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We, the people of the City of Bethany, Oklahoma, exercising the powers of home rule granted to us by the Constitution and laws of the State of Oklahoma, in order to provide for more efficient, adequate, and economical government, do hereby ordain, ratify, and establish this Charter of the City of Bethany, Oklahoma.

ARTICLE I: INCORPORATION, FORM OF GOVERNMENT, POWERS

SECTION 1-1. INCORPORATION; ANNEXATION, CONSOLIDATION, MERGING.

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

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

SECTION 1-2. FORM OF GOVERNMENT.

The municipal government provided by this Charter shall be known as the “Council-Manager Government.” All powers of the City shall be exercised in the manner prescribed by this Charter or, if the manner is not prescribed, then in such manner as the Council may prescribe by ordinance.

SECTION 1-3. POWERS OF THE CITY.

The City shall have all the powers, functions, rights, privileges, franchises, and immunities granted to cities by the State Constitution and law and all implied powers necessary to carry into execution all the powers granted. Except as prohibited by the State Constitution and law, the City shall have all municipal powers, functions, rights, privileges, franchises, and immunities of every name and nature whatsoever.

The City shall have power to adopt a corporate seal and to alter it at pleasure, to sue and be sued, and to make contracts. It shall have power to acquire property within or without its

corporate limits for any City purpose, including public utilities, works and ways, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation, or other legal means; and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey, or otherwise dispose of, such property as its interests may require, including public utilities, works and ways. It shall have power to issue bonds in the manner and within the limitations prescribed by the State Constitution and law. It shall have the power, within the limits prescribed by the State Constitution and law, to accept and administer federal and state grants-in-aid and to do everything 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, consistent with the State Constitution and law, for the proper organization and functioning of City government, for the preservation and enforcement of good government and order, for the protection and benefit of trade and commerce, for the protection of health, life, safety, morals, and property, for the prevention, summary abatement, and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend, and renew franchises in accordance with the State Constitution and law. The City shall have the power to engage directly or indirectly in advocacy calculated to influence legislative and administrative matters at all levels of government.

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

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.

SECTION 1-4. INTERGOVERNMENTAL RELATIONS.

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

ARTICLE II: LEGISLATIVE DEPARTMENT

SECTION 2-1. COUNCIL; LEGISLATIVE AUTHORITY VESTED IN, ELECTION, TERM.

The legislative authority of the City shall be vested in and exercised by the City Council. The electors shall elect its members as provided in this Charter for a term of four years and until their successors have been elected and qualified.

(Amended 10-14-03)

SECTION 2-2. COUNCIL: QUALIFICATIONS.

There shall be two Council members from each of the four (4) wards of the City. To become eligible as a candidate for Councilmember a person must, for at least one (1) year prior to filing a declaration of candidacy, be a registered voter and resident of the ward of the City. If a Councilmember ceases to be a resident of the ward in which he was elected, he shall thereupon cease to be a Councilmember.

(Amended 10-14-03)

SECTION 2-3. MAYOR: QUALIFICATIONS, DUTIES.

To become eligible as a candidate for Mayor a person must, for at least one (1) year prior to filing a declaration of candidacy, be a registered voter and resident of the City. The Mayor shall be nominated and elected at large. If he ceases to be a resident of the City, he shall there upon cease to be Mayor. The term of office of Mayor shall be four (4) years and until a successor has been elected and qualified. The Mayor shall be ex-officio a member of the Council. He shall preside at all meetings of the Council, and may participate with and have a vote in all proceedings of, and business transacted by, the Council; but he shall have no power of veto. He shall certify all ordinances and resolutions passed by the Council. He shall sign all contracts awarded by the Council, all warrants drawn on the City Treasury in payment of claims and obligations of the City duly authorized by the Council, and all commissions and certificates of appointment made by the Council, provided a facsimile signature may be used except where prohibited by law. He shall, by proclamation, call all special elections of the City and the officials to conduct the same, as shall be authorized by the Council, the Constitution, and general laws of the State or this Charter. He shall perform such other ministerial duties as the Council may direct and may direct and such other special duties as may be required by law. He shall be recognized as head of the City Government for all ceremonial purposes and by the Governor for purposes of military law. He shall have no regular administrative duties except as otherwise provided in this Charter.

