

**CHARTER
OF THE CITY OF
NEWKIRK, OK**

Incorporates Amendments Through
January 14, 1985
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PREAMBLE

We, the people of the City of Newkirk, under the authority of the Constitution and laws of the State of Oklahoma, do ordain and established this Charter for the government of said city.

ARTICLE 1.

Section 1. The boundaries of the City of Newkirk, Oklahoma, shall be as defined at the time this charter shall be adopted and approved by the Governor of the State of Oklahoma until otherwise changed in the manner provided by law.

Section 2 There is hereby created under the authority of the Constitution and laws of the State of Oklahoma a municipal corporation with powers of perpetual succession under the name of "The City of Newkirk," and said municipality shall be a successor to the present City of Newkirk, which is a city of the first class organized and existing under the laws of the State of Oklahoma, and municipality so created under this Charter shall succeed to and own all the rights, privileges, franchises, powers and immunities now belonging to the present municipality, with power to adopt a common seal and alter same at pleasure; to sue and be sued, to make contracts, to take and acquire property by purchase, condemnation, gift or otherwise, and to hold, lease, mortgage, convey or otherwise dispose of its property within and without the limits of said city, and it shall have any and all such powers, rights, privileges, franchises and immunities are now granted and conferred or which may hereafter be granted and conferred by the Charter of said City or by the Constitution and laws of the state of Oklahoma.

Section 3: Powers of the City. The City shall have all powers, functions, rights, privileges, franchises, and immunities granted to cities by the State Constitution and law, and all the implied powers necessary to carry into execution all the powers granted. Except as prohibited by the state Constitution or law, the City shall have all municipal powers, functions, rights, privileges, franchises, and immunities of every name and nature whatsoever.

The City shall have power to adopt a corporate seal and to alter it at pleasure, to sue and to be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any city purpose including public utilities, works and ways, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation, or other legal means; and to hold , maintain, improve, enlarge, manage, control, operate, lease, sell, convey, or otherwise dispose of, such property as its interests may require, including public utilities, works, and ways. It shall have power to incur indebtedness and to issue bonds within the limitations prescribed by the State Constitution. It shall have power to accept and administer federal and state grants-in-aid and to do everything necessary to accomplish the purpose or purposes for which such grants may be made. It shall have power to ordain and to enforce local legislation for the proper organization and functioning of the City government and order, for the protection of health, life and property, for the 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.

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

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 4: Platting property. Should any property lying within the limits of the city as established by this Charter be hereafter platted into blocks and lots, or any blocks or lots, as they now exist, be subdivided, then and in that event the same shall be platted and laid off to conform with the streets, alleys and lots abutting the same and there shall be filed with the City Clerk a correct map of the property so platted. Provided that in no case shall the City of Newkirk be required to pay for any of said streets or alleys at whatever date opened, but when opened by reason of the platting of said property at whatever date platted, they shall become by such act the property of the City of Newkirk for use as public highways and may be cared for as such.

Section 5: All existing ordinances of the City of Newkirk not inconsistent with this Charter, or inapplicable under the altered form of municipal government provided for by this Charter, shall be and continue in full force until altered, amended or repealed by the proper legislative authority of the city or until they expire by their limitations, and no existing rights, actions, suits, proceedings or contracts shall be affected by the change in the form of government of the City, but shall continue as though no change had taken place; and all debts, penalties and forfeitures which have accrued or which may hereafter accrue by virtue of anything heretofore done or omitted to be done shall inure to the benefit of the City of Newkirk and may be sued for and recovered by said city as though no changes in the form of government had taken place. Nothing herein, however, shall legalize or validate any legal or invalid indebtedness of the City of Newkirk heretofore contracted or incurred, or impair any defense against the payment of the same nor shall the adoption of the charter in any wise interfere with any proceedings heretofore instituted, relating to the levy and collection of taxes, special assessments or levies of any nature, or with any proceedings to enforce payment of the same, and all valid and legal contracts and obligations heretofore entered into by the City of Newkirk shall remain in full force and effect and be completed and performed in the same manner as if no change in the form of government had taken place.

