

OKLAHOMA SECRETARY OF STATE



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Brad Henry  
Governor

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APPROVAL OF GOVERNOR  
OF AMENDED MUNICIPAL CHARTER

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the powers vested in me by Article 18 of the Constitution of the State of Oklahoma and the provisions of Section 13-111 of Title 11 of the Oklahoma Statutes, proclaim the following:

1. On August 23, 2010, the Mayor and the City Council of the City of Bartlesville, County of Washington, State of Oklahoma, by Resolution No. 3212, attached as "Exhibit A" directed propositions to be included on the ballot of an election for the purpose of submitting to the qualified voters amendments to the Preamble, Sections 3, 4, and 5 of Article 1, Section 1, 2, 5, 6, 8, 9, 10, 12, and 13 of Article 2, Section 1 of Article 3, Section 1, 2, 3, and 6 of Article 4, Section 1, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, and 17 of Article 5, Section 1 of Article 7, and Section 9 of Article 9, Section 1 of Article 13, Sections 3, 4, 6, 7, 8, 10, and 14 of Article 16, and Section 1 of Article 18.

2. On November 2, 2010, Preamble, Sections 3, 4, and 5 of Article 1, Section 1, 2, 5, 6, 8, 9, 10, 12, and 13 of Article 2, Section 1 of Article 3, Section 1, 2, 3, and 6 of Article 4, Section 1, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, and 17 of Article 5, Section 1 of Article 7, and Section 9 of Article 9, Section 1 of Article 13, Sections 3, 4, 6, 7, 8, 10, and 14 of Article 16, and Section 1 of Article 18 of the Charter of the City of Bartlesville, Oklahoma were submitted to the vote.

3. The Certificates of Authentication, attached as "Exhibit B", of the election certifies that said propositions were approved by a majority of those electors voting in the election.

THEREFORE, I find that the amendments are not in conflict with the Constitution or laws of the State of Oklahoma and hereby approve the adopted amendments to be in full force and effect as provided by law.

A copy of this Approval of Governor shall be forwarded to the Mayor of the City of Bartlesville, Oklahoma.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 28<sup>th</sup> day of December, 2010.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Brad Henry

ATTEST:

  
SECRETARY OF STATE

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**AMENDED CHARTER OF THE CITY OF BARTLESVILLE**

**Preamble**

- Art. 1. Boundaries, Powers, Form of Government, Rights, Liabilities**
- Art. 2. Elective Officers, City Council**
- Art. 3. Nomination And Elections**
- Art. 4. Recall Of Elective Officers**
- Art. 5. Appointive Officers**
- Art. 6. Appointments And Promotions**
- Art. 7. Initiative and Referendum**
- Art. 8. Public Utilities**
- Art. 9. Ordinances**
- Art. 10. The Budget**
- Art. 11. Audits and Reports**
- Art. 12. Labor**
- Art. 13. Public Library**
- Art. 14. Commissions, Boards, Committees, Departments**
- Art. 15. City Buildings, Playgrounds, Parks and Other Public Places**
- Art. 16. General Provisions**
- Art. 17. Succession In Government**
- Art. 18. Amendments**
- Art. 19. Schedule to Amended Charter**

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## Preamble

We, the People of the City of Bartlesville, in the State of Oklahoma, under the authority of the Constitution of said State, in order to provide for a more representative, efficient, and economical administration of municipal government, do hereby adopt, ordain, ratify, and establish this Amended Charter of the City of Bartlesville, Oklahoma, which shall become and be the organic law of the city, and shall supersede any existing charter and all laws affecting the organization and government of the city which are in conflict therewith. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

## ARTICLE 1. BOUNDARIES, POWERS, FORM OF GOVERNMENT, RIGHTS, LIABILITIES

Section 1. The inhabitants of the City of Bartlesville, in the State of Oklahoma, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate, in perpetuity, under the same name and with the same boundaries, with power and authority to change its boundaries in the manner authorized by law.

Section 2. The City of Bartlesville, within the corporate limits as now established or as hereafter established in the manner provided by law, shall have perpetual succession, and shall succeed to, own, possess, and control all the books, records, documents, and the property, real, personal or mixed, together with all choses in action and claims, belonging to and possessed by the said city, prior to and at the time of the adoption of this Amended Charter. It shall be subject to, and liable for, all legal debts, obligations, judgments and bonds for which said city is bound at the time this Amended Charter shall become effective.

Section 3. The municipal government provided by this Amended Charter shall be known as a council-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by law and by this Amended Charter, all powers of the city shall be vested in an elective city council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint such officers and employees as it may deem necessary or convenient for the execution and administration of the government of the city. All powers of the city shall be exercised in the manner prescribed by this Amended Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 4. The city shall have the power to sue and to be sued, plead and be impleaded, intervene, prosecute and defend in all courts; and shall have the power to make contracts and to acquire property, by purchase or otherwise, necessary for the public good and own, hold, sell, lease, convey or otherwise dispose of any real or personal property within or outside of the city limits. It shall have the power within the limit prescribed by the State Constitution and laws to accept and administer Federal and State grants-in-aids as it may deem necessary or convenient to accomplish the purpose or purposes of which such grants may be made. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 5. The city shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of the State, not rendered inoperative by the adoption of this Amended Charter, with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within and without its corporate limits for any city purpose, in fee

simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of this State or restricted by this Amended Charter, the city shall and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever. The enumeration of particular powers by this Amended Charter shall not be deemed to be exclusive or limiting and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the city have and may exercise all powers which, under the Constitution of this State, it would be competent for this Amended Charter specifically to enumerate. The city shall have legislative, executive, and judicial power necessarily incident to, or proper in, the conduct of its business and affairs, and such as will promote the interests and secure the rights of its inhabitants, as fully as if specifically enumerated herein. The enumeration of any particular powers shall in no wise limit the plenary powers above provided for said city. No law relating to cities of the first class hereafter enacted by the State of Oklahoma, shall operate as a repeal, diminution or limitation of the powers conferred upon the city by this Amended Charter. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

## **ARTICLE 2. ELECTIVE OFFICERS, CITY COUNCIL**

Section 1. Except as otherwise provided in this Amended Charter, all powers of the city and the determination of all matters of policy shall be vested in the city council, subject to distribution and delegation of all such powers as may be provided in this Amended Charter. Without limitation of the foregoing, the council may, if warranted:

- (a) Appoint and remove persons to those positions enumerated in Article 2, Section 5 to which the power of appointment and removal is vested in the City Council.
- (b) Enact, implement and enforce local legislation subject to such limitation as may now or hereafter be imposed by the State Constitution and law.
- (c) Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitation as may now or hereafter be imposed by the State Constitution and law.
- (d) Inquire into the conduct of any office, department or agency of the city and investigate municipal affairs or authorize such inquiry or investigation.
- (e) Appoint or elect and remove by majority vote its own subordinates, members of commissions, trusts, boards, and other quasi-legislative or quasi-judicial officers and authorities, when and if established, or prescribe the method of appointing or electing and removing them.
- (f) Regulate the organization and functioning of the municipal court and of the minor violations bureau, when and if established, within the limits prescribed by the State Constitution and this Amended Charter.
- (g) Create, change and abolish offices, departments and agencies other than the offices, departments and agencies established by this Amended Charter; and assign additional functions and duties to offices, departments and agencies established by this Amended Charter.
- (h) Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge.
- (i) Adopt a corporate seal and alter it at pleasure.

(*Amended by vote of the electorate at an election held on November 2, 2010.*)

Section 2. The council shall consist of five members, one council member from each of the five wards of the city. The terms of the members will be two years. For the purpose of transitioning from the prior elected terms of four years to terms of two years, elections will be held for all wards on April 5, 2011, with the term to start on the first Monday of May, 2011, and the term of office for each ward will end when the new council is sworn in on the first Monday in December of 2012. The first election for city council members for two year terms will be in November of 2012, with the members to be sworn in on the first Monday in December following the election. However, in the event that the Governor does not approve this Amended Charter in time to call for an election for all wards to be held in April of 2011, elections will be held in April of 2011 for wards 1, 3 and 5, with the terms to start on the first Monday of May, 2011, and the terms of office for these wards will end on the first Monday of December, 2012, and the terms of office for members from wards 2 and 4 will end on the first Monday in December, 2012. The council members shall be qualified electors of the city for six months prior to the time of their election and each council member must be a qualified resident of his respective ward for six months prior to the time of his election. Each Council member's primary residence shall be located in his ward and must remain so throughout the tenure of office. For the purpose of this section, primary residence shall mean the place where the council member actually resides for the majority of each calendar year and the address listed by the council member as his abode for purposes of reporting to State and Federal agencies and which would qualify for a "homestead exemption" of the property if the property is owned by the council member. If a council member ceases to be a resident of the ward in which elected to represent, he shall thereupon cease to be a member of the council. However, a council member holding office prior to the adoption of this Amended Charter may continue to hold office even if that member moves from

one ward to another within the city limits. A council member must have a record free of felony convictions. A council member must be at least twenty-five (25) years of age at the time of his election to office. No council member may hold any position in the city government by appointment of the city manager. A member of the city council shall hold no other public office which would constitute a conflict of interest according to State Statutes. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 3. The number of wards of the city shall not be changed except by amendment of the Charter; but whenever it shall appear to the city council that it is to the best interest of the city to change either the boundary or name, or both the boundary and the name, of any ward or wards of the city, the city council may, by a vote of two-thirds of its members, order and cause the same to be done. Provided, that no such change shall be made until notice of the proposed change shall be given thirty days thereto, by inserting a notice of such proposal at least one time in a newspaper published in the city. Provided, that if and when a petition shall be presented to the council, signed by fifty-five percent of the qualified electors of the city, as shown by the preceding general municipal election, praying for a change in the name, number, or boundary of wards of the city, the council shall, within ten days after the filing of such petition, change such wards to conform to the prayer of the petition, but no such change shall take effect, except for election purposes, until after the next general election and until the installation of officers.

Section 4. The council members, before entering upon the discharge of the duties of their respective offices, shall each take and subscribe the oath of office prescribed by the Constitution of the State of Oklahoma, and such additional oath as may be prescribed by the city council.

Section 5. The city council shall appoint from among its members a mayor and a vice-mayor, requiring three affirmative votes, who each shall serve terms of two years. The mayor or vice mayor may be removed from their respective positions by three affirmative votes. 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 warrants, checks, or other orders for the disbursement of money, conveyances, and such other written obligations of the city as the council may require. The vice-mayor shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term. If, by succession to the office of mayor or otherwise, the office of vice-mayor becomes vacant, the council shall appoint another vice-mayor by three affirmative votes. The rights, responsibilities, authority and powers of the mayor and vice mayor are restricted to what the Amended Charter specifically delineates to the position of mayor and vice mayor. However, they shall have all of the rights, responsibilities, authority and powers as any other duly elected representative of any ward. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 6. If a vacancy shall occur in the office of any council member the council shall appoint an eligible person to fill the vacancy until the next general municipal election, subject, as are other council members, to recall. A vacancy shall exist when an elective officer fails to qualify within thirty days after notice of his election, dies, resigns, moves from the ward elected from, unless subject to the grandfather provision set forth in Section 2 hereof, absents himself continuously for three months, except on account of sickness, is convicted of a felony, is adjudged mentally

incompetent, or shall be recalled under the provisions of this Amended Charter or may be removed pursuant to State law. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 7. The council shall hold regular meetings on the first Monday of each month, and at such other time or times as the council may, by ordinance, designate, and may hold such adjourned meetings as it may find necessary or convenient for the dispatch of its business; provided, that if a regular meeting falls on a legal holiday the meeting shall be held on the next succeeding day. Special meetings of the council may be called by the mayor, or by three council members, at any time, on such notice as the council may prescribe by ordinance.

