled to vote for one candidate for each office to be filled. The candidate receiving more votes than any other candidate for an office shall be elected. In case of a tie, the election shall be determined in the manner prescribed by law; or, when the manner is not prescribed by law, then the election shall be determined fairly by lot among the candidates tying, in a meeting of the council and under its direction.

SECTION 36 POLITICAL ACTIVITY OF OFFICERS AND EMPLOYEES

No officer or employee of the city except the mayor and other councilmen, may attempt to influence the nomination, election or defeat of any candidate for councilman; **provided** that this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote. Any person who violates this provision shall be punished, upon conviction thereof, by

a fine not exceeding Twenty Dollars (\$20) inclusive of costs. Such violation shall constitute cause for removal from office or employment.

SECTION 37 STATE CONSTITUTION AND LAW TO GOVERN

The precinct and county election boards shall conduct the elections of the city, including special elections. The provisions of the state constitution and law relating to elections, shall govern such elections insofar as they are applicable and are not superseded by this charter or by ordinance.

ARTICLE VII

MISCELLANEOUS PROVISIONS

SECTION 38 FEMININE GENDER

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

SECTION 39 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.

SECTION 40 MERIT SYSTEM

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

SECTION 41 QUALIFICATIONS OF OFFICERS AND EMPLOYEES

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

SECTION 42 NEPOTISM, HOLDING MORE THAN ONE OFFICE OR POSITION

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

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

SECTION 43 OFFICIAL BONDS

The city manager, the city clerk, the city treasurer and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

SECTION 44 OATH OF AFFIRMATION OF OFFICE

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

SECTION 45 WHO MAY ADMINISTER OATHS AND AFFIRMATIONS

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

SECTION 46 REMOVAL, ETC., OF OFFICERS AND EMPLOYEES

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

SECTION 47 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 vacancy, until a successor is appointed or elected and qualifies, unless the council ordains that a particular superior or subordinate of such officer or employee shall act. The council by ordinance may provide for a deputy to act in such cases.

SECTION 48

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, abolition of the office or other legal manner.

SECTION 49

PUBLICITY OF RECORDS

All records and accounts of every office, department or agency of the city government, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, shall be open to public inspection.

SECTION 50

SEPARABILITY CLAUSE

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

If a court of competent jurisdiction holds a part of this charter invalid or if a change in the state constitution 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 VII

AMENDMENT

SECTION 51

AMENDMENT: PROPOSAL, RATIFICATION, APPROVAL

This charter may be amended by proposals therefore submitted by the council, or by the mayor upon initiative petition of the people as provided by the state constitution, at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If more than one amendment are proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this charter may be either in the form of a proposed amendment to a part or parts of the charter or of a proposed new charter.

SECTION 52

AMENDMENT: BOARD OF FREEHOLDERS

The council by ordinance may provide for the election of a board of freeholders to prepare and propose amendments to this charter. When an amendment proposed by a board of freeholders shall have been submitted by the council 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, it shall go into effect.

ARTICLE IX

SUCCESSION IN GOVERNMENT

SECTION 53 CHARTER IN EFFECT WHEN

This charter shall go into effect upon adoption and approval by the governor for purpose of regulating the election of councilmen in 1956, and shall go into full effect at 7:30 o'clock P. M. on the first Monday in May, 1956, in lieu of the heretofore existing charter as amended.

SECTION 54 ORDINANCES CONTINUED

All ordinances insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or until they expire by their own limitation.

SECTION 55 OFFICERS AND EMPLOYEES CONTINUED

The Commissioner of Public Affairs under the old charter at the time this charter goes into full effect, shall become councilman at large under this charter, and serve until 7:30 o'clock P.M. on the first Monday in May, 1958. The Commissioner of Highways and Public Improvements under the old charter at the time this charter goes into full effect, shall become councilman from Ward Four (4), and serve until 7:30 o'clock P.M. on the first Monday in May, 1957.

