

THE VILLAGE CITY CODE

CITY CHARTER

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PREAMBLE

We, the people of the City of The Village, 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 The Village, Oklahoma.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS

Sec. 1. Incorporation, annexation, merging.

When this charter goes into effect, the Town of The Village, 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 The Village, Oklahoma", 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 The Village, Oklahoma, may not be annexed by any other city or be merged into a combined county-city government or other governmental unit unless a majority of the qualified electors of the City of The Village voting on the question at an election approve such annexation or merging.

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 thus prescribed, then in such manner as the council may prescribe.

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Sec. 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 and law, the city shall have all municipal powers, functions, rights, privileges, franchises and immunities of every name and nature whatsoever.

The city shall have power to adopt a corporate seal and to alter it at pleasure, to sue and 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 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 necessary to accomplish the purpose or purposes for which such grants may be made. It shall have power to ordain and to enforce local legislation, consistent with the state constitution and law, for the proper organization and functioning of 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 and 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 powers enumerated herein or implied hereby, the city shall have all powers which, under the state constitution and law, it would be competent for this charter specifically to enumerate.

Provisions of state law relating to matters which may be regulated by cities operating under charters, shall be in effect only insofar as they are applicable and are not superseded by this charter or by ordinance.

ARTICLE II. THE COUNCIL

Sec. 4. Council: Created, number of members, qualifications.

As soon as practicable after this charter goes into effect, the council by ordinance shall create five (5) wards, and by ordinance may change the ward boundaries from time to time. There shall be a council of five (5) members, which shall consist of one councilman from each of the five (5) wards of the city. Only qualified electors residing in the city and, at the time of their election, in the respective wards from which they are candidates, shall be qualified for the offices of councilman. Removal of a councilman from one (1) ward or

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precinct to another within the city after his election, or a change in ward or precinct boundaries shall not disqualify him from completing the term for which he was elected. No councilman may hold any office or position in the city government by appointment by the city manager.

Sec. 5. Mayor and vice mayor.

At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmen, or as soon thereafter as practicable, the council shall elect from its membership a mayor and a vice mayor, who shall serve until the time prescribed for the beginning of the terms of the next newly elected councilmen and until their respective successors have been elected and qualify.

The mayor shall preside at meetings of the council, and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as the 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. As a councilman, he shall have all powers, rights, privileges, duties and responsibilities of a councilman, including the right to vote on questions.

The vice mayor shall act as mayor during the absence, disability or suspension of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council from its membership for completion of the unexpired term and qualifies. If the office of vice mayor becomes vacant, the council shall elect from its membership another vice-mayor for completion of the unexpired term.

Sec. 6. Councilmen: Compensation.

Each councilman shall be paid a salary of twenty-five dollars (\$25.00) per month.

Sec. 7. Council: Powers.

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

(1) Appoint and remove the city manager as provided in this charter

(2) By ordinance, enact municipal legislation

(3) Raise revenue and 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

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(4) Establish or adopt a pension, retirement and/or social security system or systems for any or all groups of the officers and employees in the service of the city, either alone or in cooperation with 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 board of adjustment, and other quasi-legislative, quasi-judicial or advisory officers and authorities, now or when and if established, or prescribe the method of appoint or electing and removing them

(7) Grant pardons for violations of the charter and ordinances, including the remission of fines and costs, upon the recommendation of the municipal judge

(8) Regulate elections, the initiative and referendum, and recall, within the limits prescribed by the state constitution and law and this charter

(9) Regulate the organization, powers duties and functions of the municipal court and of the minor violations bureau, when and if established, within the limits prescribed by the state constitution and law and this charter

(10) Create, change and abolish all offices, departments and agencies of the city other than the offices, departments and agencies created by this charter and assign additional powers, duties and functions to offices, departments and agencies created by this charter.

Sec. 8. Council not to interfere in appointments and removals.

Neither the council, the mayor nor any of its other members may direct or request the appointment of any person to, or his removal from, office or employment by the city manager or by any other authority, or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the city. 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 administrative matters to any subordinate of the city manager either publicly or privately.

Sec. 9. City clerk to be clerical officer of council.

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

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Sec. 10. Council: Induction into office, meetings.

The terms of office of councilmen shall begin at 7:30 p.m. on the first Monday in May following their election. The council shall hold a meeting at that time, and those whose terms are beginning shall be inducted into office. If a councilman-elect fails to qualify within one (1) month thereafter, his office shall become vacant and the council shall fill the vacancy. The council shall hold at least one (1) regular meeting every month at such times as it may prescribe by ordinance or otherwise. The mayor or any three (3) councilmen may call special meetings. All meetings of the council shall be open to the public, and the journal of its proceedings shall be open to public inspection.

