

CHARTER

CITY OF ALTUS OKLAHOMA

September 10, 2013

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CHARTER OF THE CITY OF ALTUS, OKLAHOMA

PREAMBLE: We, the citizens of Altus, Oklahoma, in order to secure and exercise the benefits of home rule granted to us by the constitution and laws of the State of Oklahoma, in order to provide for a more efficient, adequate and economical government, to promote civic advancement and general welfare, to protect human rights and personal dignity of all persons, do hereby ordain, ratify and establish this charter of the City of Altus, Oklahoma.

ARTICLE I. - INCORPORATION, FORM OF GOVERNMENT, POWERS

Sec. 1. - Incorporation; annexation, consolidation, merging.

The City of Altus, Oklahoma, within the corporate limits as now established or as hereafter may be established, shall continue to be a municipal body politic and corporate in perpetuity under the name of "City of Altus." It shall succeed to and possess all the property, rights, privileges, franchises, powers, and immunities now belonging to the corporation known as the City of Altus; and shall be liable for all debts and other obligations for which the corporation is legally bound at the time this Charter goes into effect.

The City of Altus, Oklahoma, may not be annexed by or to, or consolidated with, any other city or other political subdivision, or merged into a combined county-city government, unless a majority of the qualified electors of the City of Altus voting on the question approve such annexation, consolidation or merging; and such question may be submitted to the qualified electors of the city only by the city council or by the mayor on proper initiative petition at a special election; provided that nothing herein shall prohibit the City of Altus from annexing additional territory to the city as provided by law.

Sec. 2. - Form of government.

a. The city shall have all powers possible for a city operating under a home-rule Charter to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

b. The municipal government provided by this Charter shall be known as the "council-manager government." All powers of the city shall be exercised in the manner prescribed by this Charter, or, if the manner is not prescribed, then in such manner as the council may prescribe by ordinance.

Sec. 3. - Powers of the city.

a. The city shall have all powers possible for a city operating under a home-rule Charter to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

b. The city shall have all the powers, functions, rights, privileges, franchises and immunities granted to cities by the state constitution and law and all the implied powers necessary to carry into execution all the powers granted. Except as prohibited by the state constitution and law or restricted by this Charter, the city shall have all municipal powers, functions, rights, privileges, franchises and immunities of every name and nature whatsoever. The city shall have power to adopt a corporate seal and to alter it at pleasure, to sue and be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any city purpose, including public utilities, works and ways, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation or other legal means; and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey or otherwise dispose of such property as its interests may require, including public utilities, works and ways. It shall have power to issue bonds in the manner and within the limitations prescribed by the state constitution and law. It shall have power, within the limits prescribed by the state constitution and law, to accept and administer federal and state grants-in-aid and to do everything to accomplish the purpose or purposes for which such grants may be made. It shall have power to ordain and to enforce local legislation, consistent with the state constitution and law, for the proper organization and functioning of the city government, for the preservation and enforcement of good government and order, for the protection of health, life, morals and property, for the prevention, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend and renew franchises in accordance with the state constitution and law. The enumeration of particular powers by this Charter shall not be deemed to be exclusive or limiting; and in addition to the powers enumerated herein or implied hereby, the city shall have all powers which, under the state constitution and law, it would be competent for this Charter specifically to enumerate.

c. The specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers stated in this article.

Sec 4. - Additional Authority

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

Sec 5. - Territorial applicability.

Except as provided herein, this charter and any enacted city code refers only to the commission or omission of acts within the territorial limits of the city and to that

territory outside this city over which the city has jurisdiction, ownership or control by virtue of any constitutional or Charter provision, or any law.

All ordinances of the city now in effect within the city are hereby extended to all real property belonging to, or under the control of, the city outside the corporate limits of the city, and are in full effect therein, insofar as they are applicable. All ordinances of the city which shall go into effect in the future shall also apply to, and be in full effect within, the boundaries of all outlying real property, insofar as they may be applicable. Any words in any ordinance indicating that the effect of an ordinance provision is limited to the corporate limits of the city shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the city, unless the context clearly indicates otherwise.

ARTICLE II. - ELECTIVE OFFICERS, MEETINGS, ORDINANCES AND RESOLUTIONS

Sec. 1. - Council: Created, number of councilmen, wards.