(Amended 10-14-03)

SECTION 2-4. VICE-MAYOR: APPOINTMENT, DUTIES.

The Council shall appoint one of its members Vice-Mayor for a term of one year at the first meeting in June of each year. He shall act as Mayor during the absence or disability of the Mayor, and if a vacancy occurs shall become Mayor for the completion of the unexpired term. If, by succession to the office of Mayor or otherwise the office of Vice-Mayor becomes vacant, the Council shall appoint another Vice-Mayor.

SECTION 2-5. MAYOR AND COUNCIL: COMPENSATION.

The Mayor and each Councilmember shall receive such compensation as may be prescribed by ordinance; provided that neither the compensation of the Mayor or of any Councilmember shall be changed after his election or during his current term of office.

SECTION 2-6. COUNCIL: POWERS.

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

1. Appoint and remove the City Manager as provided in this Charter;
2. By ordinance enact municipal legislation;
3. Raise revenue, make appropriations, regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the City subject to the provisions of the State Constitution and law and this Charter;
4. Establish or adopt a pension, retirement, and/or social security system or systems for any or all groups of the officers and employees in the service of the City, either alone or in cooperation with other municipalities, the state or federal government, or all;
5. Inquire into the conduct of any office, department, or agency of the City, and investigate municipal affairs;
6. Appoint and remove its own subordinates, the members of the Personnel Board, the members of the Planning Commission, the Board of Adjustment and other quasi-legislative or quasi-judicial authorities, the members of the zoning authorities, now existing or when and if established, or prescribe the method of appointing or electing and removing them;
7. Grant pardons, including the remission of fines and costs upon the recommendation of the Municipal Judge;

8. Regulate elections and the initiative and referendum within the limits prescribed by the State Constitution and law and this Charter;

9. Regulate the organization, powers, duties, and functions of the Municipal Court and of the Minor Violations Bureau, when and if established, within the limits prescribed by the State Constitution and law and this Charter;

10. Create, change, and abolish all offices, departments, and agencies of the City other than the offices, departments and agencies established by this Charter; and assign additional functions and duties to

offices, departments, and agencies established by the Charter;

11. Regulate or prohibit the keeping of domestic fowls, animals, and livestock within the City, and as a part of such regulation tax the owners and harborers of dogs;

12. Regulate the moving of buildings into, within, or through the City; provided that no such building shall be moved into, within, or through the City except on permit issued by the Planning Commission pursuant to such regulations as the Council may make;

13. To define, control, and prohibit public nuisances within the City of Bethany;

14. To determine all local matters of policy, except as may be prohibited by the Oklahoma Constitution.

SECTION 2-7. COUNCIL NOT TO INTERFERE IN APPOINTMENTS AND REMOVALS.

Neither the Council, Mayor, nor any of its other members may direct or request the appointment of any person to, or his removal from, office or employment by the City Manager or by any other authority; or, except as provided in this Charter, participate in any manner in the appointment or removal of officers and employees of the City. The Mayor, Council, and its members shall deal with the administrative service solely through the City Manager in all matters pertaining to the administration of the affairs of the City, and neither the Mayor, Council, nor any member thereof shall give orders, either publicly or privately, on administrative matters to any subordinate of the City Manager. Nothing herein contained shall restrict an employee's right to exercise any rights guaranteed to them under the United States Constitution and Oklahoma Constitution.

SECTION 2-8. CITY CLERK.

The City Clerk, hereinafter provided for, shall keep the journal of the proceedings of the Council, shall enroll in a book or books kept for the purpose all ordinances and resolutions

passed by it, and shall perform such other duties as this Charter may require and as the Council may prescribe.

SECTION 2-9. MAYOR AND COUNCIL: WHEN INDUCTED INTO OFFICE, MEETINGS.

