# Appendix CCITY CHARTER OF THE CITY OF LAWTON

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# Article C-AEDITOR' S NOTE

**Sections:**

Section C-A-1 Editor's note.

## Section C-A-1Editor's note.

Editor's Note: The City Charter was amended at an election held on March 21, 1995. The amended City Charter was approved by the Governor on April 13, 1995.

The City Charter was amended again at an election held on March 10, 1998. The amended City Charter was approved by the Governor on April 7, 1998.

The City Charter was amended again at an election held on March 8, 2005. The amended City Charter was approved by the Governor on April 18, 2005.

The City Charter was amended again at an election held on February 14, 2012. The amended City Charter was approved by the Governor on March 26, 2012.

The Charter has been published using the Municode database publishing system. For the purposes of this computer database program the Charter has been labeled Appendix "C" and a letter "C" placed before the section number. This numbering system in no way changes the wording or intent of the City Charter. The Charter will continue to be cited by section number. Thus, the Charter provision on the mayor and mayor pro tem will be cited as Section 2-2.

The Charter will continue to be placed in the front part of the current City Code book.

# Article C-BPREAMBLE

**Sections:**

Section C-B-1 Preamble.

## Section C-B-1Preamble.

Beneath an August sun in 1901, our community began...an adventure of certain risk but of uncertain reward.

Yet those who then so courageously committed themselves thereby directed us to the high plateau of opportunity which we now enjoy.

This Charter, in a sense, is an expression of our gratitude.

But it is much more than that.

It is a new beginning...dedicated to the challenge of change.

It seeks to conserve what is good, correct what is lacking, and above all, to create an instrument by which the community purpose may best be achieved.

And, as we and our children move down the long corridors of time which lie ahead, we hope that, through this document, those who follow will sense and respond to the bright expectations of this summer of 1972.

Therefore, in this reflection and this spirit, we the people of the City of Lawton, 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, responsive, and responsible government, do hereby ordain, ratify, and establish this Charter.

# Article C-1INCORPORATION-FORM OF GOVERNMENT-POWERS-GENDER

**Sections:**

Section C-1-1 Incorporation.

Section C-1-2 Powers of the city.

Section C-1-3 Planning and zoning—General grant of power.

Section C-1-4 Intergovernmental relations.

Section C-1-5 Feminine gender.

## Section C-1-1Incorporation.

The City of Lawton, 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 "City of Lawton." 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 Lawton; and shall be liable for all debts and other obligations for which the corporation is legally bound at the time this Charter goes into effect.

## Section C-1-2Powers of the city.

a. The city shall have all powers possible for a city operating under a home-rule Charter to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

b. The specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers stated in this article.

## Section C-1-3Planning and zoning—General grant of power.

a. The City of Lawton shall have full power to promote the general welfare by regulating the use of property and by controlling the development of the city. This power is exercised in planning and zoning within the city limits according to the constitution of the United States and the constitution of this state. 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 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. At a minimum, the Comprehensive Plan shall include the following plans as an integral part of the document; a Land Use Plan to be proposed by the City Planning Commission; a Long Range Transportation Plan to be proposed by the Lawton Metropolitan Planning Organization; and a Strategic Plan to be prepared under the direction of the Mayor. The Comprehensive Plan and all related plans included therein shall be adopted by a resolution of the City Council. The mayor shall have the authority to convene a citizens committee to review and propose revisions to the Strategic Plan.

c. The process for preparation and review of the Comprehensive Plan shall be set forth in City Council Policy. Review and/or update of the Comprehensive Plan shall recur at periods of not more than five (5) years. This review shall include all means of transportation, including pedestrian and other appropriate modes, recreational facilities, expressways, and other appropriate elements.

d. In the creation of this integrated land-use pattern, the city will seek a combination of densities and varieties of uses which will be directed to objectives of both stability and innovation.

e. The City Council shall make a reasonable attempt to implement the Comprehensive Plan with the resources available.

(Amended: 3/21/95) (Res. 2011-106, Amended, 03/26/2012)

### Section C-1-4Intergovernmental 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 or civil divisions or agencies thereof, or the United States or any agency thereof.

### Section C-1-5Feminine gender.

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

(Amended: 3/21/95)

# Article C-2THE MAYOR AND COUNCIL

**Sections:**

Section C-2-1 Mayor and councilmembers—Number, qualifications.

Section C-2-2 Mayor and mayor pro tem.

Section C-2-3 Mayor and councilmembers—Compensation.

Section C-2-4 Council—Powers.

Section C-2-5 Council—Appointments and removals.

Section C-2-6 Reserved.

Section C-2-7 Council—Meetings.

Section C-2-8 Mayor and councilmembers—Absences to terminate membership.

Section C-2-9 Mayor and councilmembers—Removal.

Section C-2-10 Mayor and council—Vacancies.

Section C-2-11 Council—Quorum, rules, roll call votes.

Section C-2-12 Ordinances—Enacting clause.

Section C-2-13 Ordinances—Passage.

Section C-2-14 Ordinances—Veto by mayor, etc.