There shall be a council of nine (9) members which shall consist of the mayor as ex officio councilmember-at-large and two (2) councilmembers from each of the four (4) wards of the city. Of the two councilmembers from each ward, one shall be elected at large by the registered votes of the city; the other council member shall be elected by the registered voters residing in the ward. The council, by ordinance, shall divide the city into four (4) wards and may change the wards and ward boundaries to correct for inequities in population. However, such a review of boundaries shall occur within two (2) years following the national census certification, or following annexation or deannexation of land. The wards shall be as nearly equal in population as practicable, and shall be numbered from one to four. The following terms limits shall apply to members of the council and mayor; the mayor may serve four (4) consecutive terms in office, a council member may serve three (3) consecutive terms in office, if the mayor also served a council member the total number of combined consecutive years in office as both mayor and council member shall not exceed sixteen (16). A member of council or the mayor who has completed the maximum consecutive years in office, as setout above, may again run for elective office as a councilmember or mayor after setting out a complete term, four (4) years. The years served by any councilmember elected or appointed to serve less than a full term to fill a vacancy in office shall not be included in the limitation set forth in this section so long as the term for which the councilmember is elected or appointed to serve is less than two (2) years in length. A councilmember elected or appointed to fill a vacancy in office for an unexpired term of two (2) years or more shall be considered to have served a full four-year term for the purposes of the limitation set forth in this section. The limitation set forth in this section shall take effect on passage and shall apply to councilmembers in office on that date with any prior consecutive years in office being applied toward the limitation set forth in this section and governed by the terms of this section.

Sec. 2. - Councilmember: Qualifications.

a. Councilmembers shall be residents and registered voters of the city, and the councilmembers from wards shall be actual residents of their respective wards. Removal of a councilmember from the ward for which he was elected shall cause a vacancy in the office of that councilmember. Councilmembers shall be at least twenty-five (25) years of age, must have been residents of the city for at least one (1) year next preceding their election or appointment to fill vacancies, and must at the time of their election or appointment to fill vacancies be residents in good faith of the respective wards from which they are elected or appointed.

b. No councilmember may hold any position in the city government by appointment by the city manager.

Sec. 3. – Removal from Office.

If a councilmember ceases to be a resident of the city the council member shall no longer be a member of the council. The mayor, a councilmember or any other person elected to an office of the City of Altus may be removed for any cause specified by applicable state law for the removal of officers and by the method or methods specified thereby or is convicted of a crime of moral turpitude.

Sec. 4. - Mayor: Qualifications, duties.

The mayor shall have the same qualifications required for other councilmen except that he may reside anywhere within the city. As ex officio councilman-at-large, the mayor shall have all powers, rights, privileges, duties and responsibilities of a councilman, including the right to vote on questions. The mayor shall preside at meetings of the council, and shall certify the passage 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 such written obligations of the city as the council may require.

Sec. 5. - Vice-mayor.

The council shall elect from among its members a vice-mayor for a term of two (2) years. The vice-mayor shall act as mayor during the absence or disability of the mayor. If a vacancy in the office of mayor occurs, the vice-mayor shall assume the duties of mayor until a new mayor takes office under the provisions of Article II, Section 8 of this charter. If, by succession to the office of mayor or otherwise, the office of vice-mayor becomes vacant, the council shall elect another vice-mayor.

Sec. 6. - Council: Salary.

The mayor and each councilmember shall not receive compensation for their services as mayor or councilmember. The mayor and council members may receive

justified expenses for travel and related costs during their term for travel outside the city limits of the City of Altus. The mayor may receive not to exceed four hundred dollars (\$400.00) per month and each councilmember may receive not to exceed two hundred dollars (\$200.00) per month for miscellaneous expenses incurred subject to biannual review.

Sec. 7. - Council: Powers.

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

- a. Appoint and remove the city manager as provided in this Charter;
- b. By ordinance enact local legislation;
- c. Raise revenue, make appropriations, regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the city, subject to the provisions of the state constitution and law and this Charter;
- d. By ordinance establish a pension and retirement system for any or all groups of the officers and employees in the service of the city, either alone or in cooperation with the state or federal government or both;
- e. Inquire into the conduct of any office, department or agency of the city and investigate municipal affairs;
- f. Appoint or elect and remove its own subordinates, the members of the personnel board, the members of the planning commission, the members of the zoning board of adjustment 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;
- g. Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge;
- h. Regulate elections and the initiative and referendum within the limits prescribed by the state constitution and law and this Charter;
- i. By ordinance regulate the organizations, powers, duties, and functions of the municipal court and of the minor violations bureau, if and when established, within the limits prescribed by the state constitution and law and this Charter;
- j. By ordinance create, change and abolish offices, departments and agencies other than the offices, departments and agencies established by this Charter;

and by ordinance assign additional functions and duties to offices, departments and agencies established by this Charter.

Sec. 8. - Council not to interfere in appointments and removals.

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

Sec. 9. – Elected Official: Vacancies.

The council, by majority vote of its remaining members, shall fill vacancies in its own membership, including a vacancy in the office of mayor, or other elected officials for the unexpired terms of the elected official; provided that, if a vacancy begins before the beginning of a regular filing period for candidates for councilmen, and the unexpired term extends beyond 7:30 p.m. on the first Monday after the time prescribed for the general election that year, then a mayor, councilmember or other elected official for that place, as the case may be, shall be elected at the elections of that year to serve the rest of the unexpired term beginning at 7:30 p.m. on said first Monday after the time prescribed for the general election. If the council does not appoint a citizen to fill the vacancy within sixty (60) days of the vacancy occurring then in that event the council shall call a special election to be held within ninety (90) days.

