

CITY OF SAND SPRINGS



Sand Springs
O K L A H O M A

CHARTER

10/30/2018

**CHARTER
OF THE CITY OF
SAND SPRINGS, OKLAHOMA**

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CHARTER

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Article CH.P CHARTER OF CITY OF SAND SPRINGS, OKLAHOMA PREAMBLE

Preamble

We, the people of the City of Sand Springs, exercising the powers of home rule granted to us by the constitution and laws of the State of Oklahoma, in order to provide for more efficient, adequate, and economical government, do hereby ordain, ratify, and establish this Charter of the City of Sand Springs, Oklahoma. (Recodification 1326, 08/27/2018)

Article CH.1 INCORPORATION, FORM OF GOVERNMENT, POWERS

Section 1-1 Incorporation

The City of Sand Springs, 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 and under the name of "City of Sand Springs". 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 Sand Springs; 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.

Section 1-2 Form of government.

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

Section 1-3 Powers of the city.

(1) The city shall have all 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 powers granted. Except as prohibited by the state constitution or law, the city shall have all municipal powers, functions, rights, privileges, franchises, and immunities of every name and nature whatsoever.

(2) The city shall have power to adopt a corporate seal and to alter it at pleasure, to sue and to 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 incur indebtedness and to issue bonds within the limitations prescribed by the state constitution. It shall have power to ordain and to enforce local legislation 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.

(3) The enumeration or mention of particular powers by this charter shall not be deemed to be exclusive or limiting; and in addition to the powers enumerated or mentioned 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 or mention.

(4) Provisions of state law relating to matters which may be regulated by cities operating under charters, shall be in effect only insofar as they are applicable and are not superseded by this charter or by ordinance.

Article 2 THE COUNCIL

Section 2-1 Councilmen: Number, qualifications.

There shall be a council of seven members, which shall consist of a councilman at large and one councilman from each of the six wards of the city as the wards are now constituted or as they may hereafter be constituted by ordinance. Only persons who are qualified electors of the city at least twenty-five years of age shall be qualified for the office of councilman at large. Only persons who are qualified electors of their respective wards at least twenty-five years of age shall be qualified for the offices of councilmen from the wards. No councilman may hold any office in the city government by appointment by the city manager or by any subordinate of the city manager. If any councilman is convicted of a crime involving moral turpitude, his office shall become vacant immediately when the case is finally determined.

Section 2-2 Mayor and Vice Mayor.

(1) At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmen, or as soon thereafter as practicable, the council shall elect from its membership a mayor and a vice mayor, who shall serve until the time prescribed for the beginning of the terms of the next newly elected councilmen and until their respective successors have been elected.

(2) The mayor shall preside at meetings of the council. 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. As a councilman, he shall have all powers, rights, privileges, duties, and responsibilities of a councilman, including the right to vote on questions.

(3) The vice mayor shall act as mayor during the absence, disability or suspension of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council for completion of the unexpired term and qualifies. If the office of vice mayor becomes vacant, the council shall elect from its membership another vice mayor for completion of the unexpired term.

Section 2-3 Councilmen: Compensation.

No councilman may receive any compensation as councilman nor for any other service rendered the city, but may be reimbursed for expenses incurred in the discharge of their official duties.

Section 2-4 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 shall have power, subject to the state constitution, law, and this charter:

(1) To appoint and remove the city manager.

(2) By ordinance to enact municipal legislation.

(3) To raise revenue and make appropriations; and to regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the city.

(4) To inquire into the conduct of any office, department, or agency of the city government, and investigate municipal affairs.

(5) To appoint or elect and remove the members of the board of personnel, the members of the planning commission, the members of the board of adjustment, and other quasi-legislative, quasi-judicial, or advisory officers and authorities, now or when and if established, or to prescribe the method of appointing or electing and removing them.

(6) To grant pardons for violations of the charter and ordinances, including the remission of fines and costs.

(7) To regulate elections, the initiative and referendum, and recall.

(8) To create, change, and abolish all offices, departments, and agencies of the city government other than the offices, departments, and agencies created by this charter; and to assign additional powers, duties, and functions consistent with this charter to offices, departments, and agencies created by this charter.

Section 2-5 Council not to interfere in appointments and removals.

Neither the council, nor any of its other 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 administrative matters to any subordinate of the city manager either publicly or privately.