Section C-2-15 Ordinances—Publication, when in effect.

Section C-2-16 Ordinances—Emergency.

Section C-2-17 Ordinances—Adoption by reference.

Section C-2-18 Ordinances—Codification.

Section C-2-19 Ordinances—Initiative and referendum.

## Section C-2-1Mayor and councilmembers—Number, qualifications.

a. There shall be a mayor elected at large and a council of eight members, which shall consist of one councilmember from each of the eight wards of the city.

b. Only qualified electors of the city shall be qualified for the office of mayor. Only qualified electors of the city who reside in the respective wards from which they are elected or appointed to fill a vacancy, shall be qualified for the offices of councilmembers from the wards. A change in ward boundaries shall not prohibit a councilmember from completing his term of office. Neither the mayor nor any councilmember may hold any office in the city government by appointment by the city manager or by any subordinate of the city manager. If the mayor or any councilmember is convicted of a felony, his office shall become vacant immediately when the case is finally determined.

(Res. 2004-153, Amended, 04/18/2005)

## Section C-2-2Mayor and mayor pro tem.

a. The mayor shall preside at meetings of the council, and shall ensure an agenda is available for council meetings. 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 administrative duties except to sign such written obligations of the city as the council may require. He shall have the right to vote on questions before the council only in case of a tie, adoption of the annual budget, and on motions to appoint, suspend, or remove the city manager, city attorney and city clerk. The mayor shall present annually a public address on the state of the city at a time and place of his designation, and shall deliver, from time to time, such other messages to the council and citizens of the city as he deems appropriate.

b. At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmembers, or as soon thereafter as practicable, the council shall elect from its membership a mayor pro tem, who shall exercise all the powers of the mayor except those noted below until the next such first meeting. The mayor pro tem shall act as mayor during the absence, disability, or suspension of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council for completion of the unexpired term and qualifies. If the office of mayor pro tem becomes vacant, the council shall elect from its membership another mayor pro tem for completion of the unexpired term. The mayor pro tem shall cast only one vote on each issue before the council and shall not have the authority to veto any ordinance.

c. When the mayor is absent and the question before the council requires five (5) affirmative votes for passage and the votes cast result in a tie of four affirmative votes and four (4) negative votes, the matter will be continued or rescheduled for the next regular meeting of the council when the mayor will be in attendance.

(Amended: 3/21/95) (Res. 2011-106, Amended, 03/26/2012)

## Section C-2-3Mayor and councilmembers—Compensation.

a. The salaries of the mayor and councilmembers shall be determined from time to time:

(1) By an initiated ordinance adopted by a vote of a majority of the qualified electors of the city voting on the question; or

(2) By a non emergency ordinance passed by the council. Such nonemergency ordinance shall be published in full in a newspaper of general circulation within the city within ten (10) days after its passage; and if a sufficient and lawful referendum petition is properly filed within thirty (30) days after the passage of such ordinance, the ordinance shall not go into effect until approved by a majority of the qualified electors of the city voting on the question at an election.

b. The mayor and councilmembers may be reimbursed for expenses incurred in the performance of their official duties.

(Amended: 3/21/95)

## Section C-2-4Council—Powers.

Except as otherwise provided in this Charter, all powers of the city, including the determination of all matters of policy, are vested in the council as indicated herein. The council shall have power, subject to the state constitution, law, and this Charter:

(1) To appoint and remove the city manager, city attorney, city clerk and municipal court judge.

(2) By ordinance to enact municipal legislation.

(3) To adopt the budget, raise revenue, and make appropriations; and to regulate bond elections, issuance of bonds, sinking funds, the funding of indebtedness, salaries, wages, and other compensation of officers and employees, and all other fiscal business of the city.

(4) The City Council shall establish an amount within the City's General Fund to constitute a committed fund balance for the limited purpose of responding to qualified emergencies and events as set out in the Lawton City Code in order to minimize or stabilize the financial impact such emergencies have on existing resources.

(5) To monitor the function of any office, department, or agency of the city government, and investigate municipal business; and if necessary, to subpoena witnesses, take testimony, and require the production of evidence.

(6) To appoint or elect on nomination by the mayor, and remove the members of the redistricting commission, the members of the personnel board, the members of the library board, the members of the park board, the members of the cemetery board, the members of the planning commission, the members of the board of adjustment, and other quasi-legislative, quasi-judicial, or advisory personnel and authorities, now or when and if established, or to prescribe the method of appointing or electing and removing them; provided, that a member of a board, commission, or other plural authority may be removed only for cause.

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

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

(Amended: 3/21/95; and 3/10/1998.) (Res. 2011-106, Amended, 03/26/2012)

### Section C-2-5Council—Appointments and removals.

Neither the mayor, the council, nor any of its members may direct or request the appointment of any person to, or his removal from, office or employment with the city except the city manager, city clerk, municipal judge, and the city attorney; or, except as provided in this Charter, participate in any manner in the appointment or removal of employees of the city, other than the expression of views and the giving of information to the appointing authority. Except for the purpose of inquiry, the mayor, the council, and its members shall deal with the administrative service solely through the city manager; and neither the mayor, the council, nor any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately.

