

CHARTER

Preamble

We, the people of the city of Woodward, Woodward County, state of Oklahoma, having a population of more than 2,000 inhabitants, for the purpose of securing a more efficient form of local government, do under the authority of the constitution and laws of the state of Oklahoma hereby establish and ordain this charter for the government of said city.

ARTICLE I. ORGANIZATION AND POWERS

SECTION I. ORGANIZATION.

The inhabitants within the boundaries hereafter defined, and their successors, are hereby created and organized a municipal corporation and body politic with perpetual succession under the name "city of Woodward", which shall succeed to, own and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the present corporation known as the city of Woodward, and shall be liable for all debts and obligations for which the present corporation is now liable, and shall have the power to adopt a common seal and alter same at pleasure, to sue and be sued in all courts, to make contracts, to take and acquire property by purchase, condemnation or otherwise, and to hold, lease, mortgage, convey or otherwise dispose of any of its property within or without the limits of said city; and it shall have such other powers, rights, privileges, franchises and immunities as are granted and conferred by any other parts of this charter or by the constitution and the laws of the state of Oklahoma.

SECTION II. BOUNDARIES.

The boundaries of said city, and the respective wards thereof, shall, until altered by the commission as provided by law, be the same as at the time of the adoption of this charter.

SECTION III. GENERAL GRANT OF POWER.

Said city shall also have all other powers that may hereafter be given it by the constitution and the laws of this state; and, where any provisions of this charter shall be in conflict with any law or laws relating to cities of the first class, in force at the time of the adoption and approval of this charter, the provisions of this charter shall prevail. And said city shall have the power to enact and enforce all ordinances necessary to protect health, life and property, and to define, prevent, and summarily abate and remove nuisances, and to preserve and enforce good government and order, and to enact and enforce all ordinances upon any subject; provided that no ordinance shall be enacted inconsistent with the general laws of this state, the state constitution, or this charter. All general laws of the state of Oklahoma applicable to municipal corporations, now existing, or which may hereafter be enacted, when not in conflict with the provisions of this charter or with any ordinances enacted for its government, shall apply to the government of the city of Woodward.

SECTION IV. CONSTITUTION APPLIED.

Article eighteen of the constitution of the state of Oklahoma, under the title "municipal corporations", and every section thereof, including the initiative and referendum, is hereby adopted and put in full force and effect for the government of the city of Woodward.

SECTION V. BEQUESTS, GIFTS AND DONATIONS.

Said city may receive bequests, gifts and donations of all kinds of property in fee simple or in trust for charitable or public purposes, and perform all acts necessary to carry out the purposes of such bequests, gifts, donations or trusts, with power to manage, sell, lease or otherwise dispose of same in accordance with the terms of the bequest, donation or trust.

SECTION VI. GENERAL GRANT OF POWERS NOT LIMITED.

The legislative, executive and judicial powers of the city shall extend to all matters of local and municipal government; it being the intent hereof that the specification of particular powers by any other provision of this charter shall not be construed as limiting or impairing the effect of the general grant of powers hereby made.

SECTION VII. FORMER GOVERNMENT IN FORCE.

All existing ordinances of the city not inconsistent with this charter or inapplicable under the altered form of municipal government provided by this charter shall be and continue in full force and effect until amended or repealed or until they expire by their own limitations; and no existing right, action (civil or penal), suit, proceeding, or contract, shall be affected by the change in the form of government of the city, but all shall continue as though no such change had taken place; and all debts, penalties and forfeitures which have accrued, or which may hereafter accrue by virtue of anything heretofore done or existing, shall inure to the benefit of the city of Woodward and may be sued for and recovered by the said city as though this charter had not been adopted. Nothing herein, however, shall legalize or make legal any invalid indebtedness of the city heretofore contracted or incurred, or impair any defense against the payment of the same; nor shall the adoption of this charter in anywise interfere with any proceeding heretofore instituted relating to the levy and collection of taxes, special assessments, or levies of any nature, or with any proceedings to enforce the payment of the same; and all legal and valid contracts heretofore entered into by the city shall remain in full force and effect and be completed under the ordinances existing at the time of the adoption of this charter.

ARTICLE II. CITY OFFICERS

SECTION I. ELECTIVE OFFICERS.

The elective officers of the city of Woodward shall be five commissioners. (Amended 1965 and 2008)

SECTION II. TERM OF OFFICE AND QUALIFICATIONS.

The legislative power is hereby vested in a commission consisting of five commissioners to be elected as follows:

One at large

One from ward I

One from ward II

One from ward III

One from ward IV

A commissioner, elected from a ward, must reside in that ward, and shall be elected at large. A commissioner, elected at large, may reside in any ward of the city, and shall be elected at large. The commissioners, at their first meeting after assuming and entering upon the duties of their offices after each annual city election, shall elect one of their number as mayor. The commissioner at large and the commissioners from each of the wards of the city shall each be elected for a term of two years, and shall hold office until his or her successor is elected and qualified; provided, that the provisions set forth herein and in sections I, IV and V of article II and sections III and IV of article VIII of this charter, as amended, shall not become operative until twenty days prior to the first Tuesday in April 1966, and further provided, that the present commissioner residing in ward IV shall retain his office until the term for which he was elected expires on the first Monday in May, 1967, and shall be the commissioner elected from ward IV, and provided further, that the present commissioner residing in ward II shall retain his office until the term for which he was elected expires on the first Monday in May, 1968, and shall be the commissioner elected from ward II, and provided further, that the present city treasurer shall retain his office until the term for which he was elected expires on the first Monday in May, 1967, and provided further, that of the commissioners elected at the first election held under this amendment to the charter, on the first Tuesday in April, 1966, the commissioner from ward I shall hold office until the first Monday in May, 1967, and the commissioner from ward III, and the commissioner at large shall each hold office until the first Monday in May 1968, and thereafter and at all subsequent elections after the election on the first Tuesday in April, 1966, all commissioners shall be elected for a term of two years. Each of the said commissioners shall receive a salary of twenty-five dollars (\$25.00) per month. No person shall be eligible to be a member of the city commission unless he shall have been a citizen of the United States and a resident of the city of Woodward, Oklahoma, for two years prior to his or her election and shall have attained the age of twenty-five (25) years. Said commissioner must be an elector of the city of Woodward, Oklahoma, not in litigation with the city, nor in arrears for city taxes when elected, and shall not be owner of any stock or bonds of any public service corporation doing business in or with the city of Woodward, Oklahoma. (Amended 1965 and 2008)

SECTION III. OFFICIAL OATH.

