

2300

BOOK 1511 PAGE 675



City of Purcell

City Charter

Effective April 1, 1999



STATE OF OKLAHOMA } SS  
McCLAIN COUNTY

Filed for record on this  
23 day of March A.D., 1999  
at 11 o'clock A.M. Recorded in  
Book 1511 on page 675 to 717  
Phyllis Bennett, County Clerk.

By JLB Deputy  
Return to City of Purcell  
PO Box 71  
Purcell, OK 73080



*Frank Keating*  
Governor

BOOK **1511** PAGE **676**

March 9, 1999

The Honorable Alton Dragoo  
Mayor of the City of Purcell  
P. O. Box 71  
Purcell, OK 73080-0071

Dear Mayor Dragoo:

Enclosed please find the Governor's Approval of Municipal Charter. I have filed the original with the Secretary of State. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judy Terry".

Judy Terry  
Deputy General Counsel

Enclosure



FILED

MAR 10 1999

OKLAHOMA SECRETARY OF STATE

Frank Keating  
Governor

APPROVAL BY GOVERNOR  
OF AMENDED MUNICIPAL CHARTER

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

1. On November 2, 1998, The City Council of the City of Purcell, McClain County, State of Oklahoma, by resolution directed a proposition to be included on the ballot of the Special Election conducted for the purpose of submitting to the qualified thereof, a new Charter to completely replace the original Charter.
2. The new Charter of the City of Purcell, Oklahoma, submitted to the vote on February 9, 1999, has been duly adopted pursuant to the laws of Oklahoma.
3. The Certificate of Authentication of the election certifies that said Charter was approved by a majority of those electors voting in the election; accordingly the Charter was approved as required by Section 13-111 of Title 11 of the Oklahoma Statutes.

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

A copy of this executive order shall be forwarded to the Mayor of the City of Purcell.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 9<sup>th</sup> day of March, 1999.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

ATTEST:

TOM COLE  
SECRETARY OF STATE



THE CITY OF  
PURCELL, OKLAHOMA

POST OFFICE BOX 71 • 73080-0071  
TELEPHONE: (405) 527-6561  
FAX: (405) 527-2820

BOOK 1511 PAGE 678

2 February, 1999

Honorable Frank Keating  
Governor for the State of Oklahoma  
212 State Capitol Building  
2300 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4890

Dear Governor Keating:

It is with pleasure I submit the enclosed certified Charter for the City of Purcell. This new Charter becomes effective on April 01, 1999 replacing the original Charter adopted by the citizens on August 2, 1949 and approved by Acting Governor James Berry on August 11, 1949.

The populace adopted the new Charter on February 09, 1999 in accordance with the provisions of the Constitution and Laws of the State of Oklahoma. We respectfully request your prompt review of the Charter in compliance to 11 O.S. §13-107. Accompanying the Charter is the McClain County Election Board certification of the election.

The new Charter represents the efforts of the Purcell City Commission, staff and citizen's input spanning in excess of twenty-five months and countless hours resulting in numerous revisions. As an overview, the Charter basically parallels the original Charter and amendments but merely provides for general "up-dating." We trust our new Charter will meet with your approval and receive your endorsement in a timely manner.

If you desire additional information or assistance, please feel free to contact me.

Sincerely,

Alton Drago  
Mayor

xc  
Commission  
Clerk  
Counsel

City of Purcell  
Purcell, Oklahoma

By virtue of the results of the election held February 9, 1999, as certified by the Secretary of the McClain County election Board;

I, Alton Dragoo, Mayor of the City of Purcell, hereby certify the attached Charter to be a true and exact copy.

*Alton Dragoo*

Alton Dragoo, Mayor

ATTEST:  
(Seal)

*Rhonda Dennie*

Rhonda Dennie, Clerk



OKLAHOMA CERTIFICATION REPORT  
 ANNUAL SCHOOL ELECTION  
 RUN DATE: 02-09-99 8:54 PM

ANNUAL SCHOOL ELECTION  
 FEBRUARY 9, 1999  
 MCCLAIN COUNTY, OKLAHOMA

ELECTION ID: 44020999  
 REPORT-EL39-01 PAGE 1

\*\*\* OFFICIAL CERTIFICATE OF VOTES \*\*\*

ANNUAL SCHOOL ELECTION  
 FEBRUARY 9, 1999  
 CITY OF PURCELL  
 MCCLAIN COUNTY, OKLAHOMA  
 PROPOSITION (FORC MUN)

FOR THE PROPOSITION - YES  
 AGAINST PROPOSITION - NO

PRECINCT	FOR THE PROPOSITION - YES	AGAINST PROPOSITION - NO
3753 MCCLAIN CO. PCT 440009	111	11
3754 MCCLAIN CO. PCT 440007	113	39
3441 MCCLAIN CO. ABSENTEE PRECINCT	41	7
	273	57

OKLAHOMA CERTIFICATION REPORT  
 ANNUAL SCHOOL ELECTION  
 RUN DATE: 02-09-99 8:54 PM

ANNUAL SCHOOL ELECTION  
 FEBRUARY 9, 1999  
 MCCLAIN COUNTY, OKLAHOMA

ELECTION ID: 44020999  
 REPORT-EL39-01 PAGE 1

\*\*\* OFFICIAL CERTIFICATE OF VOTES \*\*\*

WE, THE DULY APPOINTED MEMBERS OF THE MCCLAIN COUNTY ELECTION BOARD, STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT NUMBER OF VOTES CAST IN THE SPECIAL MUNICIPAL ELECTION, HELD ON FEBRUARY 9, 1999. RESULTS OF SAID ELECTION ARE SHOWN ABOVE. DATED AT PURCELL, OKLAHOMA, THIS 9TH DAY OF FEBRUARY, 1999.

*James Wood*  
 CHAIRMAN  
*Mark McKeight*  
 VICE-CHAIRMAN  
 SECRETARY

## RESOLUTION 98-C27

**A RESOLUTION OF THE COUNCIL OF THE CITY OF PURCELL, OKLAHOMA, GIVING THE SECRETARY OF THE McCLAIN COUNTY ELECTION BOARD NOTICE OF AN ELECTION TO BE HELD ON FEBRUARY 9, 1999.**

**Section 1:** WHEREAS, Title 26 of the Oklahoma Statutes Section 13-102 requires Notice of Election be given to the Secretary of the McClain County Election Board by Resolution of the City Council; and

**Section 2:** WHEREAS, the purpose of the Election is to vote on an Amended Charter for the City of Purcell, Oklahoma; and

**Section 3:** WHEREAS, the Election is to be conducted on the 9<sup>th</sup> day of February, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PURCELL OKLAHOMA:

**Section 4:** That notice be given of the Election by transmittal of this Resolution to the Secretary of the McClain County Election Board.

**PASSED AND ADOPTED THIS 2<sup>ND</sup> DAY OF NOVEMBER, 1998.**

City of Purcell

By: Alton Drago  
Alton Drago, Mayor



ATTEST

Rhonda Dennie  
Rhonda Dennie, City Clerk-Treasurer

RECEIVED

SEP 3 1998

McCLAIN COUNTY  
ELECTION BOARD

PROCLAMATION AND NOTICE OF ELECTION

Under and by virtue of the Charter of the City of Purcell, Oklahoma, and Ordinance authorizing the calling of a special election for the purpose hereinafter set forth, I, the undersigned Mayor of said City hereby call a special election to be held in said City on the 3rd day of November, 1998, for the purpose of submitting to the registered voters of said City an Amended Charter of said City, which said Amended Charter is attached hereto, marked Exhibit "A" and made a part hereof:

The ballot used at said special election shall set out the proposed Amended Charter as herein set forth and shall also contain the words:

Yes	For the . New . Charter
No	Against the . New Charter

(If the voter desires to vote for the above Proposition, he shall mark the ballot accordingly; if he desires to vote against the above Proposition, he shall mark the ballot accordingly.)