Sec. 10. - Police Chief.

There shall be a Chief of Police of the City of Altus, who shall be an officer of the city, elected by a majority of the registered voters of the City in an at large election at the time of the election of the mayor. The Chief of Police shall be elected for a term of four (4) years and may serve an indefinite number of terms of office. A candidate for the office of Police Chief must at the time of the time of filing for office be a “peace officer” certified by the Oklahoma Council on Law Enforcement Education and Training, CLEET. The candidate must have at least ten (10) years experience as a law enforcement officer of a federal, state, county or city law enforcement department. The salary for the elected Police Chief shall be established by ordinance of the Council. salary adjustments shall not take effect during the current term of office of the police chief. The elected police chief shall be considered an employee of the City of Altus for all purposes including but not limited to the approved city benefits such as vacation, sick leave and pension. The elected police chief shall be an employee for the purposes of the Oklahoma Governmental Tort Claims Act.

The officers of the City of Altus Police Department shall be regular employees of the city and shall be subject to all rules, regulations, policies and ordinances for the administration of city personnel. The elected Police Chief shall supervise and control the operation of the City of Altus Police Department subject to the provisions of Article III of this Charter.

Sec. 11. - City Clerk - Treasurer.

There shall be a city clerk - treasurer of the City of Altus, who shall be an officer of the city, elected by a majority of the registered voters of the City in an at large election. The city clerk - treasurer shall be elected for a term of four (4) years and may serve an indefinite number of terms of office. The salary for the elected City Clerk shall be established by ordinance of the Council. Salary adjustments shall not take effect during the current term of office of the City Clerk. The elected city clerk shall be considered an employee of the City of Altus for all purposes including but not limited to the approved city benefits such as vacation, sick leave and pension. The elected city clerk shall be an employee for the purposes of the Oklahoma Governmental Tort Claims Act.

The city clerk - treasurer shall have such powers, duties, and functions as may be prescribed by law or by ordinance. In addition, the elected city clerk - treasurer shall supervise and control the operation of the office of the city clerk – treasurer.

Sec. 12. - Street Commissioner

There shall be a street commissioner of the City of Altus, who shall be an officer of the city, elected by a majority of the registered voters of the City in an at large election at the time of the election of the mayor. The street commissioner shall be elected for a term of four (4) years and may serve an indefinite number of terms of office. The salary for the elected street commissioner shall be established by ordinance of the Council. Salary adjustments shall not take effect during the current term of office of the street commissioner. The elected street commissioner shall be considered an employee of the City of Altus for all purposes including but not limited to the approved city benefits such as vacation, sick leave and pension. The elected street commissioner shall be an employee for the purposes of the Oklahoma Governmental Tort Claims Act. The street commissioner shall have such powers, duties, and functions as may be prescribed by law or by ordinance.

Sec. 13. - Council: Meetings.

The city council shall hold at least one (1) regular meeting each month at the Municipal Building at a date and hour to be set by ordinance or resolution. The city council may hold such special and/or emergency meetings as may be called and as are authorized by the Oklahoma Open Meeting Act. Special and emergency meetings of the council may be called by the mayor or a majority of the council. All meetings of the city

council of the City of Altus shall be public except the council may hold executive sessions as provided by the Oklahoma Open Meeting Act.

Sec. 14. - Council: Absences to terminate membership.

If any member of the city council is absent for more than one-half of all meetings of the governing body within any four (4) consecutive months, the office is automatically vacant. Regular and special meetings are counted. "Month" refers to a calendar month.

Sec. 15. - Council: Quorum, rules, yeas and nays.

A majority of all the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day. The council shall determine its own rules. The vote on any question shall be by yeas and nays and shall be entered in the minutes of the meeting as required by the Oklahoma Open Meetings Act. The vote of a member who abstains shall be recorded as a NO vote for determining the passage or the failure to pass of any measure.

Sec. 16. - Ordinances: Enacting clause.

The meeting [enacting] clause of all ordinances passed by the council shall be "Be it ordained by the Council of the City of Altus", and all ordinances proposed by the voters under their powers of initiative, "Be it ordained by the People of the City of Altus".

Sec. 17. - Ordinances: Passage, when in effect.

Every proposed ordinance shall be read or by motion of the Council only the reading of the title of the ordinance need be read, and a vote of a majority of all the councilmen shall be required for the final passage of an ordinance. The reading of the entire ordinance shall be required for the passage and approval of any measure relating to the taxing powers of the City. The vote on final passage of every ordinance shall be by yeas and nays and shall be entered in the minutes of the meeting. The mayor shall have no power of veto. Every ordinance shall be published as required by the Oklahoma Municipal Code, Title 11 of the Oklahoma Statutes. All non-emergency ordinances shall become effective thirty (30) days after its final passage unless it specifies a later date or time.