Said commissioners and city treasurer and all other officers of the city, before entering upon the duties of their offices, shall take the oath of office prescribed by the constitution of this state.

Said city treasurer shall give a good and sufficient bond in such sum as may be required by the commission, to be secured by some approved surety company and approved by the commission, for the faithful performance of the duties of the office. All other officers and employees of the city shall give such bonds as the commission may, by ordinance, require; and in all cases the city shall pay the premiums for the bonds.

SECTION IV. ELECTIONS.

A general election shall be held in said city on the first Tuesday in April, 1966, and each year thereafter; and at each annual election successors to the elected officers whose terms expire on the first Monday in May following, shall be elected, which officers shall hold office for the terms herein provided for and until their successors are elected and qualified, except as otherwise provided herein. (Amended 1965)

SECTION V. VACANCIES IN OFFICE.

A vacancy shall exist when an elective officer fails to qualify within twenty (20) days after notice of his election, dies, resigns, removes from said city, absents himself therefrom for a period of ninety days, except on account of sickness, is convicted of felony, becomes a habitual drunkard, or is otherwise legally disqualified. However, any commissioner elected from a ward who moves his or her residence from that ward to a different ward in the city shall remain a member of the commission representing the ward from which he or she was elected until the next annual municipal election. If the term for which said commissioner was elected be not then at an end, then his or her successor shall be elected from said ward to complete the unexpired term. The commission shall fill by appointment any vacancy in the office of city treasurer, such appointment to hold until the next regular municipal election, and until his successor is elected and qualified. If the office of commissioner shall become vacant for any cause, the commission shall appoint some eligible person to fill such vacancy, who shall hold said office until the next regular municipal election, and until his successor is elected and qualified; and if such term be not then at an end, a successor shall be elected to fill such unexpired term. All elective officers and those appointed to fill vacancies, as herein provided, shall hold their respective offices subject to the provisions of the recall, as herein provided, or removal from office as provided by law. (Amended 1965)

SECTION VI. FORMER OFFICERS RETAINED.

All officers, appointees and employees of the present corporation of the city of Woodward, except the mayor and members of the city council and the city treasurer, shall continue in their offices and employment upon the adoption of this charter and the organization of the new city government, until their successors are chosen and qualified, or until their services are dispensed with by order of the city manager.

ARTICLE III. THE CITY MANAGER

SECTION I. COMMISSION TO APPOINT CITY MANAGER.

The commission, as soon as may be after its members qualify and it is duly organized, shall by a majority vote appoint a city manager. He shall be chosen by the commission principally for his executive and administrative qualifications. He shall be appointed for an indefinite period, and shall be removable at the pleasure of the commission, by a majority vote thereof; and whenever a vacancy shall occur in said office the same shall be filled by appointment by the commission.

SECTION II. GENERAL POWERS AND DUTIES OF THE CITY MANAGER.

The city manager shall be the administrative head of the municipal government. He shall not, during his term of office, be an employee of, or perform any executive duty for, any person, firm, corporation or institution other than the city of Woodward, and shall not be interested in the profits or emoluments of any contract, job, work or service for the city.

SECTION III. OATH AND QUALIFICATIONS.

Before entering upon the duties of his office, he shall take the official oath and shall execute a bond in favor of the city for the faithful performance of his duties, in such sum as shall be fixed by the commission to be approved by the commission.

SECTION IV. SPECIAL POWERS AND DUTIES OF THE CITY MANAGER.

The city manager shall have the special powers and duties herein enumerated, and shall be directly responsible to the commission for the proper administration thereof, to-wit:

- (a) To see that all laws and ordinances governing the city are enforced.
- (b) To appoint and remove at pleasure all heads of departments and all subordinate officers and employees in such departments, such appointments and removals to be made upon the basis of merit and fitness alone, including proper subordination; provided that preference shall be given to home labor when same is available.
- (c) To exercise actual management, control and supervision over all departments of the city government, and to exercise all other administrative functions, except as otherwise in this charter provided.
- (d) To supervise and manage all public work of the city; to manage and control the public utilities of the city, and the repair and maintenance thereof, and have general charge of the cleaning, sprinkling, lighting and improving of the streets, sidewalks, bridges, and public grounds within and without the city, except as otherwise herein provided.

(e) To make a monthly report to the commission; and attend all meetings of the commission, with the right to take part in the discussions, but having no vote.

(f) To recommend to the commission for adoption such measures as he may deem necessary or expedient.

(g) To keep the commission fully advised as to the financial condition of the city.

(h) To see that all franchise rights and provisions are justly enforced.

(i) To prepare and submit to the commission an annual budget as by this charter required.

(j) To submit to the commission at each meeting thereof an order of business covering his recommendations.

(k) To create such departments for the more efficient and economical administration of the affairs of the city as to him shall seem necessary and expedient.

SECTION V. PURCHASING AGENT.

The city manager shall be the purchasing agent for the city. Except in the case of emergency, the city manager shall procure competitive proposals and bids for supplies from competitive dealers, where the estimated cost exceeds an amount set by city ordinance as applicable to state law and the competitive bids shall be kept on file in the office of the city clerk. The commission shall make rules governing the letting of contracts or making of purchases by the city manager, but no contract or purchase shall be valid unless approved by the commission. (Amended 1989)

ARTICLE IV. CITY TREASURER

SECTION I. DUTIES OF CITY TREASURER.

A. The city treasurer shall have the custody of the funds of the city, and shall pay out the same only upon order of the commission, attested by the city clerk and signed by the mayor.

B. The city treasurer shall be appointed by the city commission to an indefinite term, provided however, the city commission may terminate the appointment upon good cause and upon a vote of three (3) commissioners, or as provided in section IV of this article.