The terms of office of the Mayor and Council members shall begin at the date and time of the first regularly or specially scheduled City Council meeting following their certification of election. If the Mayor-elect or a Councilmember-elect fails to qualify within one month after the beginning of his term of office, his office shall become vacant. The Council shall meet regularly at least monthly at such times as it shall prescribe by ordinance. The Mayor or any three Council members may call special meetings by filing such call with the City Clerk, setting forth therein the date and time of such meeting and the business to be transacted and such call shall be entered at length in the minutes of the meeting, and no business shall be transacted at such meeting except that which is specified in the call. The City Clerk shall immediately give notice, under seal of the City, to the Mayor and Council members showing the date and time of the meeting, and the business to be transacted.

(Amended 10-14-03)

SECTION 2-10. MAYOR AND COUNCIL: ABSENCES TO TERMINATE OFFICE.

If the Mayor or any Councilmember shall be absent from more than one-half ($\frac{1}{2}$) of all the regularly scheduled meetings of the Council held within any period of four (4) consecutive calendar months, he shall thereupon cease to hold such 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.

(Amended 10-14-03)

SECTION 2-11. MAYOR AND COUNCIL: REMOVAL.

The Mayor, Vice-Mayor, or any Councilmember may be removed from office for the willful violation of any provision of this Charter, or for any cause specified by applicable State law for the removal of officers, and by the method or methods prescribed thereby.

SECTION 2-12. COUNCIL: VACANCIES.

The Council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms within thirty (30) days of the date the vacancy occurs. Provided, if a vacancy occurs in the office of Councilmember which office has more than twelve (12) months remaining on an unexpired term, then the remaining members of the City Council shall call for a special election for the purpose of filling the vacancy for the duration of the unexpired term. The election shall be held within ninety (90) days of the date the Council

position becomes vacant.
(Amended 10-14-03)

SECTION 2-13. COUNCIL: QUORUM, RULES, YEAS AND NAYS.

A majority of all of the members of the Council shall constitute a quorum, but a smaller number may adjourn from day to day. The Council shall determine its own rules.

SECTION 2-14. ORDINANCES: ENACTING CLAUSE.

The enacting clause of all ordinances passed by the Council shall be: “Be it ordained by the Council of the City of Bethany,” and of all ordinances proposed by the voters under their power of initiative: “Be it ordained by the People of the City of Bethany.”

SECTION 2-15. ORDINANCES: PASSAGE, PUBLICATION, WHEN EFFECTIVE.

Every proposed ordinance shall be read, either in full or by title, and a vote of a majority of all the Council members shall be required for the final passage of an ordinance. The vote on final passage of every ordinance shall be by yeas and nays and shall be entered in the journal. Except as may be required by this Charter for the publication of ordinances relating to particular matters, every ordinance shall be published by title within ten (10) days after its passage in a newspaper of general circulation in the City. Every ordinance, except an emergency ordinance, shall become effective thirty (30) days after its final passage unless it specifies a later time.

SECTION 2-16. ORDINANCES: EMERGENCY.

An emergency ordinance is an ordinance which, in the judgment of the Council, is necessary for the immediate preservation of peace, health, or safety, and which shall become effective immediately upon passage and approval unless it specifies a later time. Every such ordinance shall contain, as part of its title, the words: “and declaring an emergency;” and in a separate section herein called the emergency section shall declare the emergency setting forth the general facts constituting the emergency. The Council shall vote on the emergency section separately, and must adopt the section by a vote of at least three-fourths (3/4) of all its members, which vote shall be by yeas and nays and entered in the journal.

SECTION 2-17. ADOPTION BY REFERENCE.

The Council, by ordinance, may adopt by reference codes, ordinances, and standards relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such a code, ordinance, or standard so adopted need not be enrolled in the book of ordinances but a copy shall be filed and kept in the office of the City

Clerk. The City Clerk shall keep copies of every such code, ordinance, or standard in force for distribution or sale at their approximate cost.

SECTION 2-18. ORDINANCES: CODIFICATION.

The ordinances of the City shall be codified and published in book or pamphlet form at least every ten (10) years unless the Council, by use of a loose leaf system and process of amendment, keeps the code up-to-date. Titles, enacting clauses, and emergency sections may be omitted from the code; and temporary and special ordinances and parts of ordinances may be omitted. Permanent general ordinances and parts of ordinances which are to be repealed by the code shall be omitted from the code. The 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 relating to the City and provisions of this Charter. A copy of the published code shall be filed in the office of the City Clerk, but the code need not be enrolled in the book of ordinances.