Sec. 11. Council: Absences to terminate membership.

If the mayor or any other councilman shall be absent from more than one-half of all the meetings of the council, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

Sec. 12. Councilmen: Removal.

The mayor or any other councilman 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.

Sec. 13. Council: Vacancies.

The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms provided that, if a vacancy occurs before the beginning of a regular filing period for candidates for councilmen, and the unexpired term extends beyond 7:30 p.m. on the next first Monday in May, then a councilman for that place shall be elected at the election of that year to serve the rest of the unexpired term beginning at 7:30 p.m. on said first Monday in May.

Sec. 14. Council: Quorum, rules, yeas and nays.

A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council may 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.

Sec. 15. Ordinances: Enacting clause.

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

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Sec. 16. 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 its passage. 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. Within ten (10) days after its passage, every ordinance except an emergency ordinance shall be published in full or by number and title in a newspaper of general circulation within the city. Every ordinance except an emergency ordinance, so passed and published, shall become effective thirty (30) days after its final passage and publication 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 an election by a vote of a majority of the qualified electors voting on the question.

Sec. 17. 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 a vote of at least four-fifths of all the members of the council, which vote shall be by yeas and nays, and shall be entered in the journal. An emergency ordinance shall take effect upon passage unless it specifies a later time.

Sec. 18. Ordinances: Adoption by reference.

The council 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 filed and kept in the office of the city clerk. The city clerk shall keep copies of all such codes, ordinances, standards and regulations in force for distribution or sale at their approximate cost.

Sec. 19. 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 uses of a loose-leaf system and process of amendment, keeps the code up-to-date. Titles, enacting clauses and emergency sections may be omitted from the code and temporary and special ordinances and parts of ordinances, which are to be repealed by the code, shall be omitted from the code. The ordinances and parts of ordinance included in the code may be revised, rearranged and reorganized and the code may contain new matter, provisions of the state constitution and

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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 after the council adopts the code by ordinance, but the code need not be enrolled in the book of ordinances.

ARTICLE III. CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

Sec. 20. 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 may not be a resident of the city or state but, during his tenure of office, he shall reside within the city. Neither the mayor nor any other councilman may be appointed city manager or acting 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. 21. Acting city manager.

If the city manager is absent from the city or is unable to perform his duties, 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 service until the city manager returns, until his disability or suspension ceases, or until another city manager is appointed and qualified as the case may be. The council may suspend or remove an acting city manager at any time.

Sec. 22. City manager: Powers and duties.

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

(1) Appoint, and when deemed necessary for the good of the service, lay off, suspend, demote or remove all directors, or heads, of administrative departments and all other administrative officers and employees of the city, except as otherwise provided by this charter, and except as he or the council by ordinance may authorized the head of a department, and officer or an agency to appoint, lay off, suspend, demote and/or remove subordinates in such department, office or agency, subject to such merit-system regulations as the council may adopt

(2) Supervise and control, directly or indirectly, all officers and employees whose appointments are provided for above in this section

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

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

(5) Keep the council advised of the financial condition and future needs of the city, and make recommendations on matters of policy and other matters to the council as may seem to him desirable.

(6) Have such other powers, duties and functions as this charter may prescribe, and such powers, duties and functions consistent with this charter as the council may prescribe.

Sec. 23. Administrative departments, offices and agencies.

There shall be a department of finance and such other administrative departments, offices and agencies as this charter establishes and as the council may establish.

Sec. 24. Public library.

The public library or libraries, when and if established, shall constitute, or be a part of, an administrative department and shall be under the supervision and control of an officer or of a board established by ordinance and appointed by the city manager, as the council may ordain. Also, the council may authorize, or enter into arrangements for, a joint or cooperative library service with other units or agencies of government.

Sec. 25. City attorney.

There shall be a city attorney, who shall be an officer of the city appointed by the council for an indefinite term, and who shall be head of the department of law. He shall have such powers, duties and functions as may be prescribed by the charter, by applicable law or by ordinance.

ARTICLE IV. DEPARTMENT OF FINANCE, FISCAL AFFAIRS

Sec. 26. City clerk. Office created, duties.

There shall be a city clerk, who shall be an officer of the city.