C. He shall, under the direction of the commission, invest the funds of the city only in such securities as are provided for by the constitution and the laws of the state of Oklahoma for the investment of the municipal funds of the state, and all uninvested funds shall be deposited in the city depository, or depositories of the city. (Amended 2008)

SECTION II. DEPOSIT OF PUBLIC MONEY.

The city depository of the city of Woodward shall be the several banks of the city and the public funds shall be divided among them as nearly equally as practicable, or as otherwise directed through resolution of the city commission. Depository banks shall pay interest on all monies of the city of Woodward deposited with them in an amount and at a rate equal to that paid on state and county funds as provided by the laws of the state of Oklahoma; provided, that the city commission may by resolution order and direct the city treasurer to deposit the funds of the city of Woodward in any bank in the state of Oklahoma or with the state treasurer of the state of Oklahoma. (As amended in 1934 and 2008)

SECTION III. DEPOSITORIES MUST GIVE BOND.

The city depositories shall secure the city for all deposits by giving a good and sufficient bond with an approved surety or guaranty company, qualified to do business in the state of Oklahoma, as surety, said bond to be approved by the commission. Said bond shall equal the sum of the probable maximum deposits of the city at one time with said depository, and a new bond may be required by the commission at any time when the existing bond or bonds shall be deemed insufficient; provided, that the commission shall have power to take from any such depository in lieu of such surety bond or in addition thereto, as security for said funds, United States bonds, state bonds or warrants, county bonds or warrants, or other bonds or warrants issued by any municipality under authority and in compliance with the statutes of Oklahoma; provided, that all said warrants shall have been issued pursuant to a legal appropriation, and that such securities be properly assigned, to be held by the city treasurer as collateral security, and to the extent of the par value of such bonds or warrants. (As amended in 1934)

SECTION IV. REMOVAL OF TREASURER.

The city treasurer shall be subject to removal from office in the same manner and for the same cause or causes as provided by the laws of the state of Oklahoma for the removal of county officers, it being intended hereby to provide cumulative procedure and cause for removal.

ARTICLE V. CITY CLERK

SECTION I. APPOINTMENT, TERM, BOND.

The city clerk shall be appointed by the city manager, and shall hold office at the pleasure of said city manager. He shall give bond for the faithful performance of the duties of his office, in like manner as provided herein for the city treasurer.

SECTION II. DUTIES, RECORDS.

The city clerk shall have the custody of and be responsible for all books, papers, maps and records belonging to the city, not in actual use by other officers or by special provisions committed to their custody, or otherwise provided for. He shall keep all books properly indexed and open to the public for

inspection when not in actual use.

The city clerk shall have all the powers and duties now provided by law or ordinance except as in this charter otherwise provided. (Amended 2005)

SECTION III. DUTIES, CLERK OF COMMISSION, SEAL.

The city clerk shall be clerk of the commission, attend all its meetings and keep a record of the proceedings thereof, and sign and attest all ordinances, resolutions, or other acts of the commission. He shall keep separate books in which he shall record all ordinances, resolutions and other record proceedings of the commission, and shall countersign all warrants for the payment of monies drawn on the city treasurer. He shall certify to the correctness of all reports made public by the commission, and shall be the custodian of the seal of the city.

SECTION IV. ADDITIONAL DUTIES.

The city clerk shall have such other powers and perform such other duties as may be required of him by the city manager, by ordinance, resolution or motion of the commission, or as provided in this charter or by the laws of the state applicable to the city.

ARTICLE VI. CHIEF FINANCIAL OFFICER

SECTION I. APPOINTMENT, TERM, BOND.

The chief financial officer shall be appointed by the city manager, and shall hold office at the pleasure of said city manager. He shall give bond for the faithful performance of the duties of his office, in like manner as provided herein for the city treasurer. (Enacted 2005)

SECTION II. DUTIES, RECORDS.

The chief financial officer shall be the chief accounting officer of the city, and shall prepare such financial statements and reports of the financial condition of the city as may be required by the commission, the city manager or by ordinance. He shall deposit daily with the city treasurer all monies collected by him, from whatever source derived, taking the receipts of the city treasurer therefore, and shall issue receipts for all moneys or other things of value coming into his office. (Enacted 2005)

SECTION III. ADDITIONAL DUTIES.

The chief financial officer shall have such other powers and perform such other duties as may be required of him by the city manager, by ordinance, resolution or motion of the city commission, or as provided in this charter or by the laws of the state applicable to the city. (Enacted 2005)

ARTICLE VII. MUNICIPAL COURT

SECTION I. NAME.

The judicial power of the city shall be vested in a municipal court, which is hereby created and established under the name of the municipal court of the city of Woodward.

SECTION II. JURISDICTION.

The municipal court shall have jurisdiction to hear and determine all offenses against this charter and the ordinances of the city, and also have such jurisdiction in all cases that now are or may be hereafter provided by the constitution and laws of the state of Oklahoma for police courts in cities of the first class.

SECTION III. MUNICIPAL JUDGE, APPOINTMENT, TERM, FEES.

As soon as may be after its election and qualification, the commission shall appoint a qualified elector of the city of Woodward as judge of said court, with the official title of municipal judge, who shall hold office at the pleasure of the commission, and who shall be entitled to such fees as may be prescribed by ordinance.

SECTION IV. PROCEDURE, JURY TRIAL.

The commission shall prescribe by ordinance the powers and duties of such court, and provide a criminal procedure therefor, including practice and procedure for jury trial as well as all other procedure; and, until such ordinance is enacted, whenever a trial by jury is proper and one of the parties shall demand a jury trial, then the constitution and laws of the state of Oklahoma applicable to procedure criminal before justices of the peace shall govern the procedure for such trials before the municipal court, and the same are hereby adopted and put in full force and effect for jury trials until otherwise provided for by ordinance.

ARTICLE VIII. MUNICIPAL COUNSELLOR

SECTION I. APPOINTMENT, DUTIES.

