

CHARTER OF THE CITY OF HARRAH, OKLAHOMA

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CITY CHARTER

We, the people of the City of Harrah, exercising the powers of home rule granted to us by the Constitution and the 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 Harrah, Oklahoma.

ARTICLE 1 INCORPORATION, FORM OF GOVERNMENT, POWERS

Section 1-1 Incorporation.

(a) The City of Harrah, Oklahoma, within the corporate limits as now established, or as hereafter may be established, shall be a municipal body politic and corporate in perpetuity under the name of "City of Harrah." The City is the legal successor of the Town; and as such, it succeeded to and possesses all the property and rights belonging to the Town, and shall be liable for all debts and other obligations for which the Town was legally bound at the time of the succession in government.

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

Section 1-2 Form of government.

The city 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 City Council may prescribe by ordinance, including all existing ordinances of the City not inconsistent with this Charter, or by State Statute.

Section 1-3 Powers of the City.

(a) 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 the 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.

(b) The City shall have the 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 lessor 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 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. 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.

(c) 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.

(d) 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.

(e) The City shall have the power to engage directly or indirectly in advocacy calculated to influence legislative and administrative matters at all levels of government.

ARTICLE 2

THE CITY COUNCIL

Section 2-1 Councilmembers: Number, qualifications.

There shall be a City Council of five (5) members, which shall consist of the Mayor as Councilmember at large, and one (1) Councilmember from each of the four (4) wards of the City, as the wards are constituted by ordinance.

(a) A candidate for Mayor must be a qualified elector and resident of the City for at least one (1) year immediately prior to filing a declaration of candidacy. If he ceases to be a resident of the City, he shall thereupon cease to be Mayor; however, a temporary loss of residency in the City of no more than six (6) months shall not disqualify the Mayor.

(b) A candidate for Councilmember must be a qualified elector and resident of the City for at least one (1) year and a resident of the ward for at least six (6) months, immediately prior to filing a declaration of candidacy. If he ceases to be a resident of the ward in which he was elected, he shall cease to be a Councilmember; however, a temporary loss of residency in the ward of no more than six (6) months shall not disqualify the Councilmember, and provided however, if the Councilmember moves to another ward in the city, the Councilmember shall continue to serve until the end of the current term.

(c) Neither the Mayor or any Councilmember may hold any city position in the City Government by appointment by the City Manager, by any sub-ordinate of the City Manager, or by the City Council. Any City employee who is elected to a City position automatically vacates his position of employment.

(d) If the Mayor or any Councilmember is convicted of a felony, a crime involving moral turpitude, or a misdemeanor involving embezzlement, the office shall become vacant immediately.

(e) An incumbent Mayor or Councilmember shall be required to resign as Mayor or Councilmember in order to become eligible as a candidate for any city, county, state, or federal elected office, other than Mayor or City Council position.

Section 2-2 Mayor and Vice-Mayor.

(a) The Mayor shall preside at meetings of the City Council. The Mayor shall be recognized as head of the City Government for all ceremonial purposes and by the Governor for purposes of military law. The Mayor shall have no regular administrative duties except that the Mayor shall sign written obligations of the City as the City Council may require or approve. As a Councilmember, the Mayor shall have all powers, rights, privileges, duties and responsibilities of a Councilmember, including the right to vote on questions.

(b) At the first meeting after the time prescribed for the beginning of the terms of newly elected Councilmembers, or as soon thereafter as practicable, the City Council shall elect from its membership, a Vice-Mayor, who shall serve as such until the next such first meeting. The Vice-Mayor shall act as Mayor during the absence, disability, or suspension of the Mayor, until another Mayor is elected. If the office of Vice-Mayor becomes vacant, the City Council shall elect from its membership another Vice-Mayor for completion of the unexpired term.

Section 2-3 Councilmembers: Compensation.

(a) The Mayor shall receive the sum of seventy-five (\$75.00) dollars per month for his services and each Councilmember shall receive the sum of fifty (\$50.00) dollars per month for his services; provided, such compensation may be changed by ordinance, not to begin until after the current term of office.

(b) When the Mayor or any Councilmember shall attend any school, workshop, seminar, or other activity approved by the City Council, he may be entitled to be reimbursed for actual expenses of tuition, registration, lodging, meals and transportation.