The city manager shall be ex officio city clerk unless the council by ordinance provides that the city manager shall appoint another person city clerk. The city clerk shall be director, or head, of the department of finance, and shall have supervision and control thereof. Except as the council may provide otherwise by ordinance, the city clerk shall collect or receive revenue and other money for the city, and shall deposit the same with

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the city treasurer or for the city treasurer in an account or accounts maintained by the city treasurer in a depository or depositories. The city clerk shall maintain or have maintained a general accounting system for the city government. He shall have such other powers, duties and functions as may be prescribed by the charter, applicable law or by ordinance.

Sec. 27. 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 manager for an indefinite term. Subject to such regulations as the council may prescribe, the city treasurer shall deposit funds received for the city in such depositories as the council may designate. He shall have such other powers, duties and functions as may be prescribed by the charter, by applicable law or by ordinance.

Sec. 28. 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.

Sec. 29. Sale of property valued at more than \$25,000.00.

The sale of any property, real or personal, including public utilities, or of any interest therein, the value of which is more than twenty-five thousand dollars (\$25,000.00), shall be made only (1) by authority of an affirmative vote of a majority of the qualified electors of the city who vote on the question of approving or authorizing the sale at an election, or (2) by authority of an special non emergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation within the city within ten (10) days after its passage, and shall include a section reading substantially as follows: "Section _____. This ordinance shall be referred to a vote of the electors of the city if a proper referendum petition is properly filed within thirty (30) days after its passage and publication otherwise it shall go into effect thirty (30) days after its passage and publication."

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Sec. 30. Public improvements.

Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements provided that the council may authorize the city manager to award such contracts not exceeding an amount to be determined by the council and subject to such regulations as the council may prescribe. Every contract for public improvements of more than one thousand dollars (\$1,000.00) shall be awarded to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the council may prescribe. All bids may be rejected, and further notice and opportunity for competitive bidding may be given.

Sec. 31. Personal interest.

Neither any councilman nor the city manager shall sell or barter anything to the city or to a contractor supplying the city or make any contract with the city or purchase anything from the city other than those things which the city offers generally to the public (as for example, utility services), and then only on the same terms as are offered to the public. Any such officer violating this section, upon conviction thereof, shall thereby forfeit his office. Any violation of this section, with the knowledge, express or implied, of the person or corporation contracting with the city, shall render the contract voidable by the city manager or the council.

Sec. 32. 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. 33. Independent annual audit.

The council shall designate a qualified public accountant or accountants who shall make an independent audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report to the council and to the city manager. 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. 34. Municipal court.

There shall be a municipal judge, who shall be an officer of the city appointed by the council for an indefinite term. The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the charter and ordinances of the city provided that the council by ordinance may create a minor violations bureau with authority to dispose of cases arising out of designated minor violations, such as minor traffic and

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parking violations, on request of accused persons who desire to plead guilty and pay fines and costs. The municipal judge shall keep a record of all proceedings of the municipal court, of the disposition of all cases, and of all fines and other money collected. The style of all processes shall be in the name of the city. The municipal judge may issue subpoenas, administer oaths and affirmations, make and enforce all proper orders, rules and judgments, and punish for contempt.

ARTICLE VI. ELECTIONS

Sec. 35. Overlapping terms of two years--Elected at large-- Nonpartisan elections.

The terms of the councilmen from wards 1, 2 and 3 under this charter, shall expire at 7:30 p.m. on the first Monday in May in every odd-numbered year. The first councilmen from wards 4 and 5 shall be elected in 1960 and the terms of the councilmen from wards 4 and 5 shall expire at 7:30 p.m. on the first Monday in May 1962 and at that time in every even-numbered year thereafter. Each year the successors of those whose terms are expiring shall be elected for overlapping terms of two (2) years.

All councilmen shall be elected at large, by the qualified electors of the entire city but candidates for councilmen must be qualified electors of their respective wards.

There shall be no primary election, but only a general election, herein called "election".

The election shall be nonpartisan and no party designation or emblem shall be placed on the ballots.

Sec. 36. Election: Filing.

Any qualified person may have his name placed on the ballot for the election as a candidate for councilman from his ward by filing, not more than forty (40) days and at least thirty (30) days prior to the election, with the secretary of the county election board, a sworn statement of his candidacy.

Sec. 37. Election: Time, who elected, etc.