Article II

Section 1: Number of Commissioners, Qualifications, terms and Vacancies;

There shall be a Board of Commissioners of three members, which shall consist of the mayor and two commissioners. Unless otherwise clearly indicated by the context, the word "commissioner" shall include the mayor as well as other commissioners.

All persons twenty-five years of age and a registered voter within the State of Oklahoma with a registration address within the municipal limits of the City of Newkirk, Oklahoma, for at least 6 months preceding their election, shall be eligible for the office of mayor or commissioner.

Section 2: Mayor and Vice-Mayor, duties-succession

The mayor shall preside at meetings of the board and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the City Government for all ceremonial purposes and by the governor for the purposes of military law. As a board member he shall have all the powers, rights, privileges, duties and responsibilities of a commissioner. He shall have no administrative duties except that he shall sign such written obligations of the City as board may require.

The mayor and commissioners shall hold office for three years and until their successors are elected and qualified, except as in this charter provided.

Every year, at the first meeting after the time for the beginning of the term of a newly elected mayor or commissioner or as soon thereafter as practicable, the commission shall elect one of its members vice-mayor, who shall serve as such until the next such first meeting. The vice-mayor shall act as mayor during the absence of the mayor. If a vacancy occurs in the office of mayor or commissioner by reason of

death, disability, resignation, removal or recall, the Board of Commissioners shall fill by appointment the vacancy, said appointee to hold office until the next succeeding City election at which time his successor shall be elected to fill out the unexpired term.

Section 3: Compensation

The compensation of the commissioners and mayor shall be \$1,200.00 per annum, payable monthly. The aforementioned salaries shall be neither increased or decreased during the term for which a commissioner shall have been elected: nor shall there be an increase or decrease of compensation of any successor appointed to fill the unexpired term of any commissioner. This compensation shall only become effective and payable to such members of the commission of the City of Newkirk, who shall have been elected after this amended charter provision shall have become effective and in full force and effect in the manner as provided by the laws of the State of Oklahoma and the charter of the City of Newkirk, Oklahoma.

Section 4: Powers

Except as otherwise provided in the charter, all powers of the City, including the determination of all matters of policy, shall be vested in the Board of Commissioners. Without limitation of the foregoing, the commission may:

- (1) Appoint and remove the City Manager, City Treasure, City Attorney, and Municipal Judge.
- (2) Confirm the City Manager's hiring and discharge of department heads.
- (3) By Ordinance or resolution enact municipal legislation.
- (4) Raise revenue, make appropriations, regulate bond elections, the issuance of bonds, sinking funds, the funding of indebtedness, set salaries and wages, and all other fiscal affairs of the City, subject to the provisions of the State Constitution and law and this charter;
- (5) Establish or adopt a pension, retirement and social security system or systems for any or all groups of the City, either alone or in cooperation with the State or Federal government or both;
- (6) Inquire into the conduct of any office, department or agency of the City, and investigate municipal affairs;
- (7) Appoint or elect and remove the members of the library board, the planning commission, the board of adjustment and other quasi-legislative, quasi-judicial or advisory officers authorities, or prescribe the method of appointing or electing them;
- (8) Grant pardons;
- (9) Regulate elections and the initiative and referendum within the limits prescribed by the state constitution and law and this charter;
- (10) Regulate the organization, powers, duties and functions of the municipal court within the law and this charter;
- (11) Create, change and abolish all offices, departments and agencies of the City other than the offices, departments and agencies created by this Charter; and assign additional powers, duties and functions to offices, departments and agencies created by this charter.

Section 5: Commission not to Interfere in Appointment and Removals

Except as provided in this Charter, neither the mayor, the commissioners nor any of its members may direct or request the appointment of any person to, or his removal from, offices or employment by the City Manager or by any other authority, or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the City. Except for the purpose of inquiry, the mayor, the commission and its members shall deal with the administrative service solely through the City Manager.

Section 6: City Clerk to be Clerical Officer of Commission

The City Clerk, hereinafter provided for, shall also serve as clerical officers of the commission. 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 the applicable law, ordinance or resolution.