Section 2-4 City Council: Powers.

Except as otherwise provided for in this Charter, all powers of the City, including the determination of all matters of policy, shall be vested in the City Council. Without limitation of the foregoing, the City Council shall have the power, subject to the State Constitution, Law, and this Charter:

- (a)** To appoint and remove the City Manager;
- (b)** By ordinance, to enact city legislation;
- (c)** To raise revenue and make appropriations, and to regulate bond elections, the issuance of bonds, sinking funds, and refunding of indebtedness, set salaries and wages, inspect the books and accounts maintained by the City Treasurer, and all other fiscal affairs of the City;
- (d)** To inquire into the conduct of any office, department, or agency of the City Government, and investigate City affairs;
- (e)** To appoint or elect and remove any of the following if created by this Charter or ordinance; the City Attorney, the members of the Personnel Board, the members of the Planning Commission, the members of the Board of Adjustments, 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;
- (f)** To regulate elections, the initiative and referendums, and recall;
- (g)** 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 to offices, departments and agencies created by this Charter.

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

Neither the Mayor, the City Council, nor its individual members shall direct or request the appointment of any person to, or 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 City Council and its members shall deal with the administrative service solely through the City Manager; and neither the City Council nor any member thereof shall give orders on administrative matters to any subordinate of the City Manager, either publicly or privately. Violation of any of the provisions of this section by the Mayor, City Council or Councilmember shall constitute grounds for removal.

Section 2-6 City Council: Meetings.

The City Council shall hold at least one regular meeting every month, at such time as it may prescribe by ordinance or otherwise. The Mayor or majority of Councilmembers may call special meetings. All meetings and notifications will be held in compliance with the Oklahoma Open Meeting Act.

Section 2-7 Councilmembers: Absences to terminate membership.

If the Mayor or any other Councilmembers shall be absent from more than one-half (1/2) of all the meetings of the City Council, regular and special, held within any period of four (4) consecutive calendar months, the member shall thereupon cease to hold office; provided, a person who ceases to hold office by reason of absences shall not be eligible for reappointment to the unexpired term for said vacant position.

Section 2-8 Councilmembers: Removal.

The Mayor or any other Councilmember shall 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 2-9 Councilmembers: Vacancies in office.

(a) When a vacancy occurs in the office of a councilmember, except the mayor, the city council shall appoint, by a majority vote of the remaining members, a person who resides in the ward of the vacant office to fill the vacancy until the next general city election, and until a successor is elected and qualifies. If the vacancy has not been filled within sixty (60) days after it occurs, the city council shall call for a special election for the purpose of filling the vacancy for the duration of the unexpired term, unless such vacancy occurs within ninety (90) days prior to the first day of a filing period for the next general city election.

(b) When a majority of city council offices are vacant more than sixty (60) days before the beginning of a regular filing period for general city elections, the remaining members of the city council shall call for a special election to be held in the city for the purpose of filling all vacant offices for the remainder of their unexpired terms.

(c) In the event that the mayor is unable to fill his duties the vice- mayor will fulfill the mayor's duties until the next city of Harrah general election.

Section 2-10 City Council: Quorum, rules, yeas and nays.

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

(b) **A majority of a quorum of the councilmembers shall be sufficient to pass all propositions** or motions with the exception of adoption of an ordinance which requires a majority of all councilmembers.

(c) If a councilmember or a member of any board or commission of the city abstains from voting on an issue, said vote shall not be recorded as a negative vote, but shall be reflected in the minutes as an abstention and not counted in determining whether the item passed or failed.

Section 2-11 Ordinances: Enacting clause.

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

Section 2-12 Ordinances: Passage, when in effect.

Every proposed ordinance must be presented in writing and read by title and number and brief gist, and a vote of the majority of all councilmembers 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 (10) days after its passage, every ordinance shall be posted in full and published by number and title and brief gist in a newspaper of general circulation within the city. Every ordinance, except an emergency ordinance, so published, shall become effective thirty (30) days after its final passage, unless it specifies a later time; provided that an ordinance granting a franchise to a public utility or an ordinance deannexing territory from the city shall not go into effect until the ordinance 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 2-13 Ordinances: Emergency.