Section 8. The council shall sit with open doors at all legislative sessions and shall keep a journal of all its proceedings, which shall be a public record. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 9. Within sixty (60) days of the approval of the Amended Charter by the Governor, meeting rules of procedure will be adopted by the city council. They will remain in effect until modified by the city council. Each city council elected in successor years will undertake a review of the rules of procedure to determine whether changes or additions are warranted. In addition, within sixty (60) days of the approval of the Amended Charter by the Governor, the city council shall adopt rules regarding the process to be followed for appointment, replacement and removal of members to all commissions, board and trusts covered by the provisions of Article 2, Section 1 of the Amended Charter, which process will remain in effect until modified by the city council. Each city council elected in successor years will undertake of review of the procedures to determine whether changes are appropriate. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 10. A majority of the members of the council shall constitute a quorum for the transaction of business. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 11. The council members shall receive no salary but shall be paid an attendance fee of ten dollars for each meeting of the council attended; but in no event shall payment be made for more than four meetings of the council during any one calendar month.

Section 12. The terms of office of a newly elected city council shall begin at 7:00 o'clock p.m., on the first Monday of the month following each election and they shall hold their first meeting and be inducted into office at that time, or as soon thereafter as may be possible. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 13. Within sixty (60) days of the approval of the Amended Charter by the Governor, the city council will be charged to develop and adopt a Code of Ethics applicable to all elected officials, employees and Board members which will remain in effect until modified by the city council. Each city council elected in successor years will undertake a review of the Code of Ethics to determine whether any changes are appropriate. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

### **ARTICLE 3. NOMINATION AND ELECTIONS**

Section 1. Beginning in November of 2012, and for each two years thereafter, a general election will be called in November per the Election Board in even numbered years, in accordance with the laws of the State of Oklahoma in force at the time of holding such elections. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 2. All city elections shall be conducted on a nonpartisan basis. No declaration of candidacy or ballot shall contain any party emblem, sign or designation, and there shall be nothing thereon to indicate any affiliation of the candidate.

Section 3. The provisions of the State Constitution and law relating to elections shall govern every election of whatever kind of this city insofar as they are applicable and are not superseded by this Amended Charter or by ordinance.

Section 4. The qualifications for electors in every election of this city shall be those prescribed by the State Constitution and law.

Section 5. The council members who are to be from each of the five (5) wards of the city as required by Article 2, Section 2 of the Charter, shall be elected at the general election by wards, each council member to be elected by the registered voters in the ward in which he or she resides.

### **ARTICLE 4. RECALL OF ELECTIVE OFFICERS**

Section 1. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, 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. In addition, he is subject to removal by recall by the voters of the city. The procedure to affect such removal from office by recall shall be as follows: *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 2. A verified petition, signed by a number of qualified electors equal to twenty per cent of the registered voters in the ward of the city council member sought to be recalled at the time the petition is filed, shall be submitted to city clerk, along with a show cause statement of 200 words or less,

demanding the removal of one or more of such elective officers. It shall be the duty of the city clerk, upon receipt of a petition for recall, to send a copy of the petition, along with all signature pages, to the city council member sought to be recalled by registered mail. The city clerk shall have ten (10) working days in which to ascertain whether the petition has been prepared and circulated as required and whether the required number of qualified voters have signed the petition for recall. The city clerk shall notify the mayor, in writing, whether the petition for recall meets the criteria set forth herein. Upon being informed by the city clerk that the petition for recall meets the criteria set forth above, it shall be the duty of the mayor of the city, within ten days thereafter, to issue a proclamation calling a special election, for the purpose of such recall only, setting forth the question to be voted upon at such election, in a newspaper published and of general circulation within the city. Such election shall be called at the next available election date in conformance with State law. In case of petition of the mayor, the election shall be called by the vice-mayor. After calling of such election, the said petition shall remain in the office of the city clerk. The signatures to such petition need not all be appended to one paper, but each signatory shall add to his signature his place of residence, giving the street and number if any, or if not numbered, the number of lot and block. Some qualified voter who signs such petition shall make oath before an officer competent to administer oaths that the statements made in such petition are true, and some qualified voter who signs such petition shall make oath to each paper containing signatures that each signature appended to such paper is the genuine signature of the person whose name purports to be thereto subscribed. The city council may impose a monetary penalty against the person or persons circulating the petition upon a determination that the names of unqualified electors have been knowingly attached to the petition, such monetary penalty equal to all cost incurred by the city in attempting to validate the petition for

recall, including attorney fees. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

Section 3. The form of ballot at such special election shall be as follows:

Recall of Elective Officers  
Shall (name of officer) be removed from  
office of (name of office)?  
 YES  
 NO

The voter who desires to vote for the removal of the officer shall stamp in the square to the left of the word "YES." The voter who desires to vote for the retention in office of the officer shall stamp in the square to the left of the word "NO."

If a simple majority of the duly qualified electors voting at such election shall vote "YES," the officer shall be deemed removed and his office vacated. If a simple majority of such electors shall vote "NO," such officer shall continue to serve as such. Upon successful removal, the city council will appoint a replacement for the seat for the remainder of the term vacated subject to all other terms of this Amended Charter. Any replacement must be a qualified elector of the respective ward at the time of appointment. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

Section 4. Such special election shall in all respects be conducted, returned, and the result thereof declared as provided by the Constitution and laws of the State of Oklahoma in force at the time of such election.

Section 5. No recall petition shall be filed against any officer until he shall have held his office for at least four months; nor within six months after an election has been held upon a previous petition for recall of the same officer.

BK 1095 PG 2254



Section 6. No person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to an office or employment of the city within one year after such recall or resignation.

The method of removal by recall is cumulative and not exclusive. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

#### ARTICLE 5. APPOINTIVE OFFICERS

Section 1. The city council shall appoint and may remove a city attorney, a city treasurer, a city manager, a municipal judge and such subordinate personnel as may be authorized from time to time to assist the city council in performing its duties as outlined in this Amended Charter. The powers and duties of appointive officers shall be provided by this Amended Charter, or as may, from time to time, be prescribed by ordinance. The compensation of all appointive officers shall be such as may, from time to time, be fixed by the city council. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

#### CITY TREASURER

Section 2. The city council shall appoint an officer of the city who shall bear the title of city treasurer. He shall have custody of all moneys belonging to the city. Subject to such regulations as the city council may ordain, he shall deposit daily all funds of the city coming into his hands in such depositories as the council may, from time to time, designate.

Section 3. He shall have custody of all investments and invested funds of the city government or in the possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city, and the receipt and delivery of city bonds and notes for transfer, registration or exchange.

Section 4. He shall countersign all warrants, checks, or other orders for the payment of money from city funds.

Section 5. Nothing in this section shall prevent the city council from appointing the city clerk or finance director to fill this position. In that event, the city clerk or finance director will continue to report to the city manager in the day to day performance of the duties of that position and will report to the city council in connection with the performance of his duties as city treasurer. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

#### CITY ATTORNEY DEPARTMENT OF LAW

Section 6. The city council shall appoint a qualified individual licensed to practice law by the Supreme Court of the State of Oklahoma who shall have the title of city attorney. He shall be the head of the department of law. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 7. He shall be the chief legal advisor to the council and all offices, departments and agencies, and of all officers and employees in matters relating to their official powers and duties. He shall represent the city in all legal proceedings. It shall be his duty to perform all services incident to his position as may be required by statute, by this amended Charter, or by ordinance.

#### CITY MANAGER ADMINISTRATIVE DEPARTMENTS

Section 8. The city council shall appoint a qualified individual who shall have the title of city manager, who shall have the powers and perform the duties as set forth in the Amended Charter or by ordinance or as may be required by law. No member of the council shall receive such appointment during the term for which he shall have been elected, nor within one year after the

expiration of such term. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 9. The city council shall appoint the city manager for an indefinite term, and may remove him by a majority vote of its members. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 10. Neither the city council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager, or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the city council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. The city manager may determine the proper method of interaction and communication between the city council and staff and shall notify the city council of the same, in writing. Any member of the council violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be subject to public censure or reprimand by the city council. This section shall not be deemed to preclude the right of recall by the citizens or the removal from office as provided by applicable State law for the removal of municipal officers. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 11. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. 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 within 10 miles of the city limits. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 12. The city manager shall be the chief administrative officer of the city, and head of the administrative branch of the city government. He shall execute the laws and administer the government of the city. He shall be responsible to the city council for the proper administration of the affairs of the city, and, to that end, subject to the personnel provisions of this Amended Charter, he shall have power and shall be required to:

- (a) Appoint and, when necessary for the good of the service, remove all administrative officers and employees of the city, except as otherwise provided by this Amended Charter.
- (b) Prepare the budget annually and submit it to the council, and be responsible for its administration after adoption.
- (c) Prepare and submit to the council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year.
- (d) Keep the council advised of the financial condition and future needs of the city, and make such recommendations as may seem to him desirable.
- (e) Supervise and control all administrative departments and personnel.
- (f) Perform such other duties as may be prescribed by this Amended Charter, or required of him by the council, not inconsistent with this Amended Charter.

*(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 13. The administrative departments of the city shall be as established or eliminated by the city council unless otherwise precluded by the Amended Charter and as may be required by law. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 14. The work of each administrative department may be distributed among such divisions thereof as may be established by ordinance upon recommendation of the city manager. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the city manager among specific divisions thereof, the city manager may establish temporary divisions.

Section 15. To perform his duties during his temporary absence or disability, the city manager, by letter filed with the city clerk, will appoint a qualified administrative officer of the city to be acting city manager. If the city manager fails to make such designation, 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 it appoints another city manager, as the case may be. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

#### CITY CLERK

Section 16. The city manager shall appoint for an indefinite term a city clerk, who shall be clerk of the city council. The city clerk shall keep a journal of the proceedings of the council; shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by the council; shall, with the mayor, sign and attest all ordinances, resolutions, contracts, and other instruments or matters requiring the assent of the city, when so authorized by the council; and shall perform such other duties as the council may, from time to time, prescribe. The city clerk may appoint deputies to act for him. Nothing in this section prevents the city manager from appointing the city treasurer or finance director to fill this position. If the city treasurer is appointed to this position, he shall report to the city manager regarding the performance of his day to day duties as city clerk and shall report to the city council in connection with the performance of his

duties as city treasurer. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

#### FINANCE DIRECTOR

Section 17. The city manager shall appoint for an indefinite time a finance director, who shall be the head of the department of finance; shall collect or receive all moneys and revenues receivable by the city, and shall deposit the same daily with the city treasurer in an account or accounts maintained by the city treasurer in a depository or depositories approved by the Council. The finance director shall maintain a general accounting system for the city government; shall sign all checks and be responsible for the disbursement of all money; shall determine the regularity and correctness of all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and audit and approve them before payment. Nothing in this section prevents the city manager from appointing the city treasurer or city clerk to fill this position. If the city manager appoints the city treasurer to fill this position, the city treasurer will report to the city manager in the day to day performance of his duties as finance director and will report to the city council in connection with the performance of his duties as city treasurer. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

#### MUNICIPAL JUDGE

Section 18. The city council shall appoint a municipal judge for an indefinite term. The council may suspend or remove the municipal judge or acting municipal judge at any time by majority vote of all its members. The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the ordinances of the city; provided that the council may, by ordinance, 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, who are able and willing to pay fines and costs, and who do plead guilty and pay fines and costs. The city clerk 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 administer oaths and make and enforce all proper orders, rules and judgments. The council may, by ordinance or resolution, authorize or require that the municipal judge shall, at the same time, hold other office or employment in the service of the city, but he may not be a council member or a policeman. The city council shall choose him solely on the basis of his qualification to serve as municipal judge.

