

Forms of Municipal Government In Oklahoma

STATUTORY FORMS OF GOVERNMENT

More than 590 cities and towns in Oklahoma are governed according to the laws enacted by the Oklahoma Legislature. These laws can be amended or repealed.

More than 418 municipalities are governed under the "town" form of government. A total of 44 cities operates under the "aldermanic" form of government. In addition, there are 113 cities that are governed under the "council-manager" form; 8 cities have a "strong-mayor" form; and there are 91 cities operating under the "home-rule charter" form of government.

The voters select the form of government for a city when they elect to become a city. This form can be changed at any election when the proposal to change is submitted to a vote of the people.

Councilmembers in cities must be residents of the wards they represent but they are voted on and elected by all the persons voting at the election. Trustees from towns can be residents of their wards. If the governing body passes an ordinance allowing trustees to live at large, the ward system no longer functions. In either case the trustees are voted on at large.

CHARTER CITIES

The Oklahoma Constitution provides that a city having a population of more than 2,000 may adopt a charter. A board of freeholders consisting of two representatives from each ward is elected to draft a charter. This proposed charter is then submitted to a vote of the people. If approved by them, and then by the governor, the charter becomes the organic law of the city. (Municipal Charters, Title 11, Sections 13-101 through 13-116).

The charter may provide for any form, or combination, of government. The terms of the governing officials vary from two to four years or combinations thereof.

Approximately 91 cities operate under charters — 6 Aldermanic with Charter, 6 Strong Mayor with Charter, and 77 Council-Manager and 2 Town with Charters.

The Oklahoma Supreme Court has said that city charter provisions "when not inconsistent with the Constitution, supersede the statutes pertaining to municipal affairs, and thereby becomes the superior law in matters pertaining to municipal affairs."

Some of the areas in which city charter provisions supersede state law are:

1. **Form of government:** The municipality may adopt a form other than one of the statutory forms of municipal government, including number of departments, administrative organization, and distribution of powers among the departments or governing body.

2. **Conducting elections:** The city may set a time and procedure for conducting municipal elections different from state law, including manner of nominating and electing candidates, voting by ward or at large, polling places, strictly nonpartisan elections.
3. **Terms of office:** The municipality may provide that a term of office of the governing body begins in a time different than established by state law, may provide for a different number of members of the governing body from that set out in state law and may provide its own manner of filling vacancies on the council.
4. **Establishment and operation of public utilities:** The city may deviate from state law in its manner of running its public utilities.
5. **Acquiring, leasing or selling city property:** The municipality may establish its own method and procedure in relation to these matters.
6. **Employees:** All matters concerning hiring, removing, controlling, paying, working hours and conditions are solely the concern of the municipality operating under a charter. Federal provisions such as the Fair Labor Standards Act would still prevail over the charter.
7. **Compensation, recall, appointment, and removal of officers:** The charter may provide different procedures than state law in all of these areas.
8. **Competitive bidding:** Where the charter provides a procedure different from state law or where the charter authorizes the governing body of the city to establish a procedure, these procedures supersede state law.
9. **Improvements and assessments:** The manner of planning and carrying out improvements and levying and collecting assessments may differ from state law if provided for in the charter.
10. **Levying and collecting taxes for municipal purposes:** The procedures may differ from state law if provided for in the charter.
11. **Publication and effective date of ordinances:** The manner of adoption, publication and setting an effective date for municipal ordinances may differ if provided for in the charter.
12. **Purchasing procedures:** It may be that this also is a matter of local concern in light of the court's decision regarding competitive bidding. There is no court case, however, on this subject.
13. **The zoning powers and procedures:** Again, there has been no court case but several cities have included charter provisions in regard to zoning and planning within the municipal limits.
14. **Lobbying:** The Attorney General's opinion expressly recognized that municipal charters could provide authority for lobbying.
15. **Police Chiefs:** No municipality shall adopt an ordinance restricting or expanding the powers and duties, supervisory and management authority, or the regulation of day-to-day activities

of a duly elected law enforcement officer unless such authority is specifically granted by the municipal charter.

Statutory Aldermanic Form of Government

(Title 11 of the Oklahoma Statutes)

GOVERNING BODY (Section 9-102)

The governing body of a statutory aldermanic city shall consist of the mayor, who is elected at large, and one or two councilmembers from each ward of the city. The governing body may submit to the voters the question of whether one or two councilmembers shall be elected from each ward. If approved, the change shall become effective for the next regular municipal election, which shall be, conducted in accordance with the provisions of Section 16-202 or 16-204 of this title, whichever is applicable.

QUALIFICATIONS OF GOVERNING BODY MEMBERS (Section 9-103)

The governing body members shall be residents and registered voters of the city, and the councilmembers from wards shall be actual residents of their respective wards at the time of their respective candidacies and elections. Removal of a councilmember from a ward to another ward within the municipality after his or her election, or a change in ward boundaries, shall not disqualify the councilmember from completing the term for which he or she was elected. (Effective November 1, 2019)

MAYOR — DUTIES AS PRESIDENT OF COUNCIL (Section 9-104)

The mayor shall preside at meetings of the council and shall certify to the correct enrollment of all ordinances and resolutions passed by it. The mayor is not considered a member of the council for quorum or voting purposes; except that he may vote on questions under consideration by the council only when the council is equally divided.

MAYOR — DUTIES AS CHIEF EXECUTIVE OFFICER (Section 9-105)

The mayor shall be chief executive officer of the administrative branch of the government of the city. The mayor shall be recognized as the head of the city government for all ceremonial purposes and by the Governor for purposes of military law. The mayor shall:

1. appoint, subject to the confirmation by the city council, a city attorney and all heads or directors of administrative departments including members of boards and commissions and shall appoint all other administrative officers and employees of the city; and
2. sign the commissions and appointments of all officers, elected, or appointed; and
3. remove or suspend city officers or employees against whom charges of incompetency, neglect, or violation of duty are made, until such time as the council shall act on the charges; and
4. supervise and control all administrative departments, agencies, officers and employees, act promptly on a charge of neglect or violation of duty of any officer or employee, and require

any officer to account for and report to the council in writing on any subject pertaining to the duties, powers, or functions of the officer when the mayor deems necessary; and

5. prepare a budget annually and submit it to the council. The mayor shall be responsible for the administration of the budget after it goes into effect; and
6. keep the council advised of the financial condition and future needs of the city. The mayor shall submit to the council a report after the end of the fiscal year on the finances and administrative activities of the city for the preceding year; and
7. make recommendations to the council of measures for the well-being of the city; and
8. enforce the city ordinances; and
9. grant pardons for violation of city ordinances, including the remission of fines and costs, subject to the approval of the council. Said approval may only be given at a meeting of the council after the reasons and order of remission or pardon have been entered on the journal; and
10. have such other powers, duties, and functions as may be prescribed by law or by ordinance.