An emergency ordinance is an ordinance which, in the judgment of the city 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 declare an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency, and state the reasons why it is necessary that the measure become effective immediately. An affirmative vote of at least three-fourths (3/4) of the councilmembers shall be required for the passage of an emergency ordinance. An emergency ordinance shall take effect immediately upon passage and publication.

Section 2-14 Ordinances: Adoption by reference.

The city 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 minimum of one (1) copy shall be filed and kept in the office of the city clerk.

Section 2-15 Ordinances: Codification.

The permanent, general ordinances of the city shall be codified and published in book or pamphlet form at least every ten (10) years, unless the city council, by use of 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. One (1) copy of the published code shall be filed in the office of the city clerk after the city council adopts the code by ordinance, but the code need not be enrolled in the book of ordinances. The ordinances shall be made available in book or pamphlet form for distribution or sale to the public, at the cost of copies.

ARTICLE 3

CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

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

There shall be a city manager. The city council shall appoint the city manager for an indefinite term, by a vote of the majority of all its members. The city council shall choose the city manager solely on the basis of executive and administrative qualifications, with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office. Neither the mayor nor any members of the city council shall be appointed city manager during the terms for which the councilmember shall have been elected or appointed, nor within two (2) years after the expiration of the councilmember's term. At the time of the city manager's appointment, the city manager need not be a resident of the city of Harrah or state, but, during the tenure of office, the city manager shall reside within the city limits of the city of Harrah or within the limits of Harrah independent school district no. 7, provided, if the city manager is part-time, the city council may approve living outside the above limits. City Council may approve of the City Manager living within a perimeter of Britton Road on the north, Pottawatomie Road on the east, Triple X Road on the west, and Interstate Forty (40) on the south. The city council may suspend or remove the city manager for the good of the service by an affirmative vote of at least three-fourths (3/4) of all its councilmembers.

Section 3-2 Temporary absence or disability of city manager.

By letter filed with the city clerk, the city manager may designate, subject to city council approval, a qualified city administrative officer to be acting city manager during his temporary absences or disabilities. The city manager or the city council may revoke such designation at any time and another person may be designated acting city manager to serve during such times. If the city manager fails to make such designation, the city council may appoint an acting city manager to serve during such time. The city council may remove an acting city manager at any time.

Section 3-3 City Manager: Powers, duties.

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

- (a)** Appoint, and when necessary for the good of the service, remove, demote, lay off or suspend all heads of administrative departments and other administrative offices and employees of the city, except as otherwise provided by law. The city manager may authorize the head of a department, office or agency to appoint and remove the subordinates in such departments, office or agency;
- (b)** Supervise and control all administrative departments, officers and agencies;
- (c)** Prepare a budget annually and submit it to the city council and be responsible for the administering of the budget after it goes into effect and recommend to the city council any changes in the budget which the city manager deems necessary;
- (d)** Submit to the city council a report after the end of the fiscal year on the finances and administrative activities of the city for the preceding year;
- (e)** Keep the city council advised of the financial condition and future needs of the city, and make recommendations as necessary;
- (f)** Perform such other duties as may be prescribed by law or ordinance.

Section 3-4 City Clerk: Appointment, duties.

The city clerk shall be an officer of the city, appointed by the city manager for an indefinite term. The city clerk shall serve as clerical officer for the city council. Subject to such regulations as the city council may prescribe, the city clerk shall:

- (a)** Keep the journal of the proceedings of the city council;
- (b)** Enroll in a book or books kept for the purpose, all ordinances and resolutions passed by the city council;
- (c)** Have custody of documents, records and archives as may be provided by law or 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, ordinance, or as approved by the City Council;
- (e)** Have such other powers, duties and functions as may be prescribed by law, ordinance or the City Manager.

Section 3-5 City Attorney: Appointment, term qualifications, duties.

The City Council shall appoint a City Attorney by a majority vote of all its members. The City Attorney shall be licensed to practice law in the Courts of the State of Oklahoma. The City Council may suspend or remove the City Attorney, with or without cause, by a majority vote of all the members of the City Council. It shall be the duty of the City Attorney or his designated representative:

- (a)** To attend City Council Meetings as required by the City;
- (b)** To prepare ordinances and resolutions when directed by the City Council or other proper authority of the City;
- (c)** To advise the City Council, and each member thereof, the City Manager, and other officers of the City as regards to their official powers, duties, and responsibilities, upon request;
- (d)** To represent the City before all courts, boards or commissions except as the City may otherwise direct;
- (e)** To perform such other duties as may be prescribed by law, this Charter, or ordinance.

