

I. SUBJECT, ATTACHMENTS, AND BACKGROUND

Discussion and action to call an election to amend the Charter of the City of Bartlesville.

Attachments:

- Election Resolution
- Exhibit A - Art. 2 & 3 revisions related to elections
- Exhibit A - Art. 4 revisions related to recalls
- Exhibit A - Art. 16 revisions related to purchasing and contracting
- Exhibit B - Ballot Summary

II. STAFF COMMENTS AND ANALYSIS

On open meetings held on October 16, November 20, and January 2, the City Council discussed several items related to governance of our City. In particular, there were extended discussions related to potential charter amendments to consider for a future charter election. As a result of those discussions, documents are attached to this staff report that would call for an election to amend Articles 2, 3, 4, and 16 of our charter.

Attached are 3 separate redline proposals related to these charter amendments as more fully described below.

Art. 2 & 3 – shall be amended to provide changes to Council terms, election dates, and other miscellaneous items.

- Council terms shall be extended from 2 years to 3 years.
- Council terms shall be staggered, so that no more than 2 council members' terms are expiring at the same time.
- Council election dates shall be moved from November to April.

Art. 4 – shall be amended to clarify requirements, provide a reasonable timeline for completion, and other miscellaneous items.

- All signatures on a recall petition must be obtained within 180 days of the filing of the petition with the City Clerk.
- City Clerk shall have 30 days to fulfill his legal duties described in our charter.
- Council members cannot be recalled in the first or last four months of their term.

Art. 16 – shall be amended to make purchasing and contracting more efficient and consistent throughout the organization.

- Authorizes Council to set a limit for City Manager's purchasing and contracting authority.
- Authorizes Staff to utilize purchasing consortiums that have been approved by Council to make purchases.

- Authorizes City Manager to sign contracts that do not exceed the limits established by Council.

Also included with this report are a Resolution necessary to call an election, so that the registered voters of Bartlesville may consider amending the charter and the language that would be included on the ballot.

All of the attached documents have been reviewed by Staff, the City Attorney, and the attorney engaged by the City to assist with the calling of this election, David Weatherford. In addition, staff has met with the Washington County Election Board staff to ensure that the documents met the legal requirements of the State of Oklahoma.

III. RECOMMENDED ACTION

Take action to adopt the resolution and all attached exhibits necessary to call a charter election on April 2, 2024.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BARTLESVILLE PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF BARTLESVILLE, AS AMENDED; CALLING A SPECIAL ELECTION TO SUBMIT THE PROPOSED CHARTER AMENDMENTS TO THE QUALIFIED ELECTORS OF THE CITY; SETTING THE DATE OF APRIL 2, 2024, FOR THE SPECIAL ELECTION; AND DIRECTING THAT NOTICE OF THE PROPOSED CHARTER AMENDMENTS AND SPECIAL ELECTION BE GIVEN BY THE CITY CLERK BY PUBLICATION OF NOTICE AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Bartlesville is required to schedule elections by approval of a resolution to be submitted to the Washington County Election Board;

WHEREAS, Section 13-111 of Title 11 of the Oklahoma Statutes provides that amendments to a municipal charter may be proposed by resolution of the municipal governing body of the municipality; and

WHEREAS, the Bartlesville City Council proposes the amendments outlined herein as proper amendments to the Bartlesville City Charter; and

WHEREAS, the Bartlesville City Council desires to call a special election to submit the proposed Charter amendments to the qualified electors of the City of Bartlesville for their approval or disapproval; and

WHEREAS, the Bartlesville City Council further desires to direct that notice of the proposed Charter amendments and election be published by the City Clerk as required by law.

THEREFORE, BE IT RESOLVED that the Bartlesville City Council proposes that the Bartlesville City Charter be amended by adoption of the amendments fully set forth in Exhibit A attached to and incorporated herein by reference into this Resolution.