That only the registered voters of the City of Purcell, Oklahoma, may vote upon the Amended Charter as above set forth.

The polls shall be opened at 7:00 o'clock a.m. and shall remain open continuously until and be closed at 7:00 o'clock p.m.

The election shall be held at the same places and in the same manner prescribed by law for conducting county and state elections and the numbers and locations of the polling places and the persons who shall conduct said election shall be the same as for county and state elections, all as respectively designated and prescribed by the County Election Board of the McClain County, Oklahoma.

WITNESS my hand as Mayor of the City of Purcell, Oklahoma, and the Seal of said City affixed hereto on the 10<sup>th</sup> day of July, 1998.



City of Purcell

By: Alton Dragoo  
Alton Dragoo, Mayor

Thonka Jennie  
City Clerk

RESOLUTION NO. 98-C04

A RESOLUTION OF THE COUNCIL OF THE CITY OF PURCELL, OKLAHOMA,  
GIVING THE SECRETARY OF THE McCLAIN COUNTY ELECTION BOARD  
NOTICE OF AN ELECTION TO BE HELD ON NOVEMBER 10, 1998.

**Section 1:** WHEREAS, Title 26 of the Oklahoma Statutes Section 13-102 requires Notice of Election be given to the Secretary of the McClain County Election Board by Resolution of the City Council; and

**Section 2:** WHEREAS, the purpose of the Election is to vote on an Amended Charter for the City of Purcell, Oklahoma; and

**Section 3:** WHEREAS, the Election is to be conducted on the 10th day of November, 1998.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PURCELL, OKLAHOMA:

**Section 4:** That notice be given of the Election by transmittal of this Resolution to the Secretary of the McClain County Election Board.

PASSED AND ADOPTED this 10th day of July, 1998.

City of Purcell

By: Alton Dragoo  
Alton Dragoo, Mayor

ATTEST:

Rhonda Dennis  
Rhonda Dennis, City Clerk



(NOTICE OF ELECTION)  
RESOLUTION NO. 98-C04

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN, THE CITY OF PURCELL, MCCLAIN COUNTY, OKLAHOMA, ON TUESDAY, NOVEMBER 3, 1998, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF THE CITY OF PURCELL, THE QUESTION OF THEIR APPROVAL OR REJECTION OF A NEW CITY CHARTER ALL AS PROVIDED BY LAW; AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS (CITY COUNCIL) OF THE CITY OF PURCELL, OKLAHOMA:

**Section 1.** It is deemed necessary and advisable by the Board of Commissioners (City Council) of Purcell, McClain County, Oklahoma, to submit to the registered voters of the City of Purcell, Oklahoma, for their approval or rejection the following proposition:

**PROPOSITION**

Shall a new City Charter a copy of the same having been handed to you prior to voting, be approved or rejected.

- YES (For the new Charter)  
 NO (Against the new Charter)

**Section 2.** That said proposition should be presented at a special election to be held according to law on Tuesday, November 3, 1998. The proposition will become effective if it is approved by a majority of the registered voters voting on the proposition in the specially called election.

**Section 3.** The Mayor of the City of Purcell is hereby authorized and directed to call a special election to be held in the City of Purcell, Oklahoma, on Tuesday, November 3, 1998, for the purpose of submitting to the registered voters of the City of Purcell, Oklahoma, the aforementioned proposition.

**Section 4.** Such call for a special election shall be by proclamation signed by the Mayor and attested to by the City Clerk of Purcell, setting forth the proposition to be voted upon, the time of opening and closing of the polls, the number and location of the polling places and the names of the precinct officers who shall conduct said election. The ballots shall set forth the proposition to be voted upon substantially as set forth herein and the returns of said election shall be made to, canvassed and certified by the County Election Board.

**Section 5.** Absentee Ballots shall be provided in accordance with State law.

**Section 6.** Due to the immediate necessity for the preservation of the peace, health, safety and welfare of the inhabitants of the City of Purcell, Oklahoma, an emergency is declared and this Resolution shall be in full force and effect upon passage.

Done this 10th day of July, 1998, in an emergency session of the Board of Commissioners, of the City of Purcell, Oklahoma.



BOARD OF COMMISSIONERS, OF THE  
CITY OF PURCELL

By: *Alton Drago*  
Alton Drago, Mayor

*Theresa Dennis*  
City Clerk  
f:\wp51\td\city.gen\elec-res.pro

542 \$37.38

# Affidavit of Publication

No. 542-December 3-2 Times  
 RESOLUTION 98-C27  
 A RESOLUTION OF THE COUNCIL  
 OF THE CITY OF PURCELL,  
 OKLAHOMA, GIVING THE  
 SECRETARY OF THE MCCLAIN  
 COUNTY ELECTION BOARD  
 NOTICE OF AN ELECTION TO BE  
 HELD ON FEBRUARY 9, 1999.

Section 1: WHEREAS, Title 26 of  
 the Oklahoma Statutes Section 13-102  
 requires Notice of Election be given to  
 the Secretary of the McClain County  
 Election Board by Resolution of the  
 City Council; and

Section 2: WHEREAS, the purpose  
 of the Election is to vote on an Amended  
 Charter for the City of Purcell,  
 Oklahoma; and

Section 3: WHEREAS, the Election  
 is to be conducted on the 9th day of  
 February, 1999.

NOW, THEREFORE, BE IT  
 RESOLVED BY THE COUNCIL OF  
 THE CITY OF PURCELL OKLAHOMA:

Section 4: That notice be given of  
 the Election by transmittal of this  
 Resolution to the Secretary of the  
 McClain County Election Board.

PASSED AND ADOPTED THIS 2nd  
 DAY OF NOVEMBER, 1998.

City of Purcell  
 By: /s/ Alton Dragoo  
 Alton Dragoo, Mayor

ATTEST:  
 /s/ Rhonda Dennie  
 Rhonda Dennie,  
 City Clerk-Treasurer  
 (SEAL)

State of Oklahoma, County of McClain, ss:

Gracie Montgomery, of lawful age, being duly sworn and authorized, says that she is General Manager of the Purcell Register, a weekly newspaper printed in the City of Purcell, McClain County, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1973, as amended, and complies with all other requirements of the laws of Oklahoma with reference to legal publications.

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the following dates;

- 1st Insertion December 3, 19 98
- 2nd Insertion December 10, 19 98
- 3rd Insertion \_\_\_\_\_, 19 \_\_\_\_\_
- 4th Insertion \_\_\_\_\_, 19 \_\_\_\_\_
- 5th Insertion \_\_\_\_\_, 19 \_\_\_\_\_
- 6th Insertion \_\_\_\_\_, 19 \_\_\_\_\_

*Gracie Montgomery*

State of Oklahoma, County of McClain, ss:

Subscribed and sworn to before me this 10<sup>th</sup> day  
 of December 19 98.

*Sue Williams*  
 \_\_\_\_\_  
 Notary Public

My Commission Expires 6-12, 19 99.

541 \$53.76

# Affidavit of Publication

No. 541-December 3-2 Times  
PROCLAMATION AND NOTICE OF ELECTION

State of Oklahoma, County of McClain, ss:

Under and by virtue of the Charter of the City of Purcell, Oklahoma, and Ordinance authorizing the calling of an election for the purpose hereinafter set forth, I, the undersigned Mayor of said City hereby call an election to be held in said City on the 9th day of February, 1999, for the purpose of submitting to the registered voters of said City an Amended Charter of said City.