Section 19. To perform the duties of the municipal judge during his temporary absence, disability, disqualification, or suspension, the city manager shall designate a qualified person, from time to time as the need arises, to be acting municipal judge until the municipal judge returns or until his disability, disqualification or suspension ceases; or the city manager shall designate such a person substitute municipal judge to be acting municipal judge at all such times until the municipal judge returns or until his disability, disqualification or suspension ceases.

Section 20. The municipal court shall have jurisdiction to hear and determine all offenses against the Amended Charter or ordinances of the city.

**ARTICLE 6. APPOINTMENTS AND PROMOTIONS**

Section 1. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness, and removals and demotions shall be made solely for the good of the service. Better to achieve these ends, the council may, by

ordinance, establish a department of personnel with a director of personnel at its head, and may establish a merit system and provide for its proper organization and functioning, and for proper personnel administration. In the event a department of personnel is established, the merit and fitness of persons for appointment or promotion in the classified service, shall be ascertained by competitive examinations as far as practicable; and the council may, by ordinance, prescribe the powers and duties of the director of personnel, provide for the classification of the service, regulate the demotion, suspension, or removal of officers and employees in the classified service, and otherwise provide for the proper organization and functioning of the department and personnel administration. The following shall be in the unclassified service: all elective officers, city attorney, city manager, and the municipal judge.

Section 2. Neither the city council, the city manager, nor any other authority of the city government may appoint or elect any person related to any council member, the city manager, or himself, or, in the case of plural authority, to one of its members, by blood or marriage within the third degree, to any office or position of profit in the city government; provided, however, the city manager may appoint himself, or the city council may appoint or elect him, to other offices and positions in the city government, subject to regulations adopted by ordinance, but he may not receive compensation for service in such other offices or positions. Except as may be otherwise provided by this Amended Charter or by ordinance, the same person may hold more than one office or position of employment in the service of the city.

Section 3. The city manager or other appointing or electing authority of the city at any time may, for the good of the service, suspend or remove any officer or employee whom he or the other appointing or electing authority respectively may appoint, except

as otherwise provided by, or in accordance with, this Amended Charter.

Section 4. The appointing or electing authority who may appoint or elect the successor of an officer or employee in the service of the city 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, unless the council provides by ordinance that a particular superior or subordinate of such officer or employee shall act. The council may, by ordinance, provide for a deputy to act in such cases.

#### **ARTICLE 7. INITIATIVE AND REFERENDUM**

Section 1. The powers of initiative and referendum are reserved to the qualified electors in this city with reference to all legislative authority which the city may exercise in accordance with the provisions of the State Constitution. A verified petition of initiative or referendum setting forth in plain language of 200 words or less the matter which is sought to be initiated or referred must be signed by at least twenty percent of all registered voters of the city qualified to vote at the time the petition is circulated. The name of each petitioner must be accompanied by the street address setting forth residency within the city limits. The petition must be filed with the city clerk. It is the duty of the city clerk to ascertain, within ten working days of submission of the petition, whether the subject matter contained therein is appropriate for initiative or referendum and whether the requisite number of valid signatures are affixed to the petition. The city clerk shall notify the mayor, in writing, whether the petition meets the criteria set forth herein and as mandated by State Constitution. Upon being advised that the petition meets the criteria of this Amended Charter and the State Constitution, the mayor, within ten days thereof, shall issue a proclamation calling a special election for the purpose of initiative

or referendum only, setting forth the question to be voted upon in said election and cause the same to be published in a newspaper of general circulation within the city. The election shall be at the next available election date in conformance with State law. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

#### **ARTICLE 8. PUBLIC UTILITIES**

Section 1. The City of Bartlesville shall never grant, extend or renew a franchise without the approval of a majority of the qualified electors residing within its corporate limits, who shall vote thereupon at a general or special election; and the legislative body of the city may submit any such matter for approval or disapproval to the electors thereof at any general municipal election, or call a special election for such purpose at any time upon thirty days' notice; and no franchise shall be granted, extended, or renewed for a longer term than 25 years.

Section 2. Whenever a petition signed by a number of qualified electors of the city equal to twenty-five percent of the total number of votes cast in said city at the next preceding general municipal election, demanding that a franchise be granted, extended, or renewed, shall be filed with the city clerk, the mayor shall, within ten days thereafter, by proclamation embracing the entire text of the proposed franchise to be published for a period of not less than ten days, call a special election at which time shall be submitted the question of whether or not such franchise shall be granted, extended, or renewed; and if at an election held in which such question of granting, extending, or renewing a franchise is submitted, a majority of the qualified electors voting thereon shall vote for the grant, extension, or renewal of such franchise, the same shall be granted by the city council at the next succeeding regular meeting thereof.

Section 3. No grant, extension, or renewal of any franchise or other use of the streets, alleys, or other public grounds or ways of the city shall divest the city or its right of control and regulation of such use and enjoyment of such streets, alleys, public grounds or ways, nor shall the power to regulate the charges for public service be surrendered, nor shall any exclusive franchise ever be granted by the city.

Section 4. In the event a special election is called, as herein provided, to vote upon granting, extending, or renewing a franchise, the expense of such special election shall be borne by the applicant for such franchise; and the payment of such expense shall be provided for before any such special election shall be called.

Section 5. Every grant of a franchise or extension or renewal thereof shall contain a provision that, upon the termination of the same, the property of the grantee installed or used under such grant and located in the streets, alleys, avenues or other public grounds and ways of the city may, at the option of the city, upon the payment of a fair valuation of said property as then installed, the mode of ascertaining which shall be prescribed in the grant, be and become the property of the City of Bartlesville; and the grantee shall never be entitled to any payment of valuation because of the any value derived from or based upon the franchise itself, or the fact that the grantee is or may be a going concern.

Section 6. The city shall have the power to acquire, by purchase, condemnation, or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance, and operation of any public utility, or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit, but no sale of any public utility shall be made until it shall have been authorized by vote of the qualified electors of the city voting thereon at a general or special election.

## ARTICLE 9. ORDINANCES

Section 1. All ordinances of the city in effect at the time this Amended Charter becomes effective, insofar as they are not inconsistent with this Amended Charter, shall continue in force and effect until they are repealed or until they have expired by their own limitations.

Section 2. The enacting clause of all ordinances passed by the city council shall be: "Be it ordained by the City Council of the City of Bartlesville," and all ordinances proposed by the voters under their power of initiative shall be "Be it ordained by the People of the City of Bartlesville."

Section 3. Titles of proposed ordinances shall be read, and except in the case of an emergency ordinance or instance where a greater majority is required by this Amended Charter or by law, a vote of a majority of all the council members shall be required for passage of the ordinance. A four-fifths vote shall be required for passage of an emergency ordinance. The vote on the passage of every ordinance shall be by yeas and nays or abstentions and shall be entered in the journal. The mayor shall have no power of veto.

Section 4. Every ordinance, without necessity of declaring an emergency or including an emergency clause therein, shall go into effect on the day following the date of publication, unless the ordinance specifies a later time. Emergency ordinances, containing a separate section declaring an emergency, shall go into effect concurrently with passage, but shall be published within ten days thereafter.

Section 5. Publication shall be by insertion in one issue of a newspaper of general circulation in the city, provided that, in lieu of publication in a newspaper, a code of ordinances, or the extension or revision of a part of a code may be printed or duplicated with at least fifty copies in book or pamphlet form or loose leaves for insertion in a loose-

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leaf system in which case a certified copy of the book, pamphlet or loose-leaf shall be filed in the office of the city clerk. Whenever an ordinance is published in a newspaper, a line shall be pre-fixed in brackets, stating correctly the month, day and year of publication.

Section 6. The council, by ordinance, may adopt by reference, codes, ordinances, and standards relating to building, plumbing, electrical installations, public health and public safety and other matters which it has power to regulate otherwise. Such code, ordinance, or standard so adopted need not be enrolled in the book of ordinances, but a copy shall be filed and kept in the office of the city clerk. Filing of a copy properly certified in the office of the city clerk shall constitute its enrollment; but the city clerk shall enter a statement of the publication in the book of ordinances. The city clerk shall keep copies of every such code, ordinance, or standard in force for distribution or sale at their approximate cost.

Section 7. The ordinances of the city shall be codified and published in book or pamphlet form at least every ten 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 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 and provisions of State law relating to the city. A copy of the published code shall be filed in the office of the city clerk, but the code need not be enrolled in the book of ordinances.

Section 8. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no ordinance shall be revised or amended unless the new ordinance contains the entire ordinance

revised or the section or sections amended, and the section or sections so amended shall be repealed.

Section 9. Protests against proposed zoning changes shall be filed with the city clerk at least three days before the date of the public hearing. If protests are filed by:

1. The owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or
2. The owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change; or
3. The owners of fifty percent (50%) or more of the lots, or portions of lots, within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change;

then the proposed change or amendment shall not become effective except by a favorable vote of four-fifths of all the members of the City Council. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

## ARTICLE 10. THE BUDGET

Section 1. The fiscal year of the city government shall begin on the first day of July and end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Amended Charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Section 2. The budget shall be prepared in accordance with Oklahoma Statutes and adopted by the favorable vote of at least a majority of the members of the city council. Upon final adoption, the budget shall be in effect for the fiscal year.

## ARTICLE 11. AUDITS AND REPORTS

Section 1. The city council shall designate a qualified and certified public accountant, or accountants, who shall make an independent annual audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year, and who shall report to the city council and to the city manager. It shall also be the duty of the auditor from time to time, to recommend changes in methods employed in the fiscal affairs of the city, with a view to simplifying and improving the same.

#### **ARTICLE 12. LABOR**

Section 1. All laws heretofore enacted or that may hereafter be enacted by the State of Oklahoma, designed to carry into effect the provisions of the Constitution relative to protection of labor and prevention of child labor, are hereby made a part of the organic law of the city and the duty of enforcing the same is hereby placed upon the city council.

#### **ARTICLE 13. PUBLIC LIBRARY**

Section 1. The public library shall be an administrative department of the city, and shall be under the supervision and control of a director who shall report to the city manager. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

#### **ARTICLE 14. COMMISSIONS, BOARDS, COMMITTEES, DEPARTMENTS**

Section 1. All commissions, boards, committees, departments, and other governmental agencies in existence at the time this Amended Charter takes effect, insofar as not inconsistent with this Amended Charter, shall continue in full force and effect for the terms and for the purposes for which they were created, elected or appointed, or until otherwise

provided by the city council, by ordinance or otherwise.

