

# CHARTER

## PREAMBLE

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

*Footnotes:*

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**Editor's note**— *The Charter was approved by the voters on November 19, 1948, by a vote of 331 to 135 and approved by Governor Roy J. Turner on December 7, 1948. It has been amended from time to time, and is set out as amended. The approval date of amendments is set out in parentheses following the sections amended. The absence of such note indicates that the section is as contained in the original Charter. Clarifications and corrections have been inserted in brackets [] by the editor where necessary.*

## ARTICLE I. - INCORPORATION, FORM OF GOVERNMENT, POWERS

### Sec. 1. - Incorporation; annexation, consolidation, merging.

When this Charter goes into full effect, the inhabitants of the Town of Midwest City, Oklahoma, shall become a city, and within the corporate limits as now established or as hereafter may be established, shall be a municipal body politic and corporate in perpetuity under the name of the "City of Midwest City." The city shall be the legal successor of the town; and as such, it shall succeed to and possess all the property and rights belonging to the town and shall be liable for all debts and other obligations for which the town is legally bound at the time of the succession in government.

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

(January 5, 1959)

### Sec. 2. - Form of government.

The municipal government provided by this Charter shall be known as the "council-manager government." All powers of the city shall be exercised in the manner prescribed by this Charter, or, if the manner is not prescribed, then in such manner as the council may prescribe by ordinance.

### Sec. 3. - Powers of the city.

The city shall have all the powers, functions, rights, privileges, franchises and immunities granted to cities by the state constitution and law and all the implied powers necessary to carry into execution all the powers granted. Except as prohibited by the state constitution and law or restricted by this Charter, the city shall have all municipal powers, functions, rights, privileges, franchises and immunities of every name and nature whatsoever. The city shall have power to adopt a corporate seal and to alter it at pleasure, to sue and be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any city purpose, including public utilities, works and ways, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation or other legal means; and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey or otherwise dispose of such property as its interests may require, including public utilities, works and ways. It shall have power to issue bonds in the manner and within the limitations prescribed by the state constitution and law. It shall have power, within the limits prescribed by the state constitution and law, to accept and administer federal and state grants-in-aid and to do everything to accomplish the purpose or purposes for which such grants may be made. It shall have power to ordain and to enforce local legislation, consistent with the state constitution and law, for the proper organization and functioning of the city government, for the preservation and enforcement of good government and order, for the protection of health, life, morals and property, for the prevention, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend and renew franchises in accordance with the state constitution and law. The enumeration of particular powers by this Charter shall not be deemed to be exclusive or limiting; and in addition to the powers enumerated herein or implied hereby, the city shall have all powers which, under the state constitution and law, it would be competent for this Charter specifically to enumerate.

## ARTICLE II. - ELECTIVE OFFICERS

### Sec. 1. - Council: Created, number of councilmen, wards.

There shall be a council of seven (7) members which shall consist of the mayor as ex officio councilmember-at-large and one (1) councilmember from each of the six (6) wards of the city. The council, by ordinance, shall divide the city into six (6) wards and may change the wards and ward boundaries to correct for inequities in population. However, such a review of boundaries shall occur within two (2) years following the national census certification, or following annexation or deannexation of land. The wards shall

be as nearly equal in population as practicable, and shall be numbered from one to six. Each councilmember is limited to consecutively serving, in any order three (3) consecutive terms as mayor and three (3) consecutive terms as councilmember representing one (1) of the six (6) wards. The years served by any councilmember elected or appointed to serve less than a full term to fill a vacancy in office shall not be included in the limitation set forth in this section so long as the term for which the councilmember is elected or appointed to serve is less than two (2) years in length. A councilmember elected or appointed to fill a vacancy in office for an unexpired term of two (2) years or more shall be considered to have served a full four-year term for the purposes of the limitation set forth in this section. The limitation set forth in this section shall take effect on passage and shall apply to councilmembers in office on that date with any prior consecutive years in office being applied to toward the limitation set forth in this section and governed by the terms of this section.