Section 7: Meetings

(a) The Commission shall meet regularly at least twice in every month at such times and places as the commission may prescribe by Ordinance. Special meetings may be held on the call of the Mayor or two commissioners upon no less than forty-eight hour notice to each member. An emergency meeting may likewise be called upon twelve hours notice to all commissioners. All meetings of the commission shall be open to the public, and the journal of its proceedings open to public inspection.

(b) Executive Session: Executive sessions may be held in accordance with the statutes of the State of Oklahoma. Any official action resulting from such discussion shall be taken only in an open meeting.

Section 8: Commission Absences to Terminate Membership

If the mayor or any other commissioner shall be absent from more than one-half of all meetings of the commission, regular and special, held within any period of four consecutive months, his title to such office shall immediately expire without any action by any board, Court or other authority; and the commission shall immediately fill the vacancy as provided in this charter.

Section 9: Commissioners; Removal

A commissioner 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 may also be removed by recall as provided in this charter.

Section 10: Quorum

Two members of the commission shall constitute a quorum, but a smaller number may adjourn a regular meeting from day to day. The commission shall determine its own rules of procedure. On the demand of any member, the vote on any question shall be by yeas and nays and shall be entered in the journal.

Section 11: Ordinances; Enacting Clause

The enacting clause of all ordinances passed by the commission shall be, "Be it ordained by the Board of Commissioners of the City of Newkirk", and of all ordinances proposed by the voters under the power of initiative, "Be it ordained by the People of the City of Newkirk."

Section 12: Ordinances, Passage, When in Effect

Every proposed ordinance shall be read, and vote of a majority of all the commissioners shall be required for its passage. The vote on final passage of every ordinance shall be by yeas or nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten days after its passage, every ordinance shall be published in full in a newspaper of general circulation within the city; provided that the ordinance amending or pertaining to the zoning ordinances of the City need not be published if such an ordinance was considered by the planning commission or board of adjustment upon proper publication notice of the meeting of said advisory board and further provided that, in lieu of publication in full, ordinances which relate to the traffic, building, housing, plumbing, electrical wiring or installations, fire or explosion prevention and safety, milk and milk products and other foods and beverages, the protection of public health and safety, planning and zoning, land plats, subdivisions and annexation, may be published by number, title and condensed list or summary in such a newspaper within said period. Every ordinance except any emergency ordinance, so published, shall become effective thirty days after its final passage and publication as required by law unless it specifies a later time; provided that an ordinance granting a franchise to a public utility shall not go into effect until it has been published in full in a newspaper of general circulation within the City and has been approved at any election by a vote of a majority of the qualified electors voting on the question.

Section 13: Ordinances; Emergency

An emergency ordinance is an ordinance which in the judgement of the commission is necessary for the preservation of the public peace, health, or safety, or provides for the usual daily operations of a municipal department 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. To enact an emergency ordinance, all three commissioners must vote in favor of its passage. An emergency ordinance shall take effect upon publication with publication by title and a condensed gist allowed. All ordinances appropriating money may be passed as emergency measures without publication or posting.

Section 14: Adoption by Reference

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

Section 15: Ordinances; Codification

The permanent, general ordinances of the it shall be codified and published in book or pamphlet form at least every ten years unless the commission, 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 commission adopts the code by ordinance, but the code need not be enrolled in the book of ordinances.

ARTICLE III

City Manager

Section 1: Appointment, Term, Qualifications, Removal

The Board of Commissioners shall appoint a City Manager for an indefinite term by a vote of a majority of its members. It shall choose the person solely on the basis of his executive and administration qualifications. Neither the Mayor nor any other commissioner may be appointed City Manager or acting City Manager during the terms for which he shall have been elected nor within six months after the expiration of his term. The commission may suspend or remove the City Manager at any time by a vote of a majority of all its members.

Section 2: Acting City Manager

If the City Manager is absent from the city or is unable to perform his duties, if the commission suspends the City Manager, or if there is a vacancy in the office of City Manager, the commission may appoint an acting City Manager to serve until the City Manager returns, until his disability or suspension ceases, or until it appoints another City Manager, as the case may be. The commission may suspend or remove an acting City Manager at any time.