An election shall be held on the first Tuesday of April every year to elect councilmen to succeed those whose terms are about to expire. If only one (1) person is a candidate for an office, he shall be elected ipso facto and his name need not appear on the ballot. Every qualified elector in the city shall be entitled to vote for one (1) candidate for each office to be filled. The candidate receiving more votes than any other candidate for an office shall be elected. In case of a tie, the election shall be determined fairly by lot from among the candidates tying, by the county election board in a public meeting.

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Sec. 38. Registered qualified electors.

Only electors residing in this city should have the qualifications prescribed for electors by the state constitution and law, and who are registered as required by law, may vote in city elections.

Sec. 39. Political activity of officers and employees.

No officer or employee of the city except the councilmen, may work actively for or against, or attempt to influence, the election or defeat of any candidate for councilman provided that this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote.

Any person, who violates this provision, shall be punished, upon conviction thereof, by a fine not exceeding twenty dollars (\$20.00) including costs. Such violation shall constitute cause for removal from office or employment.

Sec. 40. State constitution and law to govern.

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

A proclamation of the mayor calling a special election need not (but may) set forth the names of the precinct officers who are to conduct the election, but shall give the locations of polling places.

ARTICLE VII. RECALL

Sec. 41. Recall authorized.

The incumbent of any elective city office may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided herein.

Sec. 42. Recall petition.

To initiate recall proceedings, a written statement in duplicate proposing the recall of the incumbent of an elective office, shall be made and sworn to by twenty (20) or more registered qualified electors of the city, and shall be filed with the city clerk after the incumbent has held the office at least four (4) months. The statement shall also contain the reason or reasons for which the recall is sought, in not more than two hundred (200) words. Within five (5) days, the city clerk shall mail a copy of such statement by registered, certified or similar special mail to the officer at his residential address. Within ten (10) days after the statement is mailed to the officer, the officer may make and file with the city clerk a written statement in duplicate justifying his conduct in office, in not

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more than two hundred (200) words and the city clerk on request shall deliver one (1) copy to one (1) of the persons filing the statement proposing the recall.

The petition for recall shall include a demand that a successor to the incumbent sought to be recalled be elected, and shall also include before the space where the signatures are to be written the statement giving the reason or reasons for recall under the heading "STATEMENT FOR RECALL", and if the officer has filed a statement as authorized, the statement justifying his conduct in office under the heading "STATEMENT AGAINST RECALL". The two (2) statements shall be in letters of the same size. A copy of the petition shall be filed with the city clerk within one (1) month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.

A number of registered qualified electors of the city equal at least to twenty (20) percent of the total number of votes cast for governor in the city at the last general state election at which a governor was elected must sign the petition. Each signer shall write after his name his address within the city, giving street or avenue and number, if any. Not more than one hundred (100) signatures may appear on a single copy of the petition. One (1) of the signers of each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in his presence, that each signature on the petition is genuine, and that he believes each signer to be a registered qualified elector of the city.

The circulated petition shall be filed with the city clerk not later than one (1) month after the filing of a copy as provided above. Within one (1) month after date of filing of the circulated petition, the city clerk shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of registered qualified electors of the city have signed it. He shall then attach his certificate to the petition. If his certificate states that the petition has not been prepared and circulated as required and /or lacks a sufficient number of signatures, the petition shall have no effect and recall proceedings may not again be initiated against the same person within six (6) months after the date of the certificate. But, if the city clerk's certificate states that the petition has been prepared and circulated as required and has a sufficient number of signatures, he shall submit the petition and certificate to the council at its next meeting.

Sec. 43. Recall election. Council to order.

The council by resolution or ordinance passed within ten (10) days after receiving the petition and certificate of the city clerk, shall order and fix the date for a recall election, which shall be held not less than forty (40) days nor more than fifty (50) days, after passage of the resolution or ordinance. The city clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper of general circulation within the city within ten (10) days after its passage and such publication shall be sufficient notice of the election.

The qualified electors of the city may vote in a recall election on the election of successors to more than one incumbent of an elective office.

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Sec. 44. Recall election: How held.

The recall election shall be an election to fill the office held by the incumbent sought to be recalled. Any qualified person, including the incumbent, may file as a candidate for the office and candidates must file at least fifteen (15) days before the recall election. There shall be no primary before the recall election, and the candidate receiving the greatest number of votes in the recall election shall be elected. If a candidate other than the incumbent is elected, the incumbent shall be recalled from office effective as of the time when the result of the election is certified. The said successful candidate must qualify within one (1) month thereafter and if he fails to do so, the office shall be vacant, and the council shall fill the vacancy. A candidate thus elected and qualifying shall serve for the unexpired term. If the incumbent is a candidate and receives the greatest number of votes, he shall continue in office without interruption and recall proceedings may not again be initiated against him within one (1) year after the election.