BE IT FURTHER RESOLVED that the City Council hereby calls a special election to be held within the City of Bartlesville to submit the proposed charter amendments to the qualified electors of the City of Bartlesville for their approval or disapproval; that only the qualified electors of the City of Bartlesville, OK may vote upon the proposition as set forth within; that the polls shall be opened at 7:00 a.m. and shall remain open continuously until and be closed at 7:00 p.m.; that the number and location of the polling places for said election shall be the same as designated for statewide and county election by the Washington County Election Board; that such election shall be conducted by those officers designated by the Washington County Election Board which officers shall also act as counters and certify the election results as required by law; the Council designates April 2, 2024, as the date for the special election to be held within the City of Bartlesville; and as provided in Title 26, Oklahoma Statutes Section 13-103, the City authorizes the Washington County Election Board to close precinct polling places for Precinct #570109 located in Osage County, Oklahoma for this election because only a portion said precinct is located within the municipal boundaries of the City, and the City Council has determined that no one resides within that portion of the respective precincts.

BE IT FURTHER RESOLVED that the City Council provides lists of the proposed Charter amendments in the form of the special election ballot propositions attached hereto as Exhibit B, which propositions shall be submitted to the qualified electors of the City at the Special Election as set forth above.

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to publish notice of the proposed Charter amendments set forth herein, and the attachments hereto, plus the date of the special election on such amendments, in a daily newspaper of general circulation within the City of Bartlesville, with such Notice to be published a sufficient number of times to comply with the notice requirements of Article 18, Section 3(a) of the Oklahoma Constitution and Section 13-106 of Title 11 of the Oklahoma Statutes.

BE IT FURTHER RESOLVED that the City Council further directs the City Clerk to publish this Resolution in full in compliance with Section 16-101 of Title 11 of the Oklahoma Statutes.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Bartlesville, Oklahoma, held the ___ day of January 2024.

City of Bartlesville

Mayor

ATTEST:

City Clerk

EXHIBIT A

REDLINE DETAIL OF PROPOSED CHARTER CHANGES

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~~three years.

For the purpose of transitioning from the prior elected terms of ~~four~~two years to terms of ~~two~~three years, elections will be held for all wards on April ~~5~~1, 2011~~25~~, with the term to start on the first Monday of May, 2011~~25~~, ~~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 initial term for the council member for ward 1 shall be one year, and an election shall be held in April 2026 for this ward with the next term to start in May 2026 and expire in May 2029. The initial term for the council members from wards 2 and 3 shall be two years, and an election shall be held in April 2027 for these wards with the next term to start in May 2027 and expire in May 2030. The initial term for the council members from wards 4 and 5 shall be three years, and an election shall be held in April 2028 for these wards with the next term to start in May 2028 and expire in May 2031. The council members shall be qualified electors of the city for six months prior to the ~~time of their election~~first day of the filing period and each council member must be a qualified resident of his respective ward for six months prior to the ~~time of his election~~first day of the filing period. The filing period shall occur on the first successive Monday, Tuesday, and Wednesday of February from 8:00am to 5:00pm. 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 and any former employee of the city shall not be eligible to serve as a council member until it has been at least 3 years since their employment ended. 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~~ one 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~~ required by State law.

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 meeting 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~~12:01 o'clock ~~p~~a.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-April~~ of 20~~12~~25, and for each ~~two~~-years thereafter, an ~~general~~ election will be called in ~~November-April~~ 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. All signatures shall have been obtained within one-hundred and eighty (180) days of the filing of the petition with the city clerk. 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-thirty (1030)~~ 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~~during the first or last four months of his term; nor within six months after an election has been held upon a previous petition for recall of the same officer.

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 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.~~ No contract shall be binding upon the city unless it has been signed by the mayor, attested by the city, and encumbered in the proper fund liable for payment of the same unless the amount of said contract is less than the amount of the ordinance described in Section 4 of this Article.

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 or purchase in any sum exceeding the amount established by ordinance by the city council for the purpose of purchasing supplies, materials, ~~or~~ equipment, or other necessary items 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 or other purchasing coalitions approved by the Council 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.~~ For items to be purchased directly from the State of Oklahoma's central purchasing contracts or other purchasing coalitions approved by the Council, local vendors should be allowed to match the price. The City Manager or his designee may sign all contracts that do not exceed the amount established by the ordinance referenced in this section. *(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 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.