(Amended: 3/21/95; and 3/10/1998.)

### Section C-2-6Reserved.

### Section C-2-7Council—Meetings.

The council shall hold at least two regular meetings every month, at such time as prescribed by ordinance or otherwise. The mayor or any five councilmembers may call special meetings. All meetings of the council shall be held and conducted as authorized by the Oklahoma Open Meeting Act. In determining the time of council meetings, the council shall consider the public convenience.

(Amended: 3/21/95)

### Section C-2-8Mayor and councilmembers—Absences to terminate membership.

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

(Amended: 3/21/95)

### Section C-2-9Mayor and councilmembers—Removal.

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

(Amended: 3/21/95)

### Section C-2-10Mayor and council—Vacancies.

The council, by majority vote of its remaining members, shall fill by appointment, vacancies in the office of mayor and in its own membership until successors are elected for the unexpired term of that office at the next possible municipal election.

(Amended: 3/21/95)

### Section C-2-11Council—Quorum, rules, roll call votes.

A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council may determine its own rules. The vote on any question shall be by roll call, and shall be entered in the journal. A councilmember shall only abstain from voting on any matter when required by the conflict of interest provisions contained in C-8-14 in which case the abstention shall constitute neither a negative nor affirmative vote. The passage of an ordinance or resolution shall require at least five (5) affirmative votes.

(Amended: 3/21/95) (Res. 2011-106, Amended, 03/26/2012)

### Section C-2-12Ordinances—Enacting clause.

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

### Section C-2-13Ordinances—Passage.

Every proposed ordinance shall be read, and at least five affirmative votes shall be required for its passage. The vote on passage of every ordinance shall be by roll call, and shall be entered in the journal.

(Amended: 3/21/95)

### Section C-2-14Ordinances—Veto by mayor, etc.

a. The mayor shall have power to veto ordinances. Within seven days after the council passes an ordinance, the mayor shall return it to the council or to the city clerk for transmittal to the council, with

or without his approval or with his veto. If he vetoes an ordinance, he shall return with the ordinance and his veto a written statement of the reasons for his veto.

b. If the mayor approves an ordinance within such seven days, it shall be deemed to be finally passed as of the time he approves it.

c. If the mayor vetoes an ordinance, the council may reconsider it, and within not more than one month after the mayor returns the ordinance with his veto and the statement of the reasons for his veto, may pass the ordinance, notwithstanding the mayor's veto, by a vote of at least two-thirds of all the members of the council.

d. If the mayor neither approves nor vetoes an ordinance within such time, it shall be deemed to be finally passed as of the time of expiration of said seven days or as of the time when he returns the ordinance to the council or to the city clerk, whichever occurs first.

### Section C-2-15Ordinances—Publication, when in effect.

Within ten (10) days after its passage, every ordinance shall be published in full or by number, title, and brief gist in a newspaper of general circulation within the city. Every ordinance except an emergency ordinance, so published, shall become effective thirty (30) days after its final passage unless it specifies a later time; provided, that a franchise for a public utility shall not go into effect until the ordinance granting it has been published in full in a newspaper of general circulation within the city and has been approved at an election by a vote of a majority of the qualified electors voting on the question.

### Section C-2-16Ordinances—Emergency.

An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health, or safety, and which should become effective prior to the time when an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency. At least six affirmative votes shall be required for the passage of an emergency ordinance. An emergency ordinance shall take effect upon passage or as specified.

(Amended: 3/21/95)

### Section C-2-17Ordinances—Adoption by reference.

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

(Amended: 3/21/95)

### Section C-2-18Ordinances—Codification.

The permanent, general ordinances of the city shall be codified and published in book or pamphlet form at least every ten (10) years unless the council, by use of a loose leaf system, provides for keeping the Code up-to-date. The ordinances and parts of ordinances included in the Code may be revised, rearranged, and reorganized; and the Code may contain new matter, provisions of the state constitution and law applicable to the city, and this Charter. A copy of the published Code shall be filed in the office of the city clerk after the council adopts the Code by ordinance, but the Code need not be enrolled in the book of ordinances.

### Section C-2-19Ordinances—Initiative and referendum.

The powers of the initiative and referendum are reserved to the people of the city. In the exercise of these powers, the requirements of the state constitution and law shall be observed.

# Article C-3CITY MANAGER, ADMINISTRATIVE DEPARTMENTS, CITY ATTORNEY AND OFFICE OF THE CITY ATTORNEY

**Sections:**

Section C-3-1 City manager—Appointment, term, qualifications, removal.

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

Section C-3-3 City manager—Powers and duties.

Section C-3-4 Administrative departments, offices and agencies.

Section C-3-5 City attorney and office of the city attorney.

Section C-3-6 City clerk to be clerical officer of council.