(July 17, 1961; December 18, 1979; April 3, 1990; December 14, 1999)

#### Sec. 2. - Councilmembers: Qualifications.

Councilmembers shall be qualified electors of the city at least twenty-five (25) years of age, must have been residents of the city for at least one (1) year next preceding their election or appointment to fill vacancies, and must at the time of their election or appointment to fill vacancies be residents in good faith of the respective wards from which they are elected or appointed. Proof of residency shall be provided to the City Clerk prior to a councilmember's swearing in for their current term. Proof of residency are any two of the following type of documents: utility bills, homestead exemption, lease agreement or other document that records residency. If a councilmember ceases to be a resident of the city, or is convicted of a felony, or enters a plea of guilty, or a plea of nolo contendere to a charge of felony, he/she shall thereupon cease to be a councilmember. No councilmember may hold any position in the city government by appointment by the city manager.

(July 17, 1961; April 3, 1990; Res. No. 2021-08, §§ 1, 2, December 8, 2021)

#### Sec. 3. - Mayor: Qualifications, duties.

The mayor shall have the same qualifications required for other councilmen except that he may reside anywhere within the city. As ex officio councilman-at-large, the mayor shall have all powers, rights, privileges, duties and responsibilities of a councilman, including the right to vote on questions. The mayor shall preside at meetings of the council, and shall certify the passage 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 purposes of military law. He shall have no regular administrative duties except that he shall sign such written obligations of the city as the council may require.

(July 17, 1961)

#### Sec. 4. - Vice-mayor.

The council shall elect from among its members a vice-mayor for a term of two (2) years. The vice-mayor shall act as mayor during the absence or disability of the mayor. If a vacancy in the office of mayor occurs, the vice-mayor shall assume the duties of mayor until a new mayor takes office under the provisions of Article II, Section 8 of this charter. If, by succession to the office of mayor or otherwise, the office of vice-mayor becomes vacant, the council shall elect another vice-mayor.

(April 5, 1994)

#### Sec. 5. - Council: Salary.

The mayor shall receive as compensation for his services a salary of four hundred dollars (\$400.00) per month and each councilmember shall receive as compensation for their services a salary of three hundred dollars (\$300.00) per month. This provision shall become effective at 7:30 p.m. on the first Monday in May following the city general election in 2014 for the mayor and councilmembers from Wards 1, 3 and 5, and at 7:30 p.m. on the first Monday in May following the general election in 2016 for the councilmembers from Wards 2, 4 and 6. The mayor and councilmembers may also be reimbursed for their actual and necessary expenses incurred on business for the city when approved by the mayor and council.

(May 26, 1964; December 18, 1979; December 14, 1999; Res. No. 2013-25, §§ 1, 2, July 23, 2013)

#### Sec. 6. - Council: Powers.

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

- (1) Appoint and remove the city manager as provided in this Charter;
- (2) By ordinance enact local legislation;
- (3) Raise revenue, make appropriations, regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the city, subject to the provisions of the state constitution and law and this Charter;
- (4) By ordinance establish a pension and retirement system for any or all groups of the officers and employees in the service of the city, either alone or in cooperation with the state or federal government or both;
- (5) Inquire into the conduct of any office, department or agency of the city and investigate municipal affairs;
- (6) Appoint or elect and remove its own subordinates, the members of the personnel board, the members of the planning commission, the members of the zoning board of adjustment and other quasi-legislative or quasi-judicial officers and authorities, when and if established, or

prescribe the method of appointing or electing and removing them;

- (7) Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge;
- (8) Regulate elections and the initiative and referendum within the limits prescribed by the state constitution and law and this Charter;
- (9) By ordinance regulate the organizations, powers, duties, and functions of the municipal court and of the minor violations bureau, if and when established, within the limits prescribed by the state constitution and law and this Charter;
- (10) By ordinance create, change and abolish offices, departments and agencies other than the offices, departments and agencies established by this Charter;

and by ordinance assign additional functions and duties to offices, departments and agencies established by this Charter.

#### Sec. 7. - Council not to interfere in appointments and removals.

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

#### Sec. 8. - Council: Vacancies.

The council, by majority vote of its remaining members, shall fill vacancies in its own membership, including a vacancy in the office of mayor, for the unexpired terms; provided that, if a vacancy begins before the beginning of a regular filing period for candidates for councilmen, and the unexpired term extends beyond 7:30 p.m. on the first Monday after the time prescribed for the general election that year, then a mayor or councilman for that place, as the case may be, shall be elected at the elections of that year to serve the rest of the unexpired term beginning at 7:30 p.m. on said first Monday after the time prescribed for the general election. If the vacancy begins more than twelve (12) months before the beginning of a regular filing period, a special election will be called to fill the unexpired term within sixty (60) days.