Sec. 18. - Ordinances: Emergency.

An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health, or safety, and which should become effective prior to the time when an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency. The council shall vote on the emergency section separately, and must adopt the section by vote of a majority of all the members of the council, which vote shall

be by yeas and nays and entered in the minutes of the council meeting. An emergency ordinance shall take effect upon passage unless it specifies a later time.

Sec. 19. - Adoption by reference.

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

Sec. 20. - Ordinances: Codification.

The ordinances of the city shall be codified and published in book or pamphlet form at least every ten (10) years unless the council, by use of a loose-leaf system and process of amendment, keep[s] the code up-to-date. Titles, enacting clauses and emergency sections may be omitted from the code; and temporary and special ordinances and parts of ordinances may be omitted. Permanent general ordinances and parts of ordinances which are to be repealed by the code shall be omitted from the code. The ordinance[s] and parts of ordinances included in the code may be revised, rearranged and reorganized; and the code may contain new matter, provisions of state law relating to the city and provisions of this Charter. A copy of the published code shall be filed in the office of the city clerk, but the code need not be enrolled in the book of ordinances.

Sec. 21. - Initiative and referendum.

The powers of the initiative and referendum are reserved to the people of the city. In the exercise of these powers, the requirements of the state constitution and law shall be observed.

ARTICLE III. - CITY MANAGER, CITY ATTORNEY AND ADMINISTRATIVE DEPARTMENTS

Sec. 1. - City manager: Appointment, term, qualifications, removal.

There shall be a city manager. The council shall appoint him for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the city or state; but, during his tenure of office, he shall reside within the city. No councilman may be appointed city manager during the term for which he shall have been elected or within two (2) years after the expiration of his term. The council may suspend or remove the city manager at any time by a vote of a majority of all its members.

Sec. 2. - Acting city manager.

To perform his duties during his temporary absence or disability, the city manager, by letter filed with the city clerk, may 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. The council may suspend or remove an acting city manager at any time by vote of a majority of all its members.

Sec. 3. - City manager: Powers and duties.

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

- a. Appoint, and when necessary for the good of the service, remove all heads of administrative departments and other administrative officers and employees of the city except as otherwise provided in this Charter and except as he or the council by ordinance may authorize the head of a department, an officer or an agency to appoint and remove subordinates in such department, office or agency, subject to such merit system regulations as the council may ordain;
- b. Supervise and control all administrative departments, offices and agencies, directly or indirectly;
- c. Prepare a budget annually and submit it to the council, and be responsible for the administration of the budget after it goes into effect;
- d. Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year;
- e. Keep the council advised of the financial condition and future needs of the city; make monthly reports to the council as to delinquent accounts receivable and accounts payable, and make such recommendations as may, to him, seem desirable;
- f. Prepare the agenda for the council meetings and furnish necessary data and facts for decisions;

Perform such other duties as this Charter may prescribe and such duties as the council may prescribe, consistent with this Charter.

Sec. 4. - City attorney and office of the city attorney.

a. The city council shall appoint, by at least five affirmative votes, a city attorney who will serve at the pleasure of the council for an indefinite term. The city attorney shall be chosen solely on the basis of his legal qualifications and experience. At the time of appointment, the city attorney must be admitted to practice law in this state, must be a member of the Oklahoma Bar Association in good standing and have been in the general practice of law for a minimum of five (5) years or as a full time city attorney or assistant city attorney for a minimum of three (3) years. During his tenure of office the city attorney shall reside within the corporate limits of the city. The city attorney shall be responsible for all actions and proceedings wherein the city shall be a party plaintiff or defendant, or otherwise a party in interest. The city attorney shall be legal advisor to the mayor, council, city manager, and department directors in relation to their duties, shall perform duties required of him by statutes, and perform such other lawful duties as may be required of him by the council. While this position is appointed by the council the position of city attorney reports directly to the city manager. The council may suspend or remove the city attorney at any time by a vote of a majority of all its members.

b. There shall be created an office of the city attorney which shall be administered by the city attorney. The personnel of the office of the city attorney shall be regular employees of the city and shall be subject to all rules, regulations, policies and ordinances for the administration of city personnel.

Sec. 5. - Administrative departments, offices and agencies.

There shall be a department of finance, a police department, a fire department, health and sanitation department, a water department, and such other administrative departments, offices and agencies as the council may establish.

Sec. 6. - Public library.

The council may provide according to the constitution and laws of the State of Oklahoma for an independent city library system, or may contract with another city or with the county, as specifically provided by Title 65, Sections 81, 82, and 83 of Oklahoma Statutes for the establishment of a joint library system.

ARTICLE IV. - DEPARTMENT OF FINANCE, FISCAL AFFAIRS

Sec. 1. - City treasurer: duties.