ARTICLE III: CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

SECTION 3-1. CITY MANAGER: APPOINTMENT, TERM, QUALIFICATIONS, REMOVAL.

There shall be a City Manager. The Council shall appoint him for an indefinite term by a majority vote of all its members. The City Manager shall at time of appointment have a Bachelor Degree from an accredited university or college in a field which the Council deems appropriate.

At the time of his appointment he need not be a resident of the City or State; but, during his tenure of office he shall reside within the City. No Councilmember or Mayor may be appointed City Manager during the term for which he shall have been elected nor within two (2) years after the expiration of his term. The Council may suspend or remove the City Manager with or without cause at any time by a vote of a majority of all its members.

SECTION 3-2. ACTING CITY MANAGER.

To perform his duties during his temporary-absence or disability the City Manager, by letter filed with the City Clerk, may appoint a qualified administrative officer of the City to be Acting City Manager. If the City Manager fails to make such designation, or if the Council suspends the City Manager, or if there is a vacancy in the office of the City Manager, the Council may appoint an Acting City Manager to serve until the City Manager returns, or until his disability or suspension ceases, or until it appoints another City Manager. The Council must appoint a new City Manager within six (6) months after the office of City Manager becomes vacant. The Council may suspend or remove an Acting City Manager with or without cause at any time by a vote of a majority of all its members.

SECTION 3-3. CITY MANAGER: POWERS AND DUTIES.

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

(1) Appoint and when necessary, for the good of the service, remove any or all heads of administrative departments and other administrative officers and employees of the City except as otherwise provided in this Charter. The City Manager may authorize the head of a department, an officer, or an agency to appoint and remove subordinates in such department, office, or agency, subject to such merit system regulations as the Council may ordain.

(2) Supervise and control, directly or indirectly, all administrative departments, offices, and agencies appointed by himself or by his subordinates.

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

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

(5) Keep the Council advised of the financial condition and future needs of the City, and make such recommendations as may seem to him desirable.

(6) Perform such other duties as this Charter may prescribe and such duties as the Council may prescribe, consistent with this Charter.

SECTION 3-4. ADMINISTRATIVE DEPARTMENT, OFFICES AND AGENCIES.

There shall be a Department of Finance, a Police Department, a Fire Department, and such other administrative departments, offices and agencies as are established by this Charter and as the Council may establish.

ARTICLE IV: DEPARTMENT OF FINANCE, FISCAL AFFAIRS

SECTION 4-1. CITY CLERK: OFFICE CREATED, DUTIES.

There shall be a City Clerk who shall be an officer of the City appointed by the City Manager for an indefinite term. Subject to such regulations as the Council may prescribe, the City Clerk shall collect or receive revenue and other money for the City, and shall deposit the same with the City Treasurer in an account or accounts maintained by the City Treasurer in a depository or depositories. The City Clerk shall maintain a general accounting system for the City government.

SECTION 4-2. CITY TREASURER: OFFICE CREATED, DUTIES.

There shall be a City Treasurer who shall be an officer of the City appointed by the City Manager for an indefinite term. Subject to such regulations as the Council may prescribe the City Treasurer shall deposit all funds coming into his hands in such depositories as the Council may designate. The person holding the office of City Clerk may also hold the office of City Treasurer.

SECTION 4-3. PURCHASES AND SALES.

The City Manager, subject to any regulations which the Council may prescribe, shall contract for and purchase, or issue purchase orders for, all supplies, materials, and equipment for the offices, departments, and agencies of the City government. Every such contract or purchase exceeding an amount to be established by ordinance shall require the prior approval of the Council. The City Manager also may transfer to or between offices, departments, and agencies, or sell surplus or obsolete supplies, materials, and equipment subject to such regulations as the Council may prescribe. Before the purchase of or contract for any supplies, materials, or equipment, or the sale of any surplus or obsolete supplies, materials, or equipment, ample opportunity for competitive bidding under such regulations and with such exceptions as the Council may prescribe shall be given; but the Council shall not except a particular contract, purchase, or sale from the requirement of competitive bidding.