(July 17, 1961; December 18, 1979)

#### Sec. 9. - City clerk.

The city clerk, who shall be an officer of the city, appointed by the city manager for and indefinite term, shall keep the journal of the proceedings of the council, shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it, and shall perform such other duties as this Charter may require and as the council may prescribe.

(Res. No. 2008-13, § 3, November 4, 2008)

Sec. 10. - Council: Meetings.

The city council shall hold at least one (1) regular meeting each month at the Municipal Building at a date and hour to be set by ordinance or resolution. The city council may hold such special and/or emergency meetings as may be called and as are authorized by the Oklahoma Open Meeting Law. Special and emergency meetings of the council may be called by the mayor or a majority of the council. All meetings of the city council of the City of Midwest City shall be public except the council may hold executive sessions.

(April 5, 1988)

Sec. 11. - Council: Absences to terminate membership.

If any member of the city council is absent for more than one-half of all meetings of the governing body within any four (4) consecutive months, the office is automatically vacant. Regular and special meetings are counted. "Month" refers to a calendar month.

(April 5, 1988)

Sec. 12. - Council: Quorum, rules, yeas and nays.

A majority of the council shall constitute a quorum, but a smaller number may adjourn from day to day. The council shall determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays and shall be entered in the journal. The vote of each individual member must be communicated as either a Yea, Nay, Abstention or Recusal and each member's vote must be recorded.

(Res. No. 2021-08, §§ 3, 4, December 8, 2021)

Sec. 13. - Ordinances: Enacting clause.

The meeting [enacting] clause of all ordinances passed by the council shall be "Be it ordained by the Council of the City of Midwest City", and all ordinances proposed by the voters under their powers of initiative, "Be it ordained by the People of the City of Midwest City".

Sec. 14. - Ordinances: Passage, when in effect.

Every proposed ordinance shall be read, and a vote of a majority of all the councilmen shall be required for the final passage of an ordinance. The vote on final passage of every ordinance shall be by yeas and nays and shall be entered in the journal. The mayor shall have no power of veto. Except as may be required by law or this Charter for the publication of ordinances relating to particular matters, passage of an ordinance in a public meeting of the council shall be deemed sufficient publication. Every ordinance, [except] as otherwise provided in this Charter, shall become effective thirty (30) days after its final passage unless it specifies a later date or time.

#### Sec. 15. - Ordinances: Emergency.

An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health, or safety, and which 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. The council shall vote on the emergency section separately, and must adopt the section by vote of a majority of all the members of the council, which vote shall be by yeas and nays and entered in the journal. An emergency ordinance shall take effect upon passage unless it specifies a later time.

#### Sec. 16. - Adoption by reference.

The council by ordinance may adopt by reference codes, ordinances and standards relating to buildings, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such a code, ordinance or standard so adopted need not be enrolled in the book of ordinances; but a copy shall be filed and kept in the office of the city clerk. The city clerk shall keep copies of every such code, ordinance or standard in force for distribution or sale at their approximate cost.

#### Sec. 17. - Ordinances: Codification.

The ordinances of the city shall be codified and published in book or pamphlet form at least every ten (10) years unless the council, by use of a loose-leaf system and process of amendment, keep[s] the code up-to-date. Titles, enacting clauses and emergency sections may be omitted from the code; and temporary and special ordinances and parts of ordinances may be omitted. Permanent general ordinances and parts of ordinances which are to be repealed by the code, shall be omitted from the code. The ordinance[s] and parts of ordinances included in the code may be revised, rearranged and reorganized; and the code may contain new matter, provisions of state law relating to the city and provisions of this Charter. A copy of the published code shall be filed in the office of the city clerk, but the code need not be enrolled in the book of ordinances.

Sec. 18. - Code of conduct for elected and appointed officials.

For ease of reference, the term "member" refers to any member of the City Council, City Boards, Committees and Commissions established by City ordinance or Council policy.

- (a) Acknowledgement of Code of Ethics and Conduct. An acknowledgement of Code of Ethics and Conduct shall be signed by each councilmember upon being sworn in (or if already serving within 30 days of Sec 18 being enacted). Code of Conduct shall include items addressed in City Ordinance and any other directives set out by Council and City Manager. All signed acknowledgements shall be filed with the City Clerk. Councilmembers who do not sign an acknowledgement shall be ineligible for intergovernmental assignments or Council subcommittees. Board, Committee and Commission members who do not sign an acknowledgement are not eligible to hold office.
- (b) Ethics Training for Local Officials. Councilmembers, Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.
- (c) Behavior and Conduct. Reporting and sanction measures set out in the City of Midwest City's Ordinances, state and federal statutes shall be followed regarding behavior by members.