The municipal counsellor shall be appointed by the board of commissioners, and shall hold office at the pleasure of said board. He shall have such qualifications, powers and duties as are prescribed by law for city attorneys in cities of the first class. It shall be his duty to advise the commission and each member thereof, and the city manager, upon all law questions, and he shall give opinions in writing when requested, and shall represent the city as counsel in all litigation, in all courts, for or against the city, and shall perform such other legal service in behalf of the city, its officers or employees, as may be required by ordinance; provided, that whenever the commission deems it necessary it may employ an attorney or firm of attorneys for any particular matter.

ARTICLE IX. LEGISLATIVE DEPARTMENT

SECTION I. POWERS.

The commissioners sitting as a commission shall have the same power to enact all laws and ordinances for the city possessed by the city council of a city of the first class under the constitution and laws of the state of Oklahoma at the time of the adoption of this charter, together with all other powers by this charter granted, and all powers hereafter conferred by the constitution and laws of this state.

SECTION II. MAYOR, DUTIES.

The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for serving civil process, and by the governor for military purposes. In time of public danger or emergency he may, with the consent of the commission, take command of the police and maintain order and enforce the laws.

SECTION III. ORDINANCES, HOW ADOPTED.

Three members of the commission shall constitute a quorum, and the affirmative vote of three members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure. Upon every vote the ayes and nays shall be called and recorded; and every motion, resolution or ordinance shall be reduced to writing and read before the final vote is taken thereon. The mayor shall have no power to veto any measure, and he shall have a vote on all questions. Every resolution or ordinance passed by the commission must be signed by the mayor or by the mayor pro tem, when so acting, and be recorded and published before the same shall be in force, except as otherwise hereinafter provided. (Amended 1965)

SECTION IV. MEETINGS: REGULAR, SPECIAL.

The regular meetings of the commission shall be held on the first Monday after the election and qualification of the commissioners, and thereafter, on each Monday, at the city hall, until said regular meeting dates are otherwise fixed by ordinance. The commission may be called in session by the mayor or by three of the commissioners. Private executive sessions of the commission will be permitted only for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, or for the purpose of confidential communications between the commission and its attorney concerning a pending investigation, claim, or action if the commission, with the advice of its attorney, determines that disclosure will seriously impair the ability of the commission to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest. All other meetings of the commission shall be public. (Amended 1989)

SECTION V. FORFEIT OFFICE.

Absence from four consecutive regular meetings shall operate ipso facto to vacate the office of commissioner, unless the commission shall at the fourth regular meeting excuse such absence by resolution setting out the causes of such absence, and enter the same upon its journal.

SECTION VI. MAYOR PRO TEM.

At the first meeting of the commission it shall by a majority vote elect one of its members mayor pro tem, who shall, in case of the absence of the mayor, serve as mayor with the title of mayor pro tem, with all the powers and duties vested in the mayor.

SECTION VII. REMOVAL OF MAYOR AND COMMISSIONERS.

The mayor or any commissioner shall be subject to removal from office in the manner and for the same cause or causes as provided by the laws of the state of Oklahoma for the removal of county officers, it being intended hereby to provide cumulative procedure and cause for removal. In the event of a vacancy in the office of mayor, the mayor pro tem shall serve as mayor until such vacancy is filled by appointment or election as provided in this charter.

ARTICLE X. ORDINANCES

SECTION I. CAPTION.

The style of all ordinances shall be, "BE IT ORDAINED BY THE COMMISSION OF THE CITY OF WOODWARD", but such caption may be omitted when said ordinances are revised and digested under the order of the commission, or when they are published in book form.

SECTION II. CONTENTS, REPEALED ORDINANCES NOT REVIVED BY REFERENCE TO TITLE ONLY.

Every ordinance adopted by the commission shall embrace but one subject, which shall be clearly expressed in its title. No repealed ordinance shall be revived, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be reenacted and published at length; provided, that if any subject be embraced in any ordinance contrary to provisions of this section such ordinance shall be void only as to so much of the ordinance as may not be expressed in the title thereof.

SECTION III. WHEN EFFECTIVE.

All ordinances passed by the commission, except emergency ordinances, shall take effect and become valid at the end of thirty days from the date of passage of such ordinance. All ordinances shall be published either in a daily or weekly newspaper, published and of general circulation in the city of Woodward, such publication to be within ten days from the passage of the ordinance, except as otherwise provided by the constitution and laws of this state.

SECTION IV. WHEN TO BE ADOPTED.

No ordinance shall be adopted on the day of its introduction before the commission; but all ordinances, after being introduced, shall lie over for at least one week before being finally voted on and adopted. But this provision shall not apply to emergency ordinances.

SECTION V. EMERGENCY ORDINANCES.

The commission may, by a unanimous vote, pass an emergency ordinance when the public peace, the public health, or the public safety of the city or the inhabitants thereof shall in the judgment of the commission demand it. Every emergency ordinance must, after the title, contain the words "EMERGENCY ORDINANCE" as a part of the caption, and every such ordinance shall in a separate section state briefly the facts or the cause affecting the public peace, public health or public safety and demanding the passage of the emergency ordinance. All emergency ordinances shall take effect at once upon their passage.

SECTION VI. ENROLLMENT.

Every ordinance passed by the commission shall be enrolled by the city clerk within the next succeeding five days, or as soon thereafter as practicable. The enrolled copy shall be carefully compared with the ordinance and amendments, if any, by the mayor, who shall endorse on the enrolled copy the words "correctly enrolled", with the date thereof, and subscribe his name thereto.

SECTION VII. PRINTED ORDINANCES ADMITTED IN EVIDENCE.

All printed ordinances or codes of ordinances published by authority of the commission, shall, in all judicial proceedings in all courts, be admitted in evidence with the same force and effect as would original ordinances; and in such proceedings it shall not be necessary to plead the entire ordinance or section, but only such parts thereof as are offered in evidence.

ARTICLE XI. NUISANCES

SECTION I. NUISANCE DEFINED.

The doing of any unlawful act, or the omission to perform a duty, which act or omission either

(1) Annoys, injures or endangers the comfort, repose, health or safety of others; or which

(2) Offends decency; or which

(3) Unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage any public park, square, street, highway or other public place; or which

(4) In any way renders other persons unsafe or insecure in life or in the use of property, is hereby declared a public nuisance.

SECTION II. LICENSE.