Section 2-6 City Clerk to be clerical officer of council.

The city clerk, hereinafter provided for, shall also serve as clerical officer of the council. He shall keep the journal of its proceedings, and shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it; shall be custodian of such documents, records and archives as may be provided by applicable law or ordinance; shall be custodian of the seal of the city; and shall attest, and affix the seal to documents when required in accordance with applicable law or ordinance.

Section 2-7 Council: Meetings.

The council shall hold at least one regular meeting every month, at such times as it may prescribe by ordinance or otherwise. The mayor or any four councilmen may call special meetings. All meetings of the council shall be open to the public, and the journal of its proceedings shall be open to public inspection.

Section 2-8 Councilmen: Absences to terminate membership.

If any councilman is absent from more than one-half of all the regular meetings of the council, held within any period of four consecutive calendar months, he shall thereupon cease to hold office.

Section 2-9 Councilmen: Removal.

Any councilman may be removed from office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed thereby, and by recall as provided in this charter.

Section 2-10 Council: Vacancies.

The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms or until successors are elected as provided in this section. If a vacancy occurs before the beginning of a regular filing period for candidates for councilmen, elected that year begin, then a councilman 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 the time the terms of councilmen elected that year begin.

Section 2-11 Council: Quorum, rules, yeas and nays.

A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council may determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays, and shall be entered in the journal.

Section 2-12 Ordinances: Enacting clause.

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the Council of the City of Sand Springs, Oklahoma", and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Sand Springs, Oklahoma".

Section 2-13 Ordinances: Passage, when in effect.

Every proposed ordinance shall be read, and a vote of a majority of all the councilmen shall be required for its passage. The vote on final passage of every ordinance shall be by yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten days after its passage, every ordinance shall be published in full or by number and title in a newspaper of general circulation within the city. Every ordinance except an emergency ordinance, so published, shall become effective thirty days after its final passage unless it specifies a later time; provided that a franchise for a public utility shall not go into effect until the ordinance granting it has been published in full in a newspaper of general circulation within the city and has been approved at an election by a vote of a majority of the qualified electors voting on the question.

Section 2-14 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. An affirmative vote of at least five councilmen shall be required for the passage of an emergency ordinance. An emergency ordinance shall take effect upon passage unless it specifies a later time.

Section 2-15 Ordinances: Adoption by reference.

The council by ordinance may adopt by reference codes, ordinances, standards, and regulations relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such code, ordinance, standard, or regulation 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.

Section 2-16 Ordinances: Codification.

The permanent, general ordinances of the city shall be codified and published in book or pamphlet form at least every ten years unless the council, by use of a loose-leaf system provides for keeping the code up-to-date. The ordinances and parts of

ordinances included in the code may be revised, rearranged, and reorganized; and the code may contain new matter, provisions of the state constitution and law applicable to the city, and this charter. A copy of the published code shall be filed in the office of the city clerk after the council adopts the code by ordinance, but the code need not be enrolled in the book of ordinances.

Section 2-17 Park and Recreation Board.

Within three (3) months of the effective date of this Charter Amendment the city Council shall by ordinance create a citizens' advisory board and appoint thereto citizens possessing the qualifications as prescribed in such ordinance. The citizens' advisory board should gather and receive information regarding the park and recreational needs of the city and make recommendations considering such to the city council. (1030, amended, 08/12/2002; Recodification 1326, 08/27/2018)

Article 3 CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

Section 3-1 City Manager: Appointment, term, qualification, removal.

(1) 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 or acting city manager during his term or within two years after the expiration of his term.

(2) The council may suspend or remove the city manager at any time by a vote of a majority of all its members; provided that the council shall give him a written statement of the reason for removal at least twenty days before removal, and on request shall give him an opportunity for a public hearing thereon after the expiration of such time before removing him.

Section 3-2 City Manager: Powers and duties.

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

(1) Appoint, and when deemed necessary for the good of the service, lay off, suspend, demote, or remove all directors, or heads of administrative departments and all other administrative officers and employees of the city except as he may authorize the head of a department, an officer, or an agency to appoint, lay off, suspend, demote, and remove subordinates in such department, office, or agency.

(2) Supervise and control, directly or indirectly, all administrative departments, agencies, officers, and employees.