(Res. No. 2021-08, §§ 5, 6, December 8, 2021)

ARTICLE III. - CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

Sec. 1. - City manager: Appointment, term, qualifications, removal.

There shall be a city manager. The council shall appoint him for an indefinite term by a vote of a majority of all its members. It shall choose him solely 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. No councilman may be appointed city manager during the term for which he shall have been elected nor within two (2) years after the expiration of his term. The council may suspend or remove the city manager at any time by a vote of a majority of all its members.

Sec. 2. - Acting city manager.

To perform his duties during his temporary absence or disability, the city manager, by letter filed with the city clerk, may appoint a qualified administrative officer of the city to be acting city manager. If the city manager fails to make such designation, if the council suspends the city manager, or if there is a vacancy in the office of city manager, the council 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 council may suspend or remove an acting city manager at any time by vote of a majority of all its members.

### Sec. 3. - City manager: Powers and duties.

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

- (1) Appoint, and when necessary for the good of the service, remove all heads of administrative departments and other administrative officers and employees of the city except as otherwise provided in this Charter and except as he or the council by ordinance may authorize the head of a department, an officer or an agency to appoint and remove subordinates in such department, office or agency, subject to such merit system regulations as the council may ordain;
- (2) Supervise and control all administrative departments, offices and agencies, directly or indirectly;
- (3) Prepare a budget annually and submit it to the council, and be responsible for the administration of the budget after it goes into effect;
- (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; make monthly reports to the council as to delinquent accounts receivable and accounts payable, and make such recommendations as may, to him, seem desirable;
- (6) Prepare the agenda for the council meetings and furnish necessary data and facts for decisions;
- (7) Perform such other duties as this Charter may prescribe and such duties as the council may prescribe, consistent with this Charter.
- (8) (a) The City Manager, during the existence of a state of emergency, by proclamation, may, in the area affected by public disorder, disaster, or riot at the time the proclamation is issued, prohibit activities that he/she may reasonably believe should be prohibited to help preserve and maintain life, health, property or the public peace.  
(b) In imposing the restrictions provided for in this section, the City Manager may impose them for such times, upon such conditions, with such exceptions and in such areas he/she from time to time deems necessary.

Sec. 4. - Administrative departments, offices and agencies.

There shall be a department of finance, a police department, a fire department, a department of law, health and sanitation department, a water department, and such other administrative departments, offices and agencies as the council may establish.

Sec. 5. - Public library.

The council may provide according to the constitution and laws of the State of Oklahoma for an independent city library system, or may contract with another city or with the county, as specifically provided by Title 65, Sections 81, 82, and 83 of Oklahoma Statutes, 1941 [same in Oklahoma Statutes 1981], for the establishment of a joint library system.

ARTICLE IV. - DEPARTMENT OF FINANCE, FISCAL AFFAIRS

Sec. 1. - Reserved.

**Editor's note**— Res. No. 2008-13, § 3, adopted Aug. 29, 2008 and election date of Nov. 4, 2008, repealed § 1, which pertained to "city clerk: Office created, duties" and derived election of Nov. 19, 1948.

Sec. 2. - City treasurer: Office created, duties.

There shall be a city treasurer, who shall be an officer of the city, appointed by the council for an indefinite term, and who shall be the head of the department of finance. The city treasurer shall collect or receive all revenue and other money receivable by the city, and shall deposit them daily in such depositories as the council may designate. The city treasurer shall maintain a general accounting system for the city government.

(Res. No. 2008-13, § 3, November 4, 2008)

Sec. 3. - Purchases and sales.

The city manager, subject to any regulations which the council may prescribe, shall contract for and purchase, or issue purchase authorizations for, all supplies, materials and equipment for the offices, departments and agencies of the city government. Every such contract or purchase exceeding an amount to be established by ordinance, shall require the prior approval of the council. The city manager also may transfer to or between offices, departments and agencies, or sell, surplus or obsolete supplies, materials and equipment, subject to such regulations as the council may prescribe.

Before the purchase of, or contract for, any supplies, materials or equipment, or the sale of any surplus or obsolete supplies, materials or equipment, ample opportunity for competitive bidding, under such regulations, and with such exceptions, as the council may prescribe, shall be given; but the council shall not except a particular contract, purchase or sale from the requirement of competitive bidding.