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

Sec. 45. Person recalled or resigning.

No person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, may hold any office or position of employment in the city government within one (1) year after his recall or resignation.

ARTICLE VIII. MISCELLANEOUS PROVISIONS

Sec. 46. 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. 47. 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. 48. Merit system.

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

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Sec. 49. Qualifications of officers and employees.

Officers and employees of the city shall have qualifications prescribed by this charter and such additional qualifications as the council may prescribe but the council shall not prescribe additional qualifications for councilmen.

Sec. 50. Nepotism, holding more than one office or position.

Neither the city manager, the council nor any other authority of the city government, may appoint or elect any person related to any councilman, to the city manager, or to himself, or in the case of a plural authority, to one (1) of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the city government but this shall not prohibit an officer or employee so related from continuing in the service of the city.

Except as otherwise provided by this charter or by ordinance, the same person may hold more than one (1) office or position in the city government. The city manager may hold more than one (1) such office or position, through appointment by himself, by the council or by other city authority having power to fill the particular office or position, subject to any regulations which the council may make by ordinance but he may not receive compensation for service in such other offices and positions. Also the council by ordinance may provide that the city manager shall hold ex officio designated administrative offices subordinate to the city manager as well as other designated compatible city offices.

Sec. 51. Official bonds.

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

Sec. 52. Oath or 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 shall be filed and kept in the city clerk's office.

Sec. 53. Who may administer oaths and affirmations.

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

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Sec. 54. Removal, etc., of officers and employees.

Except as otherwise provided by this charter, the power to lay off, suspend, demote and remove accompanies the power to appoint or elect and the city manager or other appointing or electing authority at any time may lay off, suspend, demote or remove any officer or employee to whom he or the other appointing or electing authority respectively may appoint or elect a successor.

Sec. 55. 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 a vacancy, until a successor is appointed or elected and qualifies, unless the council ordains that a particular superior or subordinate of such officer or employee shall act. The council by ordinance may provide for a deputy to act in such cases.

Sec. 56. Officers to continue until successors are elected or appointed and qualify.

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

Sec. 57. Publicity of records.

All records and accounts of every office, department or agency of the city government, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, shall be open to public inspection.

Sec. 58. 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.

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Sec. 59. Legal notice or process.

Every legal notice or process to be served upon the city shall be served upon the city manager, or in his absence upon the acting city manager if any, or in the absence of both, then upon the mayor.

ARTICLE IX. AMENDMENT

Sec. 60. Amendment: Proposal, ratification, approval.

This charter may be amended by proposals therefore submitted by the council, or 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 (1) amendment are proposed, all of them 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.

Sec. 61. Amendment: Board of freeholders.

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

ARTICLE X. SUCCESSION IN GOVERNMENT

Sec. 62. When this charter goes into effect.

If a majority of the qualified electors of the town voting on the question vote to ratify this charter, the charter shall go into effect immediately upon approval by the governor as provided by the state constitution and law and the government of the city provided by this charter shall succeed and replace the government of the Town of The Village.

Sec. 63. 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. 64. Officers and employees continued, etc.

When this charter goes into effect, the incumbents of the offices of trustees of the town shall become the first councilmen of the city, and the incumbent of the office of

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president of the board of trustees of the town shall become mayor of the city and each of said officers shall serve until 7:30 p.m. on the day when his term as trustee would have expired if this charter had not been adopted.

Furthermore, if this charter goes into effect before 7:30 p.m. on the first Monday in May 1959, the persons elected trustees of the town at the election on April 7, 1959, shall become councilmen with two-year terms beginning at 7:30 p.m. on the first Monday in May 1959, replacing those serving prior to that time.

Prior to 7:30 p.m. on the first Monday in May 1960, and notwithstanding any other provisions of this charter, the council shall consist of only three (3) members, special meetings may be called by the mayor or any two (2) councilmen, and emergency ordinances may be passed only by unanimous vote of all members of the council.

The incumbents of all appointive offices and positions of the town government, including the town marshal who shall become chief of police, shall continue in the offices and employments which they respectively hold, after this charter goes into effect. All officers and employees referred to in this paragraph shall serve until their services are terminated in accordance with the provisions of this charter relating to the creation, change and abolition of offices, and removal of officers and employees.

Sec. 65. 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 effect, brought by or against the municipality or any office, department, agency or officer thereof.