(3) Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable.

(4) Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year.

(5) Keep the council advised of the financial condition and future needs of the city, and make such recommendations to the council on matters of policy and other matters as may seem to him desirable.

(6) Have such other powers, duties, and functions consistent with this charter as the council may prescribe.

Section 3-3 Administrative departments, offices, and agencies.

There shall be a department of finance, a department of law headed by a city attorney, and such other administrative departments, offices, and agencies as this charter establishes and as the council may establish.

Article 4 DEPARTMENT OF FINANCE; FISCAL AFFAIRS

Section 4-1 City Clerk: Office created, duties.

There shall be a city clerk, who shall be an officer of the city appointed by the city manager with approval of the council for an indefinite term. He shall have such other powers, duties and functions as maybe prescribed by the charter, by applicable law or by ordinance. (Reso 12-17, amended March, 2012)

Section 4-2 City Treasurer: Office created, duties.

Within the department of finance, there shall be a city treasurer, who shall be an officer of the city appointed by the council for an indefinite term; provided also that the same person maybe appointed both city clerk and city treasurer, and that the council by ordinance may provide that the city clerk shall be ex officio city treasurer and that an acting city clerk shall be ex officio acting city treasurer. Subject to such regulations as the council may prescribe, the city treasurer shall deposit funds received for the city in such depositories as the council may designate. He shall have such other powers, duties and functions as may be prescribed by the charter, by applicable law or by ordinance. (Recodification 1326, 08/27/2018)

Section 4-3 Purchases and sales.

(1) 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.

(2) Before the purchase of, or contract for, any supplies, materials and 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 accept an individual contract, purchase, or sale from the requirement of competitive bidding.

(3) The council by ordinance may transfer some or all of the power granted to the city manager by this section to an administrative officer appointed by the city manager.

Section 4-4 Sale of property valued at more than \$25,000.00.

The sale of any city property, real or personal, including public utilities, or of any interest therein, the value of which is more than \$25,000.00 may be made only (1) by authority of an affirmative vote of a majority of the qualified electors of the city who vote on the question of approving or authorizing the sale at an election, or (2) by authority of a special nonemergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation within the city within ten days after its passage, and shall include a section reading substantially as follows: "Section --. This ordinance shall be referred to a vote of the electors of the city if a legal and sufficient referendum petition is properly filed within thirty days after its passage." The sale of an entire public utility may be authorized only as provided in (1) hereinabove.

Section 4-5 Public improvements.

Public 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. A contract for public improvements, of no more than an amount set by ordinance, may be awarded only to the lowest and 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. (Reso 12-17, amended March, 2012)

Section 4-6 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.

Section 4-7 Independent annual audit.

The council shall designate a qualified public accountant or accountants who shall make an independent 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 at least, 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 5 MUNICIPAL COURT

Section 5-1 Municipal Court.

Cases arising out of violations of the charter and ordinances of the city shall continue to be tried by the municipal court created by state law or a lawful successor of

such court created by state law; provided, that the council by ordinance shall have power to create a municipal court to hear and determine such cases if and when it deems it necessary or desirable to do so.

Article 6 ELECTIONS

Section 6-1 Nomination and election; terms; nonpartisan elections.

(1) At the elections in 1971 and in every third year thereafter, the councilman from ward one and the councilman from ward two shall be elected. At the elections in 1972 and in every third year thereafter, the council man from ward three and the councilman from ward four shall be elected. At the elections in 1970 and in every third year thereafter, the councilman at large, the councilman from ward five, and the councilman from ward six shall be elected.

(2) The councilmen shall serve terms of three years, and shall serve until their respective successors are elected and qualify. Their terms shall begin on the first Monday in May in the year in which they are elected. If a councilman-elect fails to qualify within one month after the beginning of his term, his office shall become vacant, and the vacancy shall be filled as other vacancies in the council are filled.

(3) All candidates for council from specific wards shall be nominated and elected only by qualified electors residing in their ward. All candidates for council at large shall be nominated and elected at large, by the qualified electors of the entire city. (Reso 05-08, amended 03/01/2005)

(4) Both the primary and the general election shall be nonpartisan; and no party designation or emblem shall be placed on the ballots.

(5) Nothing in this charter shall prohibit the use of voting machines.