The council by ordinance may transfer some or all of the power granted to the city manager by this section to an officer appointed by and subordinate to the city manager.

(July 17, 1961)

Sec. 4. - Reserved.

**Editor's note**— Res. No. 2021-08, §§ 9, 10, approved December 8, 2021 (election held April 6, 2021), repealed Art. IV, § 4, which pertained to property valued at more than ten thousand dollars, and derived from the original Charter as amended on April 5, 1994.

Sec. 5. - City improvements.

City improvements may be made by the city government itself or by contract. The council shall award all contracts for city improvements for more than twelve thousand five hundred dollars (\$12,500.00) or that amount specified in the Public Competitive Bidding Act of 1974, as may be amended from time to time, whichever is greater, to the lowest responsible bidder after such notice and opportunity for competitive bidding as it may prescribe. It may reject all bids and re-advertise. It may authorize alterations in such contracts.

(April 3, 1990; December 14, 1999)

Sec. 6. - Fiscal year.

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

Sec. 7. - Independent annual audit.

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

ARTICLE V. - MUNICIPAL COURT

Sec. 1. - Municipal court.

There shall be a Municipal Court for the City of Midwest City. The City Council, shall by ordinance, set and determine the number, qualifications and terms of the judges, who shall be officers of the city. The municipal judges shall have original jurisdiction to hear and determine all cases involving offenses against the Charter and ordinances of the city. A record of all proceedings of the municipal court, of the disposition of all cases, and of all fines and other money collections shall be maintained by the Court staff. The style of all processes shall be in the name of the city. The municipal judges may administer oaths, make and enforce all proper orders, rules and judgments, and punish for contempt.

(December 18, 1979; Res. No. 2021-08, §§ 11, 12, December 8, 2021)

ARTICLE VI. - NOMINATIONS AND ELECTIONS

Sec. 1. - Terms of mayor and other councilmen; nonpartisan elections; how nominated and elected.

At the elections in 1962 and every four (4) years thereafter, the mayor and councilmen from wards one (1), three (3) and five (5), shall be elected for terms of four (4) years. At the elections in 1962, the councilmen from wards two (2), four (4) and six (6) shall be elected for terms of two (2) years; but, at the elections in 1964 and every four (4) years thereafter, they shall be elected for terms of four (4) years. The terms of the mayor and other councilmen shall begin at 7:30 p.m. on the first Monday after the time prescribed for the general election of the year in which they are respectively elected. If the mayor-elect or a councilman-elect fails to qualify within one (1) month thereafter, his office shall be vacant, and the vacancy shall be filled according to this Charter. The mayor and councilmen shall serve for the terms for which they were elected and until their respective successors are elected and qualified.

The election of all officers under this Charter shall be nonpartisan. No party designation or emblem shall be placed on the ballots.

The candidates for councilmen shall be nominated by the qualified electors of the respective wards in which they are running and a councilman shall be elected by majority vote of the qualified electors voting in the respective ward. The candidates for mayor shall be elected at large.

(July 17, 1961; December 18, 1979)

Sec. 2. - Primary election: Filing.

Any qualified person may have his/her name placed on the ballot for the primary election as a candidate for any city office by filing, not more than ninety (90) days and at least sixty (60) days prior to the primary election for a special election, and no fewer than fifteen (15) days for any regular municipal election, with the secretary of the county election board, a sworn statement of his/her candidacy; provided that the council by ordinance may require such statements to be filed with the city clerk instead.

(December 14, 1999; Res. No. 2021-08, §§ 13, 14, December 8, 2021)

Sec. 3. - Primary elections: Time, when not held, etc.

A primary election shall be held every even-numbered year on the first Tuesday in March, or on such other date designated in each even-numbered year by state statute or the Oklahoma County Election Board, to nominate candidates for the offices the terms of which are expiring; provided that, if not more than one (1) person is a candidate for each office to be filled, they all shall be not only nominated, but also elected, ipso facto, and no primary or general election shall be held unless other questions have been placed on the ballot for the election. If not more than one (1) person is a candidate for an office, he shall be not only nominated, but also elected, ipso facto, and his name shall not appear on the primary or general election ballot. If only two (2) persons file for an office, they shall be nominated ipso facto, and the primary election shall serve as the general election for the office for which they filed and the person receiving the majority of votes in that election shall be elected to the office for which s/he filed.