MAYOR — SIGNING ORDINANCES — VETO POWER (Section 9-106)

The mayor may sign or veto any city ordinance or resolution passed by the city council. Any ordinance or resolution vetoed by the mayor may be passed over his veto by a vote of two-thirds (2/3) of all the members of the council. If the mayor neglects or refuses to sign any ordinance or return it with his objections in writing at the next regular meeting of the council, the ordinance shall become law without his signature.

ELECTION OF COUNCIL PRESIDENT — DUTIES (Section 9-107)

The council shall elect from among its members a president of the city council. The council president shall be elected in each odd-numbered year at the first council meeting held after council terms begin, or as soon thereafter as practicable, and he shall serve until his successor has been elected and qualified. The council president shall act as mayor during the absence, disability, or suspension of the mayor. He shall preside at all meetings of the council in the absence of the mayor and while presiding in the place of the mayor, he shall have all the powers, rights, privileges, and duties as other members of the council. In the absence of the mayor and the council president, the council shall elect from among its members an acting president of the city council to occupy the position temporarily.

POWERS VESTED IN COUNCIL — DESIGNATED POWERS (Section 9-108)

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

1. enact municipal legislation subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
2. raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
3. inquire into the conduct of any office, department, or agency of the city, and investigate municipal affairs, or authorize and provide for such inquiries; and
4. create, change and abolish offices, departments and agencies other than those established by law; assign additional functions and duties to offices, departments and agencies established by this article; and define the duties, powers and privileges of all officers which are not defined by this article.

COUNCIL — MEETINGS (Section 9-109)

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) councilmembers may call special meetings. The call for special meetings must be in writing and specify the subjects to be considered. No business other than that specified in the call shall be transacted at the special meeting.

COUNCIL — QUORUM — RULES AND VOTING (Section 9-110)

A majority of all the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from day to day. The council shall determine its own rules and may compel the attendance of absent members in the manner and under penalties as the council may prescribe.

VACANCY IN THE OFFICE OF MAYOR (Section 9-111)

When a vacancy occurs in the office of the mayor less than ninety (90) days before the next regular municipal election, the president of the city council shall act as mayor until the next regular municipal election, at which time the registered voters of the city shall elect a person to fill any unexpired term, and until a mayor is elected and qualified for office. If the vacancy in the mayor's office occurs more than ninety (90) days before the next regular municipal election, the acting mayor shall cause a special election to be held for the purpose of electing a mayor for the duration of the unexpired term. The acting mayor shall be entitled to receive the same compensation, as the mayor would be entitled to.

CITY CLERK — CREATION AND DUTIES — COMPENSATION (Section 9-112)

The city clerk shall be an officer of the city. The clerk shall serve as clerk for the council. The city clerk shall:

1. keep the journal of the proceedings of the city council; and

2. enroll all ordinances and resolutions passed by the council in a book or set of books kept for that purpose; and
3. have custody of documents, records, and archives, as may be provided for by law or by ordinance, and have custody of the seal of the city; and
4. attest and affix the seal of the city to documents as required by law or by ordinance; and
5. have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as city clerk may be employed by the city to perform duties not related to his position as city clerk. The salary, if any, for said duties shall be provided for separately by ordinance.

CITY TREASURER — CREATION AND DUTIES — COMPENSATION (Section 9-113)

The city treasurer shall be an officer of the city. Subject to such regulations as the council may prescribe, the city treasurer shall deposit daily funds received for the city in depositories as the council may designate. The city treasurer shall have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as city treasurer may be employed by the city to perform duties not related to his position as city treasurer. The salary, if any, for said duties shall be provided for separately by ordinance.

MARSHAL AND STREET COMMISSIONER (Section 9-114)

There shall be one marshal and one street commissioner, who shall be officers of the city. The marshal may be the chief of police. The marshal shall have such powers, duties, and functions as may be prescribed by law or by ordinance. The street commissioner may be the head of the street department. The street commissioner shall have such powers, duties, and functions as may be prescribed by law or by ordinance.

MERGER OR CONSOLIDATION OF CITY OFFICES (Section 9-115)

The governing body may combine, merge, or consolidate by ordinance any of the various offices of city government, as it deems necessary and convenient for the administration of the affairs or government of the city. Any consolidation of elected city offices shall go into effect at the end of the term of office of those officers whose offices are consolidated or when a vacancy occurs in one of the offices to be consolidated. An ordinance consolidating offices must be enacted at least thirty (30) days prior to the date of the next municipal primary election.

COMPENSATION OF OFFICERS (Section 9-116)

The compensation of all elective city officers shall be fixed by ordinance.

APPOINTMENTS AND REMOVALS (Section 9-117)

Appointments and promotions in the service of a statutory aldermanic city shall be made solely on the basis of merit and fitness. Removals, demotions, suspensions, and layoffs shall be made solely

for the good of the service. The council may suspend for cause, by a majority vote of all its members, any officer of the city except the mayor. The council by ordinance may establish a system for appointment and removal of employees on the basis of merit. After the council establishes a merit system, it shall adopt regulations governing the organization and functioning of the system, and for the regulation of personnel matters. The ordinance establishing the merit system may not be repealed except upon the approval of a majority of the registered voters voting on the question at a special or general election in the city.

CITY OFFICIALS AND EMPLOYEES — SUSPENSION OR REMOVAL — SUCCESSORS (Section 9-118)

An appointed officer or employee may be suspended, demoted, laid off or removed by the mayor. Where appeal procedures have not been established by ordinance, the officer or employee may appeal the action to the city council. The appeal shall be in writing and shall be filed with the clerk of the council within ten (10) days after the effective date of the layoff, suspension, demotion or removal. The council may affirm, reverse or modify the mayor's decision. The mayor may appoint a person to act during the temporary absence, disability or suspension of such officer or employee, or, in the case of a vacancy, until a successor is appointed and qualified.