Section 2. The city council shall have the power and authority to create, by ordinance or otherwise, and designate and define the powers and duties of:

- (a) A planning board or commission;
- (b) A zoning board or commission;
- (c) A board of adjustment; and
- (d) Such other boards, commissions, committees, agents, or agencies as the council may, from time to time, deem necessary or convenient in the administration or carrying on of the business and affairs of the city.

#### **ARTICLE 15. CITY BUILDINGS, PLAYGROUNDS, PARKS, AND OTHER PUBLIC PLACES**

Section 1. The city council shall have the power, and it shall be its duty, by ordinance or otherwise, to provide for the regulation and control of the use of the city buildings, cemetery, city parks, playgrounds, boulevards, comfort stations, and other public places now owned or hereafter acquired by the city, for use of the city in the conduct of the business and affairs of the city, and for the peace, health, safety, comfort, convenience, and recreation of the people.

Section 2. The city council, in order to carry out the purposes of this article, may create and establish such departments, committees, commissions, boards, or other agents or agencies as the council may deem to be necessary or convenient for the purpose or purposes and the council shall define the powers and duties of such departments, committees, commissions, boards, or other agents or agencies.

Section 3. All such departments, committees, commissions, boards, agents or agencies, unless otherwise provided by the council, shall be deemed to be parts of the administrative service of the city, and shall



be subject to the supervision of the city manager.

Section 4. The members of all such departments, committees, commissions, boards, or agents or agencies shall serve without monetary compensation, unless and until otherwise provided by the city council.

## ARTICLE 16. GENERAL PROVISIONS

Section 1. No contract shall be entered into by the city council in excess of the amount appropriated, and no contract shall be binding upon the city unless it has been signed by the mayor, and attested by the city clerk, and the expense thereof encumbered in the proper fund liable for payment of the same, and whenever the contracts encumbered in any fund equal the appropriation made therefore, no further contract shall be signed by the mayor or attested by the city clerk for payment from such fund.

Section 2. Every contract in any sum exceeding the amount set by State law with any person or persons, for the purpose of making any public improvements or constructing any public building or making repairs on the same shall require the party contracted with to furnish a bond with good and sufficient sureties to the City of Bartlesville in a sum not less than the sum total in the contract, conditioned that such contractor or contractors pay all indebtedness incurred for labor or material furnished in the construction of said public building or in making said public improvements.

Section 3. Every contract in any sum exceeding the amount set by state law with any person or persons for the purpose of making any public improvements, or constructing any public building or making repairs on the same shall be based on specifications approved by the city council and shall be awarded to the lowest and best bidder after advertisement for bids has been published in not less than three issues of a

daily newspaper, or in not less than two issues of a weekly newspaper of general circulation in the city. The council may let the contract to the lowest and best bidder or may reject all bids. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

Section 4. Every contract in any sum exceeding the amount established by ordinance by the city council for the purpose of purchasing supplies, materials, or equipment shall be awarded to the lowest and best bidder after advertisement for bids has been published in not less than three issues in a daily newspaper, or in not less than two issues of a weekly newspaper of general circulation in the city. The council may let the contract to the lowest and best bidder or may reject all bids. Provided, however, that items available through the State of Oklahoma's central purchasing contracts may be purchased from the State's vendor directly without bidding as these items have already been processed through a similar, rigorous competitive bidding process. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

Section 5. When property of the city becomes obsolete or surplus, and no longer needed by said city, the city manager shall determine the value thereof, before the same is offered for sale. The city manager may then dispose of the property in the manner which is most advantageous to the city. The city council shall set by ordinance the maximum value of the property the city manager is authorized to dispose of without council approval.

Section 6. No appointed officer or employee of the city shall give or promise to give to any other person, any portion of his compensation or any money or valuable thing or promise of employment to any person, in consideration of having been appointed to any office or employment, and if any such promise or gift be made, the person making or accepting such gift or promise shall forfeit his office or

employment and be debarred and disqualified from being appointed or employed in the service of said city. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 7. Any employee of the city who shall, while employed by the city, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, for his personal use, from any person or corporation dealing with the city, or any subordinate or employee, or from any candidate or applicant for any position as employee, or subordinate under him, shall forfeit his office and be forever debarred and disqualified from holding any position in the service of the city. This provision shall not be construed to prohibit accepting items of nominal value from vendors or other persons or entities doing business with the city. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 8. No member of the city council, nor any appointive officer or any employee of the city, shall be directly or indirectly in the employ of any person, company, or corporation holding or seeking to hold any franchise of the City of Bartlesville, or shall receive, directly or indirectly, any wages, commission, gift or favor, or payment from any such franchise holder. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 9. No member of the city council or any other officer or employee of said city shall be directly or indirectly interested in any work, business, or contract, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by ordinance or resolution of the city council; nor be the surety of any person having any contract work or business with said city for the performance of which security may be required, nor be the surety on the official bond of any officer of the city. Contracts in violation of said provisions shall be void.

Section 10. No demand for money against the city shall be approved, allowed, or paid unless it shall be in writing, dated, and sufficiently itemized to identify the expenditure, and shall first be approved by the city manager or his designee and the head of the department creating or authorizing the demand. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 11. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law or by this Charter, shall be liable to said city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

Section 12. All books and records in every office and department shall be open to the inspection of any citizen at any time during business hours, except as exempted by state law.

Section 13. It shall be the official duty of every officer or person in the employ or service of said city, when it shall come to his knowledge that any contract or agreement with said city or with any officer has been or is about to be violated by the other contracting party, forthwith to report to the city manager or the city council all facts and information in his possession concerning such matter, and a failure to do so shall render vacant his office or position.

Section 14. Ten or more resident taxpayers of the city may seek to maintain an action in the proper court to restrain the execution of an illegal, unauthorized or fraudulent contract of said city, or prevent any payment upon any illegal, unauthorized or fraudulent contract or agreement on behalf of said city, or to restrain any disbursing officer of said city from paying any illegal, unauthorized or fraudulent bill, claim or demand against said city or any salary or compensation of any person in its administrative services, whose appointment has not been made in pursuance of the provisions of law. Prior to initiating

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any such legal action, ten or more resident taxpayers must submit a written notice to the city council specifically outlining the action sought to be restrained. The written and verified notice must contain the signature of each taxpayer and his residence address within the city limits. No legal action may be initiated on such notice until thirty days after receipt by the city council of the notice in order to allow the city council an adequate opportunity to respond to the notice either by agreeing with such demand or initiating legal action to determine the validity of the proposed action. Ten or more resident taxpayers who believe that an illegal, unauthorized or fraudulent contact has been entered into by the city; or that an illegal, unauthorized or fraudulent payment has been made on said contract, or that an unlawful transfer of public property or monies has occurred, or that public funds have been paid or public property transferred in settlement of a fraudulent or void claim, may submit a written demand, signed and verified by each of the taxpayers, upon the city council to initiate proper proceeding to recover the property or funds. No legal action may be initiated by the taxpayers until thirty days after receipt by the city council in order to allow the city council an adequate opportunity to respond to the demand. Upon refusal, failure or neglect of the city council to take action after receipt of the demand, the taxpayers may then initiate an action in the name of said city, against the officer making payment, and his surety or sureties and the party receiving the same, or any combination thereof to recover the amount so paid, and all amounts recovered, after deducting all expense of the action, shall be paid into the city treasury. Any such action must be brought within one year of the payment of the funds or the transfer of the property. However, no action for personal liability shall lie against an officer or employee of the city for a transaction approved in good faith reliance on the advice of legal counsel for the city or which has been submitted to a court of competent jurisdiction for a determination of legality.

In case said taxpayers are not successful in such action, they shall pay all costs. In no event shall the city ever be liable for the payment of such costs. This provision shall be the exclusive procedure available to taxpayers seeking to bring a qui tam action against any city officer or employee. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 15. All officers authorized by Federal or State law, the mayor, the city manager, the city treasurer, the city clerk, the municipal judge, and such other officers as the city council may authorize, may administer oaths.

Section 16. Every officer of the city, before entering upon the duties of his office, shall take and subscribe the oath or affirmation of office prescribed by the State Constitution.

Section 17. The city clerk, the city treasurer, and such other officers and employees of the city as the city 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 or companies authorized to operate within the State. The city shall pay the premium on such bonds.

## ARTICLE 17. SUCCESSION IN GOVERNMENT

Section 1. The five council members holding office at the time this Amended Charter shall become effective shall continue to hold and occupy their respective offices for the terms for which they were elected or appointed, until their successors, respectively, shall have been elected or appointed and qualified, vested with all the powers and duties conferred to or imposed upon council members under or by virtue of the provisions of this Amended Charter.

Section 2. Nothing in this Amended Charter contained, except as specifically provided,

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shall affect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this Amended Charter shall take effect, or any provision of law in force at the time when this Amended Charter shall take effect and not inconsistent with the provisions of this Amended Charter, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension, and retirement rights, civil rights, or any other rights or privileges of officers or employees of the city or any office, department or agency thereof.

Section 3. All persons holding administrative office at the time this Amended Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of the State shall, if such office, department or agency be abolished by this Amended Charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the city council unless otherwise provided herein.

Section 4. Any person holding an office or position in the classified service of the city when this Amended Charter takes effect who shall have served in such position for a period of at least three months shall be retained without preliminary or working tests and shall thereafter be subject in all respects to the provisions of this Amended Charter. Other persons in the city service at the time this Amended Charter takes effect shall be regarded as holding their positions under provisional appointments.

Section 5. All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this Amended Charter, shall be transferred

and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this Amended Charter assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

Section 6. Any office, department or agency provided for in this Amended Charter with a name or with powers and duties the same or substantially the same as those of an office, department or agency heretofore existing shall be deemed to be a continuation of such office, department or agency and shall exercise its powers and duties in continuation of their exercise by the office, department or agency by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matters within the scope of its regular powers and duties commenced by an office, department or agency by which such powers and duties were heretofore exercised. Any provisions in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department or agency, shall, insofar as not inconsistent with the provisions of this Amended Charter, apply to such office, department, or agency provided for by this Amended Charter.

Section 7. All contracts entered into by the city, or for its benefit, prior to the taking effect of this Amended Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this Amended Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and charter provisions.

Section 8. No action or proceeding, civil or criminal, pending at the time when this

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Amended Charter shall take effect, brought by or against the city or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Amended Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may be or under this Amended Charter be assigned or transferred to another office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Amended Charter.

**ARTICLE 18. AMENDMENTS**

Section 1. This Amended Charter may be amended by proposals therefore submitted by the city council of the City of Bartlesville, to the qualified electors thereof, or by petition as provided by law or as set forth in Article 7 of this Amended Charter, at a general or special election, and when ratified by a majority of the qualified electors voting thereon, and approved by the governor, as herein provided for the approval of the Charter, such amendment shall take effect and be in force. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

**ARTICLE 19. SCHEDULE TO AMENDED CHARTER**

Section 1. When this Amended Charter shall have been adopted by a majority of the qualified electors voting thereon, and shall have been approved by the Governor of the State of Oklahoma, it shall thereupon be in full force and effect.

Section 2. All officers and other persons in the service of the city at that time shall continue to serve as such, receive the compensation therefore now provided by law or by ordinance, and have and exercise

the powers, authority, and jurisdiction theretofore possessed by them, respectively, until their terms of office of service shall have terminated, or until otherwise provided by the city council.