The city treasurer shall collect or receive all revenue and other money receivable by the city, and shall deposit them daily in such depositories as the council may designate. The city treasurer shall maintain a general accounting system for the city government.

Sec. 2. - Purchases and sales.

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

Before the purchase of, or contract for, any supplies, materials or equipment, or the sale of any surplus or obsolete supplies, materials or equipment, ample opportunity for competitive bidding, under such regulations, and with such exceptions, as the council may prescribe, shall be given; but the council shall not except a particular contract, purchase or sale from the requirement of competitive bidding.

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

Sec. 3. - City improvements.

City improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements; provided that the council may authorize the city manager to award such contracts not exceeding an amount to be determined by the council and subject to such regulations as the council may prescribe. In compliance with the Oklahoma Public Competitive Bidding Act, a contract for public improvements may be awarded only to the best responsible bidder after such notice and opportunity for competitive bidding as the council may prescribe. All bids may be rejected, and further notice and opportunity for competitive bidding may be given.

Sec. 5. - Fiscal year.

The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June of every calendar year.

Sec. 6. - Independent annual audit.

The council shall designate a qualified 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 council and to the city manager. In lieu of the above, the council may arrange with an appropriate state authority for such an audit when and if permitted by law.

ARTICLE V. - MUNICIPAL COURT

Sec. 1. - Municipal court.

a. The City of Altus shall have a municipal court as provided in Title 11 Oklahoma Statutes Sections 27-101 through 27-132

b. The judge of the municipal court shall be appointed by the mayor with the consent of the council. The judge of the municipal court shall be licensed to practice law in Oklahoma. He shall serve for a term of two (2) years; said term expiring on a date fixed by ordinance, and until his successor is appointed and qualified, unless removed by the vote of a majority of all members of the governing body for such cause as is provided for by law for the removal of public officers. Any appointment to fill a vacancy shall be for the unexpired term.

c. The judge may pursue the practice of law in any other court during his tenure of office. The Judge shall not practice law or represent any client before the City Council or any committee, agency or body of the city. The judge shall be paid a salary to be fixed by ordinance of the council. He shall be paid in the same manner as other municipal officials.

d. The municipal judges shall have original jurisdiction to hear and determine all cases involving offenses against the Charter and ordinances of the city; provided that the council, by ordinance, may create a minor violation 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 willing and able to pay fines and costs, and who do plead guilty and pay fines and costs. The municipal judges shall keep a record of all proceedings of the municipal court, the disposition of all cases, and of all fines and other money collections. The style of all processes shall be in the name of the city. The municipal judges may administer oaths, make and enforce all proper orders, rules and judgments, and punish for contempt.

ARTICLE VI. - NOMINATIONS AND ELECTIONS

Sec. 1. – Succession in Government

The Elected Officers holding office on the effective date of this charter shall continue in office until such time as provided below. The term of those currently serving an elective office shall expire on the date that said term would have expired but for the adoption of this charter. The successors in office shall be as provided in section 2 of this Article.

Sec. 2. - Terms of mayor and other councilmen; nonpartisan elections; how nominated and elected.

At the elections in 2015 and every four (4) years thereafter, the mayor, the chief of police, the street commissioner and the appropriate councilmember from the four (4) wards shall be elected for terms of four (4) years. At the elections in 2017, the clerk – treasurer and the appropriate councilmember from the four wards shall be elected for a term of four (4) years and every four (4) years thereafter they shall be elected for terms of four (4) years. The terms of the mayor, councilmembers and other elected officers shall begin at 7:30 p.m. on the first Monday after the time prescribed for the general election of the year in which they are respectively elected. If the mayor-elect, councilman-elect or other elected officer fails to qualify within one (1) month thereafter, his office shall be vacant, and the vacancy shall be filled according to this Charter. The mayor, councilmembers or other elected officer shall serve for the terms for which they were elected and until their respective successors are elected and qualified.

The candidates for councilmember shall be nominated by the qualified electors of the respective wards in which they are running. Councilmembers elected in the general election of 2015 shall be elected at large by the registered voters of the City of Altus and shall have terms as setout above. Councilmembers elected at the general election of 2017 shall be elected by majority vote of the registered voters voting in candidate’s respective ward and shall have terms as setout above. The offices of mayor, chief of police, clerk - treasurer and street commissioner shall be elected at large by the registered voters of the City of Altus.

Sec. 3. - Primary election: Filing.

Any qualified person may have his name placed on the ballot for the primary election as a candidate for any city office by filing, not more than ninety (90) days and at least sixty (60) days prior to the primary election, with the secretary of the county election board, a sworn statement of his candidacy; provided that the council by ordinance may require such statements to be filed with the city clerk instead.

Sec. 4. - Primary elections: Time, when not held, etc.