ALDERMANIC FORM OF GOVERNMENT

(Weak Mayor)

Title 11 of the Oklahoma Statutes

Section 9-101 through 9-118

VOTERS

MAYOR CITY COUNCIL CLERK* TREASURER* MARSHAL* STREET COMMISSIONER*
(4 or 8)

MAYOR

- Presides at council meetings
- Not considered a part of a quorum
- Votes only in the case of a tie
- May veto ordinances and resolutions
- May, subject to council approval:
 - appoint department heads and members of boards and commissions
 - remove or suspend city employees
 - grants pardons and remissions of fines
- Prepares the budget and informs the council of financial conditions
- Enforces city ordinances
- Head of government for military law

COUNCIL

- One or two councilmembers may be elected from each ward
- Elects a council president from among its members
- Enacts ordinances
- Raises revenue
- Inquires into the operation of the city departments
- Creates and changes city departments
- May override the mayor's veto with 2/3 vote of all members

CLERK *

- Is an officer of the city
- Keeps journals of council proceedings
- Enrolls all ordinances and resolutions passed by council
- Has custody of documents, records, and archives
- Has custody of city seal and attests and affixes seal to documents
- May be employed to perform duties not related to city clerk's position

TREASURER *

- Is an officer of the city
- Deposits daily funds received
- May be employed to perform duties not related to city treasurer's position

MARSHAL *

- No statutory duties
- May be named chief of police

STREET COMMISSIONER *

- No statutory duties

* These positions may be appointed by the governing body after a vote of the people (11 O.S. 1991, Section 16-207).

Statutory Council-Manager Form of Government

(Title 11 of the Oklahoma Statutes)

GOVERNING BODY (Section 10-102)

The governing body of a statutory council-manager city shall consist of one (1) councilmember from each ward of the city and one (1) councilmember at large.

QUALIFICATIONS OF COUNCILMEMBERS (Section 10-103)

The councilmembers shall be residents and registered voters of the city. The councilmembers from wards shall be actual residents of their respective wards at the time of their candidacy and election; but removal of a councilmember from one ward to another within the city after his election, or a change in ward boundaries, shall not disqualify him from completing the term for which he was elected.

ELECTION OF MAYOR AND VICE-MAYOR (Section 10-104)

The council shall elect from among its members a mayor and a vice-mayor. The mayor and vice-mayor shall be elected in each odd-numbered year at the first council meeting held after council terms begin, or as soon thereafter as practicable, and they shall serve until their respective successors have been elected and qualified.

DUTIES OF THE MAYOR AND VICE-MAYOR (Section 10-105)

The mayor shall preside at meetings of the council and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the city government for all ceremonial purposes and by the Governor for purposes of military law. He shall have no regular administrative duties except that he shall sign all conveyances and other written obligations of the city as the council may require. The vice-mayor shall act as mayor during the absence, disability or suspension of the mayor.

POWERS VESTED IN COUNCIL — DESIGNATED POWERS (Section 10-106)

All powers of a statutory council-manager city, including the determination of 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 by law;
2. Enact municipal legislation subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
3. Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;

4. Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs, or authorize and provide for such inquiries;
5. Appoint or elect and remove its own subordinates, members of commissions and boards and other quasi-legislative or quasi-judicial officers as provided by law, or prescribe the method of appointing or electing and removing them;
6. Create, change, and abolish offices, departments and agencies other than those established by law, and assign additional functions and duties to offices, departments and agencies established by this article; and
7. Grant pardons for violations of municipal ordinances, including the remission of fines and costs, upon the recommendation of the municipal judge.

LIMITATION OF COUNCIL AUTHORITY TO ACT THROUGH CITY MANAGER (Section 10-107)

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 officers or employees;
2. Participate in any manner in the appointment or removal of officers and employees of the city, except as provided by law; or
3. Give orders on ordinary administrative matters to any subordinate of the city manager either publicly or privately.

COUNCIL-MEETINGS (Section 10-108)

The council shall meet regularly at least monthly at such times as it may prescribe by ordinance or otherwise. The mayor or any three councilmembers may call special meetings.

COUNCIL-QUORUM-RULES AND VOTING (Section 10-109)

A majority of all the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day. The council shall determine its own rules.

VACANCY IN THE OFFICE OF MAYOR OR VICE-MAYOR (Section 10-110)

When a vacancy occurs in the office of mayor, the vice-mayor shall become the mayor for the duration of the unexpired term. When a vacancy occurs in the office of vice-mayor, the council shall elect another vice-mayor from among its members for the duration of the unexpired term.

COMPENSATION OF OFFICERS (Section 10-111)

The compensation of all elective city officers shall be fixed by ordinance.

CITY MANAGER — APPOINTMENT BY COUNCIL (Section 10-112)

The council shall appoint a city manager, a part-time city manager, or a part-time city planner, pursuant to this act, by a vote of a majority of all its members subject to the terms of employment established by the council. It shall choose the city manager, part-time city manager, or part-time city planner solely on the basis of executive and administrative qualifications with special reference to the actual experience in, or the knowledge of, accepted practice in respect to the duties of the office. At the time of appointment, the city manager need not be a resident of the city or state; but during the tenure of holding office the city manager shall reside within the boundaries of the city, the school district or districts that overlap the city boundaries, or within ten (10) miles of the city or school district. City managers, part-time city managers, or part-time city planners may appoint themselves, or the council or other authority may appoint or elect the city manager, part-time city manager, or part-time city planner to other offices and positions in the city government, subject to regulations prescribed by ordinance; but the city manager, part-time city manager, or part-time city planner may not receive compensation for service in such other offices or positions. Neither the mayor nor any members of the city council may be appointed city manager, part-time city manager, or part-time city planner during the term for which they shall have been elected nor within two (2) years after they cease to hold such office.

PART-TIME CITY MANAGER – PART-TIME CITY PLANNER (Section 8-116)

Any municipality with a population of less than five thousand (5,000) according to the latest Federal Decennial Census may employ a part-time city manager or a part-time city planner. The duties of the part-time city manager shall be determined by the governing body of the municipality, or pursuant to Section 10-113 of this title for municipalities governed by the council-manager form of government. The duties of the part-time city planner shall be determined by the governing body of the municipality.

CITY MANAGER — DUTIES (Section 10-113)

The city manager shall be the chief executive officer and head of the administrative branch of the city government. He shall execute the laws 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, remove, demote, lay off or suspend all heads of administrative departments and other administrative officers and employees of the city except as otherwise provided by law. The manager or the council by ordinance may authorize the head of a department, office or agency to appoint and remove the subordinates in such department, office or agency;
2. Supervise and control all administrative departments, officers and agencies;

3. Prepare a budget annually and submit it to the council and 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 after 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 recommendations as he deems desirable; and
6. Perform such other duties as may be prescribed by law or by ordinance.