Gracie Montgomery, of lawful age, being duly sworn and authorized, says that she is General Manager of the Purcell Register, a weekly newspaper printed in the City of Purcell, McClain County, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1973, as amended, and complies with all other requirements of the laws of Oklahoma with reference to legal publications.

\* The ballot used at said election shall contain the words:

Yes For the Amended Charter.  
No Against the Amended Charter

That only the registered, qualified voters of the City of Purcell, Oklahoma, may vote upon the Amended Charter as above set forth.

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the following dates;

The polls shall be opened at 7:00 o'clock am. and shall remain open continuously until and be closed at 7:00 o'clock p.m.

1st Insertion	December 3	, 19 98
2nd Insertion	December 10	, 19 98
3rd Insertion		, 19
4th Insertion		, 19
5th Insertion		, 19
6th Insertion		, 19

The election shall be held at the same places and in the same manner prescribed by law for conducting county and state elections and the numbers and locations of the polling places and the persons who shall conduct said election shall be the same as for county and state elections, all as respectively designated and prescribed by the County Election Board of McClain County, Oklahoma.

WITNESS my hand as Mayor of the City of Purcell, Oklahoma, and the Seal of said City affixed hereto on the 2 day of November, 1998.

State of Oklahoma, County of McClain, ss:

City of Purcell  
By: /s/ Alton Dragoo  
Alton Dragoo, Mayor  
ATTEST:  
/s/ Rhonda Dennie  
Rhonda Dennie, Clerk-Treasurer  
(SEAL)

Subscribed and sworn to before me this 10<sup>th</sup> day  
of December 19 98.

Notary Public

My Commission Expires 6-12, 19 99.

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**CHARTER  
OF THE  
CITY OF PURCELL, OKLAHOMA**

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CHARTER  
OF THE  
CITY OF PURCELL, OKLAHOMA

PREAMBLE

We, the people of the City of Purcell, exercising the powers of home rule granted to us by the Constitution and Laws of the State of Oklahoma and in accordance with the provisions of the Charter of the City of Purcell, and in order to more adequately meet the exigencies of the times, do herein ordain, ratify and establish the following as the Charter of the City of Purcell, Oklahoma, which shall completely supersede and replace that Charter adopted on August 2, 1949.

ARTICLE I

**SECTION 1.**        **INCORPORATION, FORM OF GOVERNMENT, POWERS, INCORPORATION.**

The inhabitants within the corporate limits of the City of Purcell, Oklahoma, as now established or as hereafter may be established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Purcell." 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 Purcell; and shall be liable for all debts and other obligations for which the corporation is now legally bound. For purposes of this Charter, the term "City" refers to the City of Purcell.

**SECTION 2.**        **FORM OF GOVERNMENT.**

The municipal government provided for by this Charter shall be known as "Council-Manager Form of Government." All powers of the City shall be exercised in the manner prescribed by this Charter or, if the manner be not prescribed, then in such manner as the Council may prescribe by Ordinance and if not addressed either in the Charter or by City Ordinance, then in such manner as prescribed by state law. The words "Council" and "Commission" may be used interchangeably and shall have the same meaning and reference.

SECTION 3. POWERS OF THE CITY.

The City shall have all powers, functions, rights, privileges, franchises and immunities granted to cities by the State and Federal Constitutions and State and Federal Law and all the implied powers necessary to carry into execution the powers so granted. Except as prohibited by the State and Federal Constitutions and State and Federal 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, which shall include, but shall not be limited to, the following powers, to-wit:

- A. The power to adopt a corporate seal and to alter it at pleasure;
- B. To sue and be sued;
- C. To make contracts with respect to anything necessary to carry out its functions, duties and responsibilities;
- D. 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, or condemnation; 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;
- E. To create trusts, boards and commissions to help it carry out the powers and obligations within its control;
- F. To issue bonds in the manner and within the limitations prescribed by the State Constitution and Law;
- G. To, within the limits prescribed by the State Constitution and Law, accept and administer Federal and State grants-in-aid and to do everything necessary to accomplish the purpose or purposes for which such grants may be made;
- H. To enforce local legislation consistent with the State and Federal Constitution and State and Federal Law, for the proper organization and functioning of City government which shall include the right to enact and enforce legislation for the preservation and enforcement of good government and order as well as for the protection of health, life, morals and property of its inhabitants and for the prevention, summary abatement, and removal of nuisances; and otherwise for promotion of the common welfare of its inhabitants;

- I. To grant, extend and renew franchises in accordance with the State Constitution and Federal Regulations; provided, that such action shall be authorized and approved by a majority vote of the electors of the City of Purcell.

The enumeration of particular powers by this Charter shall not be deemed to be exclusive; and, in addition to the powers enumerated herein or implied hereby, the City shall have all powers which under the State and Federal Constitutions and State and Federal Law, it would be competent for this Charter specifically to enumerate.

No public utility shall be sold or purchased unless such sale or purchase be approved by a majority vote of electors voting in a special election called for the purpose of approving such sale or purchase. This shall not preclude the City from purchasing, without a vote of the people, the lines of other utilities located wholly or partly within the limits of the City of Purcell as those boundaries now exist or may hereafter be amended.

## ARTICLE II

### SECTION 1. LEGISLATIVE POWERS.

The legislative powers shall be vested in a Council consisting of five (5) members. Members of the Council shall be nominated and elected from the City at large. The term of office for members of the City Council shall be in accordance with the provisions of Article IX of this Charter. All members of the Council shall hold office until their successors are duly elected and qualified:

- A. Members of the Council shall serve without pay except that they may be reimbursed actual expenses;
- B. The City Council shall hold its regular meeting on the first Monday of each month and at such other times as it may prescribe by its own rules unless that day is a holiday recognized by the City in which event the regular monthly meeting shall be on the next business day. Meetings shall be held in City Hall unless, due to special circumstances, another, more suitable meeting area is required. In such cases, the Mayor may direct an alternate meeting site in a suitable place and such meeting place shall be placed upon the posted agenda. The Mayor or any three (3) Council members may call special meetings to meet at such times and places as may be designated in the call. All meetings of the Council shall be open to the public and shall comply with the Oklahoma Open Meetings Act;
- C. Unless otherwise specified herein, a majority vote on any issue shall be binding;

- D. Those elected to the City Council shall be required to attend 80% of the regular and special meetings of the Council during a twelve (12) month period and if a councilman fails to do so, his office shall become vacant upon a majority vote of the remaining members.

**SECTION 2. QUALIFICATIONS.**

Candidates for Council members shall possess the following qualifications:

- A. Be an elector of the State of Oklahoma in accordance with the statutory requirements now existing or as may be hereinafter enacted;
- B. Have attained the age of twenty-five (25) years at the time of becoming a candidate;
- C. Be a resident and registered voter of the City of Purcell for a period of one (1) year prior to his election.

If during his term of office, a Council member shall cease to be a resident or registered voter of the City of Purcell or shall be convicted of a felony or any type of crime involving moral turpitude, his office shall immediately become vacant.

**SECTION 3. PRESIDING OFFICER: THE MAYOR.**

The Council shall elect from among its own members a Mayor at 7:30 p.m. on the first Monday of May for a term of one year. The Mayor shall preside at meetings of the Council and shall certify to the correct enrollment of all Ordinances or Resolutions passed by the Council. He shall be recognized as the head of the city government for all ceremonial purposes and by the Governor of the State of Oklahoma for purposes of military law. He shall have no regular administrative duties except that he shall sign all warrants, checks, conveyances, and such other written obligations of the City as the Council may require. The City Council shall also elect from its own members at the same time it elects the mayor, a Vice-Mayor for a term of one-year. The Vice-Mayor shall act as Mayor during the absence, disability, or suspension of the Mayor and, if a vacancy shall occur in the Mayor's office, shall become Mayor for the completion of the unexpired term. The Mayor shall have all powers, rights and privileges, duties and responsibilities of a councilman, and shall vote on all questions.