A primary election shall be held every odd-numbered year on the Second Tuesday in January, or such other date as required by state statute or the Oklahoma County Election Board, to nominate candidates for the offices the terms of which are expiring; provided that, if no more than one (1) person is a candidate for the office to be filled, they all shall be not only nominated, but also elected and no primary or general election shall be held unless other questions have been placed on the ballot for the election. If only two (2) persons file for an office, they shall be nominated and the primary election shall serve as the general election for the office for which they filed and the person receiving the majority of votes in that election shall be elected to the office for which s/he filed.

Sec. 5. - Primary election: Who nominated or elected.

If more than two candidates file for an elective office the two (2) candidates for each elective office receiving the greatest number of votes in the primary election shall be nominated; provided that, if one (1) of the candidates for an office receives a majority of all votes cast for that office, he alone shall be not only nominated, but also elected and the names of the candidates for that office shall not appear on the ballot for the general election.

Sec. 6. - General election: Time; when not held; who elected.

A general election shall be held on the First Tuesday in March in every odd - numbered year to elect successors for those offices the terms of which are expiring. The candidate for each office receiving the greatest number of votes for that office shall be elected.

Sec. 7. - Political activity of officers and employees.

A candidate for elective office may campaign for that elective office but may not do so during normal work time for that officer or employee and may not coerce or seek contributions from any city employee. Any person, who violates this provision, shall be punished, upon conviction thereof, by a fine not exceeding two hundred fifty dollars (\$250.00) including all costs. Such violation shall constitute cause for removal from office or employment.

Sec. 8. - State constitution and election laws to govern.

The precinct and county election boards shall conduct the primary and general elections of the city. The provisions of the state law concerning the conduct of municipal elections shall apply unless the provisions of this charter direct otherwise.

ARTICLE VII. - MISCELLANEOUS PROVISIONS

Sec. 1. - Feminine gender.

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

Sec. 2. - Merit system.

a. 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 shall establish, within six (6) months after adoption of this Charter, a merit system and personnel rules to provide for the proper organization and functioning and for proper personnel

administration. The policies established shall apply to all employees except as may be provided for employees under contract. All policies established shall be consistent with and not contrary to state statutes. Policies in existence at the time of the adoption of this Charter shall continue until the policies required by this Section are adopted.

b. Merit System Board, Membership—Term of office—Vacancy—Removal—Compensation.

1. There shall be a Merit System Board to hear appeals by employees relating to lay off, suspension, demotion or removal as provided hereafter. The board shall consist of three members appointed by the council on nomination by the mayor for overlapping six year terms. The term of one member shall begin July first in every even-numbered year. The council shall appoint the original members so that the term of one will expire at that time in each of the first three succeeding even-numbered years. A member may not hold any other office or position in the city government. The council, by a vote of at least six affirmative votes after adequate opportunity for a public hearing, may remove a member for cause; and the vote shall be by roll call and shall be entered in the journal. The council on nomination by the mayor shall fill vacancies for the unexpired terms. Members shall serve without compensation unless the council provides otherwise.

2. At the time prescribed for the beginning of the term of a newly appointed member or as soon thereafter as practicable, the board shall elect a chairman, a vice-chairman, and a secretary; and the secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairman or two (2) members may call special meetings. The chairman shall have power to administer oaths and affirmations.

3. The merit system board shall have power to subpoena employees of the city and other persons to testify and to produce documents and other effects as evidence.

c. Hearing before the merit system board.

1. The city manager or any other authority who lays off, suspends without pay for more than ten (10) days, demotes, or removes any employee in the classified service after a probationary period of six months, shall, at that time or within two days thereafter, deliver, or have delivered, or mail by registered, certified, or similar special mail, to the employee a written statement of the reason or reasons for the layoff, suspension, demotion, or removal.

2. Such employee may appeal in writing to the merit system board. The appeal must be filed with the city clerk for transmittal to the board, within ten (10) days after receipt of notice of the layoff, suspension, demotion, or removal.

3. As soon as practicable thereafter, the board shall hold a public hearing on the appeal, or give an adequate opportunity therefore, and shall

report in writing its findings and recommendations, in cases of subordinates of the city manager, to the city manager, and in other cases to the respective authorities having power of removal. The city manager or other authority having power of removal shall then make a final decision in writing regarding the appellant's layoff, suspension, demotion, or removal, as the case may be; provided, that, if the board finds that the layoff, suspension, demotion, or removal was made for a political reason or reasons or for any other reason or reasons than the good of the service, it shall veto the layoff, suspension, demotion, or removal, and the action by the city manager or other authority shall be nullified thereby.

Sec. 3. - Nepotism, compatibility of offices.

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

However, the city manager may appoint himself, or the council may appoint or elect him, to other offices and positions in the city government, subject to any regulations which the council may make by ordinance; but he may not receive compensation for service in such other offices or positions.

Except as may be otherwise provided by this Charter or by ordinance, the same person may hold more than one (1) office or position of employment in the city government.

Sec. 4. - Outside activities.