DESIGNATION OF ACTING CITY MANAGER (Section 10-114)

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.

SUSPENSION OR REMOVAL OF CITY MANAGER (Section 10-115)

The council may suspend or remove the city manager or acting city manager at any time by a vote of a majority of all its members.

PURCHASES AND SALES BY CITY MANAGER — COMPETITIVE BIDDING — TRANSFER OF MANAGER'S POWERS (Section 10-116)

- A. The city manager shall contract for, purchase, or issue purchase authorizations for all supplies, materials and equipment for offices, departments, and agencies of the city government, subject to any regulations which the council may prescribe. Every contract or purchase exceeding an amount to be established by the council shall require the prior approval of the council. The city manager may also sell or transfer to or between offices, departments, and agencies surplus or obsolete supplies, materials, and equipment, subject to regulations the council may prescribe.
- B. The council may prescribe requirements and procedures for competitive bidding. Notice and opportunity for competitive bidding shall be given before a purchase or contract for supplies, materials, or equipment is made, and before a sale of any surplus or obsolete supplies, materials, or equipment is made, in accordance with regulations the council may prescribe. The council shall not exempt a particular contract, purchase, or sale from the requirement of competitive bidding.

- C. The council may transfer some or all of the power granted to the city manager pursuant to the provisions of this section to an employee appointed by and subordinate to the city manager.

CITY CLERK — CREATION AND DUTIES — COMPENSATION (Section 10-117)

The city clerk shall be an officer of the city, appointed by the city manager for an indefinite term. The city clerk shall serve as clerk for the council. Subject to regulations the council may prescribe, the city clerk shall:

1. keep the journal of the proceedings of the council;
2. enroll all ordinances and resolutions passed by the council in a book or set of books kept for that purpose; and
3. have custody of documents, records, and archives, as may be provided for by law or by ordinance, and have custody of the seal of the city; and
4. attest and affix the seal of the city to documents as required by law or by ordinance; and
5. have such other powers, duties and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as city clerk may be employed by the city to perform duties not related to his position as city clerk. The salary, if any, for said duties shall be provided for separately by ordinance.

CITY TREASURER — CREATION AND DUTIES — COMPENSATION (Section 10-118)

The city treasurer shall be an officer of the city, appointed by the council for an indefinite term. The council may provide by ordinance that the same person may hold both the office of city clerk and the office of city treasurer. Subject to such regulations as the council may prescribe, the city treasurer shall deposit daily funds received for the city in depositories as the council may designate. The city treasurer shall have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as city treasurer may be employed by the city to perform duties not related to his position as a city treasurer. The salary, if any, for said duties shall be provided for separately by ordinance.

DEPARTMENTS INCLUDED IN COUNCIL-MANAGER GOVERNMENT (Section 10-119)

In a statutory council-manager city, there shall be a police department, a fire department, a department of law headed by a city attorney, and other administrative departments, offices and agencies as the council may establish.

APPOINTMENTS AND REMOVALS (Section 10-120)

Appointments and promotions in the service of a statutory council-manager city shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made

solely for the good of the service. The council by ordinance may establish a merit system and provide for its organization and functioning and provide for personnel administration and regulation of personnel matters.

CITY OFFICIALS AND EMPLOYEES — SUSPENSION OR REMOVAL — SUCCESSORS
(Section 10-121)

An officer or employee may be suspended, demoted, laid off or removed by the city manager or other authority which has the power to appoint or elect the officer or employee. The city manager or other authority which has the power to 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 the case of a vacancy, until a successor is appointed or elected and qualified. The council may ordain that a particular superior or subordinate or deputy of such officer or employee shall act in such cases.

COUNCIL-MANAGER FORM OF GOVERNMENT

Title 11 of the Oklahoma Statutes
Sections 10-101 through 10-121

VOTERS

CITY COUNCIL
(5 or 7)

CITY MANAGER

COUNCIL

- Four or six councilmembers are elected from wards and one is elected at large
- Elects a mayor and vice-mayor from among its members
- Appoints a city manager
- Enacts ordinances
- Raises revenue
- Inquires into the operation of the city departments
- Appoints members to boards and commissions
- Creates and changes city departments
- Grants pardons and remissions of fines upon the recommendation of the municipal judge

MAYOR

- Presides at council meetings
- Makes motions and votes on all issues before the council
- Signs ordinances and commissions
- Head of government for military law

CITY MANAGER

- Administers departments
- Appoints and disciplines employees
- Prepares the budget
- Makes recommendations to the council

Strong-Mayor-Council Form of City Government

(Title 11 of the Oklahoma Statutes)

GOVERNING BODY (Section 11-102)

The governing body of a statutory strong-mayor-council city shall consist of the mayor, who is elected at large, and one (1) councilmember from each ward of the city. The mayor shall serve as ex officio councilmember at large.

QUALIFICATIONS OF GOVERNING BODY MEMBERS (Section 11-103)

The governing body members shall be residents and registered voters of the city. The councilmembers from wards shall be actual residents of their respective wards at the time of their candidacy and election; but removal of a councilmember from one ward to another within the city after his election, or a change in ward boundaries, shall not disqualify him from completing the term for which he was elected.

ELECTION OF VICE-MAYOR - DUTIES (Section 11-104)

The council shall elect from among its members a vice-mayor. The vice-mayor shall be elected in each odd-numbered year at the first council meeting held after council terms begin, or as soon thereafter as practicable, and he shall serve until his successor has been elected and qualified. The vice-mayor shall act as mayor during the absence, disability or suspension of the mayor. During the absence, disability or suspension of both, the mayor and vice-mayor, the council may elect an acting mayor from among its members to serve as mayor.

MAYOR - DUTIES AS PRESIDENT OF COUNCIL - TEMPORARY COUNCIL PRESIDENT (Section 11-105)

- A. The mayor shall preside at meetings of the council and shall certify to the correct enrollment of all ordinances and resolutions passed by it. As councilmember at large, he shall have all the powers, rights, privileges, duties, and responsibilities of a councilmember, including the right to vote on questions.
- B. The council may elect any councilmember to preside as temporary president of the council whenever it deems that the mayor has a personal interest in a matter under consideration, or it deems that the mayor is not properly performing his duties as presiding officer. Such temporary president may certify to correct enrollment of ordinances and resolutions passed while he is presiding.