No ordinance shall be passed which in anywise shall legalize or license the existence or operation of any matter or thing which is herein defined as constituting a public nuisance.

SECTION III. ABATEMENT, LIEN.

The commission may provide by ordinance for the abatement of any nuisance and for establishing a lien against property for the cost of such abatement, and for enforcement of such lien.

SECTION IV. INJUNCTION.

The city of Woodward shall have the right to maintain in any court of competent jurisdiction a civil action to enjoin the continuance of or the threatened continuance of any matter or thing constituting a public nuisance as herein defined, within the city or within three miles of the limits thereof.

ARTICLE XII. RECALL OF ELECTIVE OFFICERS

SECTION I. RECALL AFTER SIX MONTHS.

The holder of any elective office, either by election or appointment to fill a vacancy, may be removed at any time after six months from the date of entering upon the duties of his office, by the electors qualified to vote for a successor to such incumbent, in the following manner.

SECTION II. AFFIDAVIT, STATEMENT.

An affidavit in triplicate, proposing such recall and setting forth in a statement of not more than two hundred words the grounds therefor, shall be made by a person or persons representing at least ten per centum of the qualified electors as shown by the returns of the last general election, who are qualified to vote for a successor to such office, which persons shall be named in the affidavit and same filed with the city clerk. One of such affidavits shall be sent by the city clerk by registered mail to the residence address of the officer sought to be recalled, and said officer shall have five days after the mailing of such affidavit to formulate and deliver to the city clerk a statement of not more than two hundred words setting forth the reasons justifying such officer's course. The reasons for and against the recall of said officer shall be printed in the head of the petition filed; provided, that if no reasons against the recall are submitted by said officer the petition shall be valid if otherwise conforming to the provisions hereof.

SECTION III. PETITION.

When the five days have expired from the date of mailing said affidavit to the officer whose recall is

sought, the persons desiring said recall shall file with the city clerk a petition for the recall of such officer containing in the heading thereof the reasons for the recall as stated in the affidavit and the reasons against the recall if any have been filed. Said petition shall have attached thereto blanks with lines sufficient for signatures and addresses of signers of not less than fifty per centum of the electors qualified to vote for a successor to such officer.

SECTION IV. PUBLICATION OF NOTICE.

The city clerk shall then cause to be published in some newspaper of general circulation in the city of Woodward a notice to the voters, stating the name of the officer whose recall is sought and notifying persons desiring to sign said petition that they may present themselves at the office of the city clerk at the city hall, within thirty days from the publication of said notice and sign said petition. One publication of said notice shall be sufficient. During said thirty days, Sundays and legal holidays excepted, the city clerk shall remain continuously in his office between the hours of 1:30 p.m. and 5:00 p.m. for the purpose of receiving signatures to said petition. Failure on the part of the city clerk to keep his office open during the hours herein specified, unless unavoidably prevented by sickness, shall be adjudged a misdemeanor, and upon conviction thereof he shall be punished by a fine of not less than ten dollars and not more than fifty dollars; and each day said clerk violates the provisions hereof shall constitute a separate and distinct offense.

SECTION V. ELECTION CALLED.

When said petition has been signed by thirty-five per centum of the electors qualified to vote for a successor to such officer, as shown by the returns of the last general election, said petition shall be deemed sufficient to authorize the calling of an election for the purpose of electing a successor to such officer, and it shall be the duty of the city clerk, as hereinafter provided, to call such election. Said petition shall be open at all times to the inspection of any elector of the city, and when requested to do so by any qualified elector, the city clerk shall total the number of signatures to the petition and compare same with the registration lists containing the names of the electors of the city; and at any time within thirty days from the date of the publication of the notice to voters, when there shall be a number of signers to said petition equal to thirty-five per centum of the electors of said city qualified to vote for a successor to such officer, as shown by the returns of the last general election, and in any event not later than five days after the expiration of said thirty days, the said city clerk shall certify to the sufficiency or insufficiency of the petition to the commission, and he shall further certify that all signatures to the petition are genuine and were affixed to said petition in his office and in his presence and that each signer thereof either read said petition or had same read to him before signing same. Whereupon the city clerk, if said petition is sufficient as provided herein, shall within ten days from the date of his certificate, call the election petitioned for; and said election shall be conducted as a special election. The successor of any officer so recalled and removed shall hold office during the unexpired term of his predecessor.

SECTION VI. ELECTION DENIED.

If sufficient signatures are not affixed to said petition within thirty days of the publication of the notice

to voters, said petition shall remain on file with the city clerk, and said recall shall be denied; provided, that the failure to obtain sufficient signatures shall be no bar to the institution of other proceedings in conformity with this article.

SECTION VII. INCUMBENT A CANDIDATE.

Any person sought to be removed may be a candidate to succeed himself, and if he so requests in writing, the proper officer or officers shall place his name on the official ballot. In any such recall election the candidate receiving the highest number of votes shall be declared elected. If at any such elections some person other than the incumbent receives the highest number of votes, the said incumbent shall be deemed to have been removed and shall vacate the office upon the qualifications of his successor, which shall be within ten days from the declaration of the result. If the incumbent receives the highest number of votes he shall continue in office.

SECTION VIII. DISQUALIFIED FOR ONE YEAR.

Any person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to no office under the city government within one year after said removal by recall or resignation.

ARTICLE XIII. REVENUE

SECTION I. SYSTEM FOR REVENUE COLLECTION.

The commission shall by ordinance provide a system for the collection, custody and disbursement of all public monies, and establish as nearly as may be a uniform system of municipal accounting.

SECTION II. ANNUAL BUDGET.