It shall be the duty of every full-time city employee to devote his energies to the faithful performance of the duties assigned him and [he] shall not engage in any occupation, business or enterprise for personal profit or gain during the hours he is in the employee [employment] of the city; nor shall he do any act or thing that will tend to bring discredit upon him or the city. No city employee is to be restrained from engaging in a legitimate activity on his own time that does not impair said employee's efficiency or ability to do his work while in the service of the city.

Sec. 5. - Removal of officers and employees.

The city manager or other appointing or electing authority at any time may suspend or remove any officer or employee to whom he or the other appointing or electing authority respectively may appoint or elect [a successor] except as otherwise provided by, or in accordance with, this Charter subject to Section 2 of this Article.

Sec. 6. - Acting officers and employees.

The appointing or electing authority who may appoint or elect the successor of an officer or employee, may appoint or elect a person to act during the temporary absence, disability or suspension of such officer or employee, or, in case of vacancy, until a successor is appointed or elected, unless the council ordains that a particular superior or subordinate of such officer or employee shall act. The council by ordinance may provide for a deputy to act in such cases.

Sec. 7. – Infrastructure regulations.

The city shall by resolution have the power to construct or cause to be constructed infrastructure or other special improvements consisting of a water distribution system, a waste water disposal system, a street system including alleys which may include curbing, curbing and guttering, grading, paving or surfacing of streets including surface drainage of such streets and disposition of same by storm sewers, storm sewer systems constructed separately from paving, sanitary sewer systems and street lights or ornamental street lights.

- a. The installation of any of the improvements listed in this section and the payment of said improvements by the people of the City, shall be instituted, conducted and maintained as by General Laws of the State of Oklahoma provided for cities.
- b. The city shall have the power to let contracts for any such improvement complete in place, or may contract for the purchase of materials and make the installation of same by direct labor of its own forces.
- c. No sale, conveyance, lease, or other alienation of the entire assets of any utility system or any part thereof essential to continued effective utility service, shall ever be made unless such sale, conveyance, lease, other alienation or disposal is approved by a majority of all qualified voters voting in an election held for that purpose in the City of Altus.

Sec. 8. - Who may administer oaths?

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

Sec. 9. - Oath of office.

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

Sec. 10. - Bonds.

The city manager, the city clerk- treasurer and such other officers and employees as the council by ordinance 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 council may prescribe by ordinance, subject to approval by the council, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Sec. 11. - Public records.

All records and accounts of every office, department or agency of the city government, except records and documents the disclosure of which would tend to defeat the lawful purposes which they are intended to accomplish, shall be open to public inspection. The provisions of the Oklahoma Open Records Act shall be applicable to the City of Altus.

Sec. 12. - Separability clause.

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

If a court of competent jurisdiction holds a part of this Charter invalid or if a change in the state constitution or law renders a part of this Charter invalid or inapplicable, the council by ordinance may take such appropriate action as will enable the city government to function properly.

Sec. 13. - Conflict of interests.

a. Neither the mayor, any councilmember, nor the city manager shall sell or barter anything to the city or to a contractor to be supplied to the city; or make any contract with the city; or purchase anything from the city other than those things which the city offers generally to the public (as for example, utility services), and then only on the same terms as are offered to the public. Any such official violating this section, upon conviction thereof, shall thereby forfeit his office. Any violation of this section, with the knowledge, express or implied, of the person or corporation contracting with the city, shall render the contract voidable by the city manager or the council. This subsection shall not apply in cases in which the city acquires property by condemnation.

b. Any member of the council or of any board, commission, or other plural authority, shall abstain from voting on any matter in which he has a financial or

personal interest and may participate in discussion on that matter only to the extent permitted by law.

c. The council by ordinance or personnel rules may further regulate conflict of interests and ethics of officials and employees of the city.

Sec. 14. – Boards and public trusts to be created.

a. The council, by ordinance or resolution consistent with this Charter, as amended, shall create any boards deemed necessary for the proper functioning of the city government.

b. The council may create a trust or trusts for the furtherance of public business and deemed necessary for the proper functioning of the city government, consistent with this charter, as amended, pursuant to Oklahoma Statutes, Title 60 Section 176 et seq, Trusts for Furtherance of Public.

ARTICLE VIII. - AMENDMENT

Sec. 1. - Amendment: Proposal, ratification, approval.

This Charter may be amended by proposals therefore submitted by the council at a general or special election, or by the mayor upon initiative petition of the people as provided by the state constitution, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If more than one (1) amendment are [is] proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this Charter may either be in the form of a proposed amendment to a part or parts of the Charter or of a proposed new Charter.

Sec. 2. - Amendment: Board of freeholders.

The council by ordinance may provide for an election of a board of freeholders to prepare and propose amendments to this Charter; but such election shall not be held until the ordinance shall have been referred to, and approved by, the electors. When an amendment proposed by a board of freeholders shall have been submitted by the council at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor, it shall go into effect.