## Section C-3-1City manager—Appointment, term, qualifications, removal.

a. There shall be a city manager. The council shall appoint the city manager for an indefinite term by at least five affirmative votes. The city manager shall be chosen on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the city or state; but, during his tenure of office, he shall reside within the city. Neither the mayor nor any councilmember may be appointed city manager or acting city manager during his term or within two years after the expiration of his term.

b. The council may suspend or remove the city manager by at least five affirmative votes.

(Amended: 3/21/95)

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

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

## Section C-3-3City manager—Powers and duties.

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

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

2. Supervise and control, directly or indirectly, all administrative departments, agencies, and employees.
3. Prepare a preliminary budget annually and submit it to the City Council for review, revision and adoption; be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable.
4. Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year.
5. Keep the council advised of the financial condition and future needs of the city, and make such recommendations to the council on matters of policy and other matters as may deem to him desirable.
6. Have such other powers, duties, and functions as this Charter may prescribe, and such powers, duties, and functions consistent with this Charter as the council may prescribe.

(Amended: 3/21/95) (Res. 2011-106, Amended, 03/26/2012)

### Section C-3-4Administrative departments, offices and agencies.

There shall be a department of finance headed by a director of finance, a police department headed by a chief of police, a fire department headed by a fire chief, an office of the city attorney headed by the city attorney and such other administrative departments, offices, and agencies as the council may establish.

(Amended 03/10/1998)

### Section C-3-5City attorney and office of the city attorney.

a. The city council shall appoint, by at least five affirmative votes, a city attorney who will serve at the pleasure of the council for an indefinite term. The city attorney shall be chosen solely on the basis of his legal qualifications and experience. At the time of appointment, the city attorney must be admitted to practice law in this state. During his tenure of office the city attorney shall reside within the corporate limits of the city. The city attorney shall be responsible for all actions and proceedings wherein the city shall be a party plaintiff or defendant, or otherwise a party in interest. The city attorney shall be legal advisor to the mayor, council, city manager, and department directors in relation to their duties, shall perform duties required of him by statutes, and perform such other lawful duties as may be required of him by the council.

b. There shall be created an office of the city attorney which shall be administered by the city attorney. The personnel of the office of the city attorney shall be regular employees of the city and shall be subject to all rules, regulations, policies and ordinances for the administration of city personnel.

(Amended 03/10/1998)

### Section C-3-6City clerk to be clerical officer of council.

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

ordinance; and shall have other powers and duties consistent with this Charter as may be prescribed by ordinance or applicable law.

# Article C-4DEPARTMENT OF FINANCE-FISCAL AFFAIRS

**Sections:**

Section C-4-1 Department of finance—Director of finance.

Section C-4-2 Purchases and sales.

Section C-4-3 Sale of property valued at more than fifty thousand dollars ($50,000).

Section C-4-4 Public improvements.

Section C-4-5 Fiscal year.

Section C-4-6 Independent annual audit.

Section C-4-7 Inventories.

## Section C-4-1Department of finance—Director of finance.

There shall be a department of finance, the head of which shall be the director of finance. The city manager shall appoint the director of finance for an indefinite term. Subject to and in accordance with this Charter, applicable law, and such ordinances and other policies as the council may adopt, the director of finance or personnel under his supervision and control shall collect or receive revenue and other money for the city; shall be responsible for its custody, safekeeping, deposit, investment, and disbursement; shall maintain a general accounting system for the city government; shall provide such assistance to the city manager in the preparation and administration of the budget as he may from time to time request; and shall have such powers and duties consistent with this Charter as may be prescribed by ordinance or applicable law. Reference to city treasurer shall be deemed to mean the director of finance unless the council by ordinance creates a separate office of city treasurer within the department of finance.

## Section C-4-2Purchases and sales.

a. 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 an individual contract, purchase, or sale from the requirement of competitive bidding.

b. The council by ordinance may further regulate such purchases and sales.

## Section C-4-3Sale of property valued at more than fifty thousand dollars ($50,000).

The sale of any city property, real or personal, including public utilities, or of any interest therein, the value of which is more than fifty thousand dollars ($50,000) may be made only:

(1) By authority of an affirmative vote of a majority of the qualified electors of the city who vote on the question of approving or authorizing the sale at an election; or

(2) By authority of a special nonemergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation within the city within ten (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 sufficient and lawful referendum petition is properly filed within thirty (30) days after its passage; otherwise it shall go into effect thirty (30) days after its passage."

The sale of an entire public utility may be authorized only as provided in (1) hereinabove.

### Section C-4-4Public 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. In compliance with the Oklahoma Public Competitive Bidding Act, a contract for public improvements may be awarded only to the best responsible bidder after such notice and opportunity for competitive bidding as the council may prescribe. All bids may be rejected, and further notice and opportunity for competitive bidding may be given.

(Res. 2011-106, Amended, 03/26/2012)

### Section C-4-5Fiscal 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 C-4-6Independent annual audit.

The council shall designate a certified public accountant or firm of accountants who shall make an independent audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices, and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report to the council and to the city manager.

### Section C-4-7Inventories.

The council by ordinance shall prescribe reasonable procedures for making inventories of, and accounting for, all property of the city, real and personal, wherever located.