Section 3: City Manager; 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 ordinances and administer the government of the City, and shall be responsible therefor to the commission. He shall:

(1) Appoint, and when necessary for the good of the service, suspend, demote or remove all heads of administrative departments (subject to Article II, Section 4 (2)) and other administrative officers and employees of the City except as the commission, by ordinance or this chapter, may authorize the head of a department, office or agency to appoint, suspend, demote or remove subordinates in such department, office or agency.

(2) Supervise and control, directly or indirectly, all administrative officers, agencies and employees and provide job descriptions for each;

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

(4) Submit to the commission 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 commission 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 commission prescribe, consistent with this charter.

(7) Attend all meetings of the commission, unless excused by the commission, and have the right to take part in discussions, but have no vote;

(8) Have authority to delegate his duties or any portion thereof to his subordinates;

(9) See that all terms and conditions imposed in favor of the City or its inhabitants by any public utility franchise are kept faithfully and are performed, and upon receiving information of any violation thereof, call the same to the attention of the City Attorney, whose duty it shall be to take such steps as are necessary or proper to enforce the obligations arising under the franchise;

(10) Shall make available to the public an Agenda Request form. One desiring to bring a matter before the commission shall complete the form and serve it upon the City Manager. The completed form shall contain the submitting person's name and address and the gist of the item to be considered. At the first commission meeting convened more than three days after the service of the Agenda request upon the City Manager, the items shall be considered in the order presented.

ARTICLE IV.

Section 1. Administrative Departments, Offices and Agencies

There shall be the following departments: finance, utilities, library, police, and fire; and such other administrative departments, offices and agencies as this Charter creates or as the commission establishes.

Section 2. Library Board and Appointment of Librarian

The library department shall be governed by a library board, six in number, appointed by the Board of Commissioners for overlapping terms of three years to serve, without compensation until their respective successors have been appointed and have qualified. The Commission may remove a member for the good of the service, and fill vacancies for unexpired terms.

Every year, at the beginning of the terms of new members or as soon as practicable thereafter, the board shall elect a chairman, a vice-chairman, and a secretary. The board shall determine the time and place of its regular meetings. The chairman or any two members may call special meetings.

The library board shall supervise and control the public libraries of the City. The library board may adopt regulations for the administration and operation of the libraries, subject to such ordinances or resolutions as the commission enacts.

Upon recommendation of the Library Board, the Board of Commissioners shall appoint the librarian and may authorize the librarian to appoint his subordinates.

Section 3. Public Improvements

Public improvements may be made by the City government itself or by contract. The commission shall award all contracts for such improvements; provided that the Commission may authorize the City Manager to award such contracts not exceeding an amount to be determined by the Commission and subject to such regulations as the Commission may prescribe. Every contract for public improvements shall be awarded to the lowest and the best responsible bidder after such notice and opportunity for competitive bidding as the commission may prescribe by State Statute. All bids may be rejected, and further notice and opportunity for competitive bidding may be given.

Section 4. 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.

ARTICLE V

Department of Finance, Fiscal Affairs

Section 1. City clerk: Office Created, Duties

There shall be a City Clerk appointed by the City manager for an indefinite term, who shall be the head of the department of finance. Except as the Commission by ordinance provides otherwise, the City Clerk shall collect or receive revenue and other money for the City, shall deposit the same with the City Treasurer or for the City Treasurer in an account or accounts maintained by the City Treasurer in a depository or depositories, and shall maintain a general accounting system for the City government. He shall have such other powers, duties, and functions as may be prescribed by the charter, by applicable law or by ordinance.

Section 2. City Treasurer: Office Created, Duties

Within the department of finance, there shall be a City Treasurer, who shall be an officer of the City appointed by the City Commission for an indefinite term. Subject to such regulations as the Commission may prescribe, the City treasurer shall deposit funds received for the City in such depositories as the Commission may designate. He shall have such powers, duties and functions as may be prescribed by the charter, by applicable law, or ordinance.