(July 17, 1961; December 14, 1999; Res. No. 2005-23, § 2, November 8, 2005; Res. No. 2013-25, §§ 3, 4, July 23, 2013)

Sec. 4. - Primary election: Who nominated or elected.

The two (2) candidates for councilmember from a ward and the two (2) candidates for mayor receiving the greatest number of votes in the primary election shall be nominated; provided that, if one (1) of the candidates for an office receives a majority of all votes cast for all candidates for that office, he alone shall be not only nominated, but also elected, ipso facto; and the names of the candidates for that office shall not appear on the ballot for the general election.

(July 17, 1961; December 14, 1999)

Sec. 5. - General election: Time; when not held; who elected.

A general election shall be held on the second Tuesday in May in every even-numbered year, or on such other date designated in each even-numbered year by state statute or the Oklahoma County Election Board, to elect successors for those offices the terms of which are expiring. Every qualified elector of the wards in

which the terms are expiring shall be entitled to vote for one (1) candidate for each office to be filled in that ward. Election to council seats shall be by ward. The candidate for each office receiving the greatest number of votes for that office shall be elected.

(July 17, 1961; December 18, 1979; December 14, 1999; Res. No. 2013-25, §§ 5, 6, July 23, 2013)

#### Sec. 6. - Political activity of officers and employees.

Municipal employees may attend and express their views at city council meetings, or any other public meetings of municipal entities.

Any municipal employee may actively participate in partisan and nonpartisan political activities. Provided, the political activity in which the employee participates shall be exercised only during off-duty hours and while not in uniform. Any federal statutes restricting the political activities of certain municipal employees shall supersede the provisions of this section as to such employees. Municipal corporations may establish employment requirements requiring municipal employees to refrain from filing as a candidate for public office while employed by said municipality.

It shall be unlawful for the governing body or officer of any municipal corporation in this state to directly or indirectly coerce or attempt to coerce any municipal employee to participate or not to participate in municipal political activities or public meetings.

Any person convicted of violating any of the provisions of this act shall be guilty of a misdemeanor.

(Res. No. 2021-08, §§ 15, 16, December 8, 2021)

#### Sec. 7. - State constitution and law to govern.

The precinct and county election boards shall conduct the primary and general elections of the city. The provisions of the state constitution and law relating to elections, shall govern such elections insofar as they are applicable and are not superseded by this Charter or by ordinance.

### ARTICLE VII. - MISCELLANEOUS PROVISIONS

#### Sec. 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.

#### Sec. 2. - 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.

Sec. 3. - Merit system.

Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness, and removals and demotions shall be made solely for the good of the service. Better to achieve these ends, the council shall establish, within six (6) months after adoption of this Charter, a merit system and provide for its proper organization and functioning and for proper personnel administration.

Sec. 4. - Nepotism, compatibility of offices.

Neither the city manager, the council nor any other authority of the city government, may appoint or elect any person related to any councilman, the city manager, or to himself or, in the case of plural authority, to one of its members, by blood or marriage with [within] the third degree, to any office or position of profit in the city government.

However, the city manager may appoint himself, or the council may appoint or elect him, to other offices and positions in the city government, subject to any regulations which the council may make by ordinance; but he may not receive compensation for service in such other offices or positions.

Except as may be otherwise provided by this Charter or by ordinance, the same person may hold more than one (1) office or position of employment in the city government. An employee may not hold an elected office or campaign for one while employed by the City, nor shall an elected or appointed officer apply for employment while holding such office.

(Res. No. 2021-08, §§ 17, 18, December 8, 2021)

Sec. 5. - Outside activities.

It shall be the duty of every full-time city employee to devote his energies to the faithful performance of the duties assigned him and [he] shall not engage in any occupation, business or enterprise for personal profit or gain during the hours he is in the employee [employment] of the city; nor shall he do any act or thing that will tend to bring discredit upon him or the city. No city employee is to be restrained from engaging in a legitimate activity on his own time that does not impair said employee's efficiency or ability to do his work while in the service of the city.

Sec. 6. - Removal of officers and employees.

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

Sec. 7. - Acting officers and employees.

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

Sec. 8. - Paving regulations.

The city shall by resolution have the power to construct or cause to be constructed special improvements consisting of curbing, curbing and guttering, grading, paving or surfacing or [of] streets including surface drainage of such streets and disposition of same by storm sewers, storm sewer systems constructed separately from paving, sanitary sewer systems and ornamental street lights.