# Article C-5MUNICIPAL COURT

**Sections:**

Section C-5-1 Municipal court.

## Section C-5-1Municipal court.

The municipal court now existing or as may be hereafter established in accordance with state law shall hear cases arising out of violations of the Charter or the ordinances of the city; provided that the council shall have the power to create by ordinance a municipal court pursuant to state law.

(Amended: 3/21/95)

# Article C-6ELECTIONS

**Sections:**

Section C-6-1 Nomination and election—Terms—Nonpartisan elections, etc.

Section C-6-2 Wards—Redistricting Commission—Adjustment of wards.

Section C-6-3 Primary election—Filing.

Section C-6-4 Primary election—Time, etc.

Section C-6-5 Primary election—Who nominated or elected.

Section C-6-6 General election—Time, who elected.

Section C-6-7 Registered qualified electors.

Section C-6-8 Elections—When not held.

Section C-6-9 Political activity of officers and employees.

Section C-6-10 State constitution and law to govern.

## Section C-6-1Nomination and election—Terms—Nonpartisan elections, etc.

a. Beginning with the second Monday in January 2013 and the second Monday in each January thereafter the term of office for the mayor or councilmember shall begin for their respective term, provided that this amendment shall not prohibit the mayor or councilmembers in office on the effective date of this amendment from completing the full three (3) year term of office for which they were previously elected. The mayor and councilmembers shall serve until their respective successors are elected and qualify. If a mayor-elect or a councilmember-elect fails to qualify within one (1) month after the beginning of his term, his office shall become vacant, and the vacancy shall be filled as other vacancies in the offices of mayor and councilmembers are filled.

b. The mayor and each councilmember shall be elected for a term of three (3) years. Beginning with the swearing in of the mayor and councilmembers after the effective date of this amendment the number of three (3) year terms of the mayor and each councilmember shall be limited to three (3) consecutive terms.

c. All candidates for mayor shall be elected, at large, by the qualified electors of the entire city. All candidates for councilmembers shall be elected, by wards, by the qualified electors of their respective wards. Any person who seeks elective office in the City of Lawton, Oklahoma, for municipal government, must be a registered voter at an address within the municipality if running for mayor, or from an address within the ward if running for a ward position, for at least six (6) months prior to filing a declaration of candidacy.

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

e. Nothing in this Charter shall prohibit the use of voting machines.

(Amended: 3/21/95) (Res. 2004-153, Amended, 04/18/2005) (Res. 2011-106, Amended, 03/26/2012)

## Section C-6-2Wards—Redistricting Commission—Adjustment of wards.

a. There shall be eight (8) wards, which shall be numbered from one (1) to eight (8).

b. Redistricting Commission created.

(1) There shall be a Redistricting Commission, which shall consist of nine (9) voting members, as follows: One (1) member from the Planning Commission or its successor appointed by the mayor, and eight (8) members appointed by the council on nomination by the mayor. The planning director shall be an ex officio member of the commission, but shall have no vote.

(2) All members of the Redistricting Commission shall be qualified electors of the wards from which they are appointed and shall hold no other office or position of employment in the city government.

(3) The terms of all the nine (9) voting members shall be ten (10) years, beginning on July first. The eight (8) members appointed from the wards shall be chosen so as to reflect the principles set out in subsection c.(1) hereinbelow.

(4) Vacancies shall be filled by the respective appointing authority for the unexpired terms.

(5) In the absence of both the chairman and the vice-chairman, the member who is most senior in service on the Redistricting Commission shall be temporary chairman, may call special meetings, and may preside until a chairman is elected by the commission.

c. Upon receipt of the results of the U.S. Census every tenth year, and at other times it deems desirable, the Redistricting Commission shall within a reasonable time, convene and approve a resolution, to be filed with the City Clerk, readjusting the wards and their boundaries to comply with the following requirements:

(1) Each ward shall be formed of compact, contiguous territory with boundaries drawn to reflect and respond to communities of common interest, ethnic background, and physical boundaries, to the extent reasonably possible; and

(2) The wards shall be substantially equal in population.

d. At least ten (10) days before passing the resolution, the Redistricting Commission shall hold a public hearing thereon. At least five (5) votes shall be required for passage of the resolution, and the vote on passage shall be by roll call and shall be entered in the minutes of the commission. A map showing the wards and their boundaries shall be appended to the resolution. The resolution shall go into effect when filed with the city clerk. Thereupon, the new wards and boundaries shall supersede the previous wards and boundaries for purposes of the next primary and general election, and for all other purposes on the day on which the terms of the councilmembers elected that year begin.

e. When territory is annexed to the city, the Redistricting Commission, by resolution in the manner provided hereinabove, shall incorporate it into the adjacent ward or wards or shall readjust the wards and boundaries as provided hereinabove, as it deems appropriate.