The foregoing provisions shall not be deemed to prevent the employing of private Counsel as it is considered necessary or to employ a City attorney on a part-time or contractual basis.

ARTICLE 4

DEPARTMENT OF FINANCE, FISCAL AFFAIRS

Section 4-1 Finance Director: Appointment, duties.

There shall be a Finance Director, who shall be an officer of the City appointed by the City Manager for an indefinite term, and who shall be head of the Department of Finance. The Finance Director shall collect or receive revenue and other money for the City and shall deposit the same with the City Treasurer, except as provided otherwise by ordinance. The Finance Director shall maintain a general accounting system for the City Government. The Finance Director shall have such other powers, duties and functions as may be prescribed by this Charter, by applicable law, by ordinance or by direction of the City Manager. Nothing herein shall prohibit the City Clerk or other employees from being appointed as the Finance Director.

Section 4-2 City Treasurer: Appointment, duties.

(a) There shall be a City Treasurer, who shall be an officer of the City, appointed by the City Council for an indefinite term. The City Treasurer shall have custody of the funds of the City, and shall pay out the same only upon order of the Mayor and City Council, attested by the City Clerk and signed by the Mayor. He shall invest the funds of the City only in such securities as are provided for by the State Constitution or the Laws of the State of Oklahoma and all uninvested funds shall be deposited in the City depository, or depositories of the City. The City Treasurer or his designate, is required to attend a regular City Council meeting each month and at that time be prepared to report on the financial status of the City. The City Treasurer may be appointed either in a part-time advisory position or as a full time employee, whichever is deemed necessary by the City Council.

(b) The City depository or depositories, shall be the bank or banks of the City, designated by the City Treasurer and approved by the Mayor and City Council. If any bank or banks shall bid for the City deposits, offering a higher rate of interest, the Mayor and City Council may designate said bank or banks so bidding, as the depository, or depositories of the City.

Section 4-3 Purchases and sales.

(a) The City Manager 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 or sell surplus or obsolete supplies, materials, and equipment, subject to such regulations as the City Council may prescribe.

(b) Before the purchase of, or contract for, any supplies, materials, or equipment, or sales of any surplus or obsolete supplies, materials, or equipment, ample opportunity for competitive bidding, under such regulations and with such general exceptions, as the City Council may prescribe, shall be given; but the City Council shall not exempt an individual contract, purchase or sale from the requirement of competitive bidding.

Section 4-4 Public improvements.

Public improvements may be made by the City Government itself or by contract. The City Council shall award all contracts for such improvements; provided that the City Council may authorize the City Manager to award such contracts not exceeding an amount to be determined by the City Council and subject to such regulations as the City Council may prescribe. A contract for public improvements in any sum exceeding the amount set by state law may be awarded only to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the City Council may prescribe. All bids may be rejected, and further notice and opportunity for competitive bidding may be given. As used herein, "Public Improvement" means any beneficial or valuable change or addition, betterment, enhancement, or amelioration of or upon any real property or interest thereon. The term does not include the direct purchase of materials, equipment or supplies by a public agency.

Section 4-5 Fiscal year.

The fiscal year for 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 4-6 Independent annual audit.

The City Council shall designate 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 City Council and to the City Manager.

Section 4-7 Publication of City's financial statement.

The City Council shall cause to be published in October of each year a condensed statement of the receipts, expenditure and indebtedness of the City for the period ending the last day of June. This condensed statement shall be published in a newspaper of general circulation in the City. A full and detailed statement of the receipts expenditures and indebtedness of the City shall be made available to the public for review.

ARTICLE 5 MUNICIPAL COURT

Section 5-1 Municipal court.

There shall be one (1) or more municipal judges or associate municipal judges, as the City Council may determine by ordinance. The judge or judges shall be officers of the City appointed by the Mayor with the consent of the City Council for a term to be specified by ordinance, and shall constitute the municipal court.

(a) Only the City Council may suspend or remove a municipal judge or associate municipal judge, by a vote of a majority of all its members.