**APPROVED** by the voters of the City of Bartlesville this 13<sup>th</sup> day of January 1987.

**AMENDMENTS** to Article 2, Section 2, Article 2, Section 5, Article 2, Section 11, Article 10, Section 2, Article 16, Section 4, and Article 16, Section 5 were approved by the voters of the City of Bartlesville on the 5<sup>th</sup> day of April, 2005.

**AMENDMENTS** to Preamble, Article 1, Sections 3, 4, and 5, Article 2, Sections 1, 2, 5, 6, 8, 9, 10, 12, and 13, Article 3, Section 1, Article 4, Sections 1, 2, 3, and 7, Article 5, Sections 1, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, and 17, Article 7, Section 1, Article 9, Section 9, Article 13, Section 1, Article 16, Sections 3, 4, 6, 7, 8, 10, and 14, and Article 18, Section 1 were approved by the voters of the City of Bartlesville, on the 2<sup>nd</sup> day of November, 2010.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Governor of the State of Oklahoma

(seal)

**ATTEST:**

\_\_\_\_\_  
Secretary of State

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## AMENDED CHARTER OF THE CITY OF BARTLESVILLE

### **Preamble**

- Art. 1. Boundaries, Powers, Form of Government, Rights, Liabilities**
- Art. 2. Elective Officers, City Council**
- Art. 3. Nomination And Elections**
- Art. 4. Recall Of Elective Officers**
- Art. 5. Appointive Officers**
- Art. 6. Appointments And Promotions**
- Art. 7. Initiative and Referendum**
- Art. 8. Public Utilities**
- Art. 9. Ordinances**
- Art. 10. The Budget**
- Art. 11. Audits and Reports**
- Art. 12. Labor**
- Art. 13. Public Library**
- Art. 14. Commissions, Boards, Committees, Departments**
- Art. 15. City Buildings, Playgrounds, Parks and Other Public Places**
- Art. 16. General Provisions**
- Art. 17. Succession In Government**
- Art. 18. Amendments**
- Art. 19. Schedule to Amended Charter**

## Preamble

We, the People of the City of Bartlesville, in the State of Oklahoma, under the authority of the Constitution of said State, in order to provide for a more representative, efficient, and economical administration of municipal government, do hereby adopt, ordain, ratify, and establish this Amended Charter of the City of Bartlesville, Oklahoma, which shall become and be the organic law of the city, and shall supersede any existing charter and all laws affecting the organization and government of the city which are in conflict therewith. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

## ARTICLE 1. BOUNDARIES, POWERS, FORM OF GOVERNMENT, RIGHTS, LIABILITIES

Section 1. The inhabitants of the City of Bartlesville, in the State of Oklahoma, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate, in perpetuity, under the same name and with the same boundaries, with power and authority to change its boundaries in the manner authorized by law.

Section 2. The City of Bartlesville, within the corporate limits as now established or as hereafter established in the manner provided by law, shall have perpetual succession, and shall succeed to, own, possess, and control all the books, records, documents, and the property, real, personal or mixed, together with all choses in action and claims, belonging to and possessed by the said city, prior to and at the time of the adoption of this Amended Charter. It shall be subject to, and liable for, all legal debts, obligations, judgments and bonds for which said city is bound at the time this Amended Charter shall become effective.

Section 3. The municipal government provided by this Amended Charter shall be known as a council-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by law and by this Amended Charter, all powers of the city shall be vested in an elective city council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint such officers and employees as it may deem necessary or convenient for the execution and administration of the government of the city. All powers of the city shall be exercised in the manner prescribed by this Amended Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 4. The city shall have the power to sue and to be sued, plead and be impleaded, intervene, prosecute and defend in all courts; and shall have the power to make contracts and to acquire property, by purchase or otherwise, necessary for the public good and own, hold, sell, lease, convey or otherwise dispose of any real or personal property within or outside of the city limits. It shall have the power within the limit prescribed by the State Constitution and laws to accept and administer Federal and State grants-in-aids as it may deem necessary or convenient to accomplish the purpose or purposes of which such grants may be made. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 5. The city shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of the State, not rendered inoperative by the adoption of this Amended Charter, with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within and without its corporate limits for any city purpose, in fee

simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of this State or restricted by this Amended Charter, the city shall and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever. The enumeration of particular powers by this Amended Charter shall not be deemed to be exclusive or limiting and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the city have and may exercise all powers which, under the Constitution of this State, it would be competent for this Amended Charter specifically to enumerate. The city shall have legislative, executive, and judicial power necessarily incident to, or proper in, the conduct of its business and affairs, and such as will promote the interests and secure the rights of its inhabitants, as fully as if specifically enumerated herein. The enumeration of any particular powers shall in no wise limit the plenary powers above provided for said city. No law relating to cities of the first class hereafter enacted by the State of Oklahoma, shall operate as a repeal, diminution or limitation of the powers conferred upon the city by this Amended Charter. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

## ARTICLE 2. ELECTIVE OFFICERS, CITY COUNCIL

Section 1. Except as otherwise provided in this Amended Charter, all powers of the city and the determination of all matters of policy shall be vested in the city council, subject to distribution and delegation of all such powers as may be provided in this Amended Charter. Without limitation of the foregoing, the council may, if warranted:

- (a) Appoint and remove persons to those positions enumerated in Article 2, Section 5 to which the power of appointment and removal is vested in the City Council.
- (b) Enact, implement and enforce local legislation subject to such limitation as may now or hereafter be imposed by the State Constitution and law.
- (c) Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitation as may now or hereafter be imposed by the State Constitution and law.
- (d) Inquire into the conduct of any office, department or agency of the city and investigate municipal affairs or authorize such inquiry or investigation.
- (e) Appoint or elect and remove by majority vote its own subordinates, members of commissions, trusts, boards, and other quasi-legislative or quasi-judicial officers and authorities, when and if established, or prescribe the method of appointing or electing and removing them.
- (f) Regulate the organization and functioning of the municipal court and of the minor violations bureau, when and if established, within the limits prescribed by the State Constitution and this Amended Charter.
- (g) Create, change and abolish offices, departments and agencies other than the offices, departments and agencies established by this Amended Charter; and assign additional functions and duties to offices, departments and agencies established by this Amended Charter.
- (h) Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge.
- (i) Adopt a corporate seal and alter it at pleasure.

*(Amended by vote of the electorate at an election held on November 2, 2010.)*



Section 2. The council shall consist of five members, one council member from each of the five wards of the city. The terms of the members will be two years. For the purpose of transitioning from the prior elected terms of four years to terms of two years, elections will be held for all wards on April 5, 2011, with the term to start on the first Monday of May, 2011, and the term of office for each ward will end when the new council is sworn in on the first Monday in December of 2012. The first election for city council members for two year terms will be in November of 2012, with the members to be sworn in on the first Monday in December following the election. However, in the event that the Governor does not approve this Amended Charter in time to call for an election for all wards to be held in April of 2011, elections will be held in April of 2011 for wards 1, 3 and 5, with the terms to start on the first Monday of May, 2011, and the terms of office for these wards will end on the first Monday of December, 2012, and the terms of office for members from wards 2 and 4 will end on the first Monday in December, 2012. The council members shall be qualified electors of the city for six months prior to the time of their election and each council member must be a qualified resident of his respective ward for six months prior to the time of his election. Each Council member's primary residence shall be located in his ward and must remain so throughout the tenure of office. For the purpose of this section, primary residence shall mean the place where the council member actually resides for the majority of each calendar year and the address listed by the council member as his abode for purposes of reporting to State and Federal agencies and which would qualify for a "homestead exemption" of the property if the property is owned by the council member. If a council member ceases to be a resident of the ward in which elected to represent, he shall thereupon cease to be a member of the council. However, a council member holding office prior to the adoption of this Amended Charter may continue to hold office even if that member moves from

one ward to another within the city limits. A council member must have a record free of felony convictions. A council member must be at least twenty-five (25) years of age at the time of his election to office. No council member may hold any position in the city government by appointment of the city manager. A member of the city council shall hold no other public office which would constitute a conflict of interest according to State Statutes. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

Section 3. The number of wards of the city shall not be changed except by amendment of the Charter; but whenever it shall appear to the city council that it is to the best interest of the city to change either the boundary or name, or both the boundary and the name, of any ward or wards of the city, the city council may, by a vote of two-thirds of its members, order and cause the same to be done. Provided, that no such change shall be made until notice of the proposed change shall be given thirty days thereto, by inserting a notice of such proposal at least one time in a newspaper published in the city. Provided, that if and when a petition shall be presented to the council, signed by fifty-five percent of the qualified electors of the city, as shown by the preceding general municipal election, praying for a change in the name, number, or boundary of wards of the city, the council shall, within ten days after the filing of such petition, change such wards to conform to the prayer of the petition, but no such change shall take effect, except for election purposes, until after the next general election and until the installation of officers.

Section 4. The council members, before entering upon the discharge of the duties of their respective offices, shall each take and subscribe the oath of office prescribed by the Constitution of the State of Oklahoma, and such additional oath as may be prescribed by the city council.

Section 5. The city council shall appoint from among its members a mayor and a vice-mayor, requiring three affirmative votes, who each shall serve terms of two years. The mayor or vice mayor may be removed from their respective positions by three affirmative votes. 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 warrants, checks, or other orders for the disbursement of money, conveyances, and such other written obligations of the city as the council may require. The vice-mayor shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term. If, by succession to the office of mayor or otherwise, the office of vice-mayor becomes vacant, the council shall appoint another vice-mayor by three affirmative votes. The rights, responsibilities, authority and powers of the mayor and vice mayor are restricted to what the Amended Charter specifically delineates to the position of mayor and vice mayor. However, they shall have all of the rights, responsibilities, authority and powers as any other duly elected representative of any ward. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 6. If a vacancy shall occur in the office of any council member the council shall appoint an eligible person to fill the vacancy until the next general municipal election, subject, as are other council members, to recall. A vacancy shall exist when an elective officer fails to qualify within thirty days after notice of his election, dies, resigns, moves from the ward elected from, unless subject to the grandfather provision set forth in Section 2 hereof, absents himself continuously for three months, except on account of sickness, is convicted of a felony, is adjudged mentally

incompetent, or shall be recalled under the provisions of this Amended Charter or may be removed pursuant to State law. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 7. The council shall hold regular meetings on the first Monday of each month, and at such other time or times as the council may, by ordinance, designate, and may hold such adjourned meetings as it may find necessary or convenient for the dispatch of its business; provided, that if a regular meeting falls on a legal holiday the meeting shall be held on the next succeeding day. Special meetings of the council may be called by the mayor, or by three council members, at any time, on such notice as the council may prescribe by ordinance.

Section 8. The council shall sit with open doors at all legislative sessions and shall keep a journal of all its proceedings, which shall be a public record. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 9. Within sixty (60) days of the approval of the Amended Charter by the Governor, meeting rules of procedure will be adopted by the city council. They will remain in effect until modified by the city council. Each city council elected in successor years will undertake a review of the rules of procedure to determine whether changes or additions are warranted. In addition, within sixty (60) days of the approval of the Amended Charter by the Governor, the city council shall adopt rules regarding the process to be followed for appointment, replacement and removal of members to all commissions, board and trusts covered by the provisions of Article 2, Section 1 of the Amended Charter, which process will remain in effect until modified by the city council. Each city council elected in successor years will undertake of review of the procedures to determine whether changes are appropriate. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 10. A majority of the members of the council shall constitute a quorum for the transaction of business. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 11. The council members shall receive no salary but shall be paid an attendance fee of ten dollars for each meeting of the council attended; but in no event shall payment be made for more than four meetings of the council during any one calendar month.