Section 6-2 Primary election; Filing.

Any person qualified for the office for which he is filing may have his name placed on the ballot for the primary election as a candidate for councilmen from his ward by filing, on the first Monday, Tuesday, or Wednesday of February, unless any such day or days be a legal holiday or a day wherein the office of the City Clerk is lawfully closed. Whereupon such time shall be extended commensurate with the legal holiday or lawful closing, with the City Clerk, a sworn statement of his candidacy. (Reso 95-08, amended 02/14/1995)

Section 6-3 Primary election: Time, etc.

A primary election shall be held on the first State Election approved Tuesday in March of every year to nominate candidates for councilmen to succeed those whose terms are expiring in the respective year. If only one person is a candidate for an office to be filled, he shall be not only nominated, but also elected *ispo facto*; and his name shall not appear on the primary or general ballot. (Amended March, 2012, Resolution 12-17)

Section 6-4 Primary election: Who nominated or elected.

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. If one of the candidates for

an office receives a majority of all votes cast for all candidates for that office, he alone shall be not only nominated, but also elected ipso facto; and his name shall not appear on the ballot for the general election. In case of a tie, the nominee or nominees (as the case may be) shall be determined from among those tying, fairly by lot, by the canvassing authority in a public meeting. If one of the two candidates for an office nominated in a primary election dies or withdraws before the general election, the remaining candidate shall be elected ipso facto; and his name need not appear on the ballot for the general election.

Section 6-5 General election: Time, who elected.

A general election shall be held in the city on the first Tuesday in April of every year to elect councilmen to succeed those whose terms are expiring in the respective year. Every qualified elector of the city shall be entitled to vote for one of the two candidates for each office to be filled, but may not vote for any other person. The candidate for each office receiving the greater number of votes shall be determined from among those tying, fairly by lot, by the canvassing authority in a public meeting.

Section 6-6 Elections: When not held.

If there are no candidates and no questions to be voted upon at a primary or general election, the election shall not be held.

Section 6-7 Registered qualified electors.

Only electors residing in this city who have the qualifications prescribed for electors by the state constitution and law, and who are registered as may be required by law, may vote in city elections.

Section 6-8 Political activity of officers and employees.

(1) No officer or employee of the city except the councilmen and personnel who receive no compensation for their services, may work for or against or attempt to influence, the nomination, election, or defeat of any candidate for councilman, or the recall of a councilman; but this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote.

(2) Any person who violates this section shall be punished, upon conviction thereof, by a fine not exceeding twenty dollars including costs. Such violation shall constitute cause for removal from office or employment; and if the regular removal authority has not already removed a person who violates this section, he shall be automatically removed by conviction of violation this section effective at the time the conviction becomes final.

Section 6-9 State constitution and law to govern.

(1) The provisions of the state constitution and law applicable to city elections, shall govern such elections in this city insofar as they are applicable and not superseded by this charter or by ordinance.

(2) A proclamation of the mayor calling a special-election need not (but may) set forth the names of the precinct officers who are to conduct the election, but shall give the locations of polling places.

(3) Unless the council provided otherwise by ordinances, the county election board shall be the canvassing authority, and shall canvass the city election returns and declare the results. (Reso 95-08, amended 02/14/1995; Reso 05-08, amended, 03/01/2005, amended; Reso 05-08, amended, 03/01/2005; Reso 05-08, amended, 03/01/2005, Add reference; Reso 95-08, amended 02/14/1995; 0000, amended, 02/14/1995; Reso 95-08, amended, 02/14/1995)

Article 7 RECALL

Section 7-1 Recall authorized.

The incumbent of any elective city office, including a person appointed to fill a vacancy in any such office, may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided in this article.

Section 7-2 Recall petition.

(1) To initiate recall proceeding, a written statement in duplicate proposing the recall of the incumbent of an elective office, shall be signed by fifty or more registered qualified electors of the city, and shall be filed with the city clerk after the incumbent has held the office at least four months. The statement shall also contain the reason or reasons for which the recall is sought, in not more than two hundred words. Within five days, the city clerk shall mail a copy of such statement by registered, certified, or similar special mail to the officer at his residential address. Within ten days after the statement is mailed to the officer, the officer may make and file with the city clerk a written statement in duplicate justifying his conduct in office, in not more than two hundred words; and the city clerk on request shall deliver one copy to one of the persons filing the statement proposing the recall.