(b) The judge or judges individually shall have original jurisdiction to hear and determine all cases involving offenses against the ordinances of the City; provided that the City Council, by ordinance, may provide for special jurisdiction of various judges over certain designated kinds of cases.

(c) The City Council, by ordinance, may create a minor violations bureau with authority to dispose of cases arising out of designated minor violations, such as minor traffic and parking violations, on request of accused persons who desire to plead guilty, and who are able and willing to pay fines and costs, and who do plead guilty and pay fines and costs.

(d) The judge or judges shall keep a record of all their proceedings, of the disposition of all cases, and of all fines and other money collected.

(e) The style of all processes shall be in the name of the City. The judge or judges may issue subpoenas, administer oaths and affirmations, make and enforce all proper orders, rules and judgments, and punish for contempt.

ARTICLE 6 ELECTIONS

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

(a) The Mayor and Councilmembers shall be elected for four (4) year terms. A change in name, boundaries or number of wards shall not disqualify a Councilmember from completing the term for which the member was elected.

(b) Their terms shall begin at the first regular meeting in the month of April in the year in which they are elected. If a mayor elect or other council member elect fails to qualify within one month after the beginning of his term, that member's office shall become vacant, and the vacancy shall be filled as other vacancies in the city council are filled.

(c) Beginning with the 1993 elections, the mayor shall be elected, at large, by the qualified electors of the entire city. Beginning with any city of Harrah election after March 11, 1997, candidates for city council member must be a resident of his or her ward but will be elected, at large, by the qualified electors of the entire city.

(d) There shall be no city primary election, but only a city general election, herein also called election. The general election shall be nonpartisan; and no party designation or emblem shall be placed on the ballots.

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

(f) There shall be no more than two (2) consecutive terms for the mayor or Councilmember.

Section 6-2 General Election: Filing.

Any qualified person may have their name placed on the ballot for the election as a candidate for mayor or council member by filing a declaration of candidacy with the county election board no earlier than the first Monday in February and no later than the next succeeding Wednesday.

Section 6-3 General Election: Time. Who Elected.

A general election shall be held in the city on the first Tuesday in April of every odd numbered year to elect the mayor and council members for wards 1 and 3 for the following two (2) year term. A general election shall be held in the city on the first Tuesday in April of every even numbered year to elect council members for wards 2 and 4 for the following two (2) year term. The candidate with the most votes shall be elected.

Section 6-4 Elections: When Not Held.

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

Section 6-5 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 6-6 Political Activity Of Officers And Employees.

(a) No officer or employee of the city, except for the mayor, other council members, and personnel who receive no compensation for their services, shall work for or against, or attempt to influence, the nomination, election or defeat of any candidate for mayor or other council member, or the recall of the mayor or any other council member, while in official work status or while in uniform, but this shall not prohibit the ordinary exercise of one's right to express individual opinions and to vote.

(b) Any person who violates this section shall be guilty of an offense. Such violation shall constitute cause of removal from office or employment; and if the regular removal authority has not already removed a person who violates this section, the violator shall be automatically removed effective at the time of conviction.

Section 6-7 State Constitution And Law To Govern.

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 are not superseded by this charter or by ordinance.

ARTICLE 7

RECALL

Section 7-1 Recall Authorized.

The incumbent for 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.

(a) To initiate recall proceedings, a written statement proposing the recall of the mayor or other council member shall be signed by twenty (20) or more qualified electors of the city or ward concerned, as the case may be, and shall be filed with the city clerk after the incumbent has held the office at least four (4) months. The statement shall also contain the reason

or reasons for which the recall is sought, in not more than two hundred (200) words. Within five (5) 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 (10) 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 (200) words; and the City Clerk on request shall delivery one (1) copy to one of the persons filing the statement proposing the recall.

(b) 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 FOR RECALL," and if the officer has filed a statement as authorized, the statement justifying his conduct in office under the heading "STATEMENT AGAINST RECALL." The two (2) statements shall be in letters of the same size. A copy of the petition shall be filed with the City Clerk within one (1) month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.