**SECTION 4. POWERS OF THE COUNCIL.**

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 shall:

- A. Appoint and remove the City Manager, Treasurer, City Attorney(s) and City Judge(s) as provided by law and this Charter;
- B. By Ordinance, enact legislation subject to limitations as may now or hereinafter be imposed by the State Constitution and Law;
- C. By Ordinance, adopt the budget of the City;
- D. Raise revenue, make appropriations and regulate bond elections, as well as regulate the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the City, all of which shall be within the limits prescribed by the State and Federal Constitutions, State and Federal Law and this Charter;
- E. Inquire into the conduct of any office, department or agency of the City, and investigate municipal affairs or authorize and provide for such inquiries and/or investigations;
- F. Appoint members to the Planning Commission and any and all other boards and commissions of the City that now exist or that may hereinafter be created;
- G. Adopt plats;
- H. Adopt and modify the official map of the City;
- I. Grant pardons for violation of municipal ordinances, including the remission of fines and costs, upon the recommendation of the Municipal Judge;
- J. By Ordinance, through its zoning regulations and codes, regulate the construction, height and number of stories of buildings and other structures, the density of population and the location and use of buildings for trade, industry, business, residence or other purposes;
- K. By Ordinance, regulate elections within the limits prescribed by State Constitution and Law and this Charter;
- L. Provide for the establishment, power, duties, responsibilities and functions of a Municipal Police Department, Fire Department, Fiscal Department, Judicial Department and such other administrative departments and such divisions within every administrative department as may be necessary and essential to the proper and efficient functioning of the government of the City of Purcell, including the control and management of the City Cemetery;

- M. Create, change and abolish offices, departments and agencies other than offices, departments and agencies established by this Charter; and assign additional functions and duties to, or delete functions and duties from the offices, departments and agencies established by this Charter;
- N. Approve all claims made against the City before payment which duty shall not be delegated to the Mayor or any other person and which shall not be by less than a majority vote of the Council;
- O. Provide for appropriate zoning for the City of Purcell and in conjunction therewith to follow the procedures outlined by the laws of the State of Oklahoma, as well as the Ordinances and policies of the City of Purcell and this Charter, as they now exist, or as they may hereinafter be enacted;
- P. Provide for the construction of capital improvements, which shall be in accordance with the laws of the State of Oklahoma, this Charter and other policies and procedures of the City of Purcell as they now exist, or as they may hereafter exist;
- Q. Provide for the accounting of all funds received by the City from the operation of public utilities and otherwise, whether the same be accounted for through the City itself, or through the various Trusts, Boards and other entities established by the Council;
- R. To levy and collect any and all taxes now authorized by State Law and this Charter or as such may hereinafter be so authorized;
- S. To authorize connection to any storm or sanitary sewer whether the same is located on public or private property as long as it has been constructed in accordance with City and State regulations and has been approved and accepted by the City;
- T. To allow connection to City facilities by those outside its corporate limits if deemed necessary or desirable, and to extend utilities outside its corporate limits if deemed necessary or desirable;
- U. To, by Resolution, provide for increases or decreases in rates of all utilities and services provided by the City.

**SECTION 5. COUNCIL NOT TO INTERFERE IN APPOINTMENTS AND REMOVALS.**

Except for the purposes of inquiry and except with respect to those officers and employees appointed by the Council, the Council and its members shall deal with the employees of the City and the employees of its various Trusts, Boards, Agencies and Commissions solely through the City Manager. The Council and its members shall not:

- A. Direct or request the City Manager or other authority to appoint or remove officers or employees;
- B. Participate in any manner in the appointment or removal of officers and employees of the City, except as provided by law; or
- C. Give orders to any employee of the City of Purcell either publicly or privately.

**SECTION 6. VACANCIES IN COUNCIL.**

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

**SECTION 7. CITY CLERK.**

The City Manager shall appoint a City Clerk. This office may be held by the same person appointed by the Council as the City Treasurer. The City Clerk shall be required to post a surety bond in an amount to be fixed and determined by the Council but in no event in a sum less than \$25,000.00. If this office is held by the same person who is City Treasurer, only one bond need be posted. Subject to regulations prescribed by the Council, the City Clerk shall:

- A. Keep the journal of the proceedings of the Council;
- B. Enroll all ordinances and resolutions passed by the Council in a book or set of books kept for that purpose;
- C. Have custody of documents, records and archives as may be provided for by law or by ordinance, and have custody of the seal of the City;
- D. Attest and affix the seal of the City to documents as required by law or by ordinance;
- E. Assist the City Manager in the preparation of the budget;

- F. Collect all special assessments, license fees and other revenues of the City or for whose collection the City is responsible, and receive all money on behalf of the City from Local, State or Federal Governments, from any Court, from any office, department or agency of the City, or from any other source;
- G. The Council shall require every person applying for electric energy or water service or service on any premises from a municipally-owned utility to make a deposit in cash with the City Clerk in such amount as may be equal to the charge for such service for a period of thirty (30) days or as otherwise established by resolution. Upon discontinuance of service, or at such other times as the Council may see fit, such deposit shall be returned to the depositor after deducting therefrom any amount which may be owing to the City of Purcell by reason of unpaid charges for services rendered;
- H. Have such other powers, duties and functions related to his duties as may be prescribed by State law, the Council or the City Manager.

#### SECTION 8. CITY TREASURER

The Council shall appoint a City Treasurer for an indefinite term, by a majority vote of all its members. The same person may hold both the office of City Clerk and City Treasurer. It shall be the responsibility of the Council to hire and terminate the City Treasurer and it shall be its further responsibility to set the salary and duties of said office. The City Treasurer shall be required to post a surety bond in an amount to be fixed and determined by the Council from time to time but in no event shall the same be less than \$25,000.00, provided that if the same person is also City Clerk, only one (1) bond need be posted. Subject to regulations prescribed by the Council and the matters set forth in Article IV of this Charter, the City Treasurer shall:

- A. Deposit daily funds received by the City and its various Boards, Trusts and Agencies in depositories as the Council may from time to time designate and direct; and
- B. Have such other powers, duties, and functions related to his duties as may be prescribed by law, by ordinance, by this Charter, or by the Council.

In case of a permanent vacancy, the Council shall appoint a new City Treasurer within a reasonable time. In the case of temporary absence, suspension, or disability of the City Treasurer, the Council may direct an appropriate person to fill the vacancy until a permanent Treasurer is selected. The Council may discharge the City Treasurer at any time by a majority vote of those elected to and constituting the Council for "the good of the service". The Council may also enter into a written agreement with the City Treasurer specifying the terms and conditions of his employment.

**SECTION 9. QUORUM.**

A majority of all of the members of the Council shall constitute a quorum, but a smaller number may adjourn or recess from day to day. The Council shall determine its own rules. A quorum may consist of any three (3) Councilmen.

**SECTION 10. RULES: JOURNAL; YEAS AND NAYS.**

The Council shall determine its own rules and procedure. It shall keep a journal of its proceedings, and the journal shall be open to public inspection. The vote on any question shall only be in a public meeting and shall be by "yeas" and "nays" or other equivalent designation, and shall be entered in the journal.

**SECTION 11. ORDINANCES: AUTHORITY, ENACTING CLAUSES, TITLE.**

The Council may enact Ordinances, rules and regulations for any purpose prescribed in this Charter or in Title 11 of the Oklahoma statutes or as are necessary for the carrying out of the functions of the City of Purcell and its various agencies, boards and commissions. Any such Ordinance shall be consistent with the State and Federal Constitutions as they now exist or as they may be amended. The subject of all ordinances shall be clearly expressed in its title. The enacting clause of all Ordinances passed by the Council shall be: "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PURCELL."