All other officers and employees under the old charter whose terms have not expired when this charter goes into full effect, shall continue in their respective offices and employments under this charter until their respective terms expire or until their services are terminated in accordance with the provisions of this charter. It is a desire of the people of the city in adopting this charter that every regular employee of the city shall continue in the service of the city after this charter goes into full effect, as long as the good of service permits.

SECTION 56 PENDING ACTIONS AND PROCEEDINGS

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

Note: The above charter was adopted by the qualified electors of the City of Dewey, Oklahoma, on December 6, 1955, by a vote of 223 to 165. It was approved by Governor Raymond Gary on December 27, 1955. The charter went into full effect at 7:30 o'clock P.M. on Monday, May 7, 1956.

This council-manager charter replaced a charter providing a commission form of government adopted in 1917.

CHARTER
OF THE CITY OF DEWEY, OKLAHOMA

Effective May 7, 1956

PREAMBLE

ARTICLE I.

INCORPORATION, FORM OF GOVERNMENT, POWERS

- Section 1 Incorporation.
- Section 2 Form of government.
- Section 3 Powers of the city.

ARTICLE II.

THE COUNCIL

- Section 4 Councilmen: number, qualifications.
- Section 5 Mayor and vice-mayor.
- Section 6 Councilmen: compensation.
- Section 7 Council: powers.
- Section 8 Council not to interfere in appointments and removals.
- Section 9 City clerk to be clerical officer of council.
- Section 10 Council: induction into office, meetings.
- Section 11 Council: absences to terminate membership.
- Section 12 Councilmen: removal.
- Section 13 Council: vacancies.
- Section 14 Council: quorum, rules, yeas and nays.
- Section 15 Ordinances: enacting clause.
- Section 16 Ordinances: passage, when in effect.
- Section 17 Ordinances: emergency.
- Section 18 Ordinances: adoption by reference.
- Section 19 Ordinances: codification.

ARTICLE III.

CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

- Section 20 City manager: appointment, term, qualifications, removal.
- Section 21 Acting city manager.
- Section 22 City manager: powers and duties.
- Section 23 Administrative departments, offices and agencies.
- Section 24 Library board.

ARTICLE IV.

DEPARTMENT OF FINANCE, FISCAL AFFAIRS

- Section 25 City clerk: office created, duties.
- Section 26 City treasurer: office created, duties.
- Section 27 Purchases and sales.

Charter

- Section 28 Sale of property valued at more than \$25,000.
- Section 29 Public improvements.
- Section 30 Fiscal year.
- Section 31 Independent annual audit.

ARTICLE V.

MUNICIPAL COURT

- Section 32 Municipal court.

ARTICLE VI.

ELECTIONS

- Section 33 Terms of three years--councilman elected at large shall be mayor--nonpartisan elections.
- Section 34 Election: filing.
- Section 35 Time, who elected, etc.
- Section 36 Political activity of officers and employees.
- Section 37 State constitution and law to govern.

ARTICLE VII.

MISCELLANEOUS PROVISIONS

- Section 38 Feminine gender.
- Section 39 Initiative and referendum.
- Section 40 Merit system.
- Section 41 Qualifications of officers and employees.
- Section 42 Nepotism, holding more than one office or position.
- Section 43 Official bonds.
- Section 44 Oath of affirmation of office.
- Section 45 Who may administer oaths and affirmations.
- Section 46 Removal, etc. of officers and employees.
- Section 47 Acting officers and employees.
- Section 48 Officers to continue until successors are elected or appointed and qualify.
- Section 49 Publicity of records.
- Section 50 Separability clause.

ARTICLE VIII.

AMENDMENT

- Section 51 Amendment: proposal, ratification, approval.
- Section 52 Amendment: board of freeholders.

Charter

ARTICLE IX.

SUCCESSION IN GOVERNMENT

- Section 53 Charter in effect when.
- Section 54 Ordinances continued.
- Section 55 Officers and employees continued.
- Section 56 Pending actions and proceedings.