(c) A number of registered qualified electors of the ward for Councilmember, or City at large for Mayor, equal to at least thirty (30) percent of the qualified electors of the ward for Councilmember, or City at large for Mayor, who voted at the last general statewide election must sign the petition. Each signer shall write after the signer's name, his address within the City, giving street or avenue and number, if any. Not more than one hundred (100) signatures may appear on a single copy of the petition. Petitions may be circulated only by registered qualified electors of the area; 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, and that each signature on the petition is genuine, and that he believes each signer to be a registered qualified elector of the ward, or City at large, as the case may be.

(d) The circulated petition shall be filed with the City Clerk no later than one (1) month after the filing of a copy as provided. Within one (1) month after the date of filing of the circulated petition, the City Clerk shall examine it and ascertain whether the required number of registered electors of the ward, or City at large, as the case may be, have signed it. The City Clerk 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 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, the City Clerk shall submit the petition and certification to the City Council at its next meeting.

Section 7-3 Recall election: City Council to order.

(a) The City Council, by resolution or ordinance passed at the next regularly scheduled City Council meeting, after receiving the petition and certification of the City Clerk, shall order and fix the date for a recall election to be held not more than ten (10) days more than the minimum notice period required by law after passage of the resolution or ordinance. 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 (10) days after its passage; and such publication shall be sufficient notice of the election.

(b) The qualified electors of the affected ward or the City at large, as the case may be, may vote in a recall election on the election of successors to more than one (1) officer on the same day.

Section 7-4 Recall election: How held.

(a) 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 (1) 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 City 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.

(b) 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 Persons 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, shall not hold any City office, appointed position, position or employment or any volunteer service within four (4) years after his recall or resignation.

ARTICLE 8

OFFICERS AND EMPLOYEES GENERALLY

Section 8-1 Definition.

"Officer or official" means any person who is elected to an office in City Government or is appointed to fill an unexpired term of an elected office, and the City Clerk and the City Treasurer whether elected or appointed. When "officer" or "official" is modified by a term which refers to a personnel position or duty, the holder of the position or duty is not an officer or official of the City for any purpose.

Section 8-2 Appointments, removals, etc.

(a) Appointments and promotions in the service of the City shall be made solely on the basis of merit and fitness; and layoffs, suspensions, demotions, and removals shall be made solely for the good of the service.

(b) The City Council, by ordinance, may establish a merit system.

Section 8-3 Nepotism.

Neither the City Manager, the Mayor, the City Council, nor any other authority of the City Government, shall appoint or elect any person related to the Mayor or any other Councilmember, to the City Manager, or to himself, or, in the case of a plural authority, to one of its members, by blood, marriage or adoption 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 therein.

Section 8-4 Holding more than one office.

Except as may be otherwise provided in this Charter or by ordinance, the same person may hold more than one (1) office, through appointment by the City Council, or by any other City authority having power to fill the particular office, subject to any regulations which the City Council may make by ordinance; but he shall not receive compensation for service in more than one (1) office.

Section 8-5 Official bonds.

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

Section 8-6 Oath or affirmation of office.

Every officer of the City, before entering upon the duties of 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 8-7 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, and such other officers as the City Council may authorize, may administer oaths and affirmations in any manner pertaining to the affairs and government of the City.

Section 8-8 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 City Council, or other appointing or electing authority at any time may lay off, suspend, demote, or remove any officer or employee to whom the City Manager, the City Council, or the other appointing or electing authority respectively may appoint or elect a successor as provided by State Law.

Section 8-9 Acting officers and employees.

The appointing or electing authority who may appoint or elect the successor of an officer or employee, may appoint or elect a person to act during the temporary absence, 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 City Council provides by general ordinance that a particular superior or subordinate of such officer or employee shall act. The City Council, by general ordinance, may provide for a deputy to act in such cases.

Section 8-10 Officers to continue until successors are elected or appointed and qualify.

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 8-11 Conflict of interest.

(a) Except as otherwise provided by this section, no City officer or employee, or any business in which said officer, employee, or spouse of the officer or employee has a proprietary interest, shall engage in:

1. selling, buying, or leasing property, real or personal, to or from the City;
2. contracting with the City; or
3. buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidence of indebtedness of the City.