On or before the first Tuesday in June of each year, or at such other time as the commission may by ordinance require, the city manager shall submit in writing to the commission an annual budget for the ensuing fiscal year, giving detailed estimates of the needs and requirements of the several departments and other divisions of the city government, according to a classification as nearly uniform as possible, and the amounts required for the proper conduct of the various departments and divisions of the city government for the ensuing fiscal year. Said budget shall present the following information:

(a) An itemized statement of the appropriations recommended by the city manager for current expenses and for permanent improvements for each department and each division thereof for the ensuing fiscal year, with comparative statements in parallel columns of the appropriations and expenditures for the current year, and the increases or decreases in the appropriation recommended;

(b) An itemized statement of the taxes required, and of the estimated revenues of the city from all other sources, for the ensuing fiscal year, with a comparative statement in parallel columns of the taxes and

other revenues for the current year, and of the increases or decreases estimated or proposed;

(c) A statement of the amount of revenue needed to create a sinking fund to be used:

(1) For the payment of interest coupons as they fall due,

(2) For the payment of bonds as they fall due, and

(3) For the payment of such parts of judgments as the city may by law be required to pay;

(d) A statement of the financial condition of the city;

(e) Such other information as may be required by the commission.

SECTION III. LEVY OF TAXES.

The board of commissioners shall, by ordinance or resolution, on or before the first Tuesday in August, or at such other time as may by resolution or ordinance be provided, of each year levy an ad valorem tax for all purposes, except as herein otherwise provided, of not to exceed the limit provided by the constitution and laws of the state which said levy shall include the levy for park and library purposes. Said ordinance or resolution shall specify distinctly the purpose for which said tax is levied, and no tax levied or collected for one purpose shall ever be diverted to any other purpose. The tax so levied, when collected, shall be kept in the fund created.

SECTION IV. LEVY OF ADDITIONAL TAXES.

The board of commissioners shall, on or before the first Tuesday in August of each year, or at such other time as may by resolution or ordinance be provided, levy sufficient additional revenue to create a sinking fund to be used

(1) For the payment of interest coupons as they fall due,

(2) For the payment of bonds as they fall due,

(3) For the payment of such parts of judgments as such municipality may by law be required to pay; provided, that said city shall not be required to pay an amount to exceed one-third of the original amount of all judgments in any one year.

SECTION V. RATE OF TAXATION.

For the purpose of erecting public buildings in said city, the rates of taxation herein limited may be increased when the rate of such increase and the purpose for which it is intended shall be submitted to a vote of the electors of said city, qualified to vote for such purpose, and a majority of the electors of said city, qualified to vote for such purpose, voting at such election, shall vote therefor; provided, that

such increase shall not exceed five mills on the dollar of the last assessed value of the taxable property of said city.

SECTION VI. COLLECTION OF TAXES.

The various levies provided by this article, and all other taxes and assessments provided in this charter, shall be certified by the city clerk to the county clerk of Woodward County, to be by said county clerk placed on the tax rolls for collection, subject to the same penalty, and collected by the county treasurer as other taxes are collected by the county treasurer, as is provided by law for the collection of taxes, and paid by him to the city treasurer; and such payments shall include all penalties collected on such city taxes and special assessments. The entire amount of all city levies shall be placed upon the tax rolls as one levy to be known as the "city levy".

SECTION VII. DUTIES OF COUNTY TREASURER.

The county treasurer shall, on January fifteenth, May fifteenth, July fifteenth, and November fifteenth, of each year, and more often if required by the commission, pay over to the city treasurer all monies and evidence of indebtedness collected and payable to said city, which shall include all penalties collected on city taxes and assessments, including special assessments, and render a full, itemized statement thereof to the commission and the county treasurer shall take duplicate receipts from the city treasurer for the same and file one of said receipts with the city clerk; and the city clerk shall enter in a book for that purpose, and under the proper head, all amounts for which receipts are given.

ARTICLE XIV. PUBLIC SERVICE CORPORATIONS

SECTION I. RESERVATION OF CONTROL OVER PUBLIC HIGHWAYS, CHARGES REGULATED, EXCLUSIVE FRANCHISES PROHIBITED.

No grant, extension or renewal of any franchise or other use of the streets, alleys, or other public grounds of this municipality, shall divest the city of its control and regulation of such use and enjoyment. Nor shall the power to regulate the charges for public services be surrendered, and no exclusive franchise shall ever be granted.

SECTION II. COMMISSION SHALL TAX AND REGULATE.

The commission shall be vested with the power of adopting all laws and ordinances not inconsistent with the constitution and laws of this state, for the taxation, regulation, and control of all public service and public utility corporations now or hereafter existing or operating in whole or in part within the city.

SECTION III. POWER OF TAXATION OVER PUBLIC SERVICE CORPORATIONS.

All public service and utility corporations now or hereafter existing within the city, whether in whole or in part, shall be subject to the levy, collection and payment of all such taxes as are now or as hereafter

may be authorized by the constitution and laws of the state of Oklahoma and by this charter.

SECTION IV. GRANTS, RENEWALS AND TERMINATION OF FRANCHISES.

All grants and renewals of franchises and privileges shall reserve to the city the right to terminate the same and to purchase all the property of the utility in the streets, avenues, alleys and public places in the city and elsewhere as may be provided in the franchise making the grant or renewal, used in or useful for the operation of the utility, at such prices as may be agreed upon between the owner and the city; and in the event of disagreement the same may at the option of the city be submitted to arbitration under the arbitration laws of the state of Oklahoma; or in the event no arbitration agreement can be reached, then the city may obtain such property by condemnation under the eminent domain laws of the state of Oklahoma.

SECTION V. PURCHASE PRICE.

No franchise making such grant or renewal shall be valid unless it shall expressly provide therein that the price to be paid by the city for the property that may be acquired by it from such utility, by purchase, condemnation or otherwise, shall exclude all value of such grant or renewal.

ARTICLE XV. MUNICIPALLY OWNED UTILITIES

SECTION I. ACQUISITION OF PROPERTY, PUBLIC UTILITIES.

Said city shall have power, within its territorial limits and within fifteen miles from said limits, to construct, purchase, acquire, lease, improve, add to, maintain, conduct and operate, in whole or in part, waterworks, light plants, telephone systems, power plants, transportation systems, heating plants, incinerating plants, and other public utility or works or ways local in use, and everything required therefor for the use of said city and the inhabitants thereof. Any such systems, plants, works or ways, or any contracts in relation or connection therewith that may exist and which said city may desire to purchase in whole or in part, may be purchased or acquired, in whole or in part, by said city, which may enforce such purchase by proceedings at law or in equity by right of eminent domain; and said city shall have the power to issue bonds upon the vote of the taxpaying electors at any special or general election, in any amount necessary to carry out any of said powers or purposes, said amount being limited by the constitution and the laws of the state of Oklahoma only.