*Paragraph A.* Proceedings looking to the installation of any of the special improvements hereinabove listed in section 8, and proceedings looking to the payment of said improvements by the people of Midwest City, shall be instituted, conducted and maintained as by General Laws of the State of Oklahoma provided for cities.

*Paragraph B.* Said resolution of this section shall provide that each property owner shall be advised at the time of engineer's estimate, by registered letter, the total probable cost to said property owner. Failure to receive said notice shall not be cause to invalidate the proceedings, but notice by publication shall be held sufficient.

*Paragraph C.* The city shall have the power to let contracts for any such improvement complete in place, or may contract for the purchase of materials and make the installation of same by direct labor of its own forces.

Sec. 9. - Who may administer oaths.

All officers authorized by federal or state law, the mayor, the city manager, the city clerk, the heads of all administrative departments, the municipal judge and such other officers as the council may authorize, may administer oaths.

Sec. 10. - Oath of office.



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

Sec. 11. - Bonds.

The city manager, the city clerk, the city treasurer and such other officers and employees as the council by ordinance may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as council may prescribe by ordinance, subject to approval by the council, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Sec. 12. - Officers or employees to have no interest in city contracts.

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

Sec. 13. - Local residents provision.

When possible the city manager shall provide that only residents of the city shall be employed in the service of the city and any resident of the city possessing qualifications for the position sought shall be given preference over any person residing outside the city.

Sec. 14. - Publicity of records.

All records and accounts of every office, department or agency of the city government, shall be made accessible pursuant to the requirements set forth in Oklahoma Open Records Act, Title 51 Oklahoma Statutes Sections 24A.1 et seq.

(Res. No. 2021-08, §§ 21, 22, December 8, 2021)

Sec. 15. - 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 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.

Sec. 16. - Proclamation of state of emergency.

- (a) The City Council, after finding that a public disorder, disaster or riot exists which affects life, health, property or the public peace, may proclaim a state of emergency in the area affected. The proclamation of a state of emergency and other proclamations issued pursuant to this section shall be in writing and shall be signed by the Mayor and filed with the City Clerk.
- (b) The City of Midwest City shall give as much public notice as practical through the news media of the issuance of proclamations pursuant to this section.
- (c) During the state of emergency, the City Manager shall have the authority to act in accordance with the items listed in Section 2-126 Emergency Purchases, of Article VIII of Chapter 2 of the City of Midwest City's Code of Ordinances once the Council approves the state of emergency.
- (d) The state of emergency shall cease to exist upon the issuance of a proclamation of the City Council declaring its termination; provided that the City Council shall terminate the proclamation when order has been restored in the area affected.

(Res. No. 2021-08, §§ 23, 24, December 8, 2021)

ARTICLE VIII. - AMENDMENT

Sec. 1. - Amendment: Proposal, ratification, approval.

This Charter may be amended by proposals therefor submitted by the council at a general or special election, or by the mayor upon initiative petition of the people as provided by the state constitution, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If more than one (1) amendment are [is] proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this Charter may either be in the form of a proposed amendment to a part or parts of the Charter or of a proposed new Charter.

Sec. 2. - Amendment: Board of freeholders.

The council by ordinance may provide for an election of a board of freeholders to prepare and propose amendments to this Charter; but such election shall not be held until the ordinance shall have been referred to, and approved by, the electors. When an amendment proposed by a board of freeholders shall have been

submitted by the council at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor, it shall go into effect.

## ARTICLE IX. - RECALL

### Sec. 1. - Procedure: Petition, certification.

The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

A petition signed by the electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least thirty-five (35) percent of the total vote cast in the election that certified his/her term of office, or five (5) percent of the registered voters in his/her ward, if s/he ran unopposed, demanding an election of a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a general statement of the grounds and charges for which removal is sought. The signatures to the petition need not be all on one (1) paper, but each signer shall add to his signature his place of residence, giving the street and number. The carrier of each petition who also shall be a registered voter of the ward in question, shall make an oath on each petition s/he carried, before an officer competent to administer oaths, that the statements therein made are true as s/he believes, and that such signatures to the petition are the genuine signatures of the person whose names they purport to be. Within ten (10) days from the date of filing such petition, the city clerk shall examine and from the voters registered, ascertain whether or not said petition is signed by the required number of qualified electors and, if necessary, the council shall allow him/her extra help for that purpose, and s/he shall attach to said petition his/her certificate, showing the results of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days after such date of said certificate. The clerk, shall within ten (10) days after such amendment is filed with the clerk, make like examination of the amended petition; and if his/her certificate shall show the same to be insufficient, it shall be returned to the person filing the same with prejudice to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient, the council shall order and fix a date for holding an election on the next available election date, whether that date is a regular or special election date.