(b) For purposes of this section, "employee" means any person who is employed by the City who enters into, recommends or participates in the decision to enter into any transaction described in subsection "a" of this section. Provided that any person who receives wages, reimbursement for expenses, or emoluments of any kind from the City, any spouse of such person, or any business in which such person or spouse has a proprietary interest shall not buy or otherwise become interested in the transfer of any surplus property of the City or a public trust of which the City is beneficiary unless such surplus property is offered for sale to the public after notice of the sale is published.

(c) For purposes of this section, "proprietary interest" means ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage which constitutes a controlling interest but shall not include any such interest held by a blind trust.

(d) Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor. Any transaction entered into in violation of the provisions of this section is void. Any member of the City Council who approves any transaction in violation of the provisions of this section shall be held personally liable for the amount of said transaction.

(e) The City Council, by ordinance, or the City Manager, by personnel rules, may further regulate conflict of interest and ethics of officers and employees of the City.

Section 8-12 Bribery prohibited.

It shall be unlawful for any candidate for office or for any officer or employee of the City, directly or indirectly, to give or promise to give, to any person or persons, any office or position, employment, or anything of value, for the purpose of influencing or obtaining support, political or otherwise, aid or influence of any persons or person; the doing of any of which things shall be ground for removal from office of such officer, employee or candidate if elected.

Section 8-13 Individual liability of officers.

Every officer who shall approve, allow or pay any demand on the treasury of the City not authorized by law, ordinance or this Charter, shall be liable to the City individually and on his official bond for the amount of the demand so illegally approved, allowed or paid. The City Council may by ordinance indemnify City officials, whether elected or appointed, on such a basis as they may deem appropriate.

Section 8-14 Employee policies.

The City Council shall adopt written personnel policies and employee grievance procedures within one (1) year of the effective date of this Charter.

ARTICLE 9 PLANNING AND ZONING

Section 9-1 General grant of power.

(a) The City of Harrah shall have full power to promote the general welfare by regulating the use of property and by controlling the development of the City through the exercise of the complete powers of planning and zoning within the City limits to the fullest extent permissible under the Constitution of the United States and the State Constitution. The exercise of the powers of planning and zoning within the City shall be in pursuance of this grant of authority, except with respect to those matters of general state concern as to which state law controls under the State Constitution. The City also may exercise powers of planning and zoning granted by the State in respect to matters of general state concern, as aforesaid, and also in respect to property situated outside the City limits.

(b) The scope of the planning function shall include, but shall not be limited to, the development and administration of a comprehensive land-use plan which will provide for the careful and thoughtful integration of residential, commercial, industrial, public, and other elements to achieve and preserve social purposes, economic values, and aesthetic quality of the neighborhoods and of other areas that compose the City.

(c) The City of Harrah shall have full authority to regulate and restrict the location of mobile homes and manufactured housing within the City of Harrah to the extent allowed by this Charter under the State Constitution and United States Constitution.

(d) The City of Harrah shall have full authority to regulate and restrict the location of oil, gas, and disposal wells and related appurtenances, within the City, and to adopt regulations concerning oil, gas, and disposal wells and related appurtenances within the City for the general safety and welfare of the inhabitants of the City of Harrah insofar as is consistent with the Oklahoma and United States Constitution.

(e) The City of Harrah shall have the power to regulate, restrict, and/or prohibit the operation of disposal sites for all wastes within the City of Harrah to the fullest extent possible under the State and United States Constitution.

ARTICLE 10

GENERAL AND MISCELLANEOUS PROVISIONS

Section 10-1 Feminine gender.

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

Section 10-2 Initiative and referendum.

The powers of 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.

Section 10-3 General definitions.

(a) "Charter City" or "City governed by charter" means any city which has adopted a charter in accordance with the provisions of the State Constitution and Laws of Oklahoma and at the time of adoption of the charter had a population of two thousand (2,000) or more. Once a city charter has been adopted and approved, it becomes the organic law of the city in all matters pertaining to the local government of the city and prevails over State Law on matters relating to purely city concerns.

(b) "City" means a municipality which has incorporated as a city in accordance with the laws of this State.

(c) "City Council" means the governing body or municipal governing body of a City, the legislative body of a city, as it may be defined by applicable law or charter provision.

(d) "Mayor" means the official head of the city government as defined by applicable law or charter provision. The mayor is the presiding officer of the city council.

(e) "Municipality" means an incorporated city.

(f) "Ordinance" means a formal legislative act of the city council which has the force and effect of a continuing regulation and a permanent rule of conduct or government for the city.