SECTION II. BASIS FOR CHARGE FOR SERVICE.

In the operation of any public utility or business owned by the city, if the funds invested therein be the proceeds of the sale of bonds issued by the city, the rate of toll or charges for the commodity and service furnished shall be based on not less than the cost of production of such commodity and service furnished, plus three per centum per annum on the investment; provided, that in determining the cost of such commodity and service a sufficient deduction must first be made from the annual gross earnings to create a depreciation reserve fund sufficient for the maintenance of the plant or plants against any

depreciation caused by wear and tear and loss of physical property in the operation of the plant or plants.

SECTION III. ACCOUNTS OF MUNICIPALLY OWNED UTILITIES.

Accounts shall be kept for each public utility owned or operated by the city, distinct from other accounts and in such manner as to show the true and complete financial result of such city ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the city of each public utility owned, the cost of all extensions, additions and improvements, all expenses of maintenance and renewals, the amounts set aside for sinking fund purposes, and, in case of city operation, all operating expenses of every description. The accounts shall show as nearly as possible the value of any service furnished to, or rendered by any such public utility, by or to any other city or governmental department. The accounts shall also show a proper allowance for depreciation, insurance, and interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The commission shall annually cause to be made and printed for public distribution a report showing the financial result of such city ownership, or ownership and operation, which report shall give the information specified in this section and such other information as the commission shall deem expedient.

ARTICLE XVI. MISCELLANEOUS PROVISIONS

SECTION I. COMPENSATION OF OFFICERS.

The commission shall by ordinance fix the compensation of the city manager, the city treasurer and the municipal counsellor. The city manager shall fix the number, and salaries or compensation, of all other officers and employees. The salaries or compensation so fixed shall be uniform for like service in each grade of the service as same shall be graded or classified by the city manager. Except as otherwise provided in this charter all fees for monies collected by officers and employees shall be paid to the city clerk and receipts therefor taken, said receipts to show on their face the purposes for which said monies were collected.

SECTION II. NO COMPENSATION EXCEPT SALARY.

No elective or appointive officer shall receive any further compensation than specified in the salary attaching to his position at the time of his election or appointment, no person being permitted under any circumstances to draw more than one salary from the city for any and all services.

SECTION III. NO APPOINTMENT FOR DEFINITE TIME.

No appointment to an office or place in the city shall be made for any definite time.

SECTION IV. CITY OFFICIAL CANNOT HOLD TWO OFFICES.

No person holding office or employment under the United States government, or the state of Oklahoma, notaries public excepted, or in any other state or municipality, or any agent or employee of any public service corporation doing business in the city, shall hold any position under the city.

SECTION V. OFFICERS OR EMPLOYEES TO HAVE NO INTEREST IN ANY CITY CONTRACT.

No officer or employee of the city, elective or appointive, shall be interested, directly or indirectly, in any contract or job for work or for material or supplies, or the profits thereof, or any purchase made for or sales by, to or with the city, or own stock in any corporation having any contract or subcontract for doing any job or work; and all such contracts with such city officers or employees shall be void, and the violation of this clause shall be deemed a sufficient cause for the removal from office or employment of such officer or employee.

SECTION VI. 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 any person or persons any office, position, employment, or anything of value, for the purpose of influencing or obtaining support, political or otherwise, aid or influence of any person or persons; the doing of any of which things shall be grounds for removal from office of such officers, employee, or candidate, if elected.

SECTION VII. NEPOTISM PROHIBITED.

No person who is a relative by blood or marriage within the third degree of any of the commissioners or the city manager shall be appointed to any city office or employment.

SECTION VIII. COMMISSIONER CANNOT ACCEPT NEWLY CREATED OFFICE.

No commissioner shall be appointed to any office created by the commission during his term of office, until the expiration of one year after his connection with said office shall have been severed.

SECTION IX. OFFICERS MAY ADMINISTER OATHS.

The mayor, municipal judge, and the city clerk, shall have the power to administer oaths.

SECTION X. CLAIMS AGAINST THE CITY.

All claims against the city must be filed with the city clerk in writing, with a full account of all items thereof, and must be subscribed by the claimant, his agent or attorney who, on oath, shall declare that the same is correct, just, due and unpaid; and no claim or demand shall be allowed or suit filed thereon unless so prepared and filed.

SECTION XI. 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 double the amount allowed or paid.

SECTION XII. AUDITING OF ACCOUNTS AND PUBLICATION OF SAME.

At the end of each fiscal year, and at such other times as it may be deemed necessary, the commission shall cause a full and complete examination of all the books and accounts of the city, including the accounts of municipally owned utilities to be made by a competent, certified accountant, and shall publish the results of such examination in some newspaper of general circulation in the city.

SECTION XIII. EXEMPTION FROM TAXATION.

The commission, when authorized by a majority vote of the qualified electors of the city, is hereby empowered and authorized to exempt from municipal taxation, for a period of not to exceed five years, manufacturing establishments and public utilities, as an inducement to their locating in the city; provided, however, that 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.

SECTION XIV. AMENDMENT AND REPEAL.

This charter may be amended at any time by initiated petition as provided by the constitution and laws of the state of Oklahoma at an election at which the proposed amendment is submitted to a vote of the qualified electors of the city, by a majority vote of such electors voting at such election on such proposed amendment. The commission may propose and submit any amendment to this charter to a vote of the qualified electors of the city at any general or special election. At such elections the general election laws of the state shall govern.

SECTION XV. SAVING CLAUSE.

If any section or part of a section of this charter is determined by a court of competent jurisdiction to be invalid, it shall not invalidate or impair the force or effect of any other section or part of a section of this charter, except insofar as such other section or part of a section is dependent for its operation upon the section so held to be invalid.

ARTICLE XVII. ELECTIONS

SECTION I. FIRST ELECTION.

On the fourth Tuesday after this charter shall have been approved by the governor, a city election in the city of Woodward shall be held for the purpose of electing the five commissioners and the city treasurer provided for by this charter, who, when elected, shall be the officers of the city of Woodward, beginning

on the first Monday after their election, with the terms of office as provided in this charter.