The voters of the City of Purcell, acting under their power of initiative, may enact Ordinances in conjunction with Article VI, Section 1 of this Charter and in conjunction with the State Constitution and State Law. The enacting clause of ordinances proposed by the voters under their power of initiative shall be: "BE IT ORDAINED BY THE PEOPLE OF THE CITY OF PURCELL."

**SECTION 12. ORDINANCES: CODIFICATION.**

The Council shall codify its ordinances at least every 10 years. The ordinances, as codified, shall be kept current by use of a loose-leaf or other appropriate system when amendments occur with the exact form and designation to be determined by the Council. Titles, enacting clauses and emergency sections shall be omitted. Temporary and special ordinances and parts of ordinances may also be omitted. Permanent and general ordinances and parts of ordinances which have been repealed by Council action or which are to be repealed by the code shall be omitted from the code. Ordinances and parts of ordinances to be included in the code may be revised, rearranged, renumbered, and reorganized into a satisfactory, systematic arrangement. The Council, at its discretion, may publish in connection with the Code new matters, such as, but not limited to, provisions of State or Federal law relating to the City of

Purcell, a history of the City and its government, the names of officials and other informational matter as the Council may decide. The Code may also contain an index, as well as such forms as the Council may deem appropriate and desirable.

The City Clerk shall keep no less than three (3) copies of the Code in his office for public use, inspection and examination. Copies of the code shall also be kept for distribution and sale at a reasonable price. Notice of publication of the Code shall be in accordance with State law existing at the time of publication.

The Council, at its sole discretion, may enact and adopt as a part of said Code of Ordinances, National and/or State recognized codes relating to, but not limited to, such matters as building, plumbing and electric and in such event it shall not be necessary to include in said code the entirety of each such Federal or State code, but shall only refer to it. The City Clerk shall keep in his possession for sale and distribution any such code so adopted.

### SECTION 13. ORDINANCES: PROCEDURES GOVERNING PASSAGE.

Every proposed Ordinance shall be introduced in writing and shall be considered at a public meeting. It must appear on the posted agenda before it can be voted on. A vote of a majority of the members of the Council present, provided a quorum exists, shall be required for the final passage of every ordinance. The vote on final passage shall be by yeas and nays, or such other designation as the Council shall direct, and shall be entered in the journal. Every Ordinance, except an emergency ordinance, shall become effective thirty (30) days after its final passage, unless it specifies a later date. Publication of Ordinances shall be in conformity with the Statutes of the State of Oklahoma as they exist at the time of passage.

### SECTION 14. EMERGENCY ORDINANCES.

The Council may pass an emergency Ordinance, when in its judgment, the public peace, health or safety demands its passage. Such an Ordinance shall be effective upon its passage, unless it specifies a later date. Each emergency Ordinance must contain a separate section declaring an emergency, which emergency portion must be voted on separately and must be approved by the affirmative vote of at least three-fourths (3/4) of all members voting.

## ARTICLE III

### SECTION 1. CITY MANAGER APPOINTMENT.

The Council shall appoint a City Manager for an indefinite term by a vote of a majority of all its members. During his tenure of office, the City Manager shall reside within the City after being given a reasonable time for relocation. He shall be appointed solely on the basis of his executive and administrative qualifications. No Council member may be appointed as City Manager during the term for which he shall have been elected nor within two (2) years after the

expiration of his term. In case of temporary absence, suspension, or disability of the City Manager, the Council shall designate an "acting" or "interim" City Manager. In case of a permanent vacancy, the Council shall appoint a City Manager within a reasonable period of time. The Council may discharge the City Manager at anytime by a majority vote of those elected to and constituting the Council for "the good of the service". The Council may also enter into a written agreement with the City Manager specifying the terms and conditions of his employment. The City Manager shall give bond in such amount and upon such conditions as the Council may require, but in no event shall such bond be less than \$25,000.00. The City Manager may also be, at the discretion of the Council, the General Manager for the Purcell Public Works Authority or a member of any other board, authority or trust

**SECTION 2. CITY MANAGER: POWERS AND DUTIES.**

The City Manager shall be the chief executive officer and head of the administrative branch of the City government. He shall execute the laws and administer the government of the City and shall be responsible therefor to the Council. He shall:

- A. Appoint and, when necessary for "the good of the service", remove, demote, lay-off or suspend, all heads of administrative departments and employees of the City except as may otherwise be provided in this Charter or by law. He may authorize the head of a department or office to appoint and remove subordinates in such department or office. Any employees appointed by the City Manager or his designee shall be considered an "at will" employee;
- B. Prepare a budget annually and submit it to the Council and be responsible for the administration of the budget after it goes into effect; and recommend to the Council any changes in the budget that he deems necessary or desirable;
- C. Submit to the Council after the end of the fiscal year a report on the finances and administrative activities of the City for the preceding year;
- D. Keep the Council advised of the financial condition and future needs of the City, and make recommendations as may seem to him desirable;
- E. Perform such other duties as this Charter and the Council may prescribe;
- F. Supervise and control the City Police Department, Fire Department, Cemetery, and such other administrative departments and such divisions within every administrative department as the Council may establish. The Council, by Resolution or Ordinance, may authorize or require that the City Manager add one or more divisions and that the same person head two or more designated departments or divisions.

The City Manager shall not demote, lay-off, or suspend, or remove any officer or employee appointed by the Council.

**SECTION 3. DESIGNATION OF ACTING OR INTERIM CITY MANAGER.**

The Council may designate an "acting" or "interim" City Manager wherever:

- A. The City Manager is unable to perform his duties;
- B. The Council suspends the City Manager; or
- C. There is a vacancy in the office of City Manager.

**SECTION 4. LIBRARY BOARD.**

The Council may establish a City Library and to this end it may accept in the name of the City of Purcell donations and contributions in any form from any person, firm, corporation or governmental agency. The Council is hereby empowered and authorized to use such funds as may be available for the erection, construction, equipment and maintenance of a building to be known and used as the Public Library for the City of Purcell. The control and supervision of such Library shall be vested in a Library Board. The Library Board shall consist of five (5) persons appointed by the Council. Persons appointed to the Library Board shall be residents of the City of Purcell. Each member shall be appointed for a period of four (4) years unless amended as hereafter specifically set forth and those Board Members presently on the Board shall serve out their existing terms. The commencement and termination of those terms, as well as the length of said terms shall be determined solely by the Council and may be amended or changed by Resolution. The Library Board shall select annually from its membership a Chairman, Vice-Chairman and Secretary and shall provide for and regulate its own meetings. The members shall serve without compensation.