EXHIBIT B

SUMMARY OF CHANGES FOR PROPOSED BALLOT

Proposition 1. Shall Article 2, Sections 2, 5 and 6, and Article 3, Section 1, of the Charter of the City of Bartlesville be amended to provide that Bartlesville City Council elections shall be held in April of each year with members serving a three-year term, as opposed to the current November elections with two-year terms. The amendment would allow implementation by staggering the upcoming terms until all are consistent with the new three-year terms and would provide for a filing period on the first Monday, Tuesday and Wednesday of February. Additionally, the amendments would provide for annual appointments of the Mayor and Vice-Mayor and allow vacancies to be filled at the next municipal election rather than the next general municipal election.

YES (____)

NO (____)

Proposition 2. Shall Article 2, Section 2, of the Charter of the City of Bartlesville be amended to provide that in order to be an eligible candidate for city council, the council member shall be a qualified elector of the city and the applicable ward for six months prior to the first day of the filing period for the council election, rather than for six months prior to the election date.

YES (____)

NO (____)

Proposition 3. Shall Article 2, Section 2, of the Charter of the City of Bartlesville be amended to provide that any former employee of the City shall not be eligible to serve as a council member until it has been at least 3 years since their employment with the City ended.

YES (____)

NO (____)

Proposition 4. Shall Article 4, Section 2 of the Charter of the City of Bartlesville be amended to modify the recall provisions of the Charter. The proposed changes would require that signatures for a recall election would be required to be obtained within one-hundred and eighty (180) days of the filing of the petition with the city clerk and would allow the city clerk thirty days to ascertain whether the petition has been prepared and circulated as required and whether the required number of qualified electors have signed the petition for recall. Additionally, Section 5 would be amended to provide that recall shall not be filed against any officer during the first or last four months of his term.

YES (____)
NO (____)

Proposition 5. Shall Article 16, Sections 1, 3 and 4 be amended to streamline the purchasing process of the City, allowing regulation and restrictions by City Council ordinance and allowing the City to enter certain contracts and make certain purchases in accordance with policies set by ordinance, rather than requiring Mayor signature for all contracts and purchases. Additionally, the amendment would allow more flexibility with building repairs and allow local vendors to match State of Oklahoma central purchasing. Lastly, the amendment would allow the City Manager to sign contracts if within the authority authorized by ordinance of the City Council.

YES (____)
NO (____)

Proposition 6. Shall Article 2, Section 2, of the Charter of the City of Bartlesville be amended to provide that if a council member ceases to be a resident of the ward in which elected to represent, he shall cease to be a member of the council, eliminating the exception that allowed a council member to continue to hold office if that member moves from one ward to another ward within the city limits.

YES (____)
NO (____)

Proposition 7. Shall Article 2, Section 7, of the Charter of the City of Bartlesville be amended to provide that notice of special meetings of the City Council shall be provided as required by State law.

YES (____)
NO (____)

Proposition 8. Shall Article 2, Section 9, of the Charter of the City of Bartlesville be amended to eliminate the requirement for the readoption of meeting rules of procedure after Charter Amendments, and instead provide a process for each City Council to review and amend meeting rules and procedures, and the process for appointment, replacement or removal of board and commission members.

YES (____)
NO (____)

Proposition 9. Shall Article 2, Section 12, of the Charter of the City of Bartlesville be amended to provide that the terms of office of a newly elected City Council shall begin at 12:01 o'clock p.m., on the first Monday of the month following each election and that they shall hold their first meeting and be inducted into office as soon thereafter as may be possible.

YES (____)
NO (____)

Proposition 10. Shall Article 2, Section 13, of the Charter of the City of Bartlesville be amended to eliminate adoption of a new Code of Ethics after each Charter Amendment, and instead provide that “Each City Council elected in successor years will undertake a review of the Code of Ethics to determine whether any changes are appropriate.”

YES (____)
NO (____)