SECTION 4-4. SALE OF PROPERTY VALUED AT MORE THAN \$10,000.00.

The sale of any property, real or personal, or of any interest therein, including the sale of public utilities, the value of which is more than \$10,000.00 shall be made only by authority of a special ordinance other than an emergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation within the City within ten (10) days after its passage and

shall include a section reading substantially as follows: “Section _____. This Ordinance shall be referred to a vote of the electors of the City if a proper referendum petition is properly filed within thirty (30) days after its passage; otherwise, it shall go into effect thirty (30) days after its passage.”

SECTION 4-5. PUBLIC IMPROVEMENTS.

Public improvements may be made by the City government itself or by contract. The Council shall award all contracts for such improvements; provided, that the Council may authorize the City Manager to award such contracts not exceeding an amount to be determined by the Council, and subject to such regulations as the Council may prescribe. Every contract for public improvements of such amount as the Council may determine by ordinance, or such amount as may be required by the Oklahoma Public Competitive Bidding Act, whichever amount is greater, shall be awarded to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the Council may prescribe, or as is required by law. All bids may be rejected and further notice and opportunity for competitive bidding may be given. Such contracts may be altered by mutual consent of the parties. Public improvement means any beneficial or valuable change or addition, betterment, enhancement, or amelioration of or upon any real property, or interest therein, belonging to a public agency intended to enhance its value, beauty, or utility, or to adopt it to new or future purposes. The term does not include the direct purchase of materials, equipment, or supplies by a public agency. Nothing herein shall prevent the City from constructing public improvements by the Force Account method.

SECTION 4-6. FISCAL YEAR.

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

SECTION 4-7. INDEPENDENT ANNUAL AUDIT.

The Council shall designate a qualified public accountant or accountants who shall make an independent annual audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices, and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year or more often at the discretion of the Council, and who shall report to the Council and to the City Manager. In lieu of the above, the Council may arrange with an appropriate State authority for such an audit when and if permitted by law.

ARTICLE V: OFFICERS TO BE APPOINTED BY THE COUNCIL

SECTION 5-1. CITY ATTORNEY: APPOINTMENT, TERM, QUALIFICATIONS, DUTIES.

The Council shall appoint a City Attorney on the first Tuesday in June in every odd-numbered year or as soon thereafter as practicable. He shall serve for a term of two (2) years and until his successor is appointed and takes office. The City Attorney shall be a qualified elector of the City and shall be licensed to practice law in the Courts of the State of Oklahoma. The Council may suspend or remove the City Attorney by a majority vote of all the members of the City Council. The Council may fill vacancies in the office of City Attorney for the unexpired term. It shall be the duties of the City Attorney to attend Council meetings; to prepare ordinances and resolutions when directed by the Council or other proper authority of the City; to advise the City Council, City Manager, and other officers of the City as regards their official powers, duties, and responsibilities, upon request; to represent the City in suits in which the City is a party; and to perform such other duties as may be prescribed by law, this Charter or ordinance.

SECTION 5-2. MUNICIPAL COURT: APPOINTMENT, TERM, QUALIFICATIONS, DUTIES.

(a) Cases arising out of violations of the ordinances of the City shall be tried by the existing Municipal Court created by State law or a lawful successor of such court created by State law; provided, that the Council, by ordinance shall have power to create a municipal court to hear and determine such cases if and when it deems it necessary or desirable to do so.

(b) The Council shall appoint a Judge of the Municipal Court on the first Tuesday in June in every odd-numbered year or as soon thereafter as practicable. He shall serve for a term of two (2) years and until his successor is appointed and qualifies. The Municipal Judge shall be a qualified elector of the City. The Council may suspend or remove the Municipal Judge by a majority vote of all the members of the City Council. The Municipal Judge shall have original jurisdiction to hear and determine all cases involving offenses against the Charter and ordinances of the City; provided that the Council, by ordinance, may create a minor 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, who are able and willing to pay fines and costs, and who do plead guilty and pay fines and costs. The Municipal Judge shall have power to issue warrants; collect fines' costs, and bail forfeitures; and to commit to jail for nonpayment of fines and/or costs. The style of all process shall be in the name of the City. The Municipal Judge shall keep a docket of all proceedings of the Municipal Court showing the names of the defendant, the complaining party, the arresting officer, the offense charged, and the disposition of all cases and of all fines' costs, bond forfeitures and other money collected. Within the first three (3) days of every month the Municipal Judge shall make a report to the Council giving the information above specified, and shall pay to the City Clerk at such