(December 18, 1979; April 5, 1988; Res. No. 2013-25, §§ 7, 8, July 23, 2013)

### Sec. 2. - Election.

The mayor and councilmembers shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the results thereof declared in all respects as for other city elections. The question on the ballot is whether the subject of the petition is recalled. If the question passes, the council shall fill the remainder of the term for the vacancy by appointment.

(Res. No. 2021-08, §§ 25, 26, December 8, 2021)

## ARTICLE X. - PARK LAND

*Footnotes:*

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**Editor's note**— *At the election of Dec. 18, 1979, a new Art. X, reading as set out, was adopted. Previously, Art. X, §§ 1, 2, derived from the original Charter, dealt with public schools.*

### Sec. 1. - Park land.

In addition to and in supplementation of proper planning and zoning, and in addition to the power of the city to regulate the use and subdivision of land, the city shall have the full power to promote the health, safety, and general welfare of its citizens by the enactment of ordinances, to be uniformly enforced, requiring all final plats of residential subdivisions containing a dwelling unit density of greater than one (1) unit per acre which is to be submitted for approval, to provide adequate and suitable land area for park and/or open space purposes to serve the subdivision. The amount of park and/or open space required in the subdivision shall be reasonably related to the need for park and/or open space created by the subdivision and shall not exceed two (2) acres for each one thousand (1,000) persons of the total population density projected when the plat is fully developed. Population density projections shall be based on the then current official statistics of the United States Census for the Midwest City area for the particular type of dwelling units to be constructed within the subject land. When the total projected population density for the plat is less than twenty-five hundred (2,500) persons, the City of Midwest City may, in its sole option and in lieu of the provision for mandatory dedication of land for park and/or open space purposes, require the developer or subdivider of the subdivision to pay to the city a sufficient fee to provide for the purchase of suitable land for park and/or open space within the general area in which the subdivision is located. Such fee shall be reasonably related to the cost of the park and/or open space which is required to be provided. All such fees shall be maintained separate from other funds of the City of Midwest City and may be expended only for the purchase of land for park and/or open space. The exercise of such power within the city shall be in pursuance of this grant of authority and not under state statutes of law.

(December 18, 1979)

## ARTICLE XI. - SUCCESSION IN GOVERNMENT

Sec. 1. - Reserved.

**Editor's note**— Former § 1, relative to wards and derived from the original Charter, was deleted at the election of April 3, 1990.

Sec. 2. - Reserved.

**Editor's note**— Former § 2, relative to the inauguration of the new government and derived from the original Charter, was deleted at the election of April 3, 1990.

Sec. 3. - Ordinances continued.

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

Sec. 4. - Officers and employees.

The people, by the adoption of this Charter, declare it to be their desire that every person holding office or employment in the administrative service of the municipality at the time when it goes into full effect, shall be continued in the service in some capacity if he is qualified and if the good of the city permits; but this general statement of desire shall not limit the power of appointment or removal.

Sec. 5. - Pending actions and proceedings.

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

### CHARTER COMPARATIVE TABLE

The Home Rule Charter is set out in this volume as adopted at an election held on November 19, 1948. The following table shows the disposition of amendments to the Charter.

Date of Election	Disposition	
	Article	Section

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1- 5-59	I	1
7-17-61	II	1—3
	II	8
	II	10
	IV	3
	VI	1
	VI	3—5
5-26-64	II	5
12-18-79	II	1, 5, 8
	V	1
	VI	1, 5
	IX	1
	X	1
4- 3-90	II	1, 2
	IV	5
Rpld	XI	1, 2
4- 5-94	II	4
	IV	4
12-14-99	II	1

	II	5
	IV	5
	VI	2—5
11- 8-05	VI	3
11- 4-08	II	9
Rpld	IV	1
	IV	2
7-23-13	II	5
	VI	3
	VI	5
	IX	1
4- 6-21	II	2
	II	12
Added	II	18
Added	III	3(8)
Rpld	IV	4
	V	1
	VI	2
	VI	6

	VII	4
	VII	14
Added	VII	16
	IX	2