Section 3. Purchases and sales

The City Manager, subject to any regulations which the commission may prescribe, shall contract for the purchase, or issue purchase authorizations, for all supplies, materials, and equipment for the offices, departments, and agencies of the City government. Every such contract or purchase exceeding an amount to be established by ordinance, shall require the prior approval of the Commission. 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 Commission 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, with such exceptions, as the Commission may prescribe, shall be given; but the Commission shall not accept an individual contract, purchase, or sale from the requirement of competitive bidding.

Section 4. Purchase or Sale of Property valued at More Than Three Percent (3%) of Preceding Year's Annual Budget.

The purchase or sale of any property, real, personal or mixed, or of any interest therein, the value of which is more than 3% of the preceding years annual budget, must first be submitted by the Board of Commissioners to the qualified electors of the City at an election held for that purpose. If a majority of votes cast at such election be in the affirmative, then the Commissioners shall purchase/sell said property, and not otherwise. The laws of the State of Oklahoma regarding the holding of special elections shall govern the calling and notice of such an election.

ARTICLE VI

Municipal Court

There shall be a municipal judge, who shall be an officer of the city appointed by the Board of Commissioners for an indefinite term. In accordance with the Constitution and laws of this State, the municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the charter and ordinances of the City. The municipal judge shall keep a record of all proceedings of the municipal court, of the disposition all cases, and of all fines and other monies collected. The municipal judge may issue warrants and subpoenas, administer oaths and affirmations, make and enforce all proper orders, rules and judgements, and punish for contempt.

ARTICLE VII

Nomination and Elections

Section 1. Three Year Terms, Election at Large

All candidates for mayor and commissioners shall be elected, at large, by the qualified electors of the entire City. The mayor and commissioners shall hold office for three years and until their successors are elected and until their successors are elected and qualified, except as in this charter provided.

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

Section 2. Filing for Office

Any person desiring to become a candidate for mayor or commissioner shall, at the time of filing, present to the Secretary of the Kay County Election Board a statement of candidacy in conformity with the rules and regulations of the Kay County Election Board.

Any contest to the qualifications of a candidate along with specific reasons therefor must be timely filed with the Secretary of the Kay County Election Board which Board will consider the merits of the contest in compliance with the procedure established by the general election law of the State of Oklahoma.

Section 3. Primary Elections and Run Off Elections, when needed.

After consulting with the Secretary of the Kay County Election Board and at least sixty days prior to the general election date, the City Commission by resolution shall established the filing period and the dates of the general election and runoff election, if needed.

If only one qualified person files for that office, that person shall be declared the winner without an election. For any office for which three or fewer qualified persons file, the candidate with the greatest number of votes cast for that office shall be elected to the office with no run off election held. If four or more persons file for an office and one candidate receives a majority of all the votes cast for that office, than that person shall be elected to the office without necessity of a run off election. If of the four or more candidates no person receives a majority of all the votes cast for that office, then the two candidates with the greatest number of votes cast shall be the candidates in the runoff election. The candidate receiving the highest number of votes in the runoff election will be elected to the office.

Every qualified elector of the City shall be entitled to vote for one candidate for each office to be filed.

Section 4. Conducting of Elections

All elections for the mayor and commissioner shall be conducted by the Kay County Election Board pursuant to the general election law of the State of Oklahoma unless otherwise directly in conflict with this Charter. The candidate order on the ballot shall be determined by the lot conducted by the Secretary of the Kay County Election Board. Election contests shall be governed by the general election law of the State of Oklahoma.

At the option of the City Commission, special elections may either be conducted by the Kay County Election Board or city officials. If conducted by city officials, the duties required to be performed by the County Election Board will be performed by the City Clerk, the duties required to be performed by

the County Board of Commissioners shall be performed by the City Commission of the City of Newkirk, and the duties of the County Sheriff shall be performed by the Chief of Police, City of Newkirk.

Absentee voting shall be authorized in all elections conducted by the Secretary of the Kay County Election Board and at the option of the City Commission shall be authorized for special elections which the City officials conduct.