(2) The petition for recall shall include a demand that a successor to the incumbent sought to be recalled be elected, and shall also include before the space where the signatures are to be written the statement giving the reason or reasons for recall under the heading "STATEMENT OPPOSING RECALL", and if the officer has filed a statement as authorized, the statement justifying his conduct in office under the heading "STATEMENT OPPOSING RECALL". The two statements shall be in letters of the same size. A copy of the petition shall be filed with the city clerk within one month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated. (Amended March, 2012, Resolution 12-17)

(3) For officials serving a ward, a number of registered qualified electors of the ward equal at least to twenty percent (20%) of the total registered qualified electors in the ward must sign the petition, and for the at-large official, 20 percent (20%) of the total registered qualified electors of the city. Each signer shall write after his name his address within the city, giving street or avenue and number, if any. Not more than one hundred signatures may appear on a single copy of the petition. Petitions may be circulated only by registered qualified electors of the city; and the person who circulates each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in his presence, that each signature on the petition is genuine, and that he believes each signer to be a registered qualified elector of the city. (Amended March, 2012, Resolution 12-17)

(4) The circulated petition shall be filed with the city clerk not later than thirty days after the filing of a copy as provided above; within thirty days after date of filing of the circulated petition, the city clerk shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of registered qualified electors of the city have signed it. He shall then attach his certificate to the petition. If his certificate states that the petition has not been prepared and circulated as required and/or lacks a sufficient number of signatures, the petition shall have no effect. But, if the city clerk's certificate states that the petition has been prepared and circulated as required and has a sufficient number of signatures, he shall submit the petition and certificate to the council at its next meeting. (Reso 12-17, amended March, 2012)

Section 7-3 Recall election: Council to order.

(1) The council, by resolution or ordinance passed within ten days after receiving the petition and certificate of the city clerk, shall order and fix the date for a recall election, which shall be held on the first state election board approved election date that occurs more than forty days after passage of the resolution or ordinance by council establishing a recall election. The city clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper of general circulation within the city within ten days after its passage; and such publication shall be sufficient notice of the election. (Reso 12-17, amended March, 2012)

(2) The qualified electors of the city may vote in a recall election on the election of successors to more than one office on the same day.

Section 7-4 Same: How held.

(1) The recall election shall be an election to fill the office held by the incumbent sought to be recalled. There shall be no primary. Any qualified person, including the incumbent, may file as a candidate for the office. The candidate receiving the greatest number of votes in the recall election shall be elected. If a candidate other than the incumbent is elected, the incumbent shall be recalled from office effective as of the time when the result of the election is certified. The successful candidate must qualify within one month thereafter; and if he fails to do so, the office shall be vacant, and the vacancy shall be filled as other vacancies in the council are filled. A candidate thus elected and qualifying shall serve for the unexpired term. If the incumbent is a candidate and receives the greatest number of votes, he shall continue in office without interruption; and recall proceedings may not be initiated against him during the remainder of their three year term. (Reso 12-17, amended March, 2012)

(2) The provisions of this charter relating to city elections shall also govern recall elections insofar as they are applicable and are not superseded by the provisions of this article.

Section 7-5 Person recalled or resigning.

A person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, may not hold any office or position of employment in the city government within three years after his recall or resignation.

Article 8 OFFICERS AND EMPLOYEES GENERALLY

Section 8-1 Merit system created; appointments, removals, etc.; personnel regulations.

A merit system is hereby established for personnel in the city service. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness; and removals, demotions suspensions, and layoffs shall be made solely for the good of the service. The council, consistently with this charter, by ordinance or personnel rules, may regulate personnel matters and provide for proper personnel administration.

Section 8-2 Personnel Board created.

(1) There shall be a personnel board consisting of five members appointed by the council for overlapping five year terms. The term of one member shall begin July 1 in every year. The council shall appoint the original members so that the term of one will expire at that time in each of the first five succeeding years. A member may not hold any other office or position in the city government. The council, by a vote of at least five members, after adequate opportunity for a public hearing, may remove a member for the good of the service; and the vote shall be by yeas and nays and shall be entered in the journal. The council shall fill vacancies for the unexpired terms. Members shall serve without compensation unless the council provided 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 three members may call special meetings. The chairman shall have power to administer oaths and affirmations.