MAYOR - DUTIES AS CHIEF EXECUTIVE OFFICER (Section 11-106)

The mayor 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. 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:

1. Appoint, and when necessary for the good of the service, remove, demote, lay off, or suspend all heads or directors of administrative departments and all other administrative officers and employees of the city in the manner provided by law. The mayor or the council by ordinance may authorize the head of a department, office or agency to appoint and remove subordinates in such department, office or agency;
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 and 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 after 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 he deems desirable;
6. Grant pardons for violations of city ordinances, including the remission of fines and costs, upon the recommendation of the municipal judge; and
7. Have such other powers, duties and functions as may be prescribed by law or by ordinance.

MAYOR - ADDITIONAL OFFICES OR DUTIES (Section 11-107)

The mayor may appoint himself, or the council or other authority may elect or appoint him, to other offices and positions in the city government, subject to regulations as the council may prescribe; but he may not receive compensation for service in such other offices and positions. The council may provide that the mayor shall hold ex officio designated administrative offices subordinate to the mayor as well as other designated compatible city offices.

POWERS VESTED IN COUNCIL - DESIGNATED POWERS (Section 11-108)

Except as otherwise provided in this article, all powers of a statutory strong-mayor-council city, including the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council may:

1. Enact municipal legislation subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
2. Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
3. Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs, or to authorize and provide for such inquiries and investigations;

4. Appoint or elect and remove its own subordinates, members of commissions and boards, and other quasi-legislative, quasi-judicial or advisory officers and authorities as provided by law, or prescribe the method of appointing or electing and removing them; and
5. Create, change and abolish offices, departments and agencies other than those established by law, and assign additional functions and duties to offices, departments and agencies established by this article.

COUNCIL - MEETINGS (Section 11-109)

The council shall meet regularly at least monthly at such times as it may prescribe by ordinance or otherwise. The mayor or any three councilmembers may call special meetings.

COUNCIL - QUORUM - RULES (Section 11-110)

A majority of all the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day. The council may determine its own rules.

VACANCY IN THE OFFICE OF MAYOR OR VICE-MAYOR (Section 11-111)

When a vacancy occurs in the office of mayor, the vice-mayor shall act as mayor until a mayor is elected by the council and qualified for office. To fill the vacancy, the council shall elect a registered voter of the city, who may or may not already be a council member at the time, to be mayor until the next general municipal election, and to serve until a successor is elected and qualified. Any vacancy shall then be filled at the next general municipal election by election of a person to complete the balance of any unexpired term. If the vacancy has not been filled within sixty (60) days after it occurs, the governing body shall call for a special election for the purpose of filling the vacancy for the duration of the unexpired term. However, if less than one (1) year remains of the unexpired term, the council shall elect a registered voter of the city, who may or may not already be a council member at the time, to be mayor for the duration of the unexpired term. When a vacancy occurs in the office of vice-mayor, the council shall elect from among its members another vice-mayor for the duration of the unexpired term.

COUNCIL AND MAYOR - COMPENSATION (Section 11-112)

The compensation of all elective city officers shall be fixed by ordinance.

CITY CLERK - CREATION AND DUTIES (Section 11-113)

The city clerk shall be an officer of the city, appointed by the mayor for an indefinite term. The city clerk shall serve as clerk for the council. Subject to regulations the council may prescribe, the city clerk shall:

1. keep the journal of the proceedings of the council; and
2. enroll all ordinances and resolutions passed by the council in a book or books kept for that purpose; and

3. have custody of documents, records, and archives, as may be provided for by law or by ordinance, and have custody of the seal of the city; and
4. attest and affix the seal of the city to documents as required by law or by ordinance; and
5. have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as the city clerk may be employed by the city to perform duties not related to his position as city clerk. The salary, if any, for said duties shall be provided for separately by ordinance.

APPOINTMENT OF TEMPORARY CLERK OF COUNCIL (Section 11-114)

The council may appoint a temporary clerk of the council to serve during the absence from a meeting of the city clerk and acting city clerk, if any, or when it deems that the city clerk or acting city clerk is not properly performing his duties as clerical officer of the council. The temporary clerk of the council shall keep the journal of its proceedings, certify documents of the council, and perform all other duties and functions as clerical officer of the council, under the direction of the council and its presiding officer.

CITY TREASURER - CREATION AND DUTIES (Section 11-115)

The city treasurer shall be an officer of the city, appointed by the mayor for an indefinite term. The council may provide by ordinance that the same person may hold both the office of city clerk and the office of city treasurer. Said council may also provide by ordinance 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 daily funds received for the city in depositories as the council may designate. The city treasurer shall have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as the city treasurer may be employed by the city to perform duties not related to his position as city treasurer. The salary, if any, for said duties shall be provided for separately by ordinance.

PURCHASES AND SALES BY MAYOR - COMPETITIVE BIDDING - TRANSFER OF MAYOR'S POWERS (Section 11-116)

- A. The mayor, subject to any regulations which the council may prescribe, shall contract for, purchase, or issue purchase authorizations for all supplies, materials and equipment for offices, departments and agencies of the city government. Every contract or purchase exceeding an amount to be established by ordinance shall require the prior approval of the council. The mayor may also sell or transfer to or between offices, departments, and agencies, surplus or obsolete supplies, materials, and equipment, subject to regulations as the council may prescribe.
- B. The council by ordinance may prescribe requirements and procedures for competitive bidding. Notice and opportunity for competitive bidding, in accordance with regulations as the council may prescribe, shall then be given before a purchase or contract for supplies,

materials or equipment is made. The council shall not exempt a particular contract, purchase, or sale from the requirement of competitive bidding.

- C. The council by ordinance may transfer some or all of the power granted to the mayor by this section to an officer appointed by and subordinate to the mayor.

DEPARTMENTS AND AGENCIES (Section 11-117)

In a statutory strong-mayor-council city, there shall be a police department, a fire department, a department of law headed by a city attorney, and such other administrative departments, offices and agencies as the council may establish.

APPOINTMENTS AND REMOVALS - PERSONNEL DEPARTMENT (Section 11-118)

Appointments and promotions in the service of a statutory strong-mayor-council city shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. The council by ordinance may establish a merit system and provide for its organization and functioning and provide for personnel administration and regulations of personnel matters. If and when the council establishes a merit system, it shall create a personnel department, the head of which shall be a personnel director appointed by the mayor for an indefinite term. The mayor may serve also as personnel director.