ARTICLE VIII

Section 1. The powers of the initiative and referendum reserved by the Constitution of the State to the people thereof, and the respective counties and districts therein, are hereby reserved to the people of this City, and the same shall be held to apply to all legislative authority which the said Board may exercise, and to amendments of this charter.

Section 2. Every petition for the initiative or referendum shall be signed by a number of qualified electors, residing within the limits of said City, equal to twenty-five (25) per centum of the total number of votes cast at the last preceding general election, and every such petition shall be filed with the Mayor of the City. When such petition demands the enactment of an ordinance or other legal act, other than a grant, renewal or extension of a franchise, the Mayor shall present the same to the Board of Commissioners at its next meeting; unless the said petition shall be granted more than thirty days before the next election at which any city officers are to be elected, the Mayor shall submit the said ordinance or act so petitioned for, to the qualified voters in said election; and if a majority of said electors voting thereon shall vote for the same it shall thereupon become in full force and effect.

Section 3. When such petition demands a referendum vote upon an ordinance or any legal act other than the grant, extension or renewal of a franchise the Mayor shall submit said ordinance or act to the qualified electors of said City at the next succeeding general municipal election, and if at said election a majority of the electors voting thereon shall not vote for the same it shall thereupon stand repealed.

Section 4. When such petition demands an amendment to this Charter the Mayor shall submit such amendment to the qualified voters of said city at the next election of any officers of said City, and if, at said election, a majority of said electors voting thereon shall vote for such amendment, the same shall thereupon become an amendment to and a part of this Charter when approved by the Governor and filed in the same form and manner as an original charter is required by the provisions of the Constitution of the State to be approved when filed. Provided, this Charter may be amended by proposals therefore submitted by the Legislative authority of the City to the qualified electors thereof.

Section 5. The said City shall never grant, extend or renew a franchise without the approval of a majority of the qualified electors residing within its corporate limits, who shall vote thereon at a general or special election, and the Board of Commissioners may submit any such matter for approval or disapproval to such electors at any general municipal election, or call a special election for such purpose at any time upon thirty days notice; and no franchise shall be granted, extended or renewed for longer term than twenty-five years.

Section 6. Whenever a petition signed by a number of qualified electors of said City equal to twenty-five per centum of the number of votes cast at the next preceding general municipal election, demanding that a franchise be granted, extended or renewed, shall be filed with the Mayor of said City, the Mayor shall, within ten days thereafter, call a special election, at which he shall submit the question of whether or not such franchise shall be granted, extended or renewed, and if at such election a majority of said electors voting thereon shall vote for the grant, extension or renewal of such franchise, the same shall be granted by the proper authorities at the next succeeding regular meeting of the Board of Commissioners. Provided, that the Mayor shall not call any special election until the party or parties demanding such franchise shall deposit with the Clerk of said City a sufficient amount of money to pay the expense of such special election, which amount shall be used in paying expense of such election.

ARTICLE IX

RIGHT OF RECALL

Section 1. Any member of the Board of Commissioners may be removed by the qualified voters of the City of Newkirk in the following manner: The recall shall be commenced by a petition signed by persons equal in number to at least thirty-five (35%) per cent of all votes cast in the last conducted election for an office on the City Commission and in the event at that prior election two offices were filled, then the petition must be signed by thirty-five (35%) per cent of all votes cast in the race having the highest number of votes cast. On the date of signing the petition, each signatory party to the petition must be a registered voter in the state of Oklahoma with a residence in the City of Newkirk. The petition must be filed with the City Clerk within sixty days of the commencement of the circulation of the petition and shall contain a general statement of the ground on which the removal is sought. The signatures to the petition need not all be appended to one paper, but each subscriber shall sign an oath showing his place of residence and his qualifications to vote at such election. One or more of the signers of such petition shall make an oath before an officer competent to administer oaths that the statements therein made are true, and that each signature to the petition appended is a genuine signature of the person whose name purports to be thereunto subscribed, and that the same was circulated and signed within sixty days. Within ten days from the date of filing of such petitions, the City Clerk shall examine and ascertain whether or not such petitions are signed by the requisite number of qualified electors, and he shall attach to such petition his certificate showing the result of such examination. If by the Clerk's certificate the petitions are shown to be insufficient, they may be amended within ten days from the date of such certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petitions and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of new petitions to the same effect. If the petitions or amended petitions shall be found to be sufficient, the Clerk shall submit the same to the Board of Commissioners without delay. If the petitions or amended petitions shall be found to be sufficient, the Board of Commissioners shall order and fix a date for holding the said election not less than thirty, nor more than forty days from the date of the Clerk's certificate to the Board of Commissioners, that sufficient petitions have been filed.