ARTICLE IX. - RECALL

Sec. 1. - Procedure: Petition, certification.

The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

A petition signed by the electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least thirty-five (35) percent of the total vote cast in the election that certified his term of office, or five (5) percent of the registered voters in his ward, if he ran unopposed, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk, which petition shall contain a general statement of the grounds and charges for which removal is sought. The signatures to the petition need not be all appended to one (1) paper, but each signer shall add to his signature his place of residence, giving the street and number. The carrier of each petition who also shall be a registered voter of the ward in question, shall make an oath on each petition he carried, before an officer competent to administer oaths, that the statements therein made are true as he believes, and that such signatures to the paper appended are the genuine signatures of the person whose names they purport to be. Within ten (10) days from the date of filing such petition, the city clerk shall examine and from the voters registered, ascertain whether or not said petition is signed by the required number of qualified electors and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate, showing the results of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days after such date of said certificate. The clerk, shall within ten (10) days after such amendment, make like examination of the amended petition; and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the mayor and councilmen, without delay. If the petition shall be found to be sufficient, the council shall order and fix a date for holding said election, not less than sixty (60) days or more than ninety (90) days from the date of the clerk's certificate to the mayor and councilmen that a sufficient petition is filed.

Sec. 2. - Election.

The mayor and council shall make or cause to be made publication of notice and all arrangements for holding such election and the same shall be conducted, returned and the results thereof declared in all respects as for other city elections. The successors of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected at such election. If some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed

from the office upon qualifications of his successor. In case the party who receives the highest number of votes shall fail to qualify within ten (10) days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law.

ARTICLE X. – PLANNING, ZONING AND PARKLAND

Sec. 1. - Planning and zoning—General grant of power.

a. The City Council shall have full power to promote the general welfare by regulating the use of property and by controlling the development of the city. This power is exercised in planning and zoning within the city limits according to the constitution of the United States and the constitution of this state. The city also may exercise powers of planning and zoning granted by the state in respect to matters of general state concern, as aforesaid, and also in respect to property situated outside the city limits.

b. The scope of the planning function shall include, but shall not be limited to, the development and administration of a Comprehensive Plan which will provide for the careful and thoughtful integration of residential, commercial, industrial, public, and other elements to achieve and preserve social purposes, economic values, and aesthetic quality of the neighborhoods and of other areas that compose the city. At a minimum, the Comprehensive Plan shall include as an integral part of the document; a Land Use Plan to be proposed by the City Planning Commission. The Comprehensive Plan and all related plans, if any, included therein shall be adopted by a resolution of the City Council.

c. The process for preparation and review of the Comprehensive Plan shall be set forth in City Council Policy. Review and/or update of the Comprehensive Plan shall recur at periods of not more than five (5) years. This review shall include all means of transportation, including pedestrian and other appropriate modes, recreational facilities, expressways, and other appropriate elements.

d. In the creation of this integrated land-use pattern, the city will seek a combination of densities and varieties of uses which will be directed to objectives of both stability and innovation.

Sec. 2. - Park land.

In addition to and in supplementation of proper planning and zoning, and in addition to the power of the city to regulate the use and subdivision of land, the city shall have the full power to promote the health, safety, and general welfare of its citizens by the enactment of ordinances concerning parkland.

ARTICLE XI. - SUCCESSION IN GOVERNMENT

Sec. 1. - When Charter goes into effect.

Provisions of this Charter, as amended, shall go into effect immediately provided it has been ratified by a vote of a majority of the qualified electors of the city voting upon the question at an election and its approval by the governor as provided by the state constitution; and the government created by this Charter shall supersede the heretofore existing statutory government as of that time.

Sec. 2. - Ordinances continued.

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

Sec. 3. - Officers and employees.

The people, by the adoption of this Charter, declare it to be their desire that every person holding office or employment in the administrative service of the municipality at the time when it goes into full effect, shall be continued in the service in some capacity if he is qualified and if the good of the city permits; but this general statement of desire shall not limit the power of appointment or removal.

Sec. 4. - Pending actions and proceedings.

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

APPROVED THIS _____ DAY OF JUNE 2013, BY THE DULY ELECTED FREEHOLDERS OF THE CITY OF ALTUS, OKLAHOMA ELECTED AT AN ELECTION HELD ON APRIL 2, 2013.

Ward One

Tom Buchanan

Ward Two

Ricky Brewer

Ward One

Gina Wilson

Ward Two

Rosalyn Hall

Ward Three

Jason Winters

Ward Four

Jill Barnes-Owenby

Ward Three

Diane Raley Landers

Ward Four

Robert Garrison

Presented to and accepted by the Mayor of the City of Altus, Jackson County, Oklahoma this 1st day of July, 2013.

David Webb, Mayor

Presented to and accepted by the County Clerk of Jackson County, Oklahoma this 1st day of July, 2013.

Robin Booker, County Clerk