(3) The personnel board shall have power to subpoena officers and employees of the city and other persons to testify and to produce documents and other effects as evidence.

Section 8-3 Classified and unclassified services.

(1) All officers and employees of the city shall be divided into the classified and/or the unclassified service.

(2) The following shall constitute the unclassified service:

(a) All councilmen, the municipal judge or judges, the city treasurer and the city clerk when elected by the council.

(b) The city manager, one assistant city manager if any, one secretary to the city manager, and the city attorney.

(c) Members and secretary of each board, commission, or other plural authority.

(d) All personnel who serve without compensation.

(e) All temporary and all part-time officers and employees, except those whom the council may place in the classified service by ordinance or personnel rules.

(3) All other officers and employees shall be in the classified service; provided that when the city has over 50,000 people as shown by any last preceding federal census.

Any of the following may be placed in the unclassified service by ordinance or personnel rules; the heads, or directors, of administrative departments; and one secretary for each such head, or director, who has a secretary.

(4) Nothing herein shall prohibit including personnel in the unclassified service in the classification plan.

Section 8-4 Removal, etc.; Hearing before the personnel board.

(1) The city manager or any other authority who lays off, suspends, without pay for more than ten days, demotes, or removes any officer or 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 officer or employee a written statement of the reason or reasons for the layoff, suspension, demotion, or removal.

(2) Such officer or employee may appeal in writing to the personnel board. The appeal must be filed with the secretary of the board, or 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; and 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 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.

Section 8-5 Qualifications of officers and employees.

Officers and employees of the city shall have the qualifications prescribed by this charter and such additional qualifications as the council may prescribe; but the council shall not prescribe additional qualifications for the mayor and other councilmen.

Section 8-6 Nepotism.

Neither the city manager, the council, nor any other authority of the city government, may appoint or elect any person related to the mayor or any other councilman, to the city manager, or to himself, or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the city government; but this shall not prohibit an officer or employee already in the service of the city from continuing and being promoted therein.

Section 8-7 Holding more than one office.

Except as may be otherwise provided by this charter or by ordinance, the same person may hold more than one office in the city government. The city manager may hold more than one such office, through appointment by himself, by the council, or by

other city authority having power to fill the particular office, subject to any regulations which the council may make by ordinance; but he may not receive compensation for service in such other offices. Also the council by ordinance may provide that the city manager shall hold ex officio designated offices subordinate to the city manager as well as other designated compatible city offices, notwithstanding any other provision of this charter.

Section 8-8 Bonds of officers and employees.

The city manager, the city treasurer, and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Section 8-9 Oath or affirmation 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 the state constitution. The oath or affirmation shall be filed in the city clerk's office.

Section 8-10 Who may administer oaths and affirmations.

All officers authorized by federal or state law, the mayor, the city manager, the city clerk, the municipal judge or judges, and such other officers as the council may authorize, may administer oaths and affirmations in any matter pertaining to the affairs and government of the city.

Section 8-11 Removal, etc., of officers and employees.

The power to lay off, suspend, demote, and remove accompanies the power to appoint or elect; and the city manager, the council, or other appointing or electing authority at any time may lay off, suspend, demote, or remove any officer or employee to whom he, the council, or the other appointing or electing authority respectively may appoint or elect a successor.

Section 8-12 Acting officers and employees.

The appointment 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, leave, disability, or suspension of such officer or employee, or, in case of a vacancy, until a successor is appointed or elected and qualifies, unless the council provides by general ordinance that a particular superior or subordinate of such officer or employee shall act. The council by general ordinance may provide for a deputy to act in such cases.

Section 8-13 Officers to continue until successors are elected or appointed and qualify.

(1) Every officer who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his successor is elected or appointed and

qualifies unless his services are sooner terminated by resignation, removal, disqualification, death, abolition of the office, or other legal manner.

Section 8-14 Conflict of interest

(1) No councilman, or other officer or employee of the city, or person performing contractual services for the city, shall appear in behalf of others before the council or any other agency or officer of the city government, or represent others in any action or proceeding against the interests of the city, or accept employment from or render services for others when such employment or service creates a conflict of interests or is otherwise incompatible with the proper discharge of his official duties.