Section 12. The terms of office of a newly elected city council shall begin at 7:00 o'clock p.m., on the first Monday of the month following each election and they shall hold their first meeting and be inducted into office at that time, or as soon thereafter as may be possible. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 13. Within sixty (60) days of the approval of the Amended Charter by the Governor, the city council will be charged to develop and adopt a Code of Ethics applicable to all elected officials, employees and Board members which will remain in effect until modified by the city council. Each city council elected in successor years will undertake a review of the Code of Ethics to determine whether any changes are appropriate. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

**ARTICLE 3. NOMINATION AND ELECTIONS**

Section 1. Beginning in November of 2012, and for each two years thereafter, a general election will be called in November per the Election Board in even numbered years, in accordance with the laws of the State of Oklahoma in force at the time of holding such elections. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 2. All city elections shall be conducted on a nonpartisan basis. No declaration of candidacy or ballot shall contain any party emblem, sign or designation, and there shall be nothing thereon to indicate any affiliation of the candidate.

Section 3. The provisions of the State Constitution and law relating to elections shall govern every election of whatever kind of this city insofar as they are applicable and are not superseded by this Amended Charter or by ordinance.

Section 4. The qualifications for electors in every election of this city shall be those prescribed by the State Constitution and law.

Section 5. The council members who are to be from each of the five (5) wards of the city as required by Article 2, Section 2 of the Charter, shall be elected at the general election by wards, each council member to be elected by the registered voters in the ward in which he or she resides.

**ARTICLE 4. RECALL OF ELECTIVE OFFICERS**

Section 1. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, 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. In addition, he is subject to removal by recall by the voters of the city. The procedure to affect such removal from office by recall shall be as follows: *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 2. A verified petition, signed by a number of qualified electors equal to twenty per cent of the registered voters in the ward of the city council member sought to be recalled at the time the petition is filed, shall be submitted to city clerk, along with a show cause statement of 200 words or less,

demanding the removal of one or more of such elective officers. It shall be the duty of the city clerk, upon receipt of a petition for recall, to send a copy of the petition, along with all signature pages, to the city council member sought to be recalled by registered mail. The city clerk shall have ten (10) working days in which to ascertain whether the petition has been prepared and circulated as required and whether the required number of qualified voters have signed the petition for recall. The city clerk shall notify the mayor, in writing, whether the petition for recall meets the criteria set forth herein. Upon being informed by the city clerk that the petition for recall meets the criteria set forth above, it shall be the duty of the mayor of the city, within ten days thereafter, to issue a proclamation calling a special election, for the purpose of such recall only, setting forth the question to be voted upon at such election, in a newspaper published and of general circulation within the city. Such election shall be called at the next available election date in conformance with State law. In case of petition of the mayor, the election shall be called by the vice-mayor. After calling of such election, the said petition shall remain in the office of the city clerk. The signatures to such petition need not all be appended to one paper, but each signatory shall add to his signature his place of residence, giving the street and number if any, or if not numbered, the number of lot and block. Some qualified voter who signs such petition shall make oath before an officer competent to administer oaths that the statements made in such petition are true, and some qualified voter who signs such petition shall make oath to each paper containing signatures that each signature appended to such paper is the genuine signature of the person whose name purports to be thereto subscribed. The city council may impose a monetary penalty against the person or persons circulating the petition upon a determination that the names of unqualified electors have been knowingly attached to the petition, such monetary penalty equal to all cost incurred by the city in attempting to validate the petition for

recall, including attorney fees. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

Section 3. The form of ballot at such special election shall be as follows:

Recall of Elective Officers

Shall (name of officer) be removed from office of (name of office)?

YES

NO

The voter who desires to vote for the removal of the officer shall stamp in the square to the left of the word "YES." The voter who desires to vote for the retention in office of the officer shall stamp in the square to the left of the word "NO."

If a simple majority of the duly qualified electors voting at such election shall vote "YES," the officer shall be deemed removed and his office vacated. If a simple majority of such electors shall vote "NO," such officer shall continue to serve as such. Upon successful removal, the city council will appoint a replacement for the seat for the remainder of the term vacated subject to all other terms of this Amended Charter. Any replacement must be a qualified elector of the respective ward at the time of appointment. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

Section 4. Such special election shall in all respects be conducted, returned, and the result thereof declared as provided by the Constitution and laws of the State of Oklahoma in force at the time of such election.

Section 5. No recall petition shall be filed against any officer until he shall have held his office for at least four months; nor within six months after an election has been held upon a previous petition for recall of the same officer.

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Section 6. No person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to an office or employment of the city within one year after such recall or resignation.

The method of removal by recall is cumulative and not exclusive. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

**ARTICLE 5. APPOINTIVE OFFICERS**

Section 1. The city council shall appoint and may remove a city attorney, a city treasurer, a city manager, a municipal judge and such subordinate personnel as may be authorized from time to time to assist the city council in performing its duties as outlined in this Amended Charter. The powers and duties of appointive officers shall be provided by this Amended Charter, or as may, from time to time, be prescribed by ordinance. The compensation of all appointive officers shall be such as may, from time to time, be fixed by the city council. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

**CITY TREASURER**

Section 2. The city council shall appoint an officer of the city who shall bear the title of city treasurer. He shall have custody of all moneys belonging to the city. Subject to such regulations as the city council may ordain, he shall deposit daily all funds of the city coming into his hands in such depositories as the council may, from time to time, designate.

Section 3. He shall have custody of all investments and invested funds of the city government or in the possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city, and the receipt and delivery of city bonds and notes for transfer, registration or exchange.

Section 4. He shall countersign all warrants, checks, or other orders for the payment of money from city funds.

Section 5. Nothing in this section shall prevent the city council from appointing the city clerk or finance director to fill this position. In that event, the city clerk or finance director will continue to report to the city manager in the day to day performance of the duties of that position and will report to the city council in connection with the performance of his duties as city treasurer. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

**CITY ATTORNEY  
DEPARTMENT OF LAW**

Section 6. The city council shall appoint a qualified individual licensed to practice law by the Supreme Court of the State of Oklahoma who shall have the title of city attorney. He shall be the head of the department of law. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 7. He shall be the chief legal advisor to the council and all offices, departments and agencies, and of all officers and employees in matters relating to their official powers and duties. He shall represent the city in all legal proceedings. It shall be his duty to perform all services incident to his position as may be required by statute, by this amended Charter, or by ordinance.

**CITY MANAGER  
ADMINISTRATIVE DEPARTMENTS**

Section 8. The city council shall appoint a qualified individual who shall have the title of city manager, who shall have the powers and perform the duties as set forth in the Amended Charter or by ordinance or as may be required by law. No member of the council shall receive such appointment during the term for which he shall have been elected, nor within one year after the

expiration of such term. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 9. The city council shall appoint the city manager for an indefinite term, and may remove him by a majority vote of its members. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 10. Neither the city council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager, or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the city council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. The city manager may determine the proper method of interaction and communication between the city council and staff and shall notify the city council of the same, in writing. Any member of the council violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be subject to public censure or reprimand by the city council. This section shall not be deemed to preclude the right of recall by the citizens or the removal from office as provided by applicable State law for the removal of municipal officers. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 11. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. 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 within 10 miles of the city limits. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 12. The city manager shall be the chief administrative officer of the city, and head of the administrative branch of the city government. He shall execute the laws and administer the government of the city. He shall be responsible to the city council for the proper administration of the affairs of the city, and, to that end, subject to the personnel provisions of this Amended Charter, he shall have power and shall be required to:

- (a) Appoint and, when necessary for the good of the service, remove all administrative officers and employees of the city, except as otherwise provided by this Amended Charter.
- (b) Prepare the budget annually and submit it to the council, and be responsible for its administration after adoption.
- (c) Prepare and submit to the council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year.
- (d) Keep the council advised of the financial condition and future needs of the city, and make such recommendations as may seem to him desirable.
- (e) Supervise and control all administrative departments and personnel.
- (f) Perform such other duties as may be prescribed by this Amended Charter, or required of him by the council, not inconsistent with this Amended Charter.

*(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 13. The administrative departments of the city shall be as established or eliminated by the city council unless otherwise precluded by the Amended Charter and as may be required by law. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 14. The work of each administrative department may be distributed among such divisions thereof as may be established by ordinance upon recommendation of the city manager. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the city manager among specific divisions thereof, the city manager may establish temporary divisions.

Section 15. To perform his duties during his temporary absence or disability, the city manager, by letter filed with the city clerk, will appoint a qualified administrative officer of the city to be acting city manager. If the city manager fails to make such designation, 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 it appoints another city manager, as the case may be. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

#### CITY CLERK

Section 16. The city manager shall appoint for an indefinite term a city clerk, who shall be clerk of the city council. The city clerk shall keep a journal of the proceedings of the council; shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by the council; shall, with the mayor, sign and attest all ordinances, resolutions, contracts, and other instruments or matters requiring the assent of the city, when so authorized by the council; and shall perform such other duties as the council may, from time to time, prescribe. The city clerk may appoint deputies to act for him. Nothing in this section prevents the city manager from appointing the city treasurer or finance director to fill this position. If the city treasurer is appointed to this position, he shall report to the city manager regarding the performance of his day to day duties as city clerk and shall report to the city council in connection with the performance of his

duties as city treasurer. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

#### FINANCE DIRECTOR

Section 17. The city manager shall appoint for an indefinite time a finance director, who shall be the head of the department of finance; shall collect or receive all moneys and revenues receivable by the city, and shall deposit the same daily with the city treasurer in an account or accounts maintained by the city treasurer in a depository or depositories approved by the Council. The finance director shall maintain a general accounting system for the city government; shall sign all checks and be responsible for the disbursement of all money; shall determine the regularity and correctness of all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and audit and approve them before payment. Nothing in this section prevents the city manager from appointing the city treasurer or city clerk to fill this position. If the city manager appoints the city treasurer to fill this position, the city treasurer will report to the city manager in the day to day performance of his duties as finance director and will report to the city council in connection with the performance of his duties as city treasurer. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

#### MUNICIPAL JUDGE

Section 18. The city council shall appoint a municipal judge for an indefinite term. The council may suspend or remove the municipal judge or acting municipal judge at any time by majority vote of all its members. The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the ordinances of the city; provided that the council may, by ordinance, 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, who are able and willing to pay fines and costs, and who do plead guilty and pay fines and costs. The city clerk 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 administer oaths and make and enforce all proper orders, rules and judgments. The council may, by ordinance or resolution, authorize or require that the municipal judge shall, at the same time, hold other office or employment in the service of the city, but he may not be a council member or a policeman. The city council shall choose him solely on the basis of his qualification to serve as municipal judge.

Section 19. To perform the duties of the municipal judge during his temporary absence, disability, disqualification, or suspension, the city manager shall designate a qualified person, from time to time as the need arises, to be acting municipal judge until the municipal judge returns or until his disability, disqualification or suspension ceases; or the city manager shall designate such a person substitute municipal judge to be acting municipal judge at all such times until the municipal judge returns or until his disability, disqualification or suspension ceases.