(Amended: 3/21/95) (Res. 2011-106, Amended, 03/26/2012)

## Section C-6-3Primary election—Filing.

Any person qualified for the office for which he is filing may have his name placed on the ballot for the primary election as a candidate for mayor or councilmember by filing, during the period specified by State law as set forth in Chapter 2 of Lawton City Code, of each municipal election year, with the secretary of the county election board, a sworn statement of his candidacy, specifying the office for which he is a candidate. The filing period shall commence on Monday of said week and end on Wednesday of said week during the hours specified in the resolution calling the election. A full calendar week is defined as Sunday through the next Saturday, a seven (7) day period.

(Res. 2004-153, Amended, 04/18/2005)

(Res. 07-06, Amended, 04/03/2007)

(Res. 2011-106, Amended, 03/26/2012)

### Section C-6-4Primary election—Time, etc.

A primary election shall be held every year on the same date and in the same month as the primary election held by the State of Oklahoma in even numbered years, as set forth in Chapter 2of Lawton City Code, for mayor and councilmembers to succeed those whose terms are expiring in the following year, as the case may be. If only one (1) person is a candidate for an office to be filled, he shall be elected to that office; and his name shall not appear on the primary or general election ballot. Every qualified elector of the city shall be entitled to vote for one (1) candidate for mayor and one (1) candidate for councilmember from his ward.

(Res. 2004-153, Amended, 04/18/2005) (Res. 2011-106, Amended, 03/26/2012)

### Section C-6-5Primary election—Who nominated or elected.

In a primary election, the two (2) candidates for each office to be filled receiving the greatest number of votes for that office, shall be nominated. If one (1) of the candidates for an office receives a majority of all votes cast for all candidates for that office, he shall be elected to that office; and his name shall not appear on the ballot for the general election. In case of failure to nominate because of a tie, the nominee or nominees (as the case may be) shall be determined from among those tying, fairly by lot, by the county election board in a public meeting. If one (1) of the two (2) candidates for an office nominated in a primary election dies or withdraws before the general election, the remaining candidate shall be elected to that office; and his name need not appear on the ballot for the general election.

(Res. 11-106, Amended, 03/26/2012)

### Section C-6-6General election—Time, who elected.

A general election shall be held every year as needed in the city on the same date and in the same month as the general election held by the State of Oklahoma in even numbered years, as set forth in Chapter 2 of Lawton City Code, to elect the mayor and councilmembers to succeed those whose terms are expiring in the following year, as the case may be. An elector may vote for one (1) of the two (2) candidates for an office to be filled, but may not vote for any other person. Every qualified elector of the city shall be entitled to vote for one (1) of the two (2) candidates for mayor. Every qualified elector of a ward shall be entitled to vote for one (1) of the two (2) candidates for councilmember from his ward. The candidate for each office receiving the greater number of votes shall be elected. In case of failure to elect because of a tie, the election shall be determined from among those tying, fairly by lot, by the county election board in a public meeting.

(Res. 2004-153, Amended, 04/18/2005) (Res. 2011-106, Amended, 03/26/2012)

### Section C-6-7Registered qualified electors.

The term "qualified elector" as used in this Charter means a person who has the qualifications prescribed for electors by the state constitution and law, and who is registered as may be required by law.

## Section C-6-8Elections—When not held.

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

## Section C-6-9Political activity of officers and employees.

a. No employee of the city while on duty or in uniform may work for or against, or attempt to influence, the nomination, election, or defeat of any candidate for mayor or councilmember, or the recall of the mayor or any councilmember; but this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote.

b. An employee of the city shall not be coerced to participate or engage in any political activity.

c. No city property, funds, or services, shall be used to work for or against, or to attempt to influence the nomination, election or defeat of any candidate for mayor or councilmember or any other political office, or the recall of the mayor or councilmember or any other office holder.

d. Any person who violates this section shall be punished, upon conviction thereof, by a fine not exceeding two hundred dollars ($200.00) including costs. Such violation shall constitute cause for removal from office or employment; and if the regular removal authority has not already removed a person who violates this section, he shall be automatically removed by conviction of violating this section effective at the time the conviction becomes final.

(Amended: 3/21/95)

## Section C-6-10State constitution and law to govern.

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

# Article C-7RECALL

**Sections:**

Section C-7-1 Recall authorized.

Section C-7-2 Recall petition.

Section C-7-3 Recall election—Council to order.

Section C-7-4 Recall election—How held.

Section C-7-5 Person recalled or resigning.

## Section C-7-1Recall authorized.

The mayor or any councilmember may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided in this article.

(Amended: 3/21/95)

## Section C-7-2Recall petition.

a. To initiate recall proceedings, a written statement proposing the recall of the mayor or a councilmember shall be signed by one hundred (100) or more registered qualified electors of the city or ward concerned, and shall be filed with the city clerk after the incumbent has held the office at least four months. The statement shall also contain the reason or reasons for which the recall is sought, in not more than two hundred words. Within five days, the city clerk shall mail a photostatic or other copy of such statement by registered, certified, or similar special mail to the elected official at his residential address. Within ten days after the statement is mailed to the elected official, the elected official may make and file with the city clerk a written statement in duplicate justifying his conduct in office, in not more than two hundred words; and the city clerk on request shall deliver one copy to one of the persons filing the statement proposing the recall.