Section 2. The mayor or Commissioner sought to be removed shall be disqualified from passing upon the petition, or in any manner vote or decide upon any matter arising out of the question or removal of said officer.

Section 3. The two members of the Board of Commissioners not undercharge shall constitute the Board of Commissioners; and in case two members of the Board of Commissioners are sought to be removed at the same time, then the member of the Board not sought to be removed shall constitute the Board; and the Board so constituted shall decide all matters affecting the election thereon.

Section 4. The ballots to be voted in said election shall be in the following form: "Shall (name of officer) be removed from the office of (name of Office)?"

- ☐ Yes
- ☐ No

The voter who desires to vote for the removal of the officer shall stamp in the square to the left of the word "yes"; the voter who desires to vote against the removal of the officer shall stamp in the square to the left of the word "no."

If a majority of the duly qualified electors voting at such official election shall vote “yes” at said election, then and in that case, the officer shall be removed and his office become at once vacant immediately upon the canvassing and the announcing of the vote. Said elections shall be called and conducted and the result announced in all respects as other city elections.

The vacancy shall be filled by appointment by the Board of Commissioners and the person so appointed shall hold office until the next succeeding general election or until his successor is elected and qualified.

Section 5. No recall petition shall be filed against any officer until he shall have held his office for at least four (4) months, nor within six (6) months after an election has been held upon previous petition for removal of same officer, and no person who has been recalled from office, or who has resigned while recall proceedings were pending against him, shall be appointed to an office or become a candidate for an office of the City within one year after such recall or resignation.

Section 6. Any vacancy in the Board of Commissioners, whether caused by death, resignation, removal or recall shall be filled by appointment of the Board of Commissioners, and he shall hold office until the next succeeding city election at which time his successor shall be elected to fill out the unexpired term.

ARTICLE X

Miscellaneous Provisions

Section 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 2. qualifications of Officers and Employees

Officers and employees of the City shall have the qualifications prescribed by this charter and such additional qualifications as the Commission may prescribe; but the Commission shall not prescribe additional qualifications for mayor or commissioners.

Section 3. Nepotism

The laws of the State of Oklahoma relating to nepotism shall apply to the officers and employees of this City and no officer or employee of said City shall be a relative either by blood or marriage of the officer making the appointment within the degree of relationship prohibited by the laws of the State of Oklahoma; and the violation of this section shall work a forfeiture of the office of both the appointee and the officer making the appointment.

Section 4. Official Bonds

The City Manager, The City Clerk, the City Treasurer, and such other officers and employees as the commission 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 commission may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Section 5. Oath and Affirmation of Office

Every officer of the city, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed and kept in the City Clerk's Office.

Section 6. Who May Administer Oaths and Affirmations?

All officers authorized by a federal or state law, the mayor, the city manager, the city clerk, the municipal judge, and such other officers as the commission may authorize, may administer oaths and affirmation.

Section 7. 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.

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

ARTICLE XI

Amendments And Continuation Of Terms Of Office

Section 1. Amendments; Proposal, Ratification, Approval

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

Section 2. Officers and Employees Continued

The three commissioners under the charter seeking to be amended shall continue in office until the expiration of their terms for which they were elected, and until their respective successors have been elected and take office. They shall continue to draw compensation at the rate of \$15.00 per month until the expiration of the terms which they are serving when this charter goes into effect.

All other officers and employees of the City shall continue in the offices and employments which they respectively hold, after this amended charter goes into effect, and until their services are terminated in accordance with the provisions of this charter.