times as the Council may prescribe, by ordinance, all fines' costs, forfeitures, and other money collected and belonging to the City. The Municipal Judge shall perform such other duties as shall be prescribed by law, this Charter, or ordinance. The Municipal Judge may administer oaths, make and enforce all proper orders, rules and judgments, and punish for contempt as provided by law.

ARTICLE VI: NOMINATIONS AND ELECTIONS

SECTION 6-1. NOMINATION AND ELECTION OF MAYOR AND COUNCILMEMBERS, NONPARTISAN ELECTIONS.

Candidates for Councilmember shall be nominated by wards, and Council members shall be elected by wards. Candidates for Mayor shall be nominated at large, and the Mayor shall be elected at large. Both the primary and general elections shall be nonpartisan, and no party designation or emblem shall be placed on the ballots.

SECTION 6-2. FILING FOR COUNCILMEMBER OR MAYOR-GENERAL.

Any person filing for the office of Councilmember or Mayor shall file with the Secretary of the Oklahoma County Election Board a sworn statement of candidacy stating the following:

- (a) his legal name as he desires it to appear on the ballot;
- (b) the street address of his residence;
- (c) the ward in which he resides;
- (d) age;

(e) office for which he is filing as a candidate. No reference to party affiliation shall be placed on the filing statement. A person may not file for both the offices of Mayor and Councilmember for the same election.

SECTION 6-3. PRIMARY ELECTION: FILING FOR MAYOR.

In every other odd-numbered year (once every four years), hereinafter called Mayor Election Year, any qualified person may have his name placed on the ballot for the primary election as a candidate for Mayor by filing as described in Section 6-2 hereof during the second Monday through the next succeeding Wednesday of January of a Mayor Election Year. Any incumbent Councilmember whose term does not expire in the current calendar year shall resign his Council position prior to filing for Mayor. In the event a Councilmember whose term is not expiring in the current calendar year files for Mayor without resigning his Council position, then his Council position shall become vacant immediately upon his filing for Mayor.

(Amended 10-14-03; Res. 1259 Amended and approved 12-12-06)

SECTION 6-4. PRIMARY ELECTION: FILING FOR COUNCILMEMBER.

In every odd-numbered year (once every two years), hereinafter called Council Election Year, any qualified person may have his name placed on the ballot for the primary election for Councilmember by filing as described in Section 6-2 hereof during the second Monday through the next succeeding Wednesday of January of a Council Election Year.

(Amended 10-14-03; Res. 1259 Amended and approved 12-12-06)

SECTION 6-5. PRIMARY ELECTION: TIME, WHEN NOT REQUIRED.

A primary election shall be held in the City on the first Tuesday in March of every Council Election Year to nominate candidates for the one position on the Council from each ward for which the term is expiring. A primary election shall be held in the City on the first Tuesday of March of every Mayor Election Year to nominate candidates for Mayor. If no office has more than one candidate at the election, all the candidates shall be not only nominated, but also elected to the respective offices ipso facto; and no primary or general election shall be held. If not more than one person is a candidate for a particular office at the election, he shall be not only nominated, but also elected to that office ipso facto; and his name shall not appear on the primary or general election ballot. Every qualified elector shall be entitled to vote for one candidate for Councilmember from his ward and also to vote for one candidate for Mayor for the City at large.

(Amended 10-14-03; Res. 1259 Amended and approved 12-12-06)

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

The two (2) candidates for Councilmember from each ward and the two (2) candidates for Mayor for the City at large receiving the greatest number of votes for the office for which they filed shall be nominated; provided that if one of the candidates for such office receives a majority of all votes cast for all candidates for such office, he alone shall be not only nominated but also elected ipso facto, and his name shall not appear on the ballot for the general election.