**ARTICLE IV**

**SECTION 1. FISCAL AFFAIRS.**

The City Treasurer shall be the head of the Department of Fiscal Affairs. He shall have knowledge of accounting, budgeting and financial control. He shall be appointed for an indefinite term by the Council and shall be subject to termination by the Council as herein provided. He shall have charge of the administration of the fiscal affairs of the City and to that end he shall:

- A. Approve all proposed expenditures, sign all checks and be responsible for the disbursement of all money; certify all contracts, orders and other arrangements by which the City government incurs financial obligations; determine the regularity, legality and correctness of all bills, invoices, payrolls and other evidence of claims, demands or charges against the City, and audit and approve them before payment; and otherwise exercise financial and budgetary control over all offices, departments and agencies of the City;
- B. Prescribe the forms of receipts, vouchers, bills and claims to be used by all offices, departments and agencies of the City; provided, the City Council shall require that no funds belonging to the City be expended, except pursuant to an itemized claim or claims approved by the Council and that payment thereof shall be made only by checks signed by the Mayor and City Treasurer or their respective designees who shall be determined by the Council by Resolution;
- C. Maintain a general accounting system for the City and each of its offices, departments and agencies; supervise, inspect and audit the accounts and financial records which any of them may maintain; keep a separate account for each item of appropriation, which shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the City which shall be made daily or at such intervals as he may deem expedient;
- D. Submit to the Council a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; it shall be the mandatory duty of the City Treasurer to submit to the Council at least once each month, a trial balance of all City business, and said trial balance shall be open to public inspection during the regular business hours of the City;
- E. Prepare for the Council and City Manager a complete financial statement and report at the end of each fiscal year;
- F. Have custody of all public funds belonging to or under the control of the City or any office, department or agency of the City government; and subject to any requirements made by the Council, deposit all funds coming into his hands in such depositories as the Council may designate;
- G. Have charge of all funds, investments and invested funds of the City in a fiduciary capacity;
- H. All monies paid into the hands of the City Treasurer shall be accounted for in a separate fund. No expenditures shall be made from said fund except for return to

the depositor when service has been discontinued or otherwise directed by the Council and for the payment of charges for services rendered which have not been otherwise paid for. This fund, or a portion thereof, may be invested in interest bearing securities as may be approved by the City Council;

- I. The City Treasurer shall be responsible to the City of Purcell on his official bond for any financial loss sustained by the City by reason of the refusal, negligence or failure of the City Treasurer to comply with the requirements of this Section.

**SECTION 2. MONEY RECEIVED TO BELONG TO THE CITY.**

All fees, fines, penalties, costs, forfeitures and other money received on behalf of the City by an officer or employee shall belong to the City and shall be delivered to the City Treasurer daily, or at such intervals as the Council may prescribe.

**SECTION 3. COMPETITIVE BIDDING; SUPPLIES, MATERIALS AND EQUIPMENT.**

The City Manager, subject to regulations prescribed by the Council, shall contract for, purchase, or issue purchase authorizations for all supplies, materials and equipment for offices, departments and agencies of the City. Every contract or purchase exceeding an amount to be established by the Council by Resolution shall require prior approval of the Council and shall be by competitive bid only. The City Manager (for all bids under \$7,500.00) and the Council (for all bids over \$7,500.00) may reject all bids and advertise again. The amounts herein designated may be changed by the Council by Resolution. Alterations in any contract may be made when authorized by the Council upon the written recommendation of the City Manager. If the items being purchased have a single source of supply, or if they are being purchased on a state (Oklahoma or other governmental entity) or Federal contract, it shall not be necessary to proceed with competitive bidding.

**SECTION 4. PROPERTY FOR SALE.**

The City Manager, subject to regulations prescribed by the Council, may contract for the lease or sale of real or personal property, or any interest therein, owned by the City after having complied with the laws of the State of Oklahoma and the City of Purcell related to declaring said property obsolete. Every contract for the sale of any property, or any interest therein, exceeding an amount to be established by Resolution, shall require the prior approval of the Council and shall be by competitive bid. The City Manager may reject any and all bids.

**SECTION 5. COMPETITIVE BIDDING; CITY IMPROVEMENTS.**

All public construction contracts shall be let and awarded to the lowest, best bidder, by free and open competitive bidding after solicitation for sealed bids, in accordance with the

provisions of State law in effect at the time the contract is awarded. No work shall be commenced until a written contract is executed and all required bonds and insurance have been provided by the contractor.

**SECTION 6. ACCOUNTING CONTROL OF PURCHASES.**

All purchases and contracts made by the City shall be pursuant to a written requisition from the head of the office, department, or agency whose appropriation will be charged, and shall be first submitted to and approved by the City Manager. Upon approval by the City Manager, the same shall be delivered to the City Treasurer or his designee for encumbrance. Absent the approval of the City Manager and City Treasurer, or their respective designees, the same shall not constitute a valid claim against the City of Purcell.

**SECTION 7. FISCAL YEAR.**

The fiscal year of the City of Purcell shall begin on the first day of July and shall end on the last day of June of each calendar year.

**SECTION 8. BUDGET: PREPARATION AND SUBMISSION.**

To assist him in the preparation of the budget, the City Manager, or the City Clerk and Treasurer at the request of the City Manager, shall obtain from the head of each office, department or agency detailed estimates of revenues and expenditures needed for that office, department or agency. The City Manager shall then prepare the budget and shall submit it to the Council for consideration. The Council, by Resolution, shall adopt the budget with or without change, and the Council shall then certify a copy of the financial statement and estimate and file it with the office of the State Auditor and Inspector or such other agency as the State may from time to time direct. Appropriations shall be effective only after they have been determined and adopted in all respects in accordance with the requirements of the Law and this Charter.

**SECTION 9. BUDGET: CONTENT.**

The budget shall include, among other things, amounts necessary to meet the requirements of interest on, and sinking funds for, the outstanding indebtedness of the City and amounts necessary to otherwise pay the public debt for which the full faith and credit of the City has been pledged. The budget shall also include such amounts as are necessary to pay such judgments and parts of judgments as the City may be required by law to pay. The budget shall include such other items as are necessary for the functioning of the City of Purcell and as may be prescribed by State law and the City Council from time to time and shall be in such form or forms as the City Manager, the Council and State law may from time to time decide is appropriate.

**SECTION 10.**            **BUDGET: LIMITATION ON CONTRACTS AND EXPENDITURES.**

No office, department or agency, during any fiscal year, may expend, or contract to expend, any money, or enter into any contract which by its terms involves the expenditure of money or incur any liability for any purpose, in excess of the amount appropriated for that purpose in accordance with the Law and this Charter. Any contract, verbal and written, made in violation of this Charter shall be null and void. Any officer or employee of the City who violates this Section shall be guilty of an offense against this Charter and, upon conviction thereof, shall cease to hold his office and shall be terminated. Such officer or employee and his surety, if any, or either alone, shall be liable for any loss the City may sustain as a result of such violation. Nothing contained in this Section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds.

**SECTION 11.**            **INDEPENDENT ANNUAL AUDIT.**

Prior to the end of every fiscal year, the Council shall secure the services of a certified public accountant or accountants who shall make an independent audit of accounts and other evidences of financial transactions of the City as of the end of the fiscal year and shall submit such report to the Council and the City Manager. The accountant or accountants so employed shall have no personal interest, direct or indirect, in the fiscal affairs of the City or any of its officers and shall be certified to perform Oklahoma municipal audits. They shall not maintain any records or accounts of the City but, within specifications approved by the Council, shall post audit books and documents kept by the City or any of its trusts, departments, boards or agencies. In lieu of the above, the Council may arrange with appropriate State authority for such an audit when and if permitted by Law.

**SECTION 12.**            **BONDS: ISSUANCE, SINKING FUNDS, PROCEEDS, REFUNDING.**

The City may incur indebtedness by issuing bonds with the approval of the electors of the City at an election in the manner prescribed by and to the extent and for any purpose or purposes authorized by the State Constitution and Law. Sinking Funds shall be established, maintained and administered as required by the State Constitution and Law and this Charter. The proceeds of all bonds voted for a special purpose or purposes may be used only for such purpose or purposes or to retire the indebtedness created thereby. Interest payments and retirement of bonds voted and issued for the purpose of the purchase, alteration, re-equipment or improvement of public utilities shall constitute an obligation against the receipts and income from public utilities operated by the City. The City may refund its indebtedness in accordance with the State Constitution and State law.

**SECTION 1. JUDICIAL DEPARTMENT; MUNICIPAL JUDGE.**

The Council shall establish a Judicial Department. The Judicial Department shall consist of one or more City Attorneys and one or more Municipal Judges, as well as support personnel to be determined by the Council. The Council shall appoint one or more City Attorneys and one or more Municipal Judges to serve under such conditions and at such salary as may be prescribed by the Council. The City Attorney shall not act as Municipal Judge. City Attorneys and Municipal Judges may be discharged at any time by a majority vote of those elected to and constituting the Council.