(2) The council by ordinance or personnel rules may further regulate conflict of interests and ethics of officers and employees of the city.

Article 9 GENERAL AND MISCELLANEOUS PROVISIONS

Section 9-1 Feminine gender.

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

Section 9-2 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 10 AMENDMENT AND SEPARABILITY OF CHARTER

Section 10-1 Amendment: Proposal, ratification, approval.

This charter may be amended by proposals therefore submitted by the council, or by the mayor upon initiative petition of the electors as provided by the state constitution, at a general or special election, 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 amendment are 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 be either in the form of a proposed amendment to a part or parts of the charter or of a proposed new charter.

Section 10-2 Amendment: Board of Freeholders.

The council by ordinance may provide for the election of a board of freeholders to prepare and propose amendments to this charter. 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 as provided by the state constitution, it shall go into effect.

Section 10-3 Separability.

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

(2) 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.

Article 11 SUCCESSION IN GOVERNMENT

Section 11-1 When charter goes into effect.

This charter shall go into effect immediately upon its ratification 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; the government created by this charter shall supersede the government theretofore existing under state law as of that time; and this charter shall become the organic law of the City of Sand Springs.

Section 11-2 Wards.

The council by ordinance shall revise the boundaries of all wards so that all wards shall be substantially equal in population, as soon as practicable following each federal census, or more frequently if directed by council. (Reso 12-17, amended March, 2012)

Section 11-3 Officers and employees to continue.

(1) When this charter goes into effect, the mayor and other councilmen shall continue in their offices under this charter until their respective terms expire.

(2) The city manager and remaining officers and employees (including members of boards and commissions), shall continue in their respective offices and positions under this charter; and they shall also continue until their services are terminated in accordance with the provisions of this charter.

Section 11-4 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.

Section 11-5 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 effect, brought by or against the municipality or any office, department, agency, or officer thereof.

Section 11-6 Council to set up departments; regulate purchases.

Within three months after this charter goes into effect, the council shall:

(1) by ordinance create or provide for the principal administrative departments of the city, and shall provide therein for adequate engineering services for the city; provided that this shall not prohibit the city from securing the services of other engineering firms for particular projects or purposes.

(2) pass an ordinance regulating purchases pursuant to section 4-3, and shall provide, among other things, that contractual professional services shall be excluded from competitive bidding.

**HOME RULE CHARTER
for
CITY OF SAND SPRINGS, OKLAHOMA**

Submitted by Sand Springs Freeholders

APPROVED THIS 5th DAY OF September, 1969.

ATTEST:

/s/ John Rogers
Secretary of State
By L. L. Callaway

/s/ Dewey F. Bartlett
Governor of the State of Oklahoma

CERTIFICATE

We, the undersigned, duly elected freeholders of the City of Sand Springs, Oklahoma, having elected William D. Bigby, Chairman, C. Dwight Huneryager, Vice-Chairman, and Carolyn Cheney, Secretary of the Board of Freeholders, do hereby approve and propose this Charter of the City of Sand Springs, Oklahoma, as it appears hereinbefore, and return it to the Mayor of the City of Sand Springs, Oklahoma, for submission to the electors of the City at an election to be called in accordance with the state constitution and law.

In testimony whereof, we hereunto set our hands at Sand Springs, Oklahoma, this the 1st day of August, 1969.

| | | |
|------------------|-------------------------|----------------------|
| From Ward One: | /s/ Joe W. Fisher | /s/ William D. Bigby |
| From Ward Two: | /s/ W.B (Bill) Breisch | /s/ |
| From Ward Three: | /s/ C.Dwight Huneryager | /s/ |
| From Ward Four: | /s/ | /s/ |
| From Ward Five: | /s/ Arthur Lyle Crowder | /s/ Montie Rolan Box |
| From Ward Six: | /s/ James Bolton | /s/ Carolyn Cheney |

Subscribed and sworn to before me this the 1st day of August, 1969

/s/ Doloris A. Hooper
Notary Public City Clerk

My commission expires: July 9, 1971

CERTIFICATE

Returned to the Mayor of the City of Sand Springs, Oklahoma this the 1st day of August, 1969.

Attest: /s/ Doloris A. Hooper
City Clerk

/s/ Dale C. Morrow
Mayor, City of Sand Springs, Okla

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