SECTION 6-7. GENERAL ELECTION: TIME, WHO ELECTED, WHEN NOT REQUIRED.

A general election shall be held in the City to elect a Mayor at large and one Councilmember from each ward on the first Tuesday in April in every Mayor Election Year, and a general election shall be held in the City on the first Tuesday in April in every Council Election Year to elect one Councilmember from each ward. Every qualified elector shall be entitled to vote for one candidate for Mayor for the City at large. The candidate for Councilmember from each ward receiving the greater number of votes for Councilmember, cast in his ward, and the candidate for Mayor receiving the greater number of votes for Mayor cast in the City at large, shall be elected. However, no general election shall be held if there is no office for which there are candidates

remaining to be elected.
(Amended 10-14-03)

SECTION 6-8. POLITICAL ACTIVITY OF OFFICERS AND EMPLOYEES.

No officer or employee of the City, except the Council members and Mayor, may attempt to influence the nomination, election, or defeat of any candidate for Councilmember or Mayor, except by the proper exercise of his right to vote. A violation of this section shall constitute cause for removal from office or employment.

SECTION 6-9. TRANSITIONAL PROVISIONS

Beginning with elections for the year 2004 the following transitional terms shall apply in order to provide for an orderly change to the new length of terms of office for Council members and Mayor and to accommodate the new election schedules:

In year 2004, those Council members whose terms expire shall run for three (3) year terms expiring in 2007;

In year 2005, the Mayor and those Council members whose terms are expiring shall run for four (4) year terms;

In year 2007, those Council members whose terms are expiring shall run for four (4) year terms. Following these transitional years the Council members and Mayor shall run for four year terms when their terms expire.
(Amended 10-14-03)

ARTICLE VII: MISCELLANEOUS PROVISIONS

SECTION 7-1. FEMININE GENDER.

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

SECTION 7-2. 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 7-3. MERIT SYSTEM.

Appointments and promotions in the service of the City shall be made solely on the basis of merit and fitness, and removals and demotions shall be made solely for the good of the service. Better to achieve these ends, the Council may establish a merit system and provide for its proper organization and functioning and for proper personnel administration.

SECTION 7-4. NEPOTISM, COMPATIBILITY OF OFFICES.

Neither the City Manager, the Council, nor any other authority of the City government may appoint or elect any person related to any Councilmember, the City Manager, or to himself, or in the case of a plural authority to one of its members by affinity or consanguinity within the third degree to any office or position of profit in the City government.

Except as may be otherwise provided by this Charter or by ordinance, the same person may hold more than one office or position in the City government. The City Manager may hold more than one such office or position through appointment by himself, by the Council, or by other City authority having authority to fill the particular office or position, subject to any regulations which the Council may make by ordinance; but he may not receive compensation for service in such other offices and positions. Also the Council, by ordinance, may provide that the City Manager shall hold ex-officio designated offices which the City manager has authority to fill by appointment as well as other designated compatible City offices.

SECTION 7-5. CONFLICT OF INTEREST.

(a) Neither the Mayor, Council members, the City Manager, nor any City employee shall sell or barter anything to the City or to a contractor to be supplied to the City; or make any contract with the City; or purchase anything from the City other than those things which the City offers generally to the public (i.e. utility services), and then only on the same terms as are offered to the public. Violation of this section shall constitute cause for removal from office or employment. Any violation of this section with knowledge, expressed or implied, of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the Council. This subsection shall not apply in cases in which the City acquires property by condemnation.

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

(c) Any member of the Council or any board, commission, or other authority who has a direct personal or private interest in any question before the body of which he is a member shall abstain from voting thereon. Violation of this section shall constitute cause for removal from office for members of any board, commission, or other authority of the City government. Provided, however, a violation of this section shall not affect the validity of any action taken by the City Council or any other board or commission of the City.

SECTION 7-6. BONDS.

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

The City shall pay the premiums on such bonds.

SECTION 7-7. OATH OF OFFICE.

Every officer of the City before entering upon the duties of his office shall take and subscribe to the oath or affirmation of office prescribed by the State Constitution.