SECTION II. CALL OF FIRST ELECTION.

Said election shall be called by the mayor, within ten days after the governor of the state shall have approved the charter; and, in the event said mayor, by reason of his absence, sickness, or for any other reason, does not call said election within said ten days after the governor shall have approved this charter, then the president of the city council shall call said election within three days thereafter.

SECTION III. CANDIDATES.

A. Any person desiring to be a candidate for the office of commissioner or city treasurer may, at first said election or any city election thereafter held for the purpose of electing such officer, have his name printed on the ballots and become such candidate by filing a statement of such candidacy with the secretary of the county election board, in substantially the following form:

State of Oklahoma, county of Woodward, ss.

I, , being duly sworn, say that I reside in the ward in the city of Woodward in Woodward County; that I am a qualified voter therein, and have been for more than two years a qualified elector in said city; that I am a candidate for election to the office of of the city of Woodward to be voted upon at the election to be held on the day of , 19_, and I hereby request that my name be printed upon the official ballot as signed below for election to such office.

Signed

Subscribed and sworn to before me this day of , 19_.

(Some officer authorized to administer oaths)

B. The filing period for the filing required in subsection A above shall be between 8:00 a.m. and 5:00 p.m. on the last consecutive Monday, Tuesday and Wednesday in February preceding a general election. For special elections, the filing period for the filing required in subsection A above shall be between 8:00 a.m. and 5:00 p.m. on the first consecutive Monday, Tuesday and Wednesday subsequent to the calling of the special election.

C. Candidates may file for no more than one office per election.

D. Any candidate may contest the candidacy of any other candidate for the same office by filing a written petition with the secretary of the county election board. Said petition must be filed no later than 5:00 p.m. on the second day following the filing period and must allege that the contested candidate was not qualified by law to become a candidate and the reasons therefor. Reasons not appearing on the face of the petition shall be considered waived and shall not be grounds for a contest. A deposit of

\$150.00, cashier's check or certified check, must accompany the petition. If a candidate is unopposed in his candidacy, any registered voter qualified to vote for the candidate may file the petition of contest. Notice and hearing shall be in accordance with the laws of the state of Oklahoma.

SECTION IV. BALLOTS.

The ballots used in all elections provided for in this charter shall be without marks, emblems, or designations of any political party.

SECTION V. COUNTING BALLOTS, RETURNS.

The election board of each voting precinct of said city shall count the voted ballots and ascertain the number of votes in such precinct for each candidate voted for, and make returns thereof to the county election board as provided by law, or to such officer as may be provided by the laws of the state of Oklahoma, within six hours after the closing of the polls; counting of ballots shall commence at such time as set by the general election laws of the state of Oklahoma. (Amended 1984)

SECTION VI. GENERAL ELECTION LAWS OF THE STATE ADOPTED.

In said first election for the purpose of electing commissioners and a city treasurer, and in all elections thereafter in said city, both special and general, and in all proceedings whatever relating to elections in the city of Woodward, the general laws of the state of Oklahoma applicable to municipal elections in cities of the first class are hereby adopted and put in full force and effect, except as otherwise provided in this charter.

SECTION VII. TIE VOTE.

In case of a tie in any election, the candidates having the same number of votes shall cast lots for the office.

SECTION VIII. VACANT.

SECTION IX. QUALIFIED VOTERS.

Only registered voters residing within the corporate limits of the city of Woodward are qualified to vote in a municipal election. Voting registration for an election shall close 10 days prior to said election.

SECTION X. COUNTY ELECTION BOARD.

All municipal elections for the city of Woodward shall be conducted by the Woodward county election board in accordance with the laws of the state of Oklahoma.

SECTION XI. NOTICES.

A. General Election. Notices of the election must be given to the county election board by resolution of the city commission no less than fifteen (15) days prior to the filing period for the election.

B. Special Election. Notice of a special election must be given to the county election board by resolution of the city commission no less than forty-five (45) days prior to the special election.

SECTION XII. SPECIAL ELECTIONS.

When deemed advisable, the city commission shall authorize the mayor to call a special election for the purpose of submitting to the registered voters of Woodward the question of the issuance of municipal bonds, the granting of any franchise, or for any other purpose authorized by law. Such special election shall be held at least forty-five (45) days from the date said election is called and shall be held on a Tuesday and in accordance with the laws of the state of Oklahoma.

CERTIFICATE OF BOARD

State of Oklahoma, county of Woodward, ss.

BE IT KNOWN, That the city of Woodward, in the county of Woodward, state of Oklahoma, is a city of the first class containing a population of more than two thousand inhabitants; and, at an election held on the 5th day of April, 1921, in said city, under and in accordance with article eighteen of the constitution of Oklahoma and the laws of said state, the undersigned eight freeholders, two from each of the four wards in said city, were elected and they constitute the board of freeholders of said city to prepare and propose a charter therefor to be signed in duplicate and filed according to law.

And, thereafter, each and all of said freeholders duly qualified, and, in pursuance to the constitution and laws of the state of Oklahoma, met and organized by electing J.H. Hopkins, chairman, and J. Everett Smith, secretary, of said board of freeholders, which has met from day to day and from time to time, and has prepared and adopted and does hereby propose to the qualified electors of the city of Woodward the said above and foregoing charter for adoption or rejection.

IN TESTIMONY WHEREOF, We hereto sign our names in duplicate, this, the 16th day of June, 1921.

First Ward: E.R. LINN

W.H. MOHR

J.H. HOPKINS
Chairman

Second Ward:

W.H. LEWIS

M.B. HALEY

Third Ward:

R.A. BOYLE

J. EVERETT SMITH

Secretary

Fourth Ward:

E.G. VOSBURGH

Approved by the voters at an election held July 29, 1921.

Approved by the governor of Oklahoma, attested by the secretary of state, and filed in the office of the secretary of state, at Oklahoma City, Oklahoma, March 5, 1929.

Filed and recorded in the office of the county clerk of Woodward County, Oklahoma, March 6, 1929.

Filed in the archives of the city of Woodward, Oklahoma, March 7, 1929.