PERSONNEL BOARD - MEMBERSHIP AND TENURE (Section 11-119)

In a statutory strong-mayor-council city, there shall be a personnel board consisting of three members elected by the council for staggered six-year terms. The council shall elect the three original members so that the term of one member will expire in each succeeding even-numbered year. The term of their successors shall be for six (6) years, beginning at 7:30 o'clock p.m. on the first Monday in May in every even-numbered year. Members shall serve until their successors are elected and qualified, and they shall serve without compensation unless the council provides otherwise. The council, by a vote of a majority of its members, after adequate opportunity for a public hearing, may remove a member for the good of the service, and may fill vacancies for the unexpired term.

PERSONNEL BOARD - OFFICERS AND MEETINGS (Section 11-120)

At the time prescribed for the beginning of the term of a newly elected member or as soon thereafter as practicable, the members of the personnel board shall elect a chairman, a vice-chairman and a secretary. The secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairman or two members may call special meetings of the board.

CLASSIFIED AND UNCLASSIFIED SERVICE (Section 11-121)

All officers and employees of a statutory strong-mayor council city shall be divided into the classified and the unclassified service. The unclassified service shall consist of:

1. The mayor and councilmembers, one secretary of the mayor, if any, the municipal judge, and one clerk or secretary of the municipal court, if any;
2. All personnel appointed, elected or confirmed by the council;
3. Members and secretaries of boards, commissions and other plural authorities;
4. All personnel who serve without compensation; and
5. Persons appointed or employed on a temporary basis to make or conduct a special audit, inquiry, investigation, study, examination, or installation, or to perform a temporary professional or technical service, subject to exclusions, limitations and regulations as may be prescribed by ordinance or personnel rules.

All other officers and employees shall be in the classified service.

POLITICAL APPOINTMENTS OR PROMOTIONS PROHIBITED - REVIEW OF ALLEGED VIOLATIONS (Section 11-122)

- A. Neither the mayor nor any other appointing authority may appoint or promote any person to any office or position in the classified service of the city for any political reason nor for any reason other than merit and fitness.
- B. A qualified elector of the city may bring an alleged violation of this section before the city personnel board for consideration and determination. Alleged violations shall be made in the form of a sworn complaint charging that a designated person has been appointed or promoted to an office or position in the classified service in violation of this section. The complaint shall be filed with the secretary or chairman of the personnel board not later than sixty (60) days after the effective date of such appointment or promotion and shall be accompanied by a deposit of Twenty Dollars (\$20.00) for payment of costs. The personnel board shall provide adequate opportunity for a public hearing on the complaint. If the board finds to its satisfaction that the appointment or promotion was made in violation of this section, it shall veto the appointment or promotion. The appointment or promotion shall thereby be nullified, and the money deposit shall be returned to the complainant.

POLITICAL ACTIVITY PROHIBITED FOR OFFICERS AND EMPLOYEES IN CLASSIFIED SERVICE - REMOVAL FOR VIOLATIONS (Section 11-123)

- A. No officer or employee in the classified service of a statutory strong-mayor-council city may actively influence, or actively attempt to influence, or work actively for, the nomination, election, or defeat of any candidate for mayor or councilmember; but this shall not prohibit the ordinary exercise of one's right as a citizen to express his opinions and to vote. An officer or employee who violates this section shall be removed from office or position either by the authority normally having power to remove him, or, after adequate opportunity for a public hearing, by the personnel board. An officer or employee who violates this section shall not hold any office or position in the city government for a period of four (4) years thereafter.

- B. A qualified elector of the city may bring an alleged violation of this section before the personnel board for consideration and determination. Alleged violations shall be made in the form of a sworn complaint charging an officer or employee with such violation. The complaint shall be filed with the secretary or chairman of the personnel board and shall be accompanied by a deposit of Twenty Dollars (\$20.00) for payment of costs. If the personnel board finds to its satisfaction that the officer or employee has violated this section prohibiting political activity, it shall remove him from office or position, and the money deposit shall be returned to the complainant.

CITY OFFICIALS AND EMPLOYEES - SUSPENSION OR REMOVAL - SUCCESSORS (Section 11-124)

An officer or employee may be suspended, demoted, laid off or removed in the manner provided by law by the mayor or other authority which has the power to appoint or elect the officer or employee. The mayor or other authority which has the power to 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 the case of a vacancy, until a successor is appointed or elected and qualified. The council may ordain that a particular superior or subordinate or deputy of such officer or employee shall act in such cases.

REMOVAL OF EMPLOYEES IN CLASSIFIED SERVICE – PROCEDURE (Section 11-125)

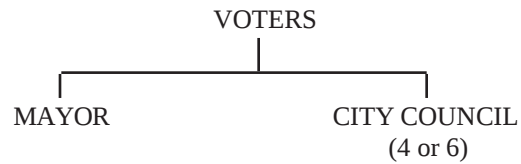
Whenever the mayor or other authority lays off, suspends without pay, demotes, or removes an officer or employee in the classified service who has completed a probationary period of six (6) months, the following procedure shall apply:

1. The mayor or other appointing authority shall deliver, or mail by certified mail, a written statement of the causes for the layoff, suspension, demotion or removal to the officer or employee not later than three (3) days after the effective date of the personnel action;
2. The officer or employee may appeal the action to the personnel board. The appeal must be in writing, and must be filed with the secretary or chairman of the personnel board within ten (10) days after the effective date of the layoff, suspension, demotion or removal;
3. The personnel board shall hold a public hearing on the appeal, or give an adequate opportunity therefor, as soon as practicable after an appeal has been filed;
4. The personnel board shall report in writing its findings and recommendations to the mayor, where the appellant is a subordinate of the mayor, or to the respective authority having power of removal; and
5. The mayor or other authority having power of removal shall make the final decision in writing regarding the appellant's layoff, suspension, demotion or removal; but if the personnel board finds to its satisfaction that the layoff, suspension, demotion, or removal was made for a political reason or for any reason other than the good of the service, it shall veto

the layoff, suspension, demotion or removal, and the action by the mayor or other authority shall be nullified thereby.

STRONG-MAYOR-COUNCIL FORM OF GOVERNMENT

Title 11 of the Oklahoma Statutes
Sections 11-101 through 11-125



MAYOR

- A member of the council
 - Votes on all issues before the council
 - Presides at council meetings
 - Signs ordinances and commissions
 - Chief executive officer of the city
 - Administers city departments
 - Appoints and disciplines employees
 - Prepares the budget
-
- Grants pardons and remissions of fines upon recommendation by the municipal judge
 - Makes purchases subject to council regulations

COUNCIL

- Four or six councilmembers are elected from wards
- Enacts ordinances
- Raises revenue
- Inquires into the operation of the city departments
- Appoints members to boards and commissions
- Requires the creation of a merit system and a personnel board

Statutory Town Form of Government

(Title 11 of the Oklahoma Statutes)

GOVERNING BODY (Section 12-102)

The town board of trustees shall consist of either three (3) or five (5) trustees who shall be nominated from wards or at large and elected at large. The governing body may submit to the voters the question of whether the town board shall consist of three (3) or five (5) trustees. If approved, the election of trustees to fill any new positions shall take place at the time set by the town board but no later than the next regular municipal election. The terms of the new trustees shall be staggered as provided for in Sections 16-205 and 16-206 of this title.