The oath shall be filed and kept in the City Clerk's office.

SECTION 7-8. WHO MAY ADMINISTER OATHS.

All officers authorized by federal or state law, the Mayor, City Manager, City Attorney, City Treasurer, City Clerk, heads of all other administrative departments, Municipal Judge, and such other officers as the Council may authorize may administer oaths.

SECTION 7-9. REMOVAL OF OFFICERS AND EMPLOYEES.

The City Manager or other appointing or electing authority at any time may suspend or remove any officer or employee to whom he or the other appointing or electing authority respectively may appoint or elect a successor, except as otherwise provided by or in accordance with this Charter.

SECTION 7-9.1. REMOVAL/OUSTER OF COUNCILMEMBERS AND MAYOR.

The provisions of the Oklahoma Constitution and State Statutes applicable to removal of municipal public officers shall govern the removal of members of the City Council and Mayor. (Amended 10-14-03)

SECTION 7-10. ACTING OFFICERS AND EMPLOYEES.

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

SECTION 7-11. SEPARABILITY CLAUSE.

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

SECTION 7-12. PUBLICITY OF RECORDS.

All records of the City and its departments which are required by law to be kept shall be open to public inspection at proper times and in proper manner during all business hours of the day; provided, however, that this shall not apply to any records required by law to be kept secret, nor shall it apply to records which their disclosure would defeat the purpose for which same are kept.

SECTION 7-13. ABSTENTION FROM VOTING.

If a member of the City Council or a member of any board of commission of the City abstains from voting on an issue said vote shall not be recorded as a negative vote but rather shall be

reflected in the minutes as an abstention and not counted in determining whether the item passed or failed.

ARTICLE VIII: PLANNING AND ZONING

SECTION 8-1. GENERAL GRANT OF POWER.

(a) The City of Bethany 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 Constitution of this State. 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 Bethany shall have full authority to regulate and restrict the location of mobile homes and manufactured housing within the City of Bethany to the extent allowed a home rule city under the Oklahoma and United States Constitutions.

(d) The City of Bethany 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 Bethany insofar as is consistent with the Oklahoma and United States Constitutions.

(e) The City of Bethany shall have the power to regulate, restrict, and/or prohibit the operation or disposal sites for hazardous and deleterious wastes within the City of Bethany to the fullest extent possible under the Oklahoma and United States Constitutions.

(f) The erection, construction, or alteration of any dwelling unit or units of a greater density than twelve (12) dwelling units per acre is hereby prohibited within the City of Bethany, Oklahoma, except for student housing owned by accredited public or private educational institutions of higher learning within the City of Bethany, Oklahoma, and except for dwelling units located within the Central Business Zoning District. For purposes of this section the following definitions will apply:

(1) Dwelling Unit means one room or a suite of two or more rooms designed for or used by one (1) family for living and sleeping purposes, and have one (1) kitchen or kitchenette.

(Article VIII, Section f, Amended and Approved at Election Held March 15, 1988)

ARTICLE IX: AMENDMENT

SECTION 9-1. AMENDMENT: PROPOSAL, RATIFICATION, APPROVAL.

This Charter may be amended by proposals therefor submitted to the people by the Council or submitted by the Mayor upon initiative petition of the people as provided by the State Constitutions, at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the Governor as provided by the State Constitution. If more than one amendment is proposed, all of them, except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this Charter may be either in the form of a proposed amendment to a part or parts of the Charter or of a proposed new Charter.

SECTION 9-2. AMENDMENT: BOARD OF FREEHOLDERS.

The Council, by ordinance, may provide for the election of a board of freeholders to prepare and propose amendments to this Charter. When an amendment proposed by a board of freeholders shall have been submitted by the Council at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the Governor, as provided by the State Constitution, it shall go into effect.

ARTICLE X: SUCCESSION IN GOVERNMENT

SECTION 10-1. AMENDMENT: WHEN EFFECTIVE.

The provisions of this amended Charter shall go into effect immediately upon approval by the Governor as provided by the State Constitution.

SECTION 10-2. ORDINANCES CONTINUED.

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

SECTION 10-3. PENDING ACTIONS AND PROCEEDINGS.

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