Section 20. The municipal court shall have jurisdiction to hear and determine all offenses against the Amended Charter or ordinances of the city.

**ARTICLE 6. APPOINTMENTS AND PROMOTIONS**

Section 1. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness, and removals and demotions shall be made solely for the good of the service. Better to achieve these ends, the council may, by

ordinance, establish a department of personnel with a director of personnel at its head, and may establish a merit system and provide for its proper organization and functioning, and for proper personnel administration. In the event a department of personnel is established, the merit and fitness of persons for appointment or promotion in the classified service, shall be ascertained by competitive examinations as far as practicable; and the council may, by ordinance, prescribe the powers and duties of the director of personnel, provide for the classification of the service, regulate the demotion, suspension, or removal of officers and employees in the classified service, and otherwise provide for the proper organization and functioning of the department and personnel administration. The following shall be in the unclassified service: all elective officers, city attorney, city manager, and the municipal judge.

Section 2. Neither the city council, the city manager, nor any other authority of the city government may appoint or elect any person related to any council member, the city manager, or himself, or, in the case of plural authority, to one of its members, by blood or marriage within the third degree, to any office or position of profit in the city government; provided, however, the city manager may appoint himself, or the city council may appoint or elect him, to other offices and positions in the city government, subject to regulations adopted by ordinance, but he may not receive compensation for service in such other offices or positions. Except as may be otherwise provided by this Amended Charter or by ordinance, the same person may hold more than one office or position of employment in the service of the city.

Section 3. The city manager or other appointing or electing authority of the city at any time may, for the good of the service, suspend or remove any officer or employee whom he or the other appointing or electing authority respectively may appoint, except



as otherwise provided by, or in accordance with, this Amended Charter.

Section 4. The appointing or electing authority who may appoint or elect the successor of an officer or employee in the service of the city 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, unless the council provides by ordinance that a particular superior or subordinate of such officer or employee shall act. The council may, by ordinance, provide for a deputy to act in such cases.

#### **ARTICLE 7. INITIATIVE AND REFERENDUM**

Section 1. The powers of initiative and referendum are reserved to the qualified electors in this city with reference to all legislative authority which the city may exercise in accordance with the provisions of the State Constitution. A verified petition of initiative or referendum setting forth in plain language of 200 words or less the matter which is sought to be initiated or referred must be signed by at least twenty percent of all registered voters of the city qualified to vote at the time the petition is circulated. The name of each petitioner must be accompanied by the street address setting forth residency within the city limits. The petition must be filed with the city clerk. It is the duty of the city clerk to ascertain, within ten working days of submission of the petition, whether the subject matter contained therein is appropriate for initiative or referendum and whether the requisite number of valid signatures are affixed to the petition. The city clerk shall notify the mayor, in writing, whether the petition meets the criteria set forth herein and as mandated by State Constitution. Upon being advised that the petition meets the criteria of this Amended Charter and the State Constitution, the mayor, within ten days thereof, shall issue a proclamation calling a special election for the purpose of initiative

or referendum only, setting forth the question to be voted upon in said election and cause the same to be published in a newspaper of general circulation within the city. The election shall be at the next available election date in conformance with State law. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

#### **ARTICLE 8. PUBLIC UTILITIES**

Section 1. The City of Bartlesville shall never grant, extend or renew a franchise without the approval of a majority of the qualified electors residing within its corporate limits, who shall vote thereupon at a general or special election; and the legislative body of the city may submit any such matter for approval or disapproval to the electors thereof at any general municipal election, or call a special election for such purpose at any time upon thirty days' notice; and no franchise shall be granted, extended, or renewed for a longer term than 25 years.

Section 2. Whenever a petition signed by a number of qualified electors of the city equal to twenty-five percent of the total number of votes cast in said city at the next preceding general municipal election, demanding that a franchise be granted, extended, or renewed, shall be filed with the city clerk, the mayor shall, within ten days thereafter, by proclamation embracing the entire text of the proposed franchise to be published for a period of not less than ten days, call a special election at which time shall be submitted the question of whether or not such franchise shall be granted, extended, or renewed; and if at an election held in which such question of granting, extending, or renewing a franchise is submitted, a majority of the qualified electors voting thereon shall vote for the grant, extension, or renewal of such franchise, the same shall be granted by the city council at the next succeeding regular meeting thereof.

Section 3. No grant, extension, or renewal of any franchise or other use of the streets, alleys, or other public grounds or ways of the city shall divest the city or its right of control and regulation of such use and enjoyment of such streets, alleys, public grounds or ways, nor shall the power to regulate the charges for public service be surrendered, nor shall any exclusive franchise ever be granted by the city.

Section 4. In the event a special election is called, as herein provided, to vote upon granting, extending, or renewing a franchise, the expense of such special election shall be borne by the applicant for such franchise; and the payment of such expense shall be provided for before any such special election shall be called.

Section 5. Every grant of a franchise or extension or renewal thereof shall contain a provision that, upon the termination of the same, the property of the grantee installed or used under such grant and located in the streets, alleys, avenues or other public grounds and ways of the city may, at the option of the city, upon the payment of a fair valuation of said property as then installed, the mode of ascertaining which shall be prescribed in the grant, be and become the property of the City of Bartlesville; and the grantee shall never be entitled to any payment of valuation because of the any value derived from or based upon the franchise itself, or the fact that the grantee is or may be a going concern.

Section 6. The city shall have the power to acquire, by purchase, condemnation, or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance, and operation of any public utility, or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit, but no sale of any public utility shall be made until it shall have been authorized by vote of the qualified electors of the city voting thereon at a general or special election.

## ARTICLE 9. ORDINANCES

Section 1. All ordinances of the city in effect at the time this Amended Charter becomes effective, insofar as they are not inconsistent with this Amended Charter, shall continue in force and effect until they are repealed or until they have expired by their own limitations.

Section 2. The enacting clause of all ordinances passed by the city council shall be: "Be it ordained by the City Council of the City of Bartlesville," and all ordinances proposed by the voters under their power of initiative shall be "Be it ordained by the People of the City of Bartlesville."

Section 3. Titles of proposed ordinances shall be read, and except in the case of an emergency ordinance or instance where a greater majority is required by this Amended Charter or by law, a vote of a majority of all the council members shall be required for passage of the ordinance. A four-fifths vote shall be required for passage of an emergency ordinance. The vote on the passage of every ordinance shall be by yeas and nays or abstentions and shall be entered in the journal. The mayor shall have no power of veto.

Section 4. Every ordinance, without necessity of declaring an emergency or including an emergency clause therein, shall go into effect on the day following the date of publication, unless the ordinance specifies a later time. Emergency ordinances, containing a separate section declaring an emergency, shall go into effect concurrently with passage, but shall be published within ten days thereafter.

Section 5. Publication shall be by insertion in one issue of a newspaper of general circulation in the city, provided that, in lieu of publication in a newspaper, a code of ordinances, or the extension or revision of a part of a code may be printed or duplicated with at least fifty copies in book or pamphlet form or loose leaves for insertion in a loose-

leaf system in which case a certified copy of the book, pamphlet or loose-leaf shall be filed in the office of the city clerk. Whenever an ordinance is published in a newspaper, a line shall be pre-fixed in brackets, stating correctly the month, day and year of publication.

Section 6. The council, by ordinance, may adopt by reference, codes, ordinances, and standards relating to building, plumbing, electrical installations, public health and public safety and other matters which it has power to regulate otherwise. Such code, ordinance, or standard so adopted need not be enrolled in the book of ordinances, but a copy shall be filed and kept in the office of the city clerk. Filing of a copy properly certified in the office of the city clerk shall constitute its enrollment; but the city clerk shall enter a statement of the publication in the book of ordinances. The city clerk shall keep copies of every such code, ordinance, or standard in force for distribution or sale at their approximate cost.

Section 7. The ordinances of the city shall be codified and published in book or pamphlet form at least every ten 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 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 and provisions of State law relating to the city. A copy of the published code shall be filed in the office of the city clerk, but the code need not be enrolled in the book of ordinances.

Section 8. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no ordinance shall be revised or amended unless the new ordinance contains the entire ordinance

revised or the section or sections amended, and the section or sections so amended shall be repealed.

Section 9. Protests against proposed zoning changes shall be filed with the city clerk at least three days before the date of the public hearing. If protests are filed by:

1. The owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or
2. The owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change; or
3. The owners of fifty percent (50%) or more of the lots, or portions of lots, within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change;

then the proposed change or amendment shall not become effective except by a favorable vote of four-fifths of all the members of the City Council. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

## ARTICLE 10. THE BUDGET

Section 1. The fiscal year of the city government shall begin on the first day of July and end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Amended Charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Section 2. The budget shall be prepared in accordance with Oklahoma Statutes and adopted by the favorable vote of at least a majority of the members of the city council. Upon final adoption, the budget shall be in effect for the fiscal year.

## ARTICLE 11. AUDITS AND REPORTS

Section 1. The city council shall designate a qualified and certified public accountant, or accountants, who shall make an independent annual audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year, and who shall report to the city council and to the city manager. It shall also be the duty of the auditor from time to time, to recommend changes in methods employed in the fiscal affairs of the city, with a view to simplifying and improving the same.

**ARTICLE 12. LABOR**

Section 1. All laws heretofore enacted or that may hereafter be enacted by the State of Oklahoma, designed to carry into effect the provisions of the Constitution relative to protection of labor and prevention of child labor, are hereby made a part of the organic law of the city and the duty of enforcing the same is hereby placed upon the city council.

**ARTICLE 13. PUBLIC LIBRARY**

Section 1. The public library shall be an administrative department of the city, and shall be under the supervision and control of a director who shall report to the city manager. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

**ARTICLE 14. COMMISSIONS,  
BOARDS, COMMITTEES,  
DEPARTMENTS**

Section 1. All commissions, boards, committees, departments, and other governmental agencies in existence at the time this Amended Charter takes effect, insofar as not inconsistent with this Amended Charter, shall continue in full force and effect for the terms and for the purposes for which they were created, elected or appointed, or until otherwise

provided by the city council, by ordinance or otherwise.

Section 2. The city council shall have the power and authority to create, by ordinance or otherwise, and designate and define the powers and duties of:

- (a) A planning board or commission;
- (b) A zoning board or commission;
- (c) A board of adjustment; and
- (d) Such other boards, commissions, committees, agents, or agencies as the council may, from time to time, deem necessary or convenient in the administration or carrying on of the business and affairs of the city.

**ARTICLE 15. CITY BUILDINGS,  
PLAYGROUNDS, PARKS, AND  
OTHER PUBLIC PLACES**

Section 1. The city council shall have the power, and it shall be its duty, by ordinance or otherwise, to provide for the regulation and control of the use of the city buildings, cemetery, city parks, playgrounds, boulevards, comfort stations, and other public places now owned or hereafter acquired by the city, for use of the city in the conduct of the business and affairs of the city, and for the peace, health, safety, comfort, convenience, and recreation of the people.

Section 2. The city council, in order to carry out the purposes of this article, may create and establish such departments, committees, commissions, boards, or other agents or agencies as the council may deem to be necessary or convenient for the purpose or purposes and the council shall define the powers and duties of such departments, committees, commissions, boards, or other agents or agencies.