(g) "Publish" or "Publication" means printing in a newspaper which:

1. Maintains an office in the city and is of general circulation in the city. If there is no such newspaper, then in any newspaper which is of general circulation in the city; and

2. Meets the requirements of a legal newspaper as provided in Section 108 of Title 25 of the Oklahoma Statutes.

(h) "Qualify" means to take an oath of office.

(i) "Quorum" means a majority of all the members of the city council, board, or commission, including vacant positions.

(j) "Registered Voter" means any person who is a qualified elector, as defined by the provisions of Section 1 of Article III of the State Constitution, who resides within the limits of the city, and who has registered to vote in the precinct of his residence.

(k) "Resident" means a person whose actual dwelling or primary residence is located within the corporate limits of the city.

(l) "Resolution" means a special or temporary act of the city council which is declaratory of the will or opinion of the city in a given matter and is in the nature of a ministerial or administrative act. A resolution is not a law and does not prescribe a permanent rule of conduct or government.

Section 10-4 Publicity of records.

All records and accounts of every office, department or agency of the City Government shall be open to public inspection in compliance with the Oklahoma Open Records Acts.

Section 10-5 Legal notice or process.

Every legal notice or process to be served upon the City shall be served upon the City Manager, or in his absence upon the Acting City Manager if any, or, in the absence of both, then, upon the Mayor.

Section 10-6 Exemption for taxation.

The Mayor and City Council when authorized by a majority vote of the qualified electors of the city, are hereby empowered and authorized to exempt from City taxation for a period not to exceed five (5) years, manufacturing establishments and public utilities as an inducement to their locating in the City; provided, however, the provisions of this section shall not apply to manufacturing establishments and public utilities located in the City on the date of the approval of this Charter by the Governor of the State.

**ARTICLE 11
AMENDMENT AND SEPARABILITY OF CHARTER**

Section 11-1 Amendment: Proposal, ratification, approval.

This Charter may be amended by proposals thereof submitted by the City 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 (1) amendment is proposed, all of them, except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such a 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 11-2 Separability.

(a) If a court of competent jurisdiction holds any section or part of the 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.

(b) 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 City Council, by ordinance, may take such appropriate action as will enable the City Government to function properly.

ARTICLE 12

SUCCESSION IN GOVERNMENT

Section 12-1 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; and the government created by this Charter shall supersede the heretofore existing City Government as of that time.

Section 12-2 Wards.

Beginning with 1993, there shall be four (4) wards in the City of Harrah which shall be created and/or adjusted based on compactness and contiguity of territory and distribution of population. The four (4) wards shall be created and defined by the City Council by ordinance by the first regular meeting in January, 1993.

Section 12-3 City Council.

Those persons holding the offices of Mayor and Councilmembers at the time of the initial adoption of this Charter shall continue as Mayor and Councilmembers, until the first regular meeting in April following the 1993 general election. Nothing in this section shall prohibit those holding office, at the time for filing for the 1993 election, from becoming a candidate for the office of Councilmember from their respective, newly created wards or for Mayor at large.

Section 12-4 City Clerk and City Treasurer.

The elective offices of City Clerk and City Treasurer are hereby replaced by the appointed offices of City Clerk and City Treasurer in accordance with this Charter. Those persons, at the time of the initial adoption of this Charter, shall continue in the appointed position of City Clerk and City Treasurer for a period of one hundred and twenty (120) days after the 1993 general election; at which time these positions shall be appointed in accordance with this Charter. Nothing herein shall prevent those persons currently holding the positions of City Clerk and City Treasurer from being appointed to those positions.

Section 12-5 Reapportionment.

As soon as practicable, following each federal census, and again ten (10) years later, the City Council shall review the wards and ward boundaries of the City. Any change in the boundaries of wards shall be made by ordinance with due regard to the convenience and contiguity of the wards. The effective date of a change in the names or boundaries of wards shall be the effective date of the City Council ordinance making such change, unless the City Council provides otherwise. Election of Councilmembers for wards which have no representation due to such change shall take place at the next regular City election, and their terms of office shall be as provided by the Charter.

Section 12-6 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 12-7 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 City, or any office, department, agency, or officer thereof.

END OF CHARTER