CERTIFICATE

State of Oklahoma, County of Kay

ss.

Be it remembered, that the City of Newkirk, Kay County, Oklahoma, did heretofore, to wit: On the 9th day of April, Nineteen Hundred eighteen, hold an election for the election of eight (8) Freeholders of said City to propose a Charter for the government of said City; and at said election there were elected as such Freeholders from each of the wards of said City the following named persons: First Ward, J.M. Hoefer and Wilmot Jones; Second Ward, J.S. Thomas and Charles Peel; Third Ward, T.J. Sargent and J.J. Conan; Fourth Ward, C.S. Ford and Claude Duval; and said Freeholders did thereupon take their oath of office duly qualified as a Board of Freeholders to prepare, suggest and propose a Charter to be executed in duplicate and filed within ninety days from the day and date of election.

The Freeholders so elected and qualified did organize by the election of Claude Duval as chairman of the Board and T.J. Sargent as secretary of the Board.

In Testimony Whereof witness our hands at Newkirk, Oklahoma, in duplicate, on this 28th day of May, A.D., Nineteen Hundred Eighteen.

J.M. HOEFER
WILMOT JONES

First Ward

J.S. THOMAS
CHARLES PEEL

Second Ward

T.J. SARGENT
J.J. CONAN

Third Ward

C.S. FORD
CLAUDE DUVAL

Fourth Ward

State of Oklahoma, County of Kay.

ss.

I, Claude Duval, chairman of the Board of Freeholders of the City of Newkirk, Oklahoma, elected on the 9th day of April, Nineteen Hundred Eighteen to serve as a Board of Freeholders to prepare and propose a Charter for the City of Newkirk, Oklahoma, do hereby certify that the within and forgoing (in duplicate) is the original parchment and acknowledgment of the said proposed Charter as adopted by the Board of Freeholders to be submitted to the qualified electors of Newkirk, Oklahoma, for ratification or rejection within the time and in the manner prescribed by law; and I do hereby certify that said Charter was so executed in duplicate and subscribed by the eight Freeholders and that said proposed Charter was filed with the Mayor of the City of Newkirk and with the County Clerk of Kay County within ninety days from the date of the election and that the foregoing is the true and exact original Charter as prepared and adopted by the Board of Freeholders.

In Witness Whereof, I have hereunto set my hand this 28th day of May, A.D., Nineteen Hundred Eighteen.

Attest:

T.J. SARGENT
SecretaryCLAUDE DUVAL
Chairman.

Approved by me this 24th day of August, A.D. 1918.

R.L. WILLIAMS
Governor of the State of Oklahoma

AMENDMENTS TO CHARTER

Prior to January 14, 1985

Sections 1, 2 and 3 of Article IV of the Charter of the City of Newkirk, Oklahoma amended by approval of electors on September 13, 1921 and approved by the Governor of the State of Oklahoma on October 12, 1921.

Section 2 of Article VI of the Charter of the City of Newkirk, Oklahoma amended by approval of electors on April 3, 1928 and approved by the Governor of the State of Oklahoma on January 26, 1929.

Section 3 of Article I;

Article II, entire article amended;

Article III, entire article amended;

Article IV, entire article amended;

Article V, entire article amended;

Article VI, entire article amended;

Article VII, entire article amended;

Article X, new article; and
Article XI, new article,

To the Charter of the City of Newkirk proposed by ordinance No. 84-3 were on the 8th day of May, 1984 submitted to the qualified electors of Newkirk, Oklahoma for ratification or rejection.

That in said election for said purpose the amendments were approved by the electors of said city by vote of 69 for the amendments and 26 against the amendments and 1 mutilated ballot. That this Charter should be submitted to the Governor of the State of Oklahoma for approval.

Dated this 11th day of October, 1984.

/s/ LANIO ROBERTS

Mayor

Attest:

/S/David Haynes
City Clerk

The amendments proposed by Ordinance 84-3 were approved by George Nigh, Governor of the State of Oklahoma on January 14, 1985 and a copy of the approved amendments was filed in the office of the Secretary of State, State of Oklahoma on January 14, 1985.

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