QUALIFICATIONS OF GOVERNING BODY MEMBERS (Section 12-103)

The trustees who are nominated from wards shall be actual residents of their respective wards. Removal of a trustee from the ward for which he was elected shall not cause a vacancy in the office of that trustee.

NOMINATING AND ELECTING TRUSTEES AT LARGE — ORDINANCE — PETITION (Section 12-103.1)

- A. The board of trustees may, by ordinance, provide for the nomination and election at large of the trustees of a statutory town board of trustees form of government; provided, however, that such ordinance shall not become effective until sixty (60) days following the date of its publication. After the ordinance becomes effective, the requirement that trustees of a town be residents of and nominated from wards shall not apply.
- B. Within such sixty-day period, the registered voters of such town may petition for an election on the question of nominating and electing the trustees at large. The petition shall be signed by a number of such registered voters that is not less than twenty percent (20%) of the votes cast at the most recent election for the town office receiving the greatest number of votes. The petition shall be filed with the town clerk. The ordinance providing for the nomination and election of trustees at large shall be suspended pending the determination of the sufficiency of the number of signatures on the petition or the determination of the results of the election.
- C. Each petition filed with the town clerk shall be on a separate sheet and shall be authenticated by the affidavit of at least one credible witness that the signatures are genuine and that the signers of the petition are registered voters of the town. The clerk shall make a physical count of the number of signatures appearing on the petitions and shall verify with the county election board the number of votes cast at the most recent town election for the office receiving the greatest number of votes. The clerk shall then publish a notice of the filing and the apparent sufficiency or insufficiency of the petition. The notice shall also state that any qualified elector of the town may file a protest to the petition or an objection to the count made by the clerk. A protest to the petition or the count of signatures shall be filed in the district court in the county in which the situs of the town is located within ten (10) days after

the publication. Written notice of the protest shall be served upon the clerk and the parties who filed the petition. In the case of the filing of an objection to the count, notice shall also be served upon any party filing a protest. The district court shall fix a day, not less than ten (10) days after the filing of a protest, to hear testimony and arguments for and against the sufficiency of the petition. A protest filed by anyone, if abandoned by the party filing it, may be revived within five (5) days by any other qualified elector. After the hearing, the district court shall decide whether such petition is in form required by law. If the number of signatures on the petition is insufficient, the ordinance shall become effective.

- D. If the number of signatures of the registered voters on the petition is sufficient, an election on the question shall be conducted as provided in the applicable sections of Article 16 of this title. The question on the ballot shall read substantially as follows:

For the nomination and election of trustees at large ()

Against the nomination and election of trustees at large ()

- E. If a majority of the votes cast on the question favor the nomination and election of trustees at large, the ordinance shall become effective. If a majority of the votes cast on the question are against the nomination and election of the trustees at large, the ordinance shall not become effective.

NOTICE OF AT LARGE ELECTION OF TRUSTEES — BALLOT — CANDIDATES ELECTED (Section 12-103.2)

- A. Whenever the trustees of a town are to be nominated and elected at large, the notice of election shall state the number of trustees to be elected for four-year terms and the number of trustees to be elected to fill unexpired terms, if any. Candidates for the office of trustee shall state on the declaration of candidacy the term of the office being sought.
- B. The ballot shall state the number of offices of trustee to be filled for each designated term and that the voters shall vote for the number of offices to be filled.
- C. The candidate who receives a plurality of the votes cast for the office of trustee for the designated term shall be elected for that designated term. If more than one office of trustee is to be filled for a designated term, the candidates receiving the largest pluralities shall be elected to those offices.

ELECTION OF MAYOR (Section 12-104)

The board of trustees shall elect from among its members a mayor. The mayor shall be elected in each odd-numbered year at the first board of trustees meeting held after trustee terms begin, or as soon thereafter as practicable. The mayor shall serve until his successor has been elected and qualified. All references to the president of the town board of trustees in Oklahoma Statutes shall mean the town mayor.

DUTIES OF MAYOR — ACTING MAYOR (Section 12-105)

The mayor shall preside at meetings of the board and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the town government for all ceremonial purposes and shall have such other powers, duties and functions as may be prescribed by law or ordinance. The mayor shall have all the powers, rights, privileges, duties and responsibilities of a trustee, including the right to vote on questions. During the absence, disability or suspension of the mayor, the board shall elect from among its members an acting mayor. When a vacancy occurs in the office of mayor, the board shall elect another mayor from among its members to serve for the duration of the unexpired term.

DESIGNATED POWERS VESTED IN BOARD OF TRUSTEES (Section 12-106)

All powers of a statutory town board of trustees, including the determination of matters of policy, shall be vested in the board of trustees. Without limitation of the foregoing, the board may:

1. appoint and remove, and confirm appointments of, designated town officers and employees as provided by law or ordinance;
2. enact municipal legislation subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
3. raise revenue, establish rates for services and taxes, make appropriations, regulate salaries and wages and all other fiscal affairs of the town, subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
4. inspect the books and accounts maintained by the town treasurer;
5. inquire into the conduct of any office, department or agency of the town, and investigate municipal affairs, or authorize and provide for such inquiries;
6. create, change and abolish offices, departments or agencies, other than those established by law; assign additional functions and duties to offices, departments and agencies established by this article; and define the duties, powers and privileges of all officers which are not defined by this article; and
7. grant pardons for violation of municipal ordinances, including the remission of fines and costs.

BOARD OF TRUSTEE — MEETINGS (Section 12-107)

The board of trustees shall meet regularly at least monthly at such times as it may prescribe by ordinance or otherwise. Special meetings may be called by the mayor or:

1. any two trustees where the board has three members; or
2. any three trustees where the board has five members.

BOARD OF TRUSTEES — QUORUM — RULES AND VOTING (Section 12-108)

A majority of all the members of the board of trustees shall constitute a quorum to do business, but a smaller number may adjourn from day to day. The board may determine its own rules and may compel the attendance of absent members in the manner and under penalties as the board may prescribe.