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

c. A number of registered qualified electors of the city or ward concerned equal at least to twenty per cent (20%) of the total number of votes for governor in the city or ward at the last general state election at which a governor was elected must sign the petition. Each signer shall write after his name his address within the city, giving street or avenue and number. Not more than one hundred (100) signatures may appear on a single copy of the petition. Petitions may be circulated only by registered qualified electors of the city or ward concerned; and the person who circulates each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in his presence, that each signature on the petition is genuine, and that he believes each signer to be a registered qualified elector of the city or ward concerned.

d. The circulated petition shall be filed with the city clerk not later than one (1) month after the filing of a copy as provided above. Within one month after date of filing of the circulated petition, the city clerk shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of registered qualified electors of the city or ward has signed it. He shall then attach his certificate to the petition. If his certificate states that the petition has not been prepared and circulated as required and/or lacks a sufficient number of signatures, the petition shall have no effect. But, if the city clerk's certificate states that the petition has been prepared and circulated as required and has a sufficient number of signatures, he shall submit the petition and certificate to the council at its next meeting.

(Amended: 3/21/95)

### Section C-7-3Recall election—Council to order.

a. The council, by resolution or ordinance passed within one month after receiving the petition and certificate of the city clerk, shall order and fix the date for a recall election, which shall be held at the earliest date allowed by state law after passage of the resolution or ordinance. The city clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper of general circulation within the city within ten (10) days after its passage; and such publication shall be sufficient notice of the election.

b. The qualified electors of the city may vote in a recall election on the election of successors to more than one elected official on the same day.

(Amended: 3/21/95)

### Section C-7-4Recall election—How held.

a. The recall election shall be an election to fill the office held by the incumbent sought to be recalled. There shall be no primary. Any qualified person, including the incumbent, may file as a candidate for the office. The candidate receiving the greatest number of votes in the recall election shall be elected. If a candidate other than the incumbent is elected, the incumbent shall be recalled from office effective as of the time when the result of the election is certified. A candidate thus elected and qualifying shall serve for the unexpired term. If the incumbent is a candidate and receives the greatest number of votes, he shall continue in office without interruption; and recall proceedings may not again be initiated against him within one (1) year after the recall election.

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

(Amended: 3/21/95) (Res. 2011-106, Amended, 03/26/2012)

### Section C-7-5Person recalled or resigning.

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

# Article C-8OFFICERS AND EMPLOYEES GENERALLY

**Sections:**

Section C-8-1 Merit system created—Appointments, removals, etc.—Personnel rules.

Section C-8-2 No favoritism or discrimination.

Section C-8-3 Retirement.

Section C-8-4 Personnel board created.

Section C-8-5 Removal, etc.—Hearing before the personnel board.

Section C-8-6 Nepotism.

Section C-8-7 Holding more than one office.

Section C-8-8 Bonds of officials and employees.

Section C-8-9 Oath or affirmation of office.

Section C-8-10 Who may administer oaths and affirmations.

Section C-8-11 Removal, etc., of officials and employees.

Section C-8-12 Acting officials and employees.

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

Section C-8-14 Conflict of interests.

## Section C-8-1Merit system created—Appointments, removals, etc.—Personnel rules.

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

(Amended: 3/21/95)

## Section C-8-2No favoritism or discrimination.

No person shall be appointed to, or removed from, or in any way favored or discriminated against with respect to, any city office or position of employment because of race, gender, national origin, religion, age or as prohibited by applicable law.

(Amended: 3/21/95)

## Section C-8-3Retirement.

Retirement regulations shall be based upon merit, fitness, and the good of the service, and may be similar to those provided by the Oklahoma Public Employee Retirement System or its successor.

(Amended: 3/21/95)

## Section C-8-4Personnel board created.

a. There shall be a personnel board to hear appeals by employees relating to lay off, suspension, demotion or removal as provided hereafter. The board shall consist of three members appointed by the council on nomination by the mayor for overlapping six year terms. The term of one member shall begin July first in every even-numbered year. The council shall appoint the original members so that the term of one will expire at that time in each of the first three succeeding even-numbered years. A member may not hold any other office or position in the city government. The council, by a vote of at least six affirmative votes after adequate opportunity for a public hearing, may remove a member for cause; and the vote shall be by roll call and shall be entered in the journal. The council on nomination by the mayor shall fill vacancies for the unexpired terms. Members shall serve without compensation unless the council provides otherwise.

b. At the time prescribed for the beginning of the term of a newly appointed member or as soon thereafter as practicable, the board shall elect a chairman, a vice-chairman, and a secretary; and the secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairman or two (2) members may call special meetings. The chairman shall have power to administer oaths and affirmations.