**SECTION 2. MUNICIPAL COURT: JURISDICTION.**

The Municipal Court shall have original and exclusive jurisdiction to hear and determine all offenses against the Charter and Ordinances of the City of Purcell.

**SECTION 3. PENALTIES.**

All penalties for offenses against the Charter and Ordinances of the City shall be within Constitutional and legal limits. The Council may ordain that persons who have been convicted of such offenses be imprisoned until fines, including penalties and costs, shall have been paid. The Council shall determine, by Resolution, from time to time the amount of such fines and costs.

**SECTION 4. MUNICIPAL COURT: PLACE, RECORDS, STYLE, PROCEDURE AND OATHS.**

The Municipal Judge shall maintain his office and hold sessions of the Municipal Court in City Hall unless the Council authorizes another place. He shall keep a record of all proceedings of the Court, the disposition of all cases and of all fines and other money collected. The style of all process of the Municipal Court shall be in the name of the City of Purcell. The procedure in all cases shall be summary when the State Constitution and Law permit. The Municipal Judge may administer oaths and make and enforce all proper orders, rules and judgments.

**INITIATIVE, REFERENDUM, RECALL****SECTION 1. INITIATIVE AND REFERENDUM.**

The powers of the initiative and the referendum are reserved to the people of the City of Purcell in accordance with the State Constitution. In the exercise of these powers, the requirements of the State Constitution and State Law shall be observed in all respects.

**SECTION 2. POWER TO RECALL.**

The electors of the City may recall any elective officer of the City at any time after he has held office for at least six (6) months. If a recall election is held, and the elective officer is not recalled, a subsequent recall election on the same elective officer shall not occur for a period of twelve (12) months from the date of the election.

**SECTION 3. RECALL PETITION.**

To initiate recall proceedings, a number of electors of the City equal to at least twenty five percent (25%) of the total number of persons voting in the last General Municipal Election must sign a petition or petitions demanding an election for the recall of a designated officer. The petition or petitions must contain a general statement of the reasons for which the removal is sought. Each signer shall write after his name his place of residence within the City, giving street or avenue number, if any. If more than one petition is circulated, the demand for the election and the statement of reasons must be substantially the same on all. One of the signers of such petition shall sign under oath before an officer authorized to administer oaths, a statement on the petition that he believes that the statements made in the petition or petitions are true, and that he believes that all the signatures on the petition or petitions are the signatures of the persons whose signatures they purport to be. If more than one petition has been circulated, they shall be combined as one before filing. The Petition shall be filed with the City Clerk. Within ten (10) days from the date of filing, the City Clerk shall examine the petition and ascertain whether the required number of electors of the City have signed it. He shall then attach to it his certificate stating whether the required number of electors of the City have signed it. If his certificate states that it lacks a sufficient number of signatures, it may be amended within ten (10) days after the date of the certificate. Within ten (10) days after the amendment, the City Clerk shall examine the amended petition and ascertain whether the required number of electors of the City have signed it. He shall then attached to it his certificate stating whether the required number of electors of the City have signed it. If his certificate states that the amended petition lacks a sufficient number of signatures, he shall return it to the person filing it without prejudice to the filing of a new petition for the same purpose. But, if the City Clerk's certificate states that the petition, or the amended petition, has a sufficient number of signatures of the electors of the City, he shall submit it to the Council at its next meeting.

**SECTION 4. COUNCIL TO ORDER RECALL PETITION.**

If it finds the petition to be sufficient, the Council, by Resolution, shall order a recall election to be held not less than sixty (60) days after the Council delivers the resolution calling the election to the County Election Board. The City Clerk shall publish a notice of the recall election in a newspaper of general circulation in the City, at least ten (10) days before the election.

**SECTION 5. RECALL ELECTION BALLOT.**

The Secretary of the County Election Board shall prepare the form of the ballots for a recall election and shall have them printed. The form and content of the ballots shall be substantially as follows:

Official Ballot, Recall Election  
City of Purcell, Oklahoma

“Shall \_\_\_\_\_ (City Councilman) be recalled from the office of \_\_\_\_\_ (City Councilman)?

YES

NO

**SECTION 6. RECALL ELECTION: HOLDING CERTIFICATE.**

The distribution of ballots for a recall election and the holding and conduct of the election, including the counting of the votes and the making and canvassing of the returns, shall be done as nearly as practicable in the same manner as in other elections of the City. The County Election Board or subsequent agency having authority shall certify the returns to the Council and to the officer concerned.

**SECTION 7. RECALLED BY VOTE OF A MAJORITY.**

If a majority of the electors voting on the question of recall shall vote to recall an officer, he shall thereby be removed from office as of the time when the County Election Board certifies the result of the election. If fewer than a majority vote to recall him, he shall continue to hold his office as if no recall election had been held.

**SECTION 8. FILLING A VACANCY CREATED BY RECALL.**

A vacancy created by recall of an officer shall be filled in the same manner as a vacancy created otherwise.

**SECTION 9. DISQUALIFICATION OF PERSON RECALLED.**

A person who the electors have recalled from an office of the City or who has resigned while proceedings to recall him were pending may not hold an office or employment with the City for a period of two (2) years after such recall or resignation.

**ARTICLE VII****GENERAL PROVISIONS****SECTION 1. FEMININE GENDER ALSO MEANT.**

When the masculine gender is used in this Charter it shall also mean the feminine gender.

**SECTION 2. REMOVAL OF EMPLOYEES.**

The City Manager or other appointing authority may at any time remove any employee so appointed or employed under the provisions of this Charter "for the good of the service". If necessary, the vacancy created by such removal shall be filled by an appointment made by the City Manager or other appointing authority, unless in his or its judgment the filling of such vacancy is not necessary or demanded by the best interests of the City of Purcell.

**SECTION 3. WHO MAY ADMINISTER OATHS.**

All officers authorized by Federal or State Law, all Council members, the City Manager, the Heads of all Administrative Departments; the City Attorney and the Municipal Judge may administer oaths.

**SECTION 4. OATH OF OFFICE.**

Every officer of the City before entering upon the duties of his office shall take and subscribe to the oath and affirmation of office as provided by the State Constitution and State Law, and shall further swear and affirm that he will support, obey and defend the Charter and Ordinances of the City and will discharge the duties of that office thereafter; and that he does not belong to any party or other organization which believes in, teaches or advocates the change or destruction of any form of government by force or any other means other than that of the ballot.

**SECTION 5. BONDS.**

The City Treasurer, the City Manager and such other officers and employees as the Council, by Resolution, may designate, before entering upon their duties shall provide bonds for

the faithful performance of their respective duties, payable to the City, in such forms and in such amounts as the Council may prescribe with a surety company authorized to operate within the State of Oklahoma. The City shall pay the premiums on such bonds.

**SECTION 6. PUBLIC RECORDS.**

All records and accounts of the City of Purcell shall be subject to the terms and conditions contained in the Oklahoma Open Records Act, Title 51 O.S. Section 24A.1 et. seq. and any amendments or substitutions thereto. All officers, employees and officials of the City shall comply with the terms of said Act and shall be subject to the penalties therein contained for failure to comply.

**SECTION 7. FAVORITISM TO OFFICERS AND EMPLOYEES PROHIBITED.**

No officer or employee of the City may receive, directly or indirectly from the City of Purcell, or from any person, firm or corporation operating within the City under a public franchise, any service or other valuable thing upon more favorable terms than are granted to the public generally. Any violation of this Section shall constitute an offense against this Charter and any officer or employee of the City, upon conviction thereof, shall thereby forfeit his office or employment. Nothing herein contained shall prevent such a person, firm or corporation from granting the City such service or other valuable thing free or upon more favorable terms.