Section 3. All such departments, committees, commissions, boards, agents or agencies, unless otherwise provided by the council, shall be deemed to be parts of the administrative service of the city, and shall

be subject to the supervision of the city manager.

Section 4. The members of all such departments, committees, commissions, boards, or agents or agencies shall serve without monetary compensation, unless and until otherwise provided by the city council.

## ARTICLE 16. GENERAL PROVISIONS

Section 1. No contract shall be entered into by the city council in excess of the amount appropriated, and no contract shall be binding upon the city unless it has been signed by the mayor, and attested by the city clerk, and the expense thereof encumbered in the proper fund liable for payment of the same, and whenever the contracts encumbered in any fund equal the appropriation made therefore, no further contract shall be signed by the mayor or attested by the city clerk for payment from such fund.

Section 2. Every contract in any sum exceeding the amount set by State law with any person or persons, for the purpose of making any public improvements or constructing any public building or making repairs on the same shall require the party contracted with to furnish a bond with good and sufficient sureties to the City of Bartlesville in a sum not less than the sum total in the contract, conditioned that such contractor or contractors pay all indebtedness incurred for labor or material furnished in the construction of said public building or in making said public improvements.

Section 3. Every contract in any sum exceeding the amount set by state law with any person or persons for the purpose of making any public improvements, or constructing any public building or making repairs on the same shall be based on specifications approved by the city council and shall be awarded to the lowest and best bidder after advertisement for bids has been published in not less than three issues of a

daily newspaper, or in not less than two issues of a weekly newspaper of general circulation in the city. The council may let the contract to the lowest and best bidder or may reject all bids. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

Section 4. Every contract in any sum exceeding the amount established by ordinance by the city council for the purpose of purchasing supplies, materials, or equipment shall be awarded to the lowest and best bidder after advertisement for bids has been published in not less than three issues in a daily newspaper, or in not less than two issues of a weekly newspaper of general circulation in the city. The council may let the contract to the lowest and best bidder or may reject all bids. Provided, however, that items available through the State of Oklahoma's central purchasing contracts may be purchased from the State's vendor directly without bidding as these items have already been processed through a similar, rigorous competitive bidding process. (*Amended by vote of the electorate at an election held on November 2, 2010.*)

Section 5. When property of the city becomes obsolete or surplus, and no longer needed by said city, the city manager shall determine the value thereof, before the same is offered for sale. The city manager may then dispose of the property in the manner which is most advantageous to the city. The city council shall set by ordinance the maximum value of the property the city manager is authorized to dispose of without council approval.

Section 6. No appointed officer or employee of the city shall give or promise to give to any other person, any portion of his compensation or any money or valuable thing or promise of employment to any person, in consideration of having been appointed to any office or employment, and if any such promise or gift be made, the person making or accepting such gift or promise shall forfeit his office or

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employment and be debarred and disqualified from being appointed or employed in the service of said city. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 7. Any employee of the city who shall, while employed by the city, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, for his personal use, from any person or corporation dealing with the city, or any subordinate or employee, or from any candidate or applicant for any position as employee, or subordinate under him, shall forfeit his office and be forever debarred and disqualified from holding any position in the service of the city. This provision shall not be construed to prohibit accepting items of nominal value from vendors or other persons or entities doing business with the city. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 8. No member of the city council, nor any appointive officer or any employee of the city, shall be directly or indirectly in the employ of any person, company, or corporation holding or seeking to hold any franchise of the City of Bartlesville, or shall receive, directly or indirectly, any wages, commission, gift or favor, or payment from any such franchise holder. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 9. No member of the city council or any other officer or employee of said city shall be directly or indirectly interested in any work, business, or contract, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by ordinance or resolution of the city council; nor be the surety of any person having any contract work or business with said city for the performance of which security may be required, nor be the surety on the official bond of any officer of the city. Contracts in violation of said provisions shall be void.

Section 10. No demand for money against the city shall be approved, allowed, or paid unless it shall be in writing, dated, and sufficiently itemized to identify the expenditure, and shall first be approved by the city manager or his designee and the head of the department creating or authorizing the demand. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 11. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law or by this Charter, shall be liable to said city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

Section 12. All books and records in every office and department shall be open to the inspection of any citizen at any time during business hours, except as exempted by state law.

Section 13. It shall be the official duty of every officer or person in the employ or service of said city, when it shall come to his knowledge that any contract or agreement with said city or with any officer has been or is about to be violated by the other contracting party, forthwith to report to the city manager or the city council all facts and information in his possession concerning such matter, and a failure to do so shall render vacant his office or position.

Section 14. Ten or more resident taxpayers of the city may seek to maintain an action in the proper court to restrain the execution of an illegal, unauthorized or fraudulent contract of said city, or prevent any payment upon any illegal, unauthorized or fraudulent contract or agreement on behalf of said city, or to restrain any disbursing officer of said city from paying any illegal, unauthorized or fraudulent bill, claim or demand against said city or any salary or compensation of any person in its administrative services, whose appointment has not been made in pursuance of the provisions of law. Prior to initiating

any such legal action, ten or more resident taxpayers must submit a written notice to the city council specifically outlining the action sought to be restrained. The written and verified notice must contain the signature of each taxpayer and his residence address within the city limits. No legal action may be initiated on such notice until thirty days after receipt by the city council of the notice in order to allow the city council an adequate opportunity to respond to the notice either by agreeing with such demand or initiating legal action to determine the validity of the proposed action. Ten or more resident taxpayers who believe that an illegal, unauthorized or fraudulent contact has been entered into by the city; or that an illegal, unauthorized or fraudulent payment has been made on said contract, or that an unlawful transfer of public property or monies has occurred, or that public funds have been paid or public property transferred in settlement of a fraudulent or void claim, may submit a written demand, signed and verified by each of the taxpayers, upon the city council to initiate proper proceeding to recover the property or funds. No legal action may be initiated by the taxpayers until thirty days after receipt by the city council in order to allow the city council an adequate opportunity to respond to the demand. Upon refusal, failure or neglect of the city council to take action after receipt of the demand, the taxpayers may then initiate an action in the name of said city, against the officer making payment, and his surety or sureties and the party receiving the same, or any combination thereof to recover the amount so paid, and all amounts recovered, after deducting all expense of the action, shall be paid into the city treasury. Any such action must be brought within one year of the payment of the funds or the transfer of the property. However, no action for personal liability shall lie against an officer or employee of the city for a transaction approved in good faith reliance on the advice of legal counsel for the city or which has been submitted to a court of competent jurisdiction for a determination of legality.

In case said taxpayers are not successful in such action, they shall pay all costs. In no event shall the city ever be liable for the payment of such costs. This provision shall be the exclusive procedure available to taxpayers seeking to bring a qui tam action against any city officer or employee. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

Section 15. All officers authorized by Federal or State law, the mayor, the city manager, the city treasurer, the city clerk, the municipal judge, and such other officers as the city council may authorize, may administer oaths.

Section 16. Every officer of the city, before entering upon the duties of his office, shall take and subscribe the oath or affirmation of office prescribed by the State Constitution.

Section 17. The city clerk, the city treasurer, and such other officers and employees of the city as the city 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 or companies authorized to operate within the State. The city shall pay the premium on such bonds.

## ARTICLE 17. SUCCESSION IN GOVERNMENT

Section 1. The five council members holding office at the time this Amended Charter shall become effective shall continue to hold and occupy their respective offices for the terms for which they were elected or appointed, until their successors, respectively, shall have been elected or appointed and qualified, vested with all the powers and duties conferred to or imposed upon council members under or by virtue of the provisions of this Amended Charter.

Section 2. Nothing in this Amended Charter contained, except as specifically provided,

shall affect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this Amended Charter shall take effect, or any provision of law in force at the time when this Amended Charter shall take effect and not inconsistent with the provisions of this Amended Charter, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension, and retirement rights, civil rights, or any other rights or privileges of officers or employees of the city or any office, department or agency thereof.

Section 3. All persons holding administrative office at the time this Amended Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of the State shall, if such office, department or agency be abolished by this Amended Charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the city council unless otherwise provided herein.

Section 4. Any person holding an office or position in the classified service of the city when this Amended Charter takes effect who shall have served in such position for a period of at least three months shall be retained without preliminary or working tests and shall thereafter be subject in all respects to the provisions of this Amended Charter. Other persons in the city service at the time this Amended Charter takes effect shall be regarded as holding their positions under provisional appointments.

Section 5. All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this Amended Charter, shall be transferred

and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this Amended Charter assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

Section 6. Any office, department or agency provided for in this Amended Charter with a name or with powers and duties the same or substantially the same as those of an office, department or agency heretofore existing shall be deemed to be a continuation of such office, department or agency and shall exercise its powers and duties in continuation of their exercise by the office, department or agency by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matters within the scope of its regular powers and duties commenced by an office, department or agency by which such powers and duties were heretofore exercised. Any provisions in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department or agency, shall, insofar as not inconsistent with the provisions of this Amended Charter, apply to such office, department, or agency provided for by this Amended Charter.

Section 7. All contracts entered into by the city, or for its benefit, prior to the taking effect of this Amended Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this Amended Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and charter provisions.

Section 8. No action or proceeding, civil or criminal, pending at the time when this



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Amended Charter shall take effect, brought by or against the city or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Amended Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may be or under this Amended Charter be assigned or transferred to another office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Amended Charter.

**ARTICLE 18. AMENDMENTS**

Section 1. This Amended Charter may be amended by proposals therefore submitted by the city council of the City of Bartlesville, to the qualified electors thereof, or by petition as provided by law or as set forth in Article 7 of this Amended Charter, at a general or special election, and when ratified by a majority of the qualified electors voting thereon, and approved by the governor, as herein provided for the approval of the Charter, such amendment shall take effect and be in force. *(Amended by vote of the electorate at an election held on November 2, 2010.)*

**ARTICLE 19. SCHEDULE TO AMENDED CHARTER**

Section 1. When this Amended Charter shall have been adopted by a majority of the qualified electors voting thereon, and shall have been approved by the Governor of the State of Oklahoma, it shall thereupon be in full force and effect.

Section 2. All officers and other persons in the service of the city at that time shall continue to serve as such, receive the compensation therefore now provided by law or by ordinance, and have and exercise

the powers, authority, and jurisdiction theretofore possessed by them, respectively, until their terms of office of service shall have terminated, or until otherwise provided by the city council.

**APPROVED** by the voters of the City of Bartlesville this 13<sup>th</sup> day of January 1987.

**AMENDMENTS** to Article 2, Section 2, Article 2, Section 5, Article 2, Section 11, Article 10, Section 2, Article 16, Section 4, and Article 16, Section 5 were approved by the voters of the City of Bartlesville on the 5<sup>th</sup> day of April, 2005.

**AMENDMENTS** to Preamble, Article 1, Sections 3, 4, and 5, Article 2, Sections 1, 2, 5, 6, 8, 9, 10, 12, and 13, Article 3, Section 1, Article 4, Sections 1, 2, 3, and 7, Article 5, Sections 1, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, and 17, Article 7, Section 1, Article 9, Section 9, Article 13, Section 1, Article 16, Sections 3, 4, 6, 7, 8, 10, and 14, and Article 18, Section 1 were approved by the voters of the City of Bartlesville, on the 2<sup>nd</sup> day of November, 2010.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Governor of the State of Oklahoma

(seal)

**ATTEST:**

\_\_\_\_\_  
Secretary of State