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

(Amended: 3/21/95)

## Section C-8-5Removal, etc.—Hearing before the personnel board.

a. The city manager or any other authority who lays off, suspends without pay for more than ten (10) days, demotes, or removes any employee in the classified service after a probationary period of six months, shall, at that time or within two days thereafter, deliver, or have delivered, or mail by registered, certified, or similar special mail, to the employee a written statement of the reason or reasons for the layoff, suspension, demotion, or removal.

b. Such employee may appeal in writing to the personnel board. The appeal must be filed with the secretary of the board, or with the city clerk for transmittal to the board, within ten (10) days after receipt of notice of the layoff, suspension, demotion, or removal.

c. As soon as practicable thereafter, the board shall hold a public hearing on the appeal, or give an adequate opportunity therefore, and shall report in writing its findings and recommendations, in cases of subordinates of the city manager, to the city manager, and in other cases to the respective authorities having power of removal. The city manager or other authority having power of removal shall then make a final decision in writing regarding the appellant's layoff, suspension, demotion, or removal, as the case may be; provided, that, if the board finds that the layoff, suspension, demotion, or removal was made for a political reason or reasons or for any other reason or reasons than the good of the service, it shall veto the layoff, suspension, demotion, or removal, and the action by the city manager or other authority shall be nullified thereby.

(Amended: 3/21/95)

## Section C-8-6Nepotism.

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

(Amended: 3/21/95)

### Section C-8-7Holding more than one office.

Except as may be otherwise provided by this Charter or by ordinance, the same person may hold more than one office in the city government. The city manager may hold more than one such office, through appointment by himself, by the council, or by other city authority having power to fill the particular office, subject to any regulations which the council may make by ordinance, but he may not receive compensation for service in such other offices. Also the council by ordinance may provide that the city manager shall hold ex officio designated offices subordinate to the city manager as well as other designated compatible city offices, notwithstanding any other provision of this Charter.

(Amended: 3/21/95)

### Section C-8-8Bonds of officials and employees.

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

(Amended: 3/21/95)

### Section C-8-9Oath or affirmation of office.

Every official of the city, required by law to take an oath of office before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed in the city clerk's office.

(Amended: 3/21/95)

### Section C-8-10Who may administer oaths and affirmations.

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

(Amended: 3/21/95)

### Section C-8-11Removal, etc., of officials and employees.

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

(Amended: 3/21/95)

### Section C-8-12Acting officials and employees.

The appointing or electing authority who may appoint or elect the successor of an official or employee, may appoint or elect a person to act during the temporary absence, disability, or suspension of

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

(Amended: 3/21/95)

### Section C-8-13Officials to continue until successors are elected or appointed and qualify.

Every official who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his successor is elected or appointed and qualifies unless his services are sooner terminated by resignation, removal, disqualification, death, abolition of the office, or other legal manner.

(Amended: 3/21/95)

### Section C-8-14Conflict of interests.

a. Neither the mayor, any councilmember, nor the city manager 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 (as for example, utility services), and then only on the same terms as are offered to the public. Any such official violating this section, upon conviction thereof, shall thereby forfeit his office. Any violation of this section, with the knowledge, express or implied, of the person or corporation contracting with the city, shall render the contract voidable by the city manager or the council. This subsection shall not apply in cases in which the city acquires property by condemnation.

b. Any member of the council or of any board, commission, or other plural authority, shall abstain from voting on any matter in which he has a financial or personal interest and may participate in discussion on that matter only to the extent permitted by law.

c. The council by ordinance or personnel rules may further regulate conflict of interests and ethics of officials and employees of the city.

(Amended: 3/21/95) (Res. 2011-106, Amended, 03/26/2012)

# Article C-9AMENDMENT AND SEPARABILITY OF CHARTER

**Sections:**

Section C-9-1 Amendment—Proposal, ratification, approval.

Section C-9-2 Separability.

## Section C-9-1Amendment—Proposal, ratification, approval.

This Charter may be amended by proposals therefor submitted by the council, or by the mayor upon initiative petition of the electors as provided by the state constitution, at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If multiple amendments are proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this Charter may be either in the form of a proposed amendment to a part or parts of the Charter or of a proposed new Charter.

(Amended: 3/21/95)

## Section C-9-2Separability.

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

b. If a court of competent jurisdiction holds a part of this Charter invalid or if a change in the state constitution or law renders a part of this Charter invalid or inapplicable, the council by ordinance may take such appropriate action as will enable the city government to function properly.

# Article C-10SUCCESSION IN GOVERNMENT

**Sections:**

Section C-10-1 When Charter goes into effect.

Section C-10-2 Boards to be created.

Section C-10-3 Ordinances continued.

Section C-10-4 Pending actions and proceedings.

## Section C-10-1When Charter goes into effect.

Provisions of this Charter, as amended, shall go into effect immediately provided it has been ratified by a vote of a majority of the qualified electors of the city voting upon the question at an election and its approval by the governor as provided by the state constitution; and the government created by this Charter shall supersede the heretofore existing statutory government as of that time.

(Amended: 3/21/95)

## Section C-10-2Boards to be created.

The council, by ordinance consistent with this Charter, as amended, shall create any boards deemed necessary for the proper functioning of the city government.

(Amended: 3/21/95)

## Section C-10-3Ordinances continued.

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

(Amended: 3/21/95)

## Section C-10-4Pending actions and proceedings.

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

(Amended: 3/21/95)