**SECTION 8. PERSONAL INTEREST.**

No officer or employee of the City may have a financial interest, whether it be direct or indirect, including ownership of stock in any corporation, in any contract with the City or in the sale to the City, or to a contractor supplying the City, of any lands or rights or interest in any land, material, supplies or services. Any willful violation of this Section shall constitute an offense against this Charter and any officer or employee of the City, upon conviction thereof, shall thereby forfeit his office of employment. 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; provided, the provisions of this Section shall not apply where the services, supplies, materials, lands or any other commodities are purchased or acquired pursuant to open and competitive bidding, conditioned upon the contract being awarded to the lowest and best bidder. This section shall not apply to ownership of stock in corporations traded publicly and ownership of stock through various retirement programs.

**SECTION 9. INVESTIGATIONS.**

The Council, the City Manager or any person or committee authorized by either of them, may inquire into the conduct of, and investigate any Office, Department, Agency, officer, employee, or other affairs of the City; and for this purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. However, the Council

alone, with or without the City Attorney as counsel, may inquire into the conduct of and investigate the officers, employees and affairs of the Judicial Department. Failure to obey a subpoena or to produce books, papers or other evidence as provided herein shall constitute an offense against this Charter and shall be punishable as the Council may provide within the Constitutional and legal limits.

**SECTION 10. PENALTIES.**

Any elective or appointive official who willfully or knowingly violates any of the provisions of this Charter shall be subject to an ouster action brought in the District Court of McClain County on the relation of any citizen of the City of Purcell. Any employee of the City who willfully or knowingly violates any of the provisions of this Charter shall be subject to instant dismissal by action of the City Council or by the City Manager, if such offending employee is placed under the control or supervision of the City Manager by the terms of this Charter.

**SECTION 11. 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 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.

**ARTICLE VIII**

**AMENDMENTS**

**SECTION 1. AMENDMENT: PROPOSAL, RATIFICATION, APPROVAL.**

This Charter may be amended by proposals therefor submitted by the Council at a general or special election, or by the City Council upon initiative petition of the people as provided by the State Constitution.

**ARTICLE IX**

**INAUGURATION OF THE NEW GOVERNMENT AND ELECTIONS**

**SECTION 1. CONTINUANCE OF CITY GOVERNMENT.**

The City's current Council Members, who were elected pursuant to the terms and conditions of the City's Charter dated August 2, 1949, and under which the City is currently being administered, shall continue to hold office through the expiration of their current term of

office. All terms of office for Council Members under this Charter shall be for three (3) years. The respective offices and their expiration dates are as follows, to-wit:

<u>Division</u>	<u>Expiration Date</u>
Division 1	1999
Division 2	2000
Division 3	2000
Division 4	2001
Division 5	2001

The City of Purcell shall not have wards but each office shall be "at large". The number and location of election precincts shall be determined by the County Election Board. The term of each councilman shall commence at 7:30 p.m. on the first Monday following the day of their election.

**SECTION 2. NONPARTISAN.**

All elections shall be nonpartisan and no party designation or emblem shall be placed on the ballot.

**SECTION 3. ELECTION RESOLUTION.**

Election Resolutions shall be filed with the County Election Board or designated successor no fewer than fifteen (15) days preceding the first day of the filing period.

**SECTION 4. FILING.**

Any registered voter may have his or her name placed on the ballot as a candidate for councilman provided the qualifications contained in Article II, Section 2 of this Charter are met. The filing period shall be three (3) days in length and shall begin the first Monday in December at 8:00 a.m. and shall end on the following Wednesday at 5:00 p.m.; followed by a two (2) day contest/withdrawal period ending the following Friday at 5:00 p.m.

**SECTION 5. PRIMARY ELECTION: TIME, WHEN NOT HELD, ETC.**

A primary election shall be held on the Second Tuesday in February of every year to nominate candidates for the office or offices whose terms are expiring. If only one person is a candidate for an office to be filled, he or she shall be not only nominated, but also elected ipso facto; and his or her name shall not appear on the primary or general election ballot. Every qualified elector of the City shall be entitled to vote for one candidate for each office to be filled.

**SECTION 6. PRIMARY ELECTION: WHO NOMINATED OR ELECTED.**

- A. In a primary election, the two candidates for each office to be filled receiving the greatest number of votes for that office, shall be nominated and shall proceed to the general election; however, if one of the candidates for an office receives a majority of all votes cast for that office, he alone shall not only be nominated, but also elected ipso facto; and his name shall not appear on the ballot for the general election; and
- B. If one of the two candidates nominated for an office in a primary election dies or withdraws before the general election, the remaining candidate shall be elected ipso facto and his or her name need not appear on the general election ballot.

**SECTION 7. GENERAL ELECTION: TIME, WHEN NOT HELD, ETC.**

A general election shall be held on the first Tuesday in April of each year to elect candidates for the offices in which terms are expiring. If not more than one person is a candidate for an office to be filled, he or she shall be elected ipso facto. Every registered voter of the City shall be entitled to vote for one candidate for each office to be filled. In case of a tie, State law shall determine the winner. An election contest period shall begin at 8:00 a.m. the day after the election and shall end the following Friday at 5:00 p.m.

**SECTION 8. POLITICAL ACTIVITY OF OFFICERS AND EMPLOYEES**

Officers and employees of the City may attend and express their views at city council and other public meetings. City officers and employees may actively participate in partisan and non partisan political activities except such political activity shall be exercised only during off-duty hours and while not in uniform. Political activity during duty hours or while in uniform shall constitute cause for removal from office.

The City Council, nor any member thereof, nor any officer of the City shall either directly or indirectly coerce or attempt to coerce any City employee to participate or refrain from participating in political activities or public meetings.

**SECTION 9. STATE CONSTITUTION AND LAW TO GOVERN.**

The county election board shall conduct the primary, general and special elections of the City. The provisions of the State Constitution and Law relating to elections, shall govern such elections insofar as they are applicable and are not superseded by this Charter or by ordinance.

## ARTICLE X

**SECTION 1.           ORDINANCES CONTINUED.**

All Ordinances of the City, 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.

**SECTION 2.           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 City or any office, department, agency or officer thereof. All such actions and proceedings may be continued although functions, powers and duties may have been transferred from one office, department or agency to another pursuant to this Charter.

**SECTION 3.           REPEAL PROVISIO.**

The Preamble of the present Charter (August 2, 1949) of the City of Purcell, Article I, and all Sections thereunder, Article II and all Sections thereunder, Article III and all Sections thereunder, Article IV and all Sections thereunder, Article V and all Sections thereunder, Article VI and all Sections thereunder, Article VII and all Sections thereunder, Article VIII and all Sections thereunder, Article IX and all Sections thereunder, and Article X and all Sections thereunder and all subsequent amendments thereto and all Ordinances or parts of Ordinances in conflict with the provisions of this Charter are hereby specifically repealed.

**SECTION 4.           EFFECTIVE DATE:**

The effective date of this Charter shall be April 1, 1999, on which date the Repeal proviso specified in Section 3. above shall become effective.

CERTIFICATE OF RECORD

STATE OF OKLAHOMA  
COUNTY OF MCCLAIN ss.

I hereby certify that the above and foregoing is a full, true and correct copy of the Charter of the City of Purcell, Oklahoma; that the said Charter and a transcript of all proceedings whereby the same was adopted and filed for record in my office on the 23 day of March, 1999, at 11 o'clock, A.m.; and that the same was duly recorded in Book 1511 at Page 675.

Dated this 23 day of March, 1999.

Phyllis Bennett  
County Clerk of McClain County,  
Oklahoma

SEAL