TOWN CLERK — CREATION AND DUTIES — COMPENSATION (Section 12-109)

The town clerk shall be an officer of the town. The town clerk shall:

1. keep the journal of the proceedings of the board of trustees; and
2. enroll all ordinances and resolutions passed by the board of trustees in a book or set of books kept for that purpose; and
3. have custody of documents, records, and archives, as may be provided for by law or by ordinance, and have custody of the town seal; and
4. attest and affix the seal of the town to documents as required by law or by ordinance; and
5. have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as town clerk may be employed by the town to perform duties not related to his position as town clerk. The salary, if any, for said duties shall be provided for separately by ordinance.

TOWN TREASURER—CREATION AND DUTIES— COMPENSATION (Section 12-110)

The town treasurer shall be an officer of the town. The town treasurer shall:

1. maintain accounts and books to show where and from what source all monies paid to him have been derived and to whom and when any moneys have been paid; and
2. deposit daily funds received for the town in depositories as the board of trustees may designate; and
3. have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as town treasurer may be employed by the town to perform duties not related to his position as town treasurer. The salary, if any, for said duties shall be provided for separately by ordinance. The books and accounts of the town treasurer shall be subject at all times to examination by the board of trustees.

CHIEF OF POLICE — CREATION AND DUTIES (Section 12-111)

The board of trustees may appoint a chief of police, who shall enforce municipal ordinances and have such other powers, duties and functions as may be prescribed by law or ordinance. The chief

of police may appoint police officers, as he deems necessary, subject to the approval and confirmation of the board of trustees. All references in Oklahoma Statutes to the town marshal shall mean the town chief of police.

DEPARTMENTS AND AGENCIES — MERGER OR CONSOLIDATION OF TOWN OFFICES (Section 12-112)

In the town board of trustees' form of government, there shall be such administrative departments, officers, and agencies as the board may establish. The board may combine, merge, or consolidate by ordinance any of the various offices of town government, as it deems necessary and convenient for the administration of the affairs or government of the town. Any consolidation of elected town offices shall go into effect at the end of the term of office of those officers whose offices are consolidated or when a vacancy occurs in one of the offices to be consolidated. An ordinance consolidating offices must be enacted at least thirty (30) days prior to the date of the next municipal primary election.

COMPENSATION OF TOWN ELECTIVE OFFICERS (Section 12-113)

The compensation of all elective town officers shall be fixed by ordinance.

APPOINTMENTS AND REMOVALS (Section 12-114)

Appointments and promotions in the service of a statutory town board of trustees government shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. The board by ordinance may establish a merit system and provide for its organization and functioning and provide for personnel administration and regulation of personnel matters. The board of trustees may remove for cause any appointive officer by a majority vote of all its members.

TOWN FORM OF GOVERNMENT

Title 11 of the Oklahoma Statutes
Sections 12-101 through 12-114

VOTERS

TRUSTEES
(3 or 5)

CLERK *

TREASURER *

TRUSTEES

- Three or five trustees elected from wards or at-large
- Elects a mayor from among its members
- Appoints and disciplines employees
- Enacts ordinances
- Raises revenue
- Inquires into the operation of the town departments
- Creates and changes town departments
- Grants pardons and remissions of fines

MAYOR

- Presides at board meeting
- Makes motions and votes on all issues before the board
- Signs ordinances and commissions
- Head of government for ceremonial purposes

CLERK *

- Is an officer of the city
- Keeps journals of council proceedings
- Enrolls all ordinances and resolutions passed by council
- Has custody of documents, records, and archives
- Has custody of town seal and attests & affixes seal to documents
- May be employed to perform duties not related to town clerks position

TREASURER *

- Is an officer of the city
- Maintains accounts and books
- Deposits daily funds received
- May be employed to perform duties not related to town treasurers position

* These positions may be appointed by the governing body after a vote of the people (11 O.S.1991, Section 16-207).

CHANGING STATUTORY FORM OF CITY GOVERNMENT

(Title 11 of the Oklahoma Statutes)

PROCEDURE FOR CHANGING FORM OF GOVERNMENT - PETITION OR GOVERNING BODY RESOLUTION (Section 18-101)

Any city operating pursuant to a statutory form of city government may change to any one of the other statutory forms of city government. The mayor shall issue an order calling for an election on the question of whether or not the city shall change its form of government if:

1. an initiative petition is filed with the governing body of the municipality; or
2. the governing body, by resolution, so directs.

The initiative petition or resolution of the governing body shall be filed at least one hundred twenty (120) days before the filing date for the next municipal general election and shall include the form of government which is proposed for adoption. The order calling for the election shall be issued by the governing body of the municipality within ten (10) days after a decision has been made on the ballot title, or within ten (10) days after the effective date of the resolution of the governing body.

ELECTION ON QUESTION – NOTICE (Section 18-102)

The question of changing the statutory form of city government shall be submitted to the registered voters of the city at a general or special election to be held in the city not less than sixty (60) days nor more than ninety (90) days after the date of the order calling for the election. Notice of the election on the question shall be given by the governing body in the manner required for municipal elections.

BALLOTS - CERTIFICATION OF RESULTS – ORDER (Section 18-103)

The question submitted to the registered voters of the municipality shall be substantially in the following form:

Shall the City of _____ change to the statutory _____ (name of proposed statutory form) form of city government?

- () Yes.
() No.

The secretary of the county election board shall, within five (5) days after the canvass of returns, certify the results of the election on the question to the governing body. If a majority of the votes cast are in favor of adopting the proposed form of government, the governing body shall, within twenty (20) days after receiving the certification, adopt a resolution stating that the city has changed its form of government to the form adopted. The governing body by ordinance shall divide the city into the number of wards required under the statutory form of government which has been adopted.

EFFECTIVE DATE OF NEW FORM - FIRST ELECTIONS - TRANSITION OF OFFICERS (Section 18-104)

The first primary and general elections under the new form shall be held at the time that the next municipal primary and general elections would be held as if there were no change in the form of government. The form of government which has been adopted shall go into full effect when the terms of officers elected under the new form begin. Every appointive officer or employee holding an office or position which exists under both the previous and new forms of government shall continue in his office or position in the new form of government until his services terminate or are terminated in the manner provided by the new form.

RECORD OF CHANGE (Section 18-105)

The resolution declaring the change in form of city government shall be recorded in the office of the county clerk in the county in which the situs of the city government is located and filed in the office of the Secretary of State and in the archives of the city.