

# **Statutory Council-Manager Form of Government**

## **(Title 11 of the Oklahoma Statutes)**

### **GOVERNING BODY (Section 10-102)**

The governing body of a statutory council-manager city shall consist of one (1) councilmember from each ward of the city and one (1) councilmember at large.

### **QUALIFICATIONS OF COUNCILMEMBERS (Section 10-103)**

The councilmembers shall be residents and registered voters of the city. The councilmembers from wards shall be actual residents of their respective wards at the time of their candidacy and election; but removal of a councilmember from one ward to another within the city after his election, or a change in ward boundaries, shall not disqualify him from completing the term for which he was elected.

### **ELECTION OF MAYOR AND VICE-MAYOR (Section 10-104)**

The council shall elect from among its members a mayor and a vice-mayor. The mayor and vice-mayor shall be elected in each odd-numbered year at the first council meeting held after council terms begin, or as soon thereafter as practicable, and they shall serve until their respective successors have been elected and qualified.

### **DUTIES OF THE MAYOR AND VICE-MAYOR (Section 10-105)**

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 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 all conveyances and other written obligations of the city as the council may require. The vice-mayor shall act as mayor during the absence, disability or suspension of the mayor.

### **POWERS VESTED IN COUNCIL — DESIGNATED POWERS (Section 10-106)**

All powers of a statutory council-manager city, including the determination of 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 by law;
2. Enact municipal legislation subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
3. Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;

4. Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs, or authorize and provide for such inquiries;
5. Appoint or elect and remove its own subordinates, members of commissions and boards and other quasi-legislative or quasi-judicial officers as provided by law, or prescribe the method of appointing or electing and removing them;
6. Create, change and abolish offices, departments and agencies other than those established by law, and assign additional functions and duties to offices, departments and agencies established by this article; and
7. Grant pardons for violations of municipal ordinances, including the remission of fines and costs, upon the recommendation of the municipal judge.

#### **LIMITATION OF COUNCIL AUTHORITY TO ACT THROUGH CITY MANAGER (Section 10-107)**

Except for the purposes of inquiry, the council and its members shall deal with the administrative service of the city solely through the city manager. The council and its members may not:

1. Direct or request the city manager or other authority to appoint or remove officers or employees;
2. Participate in any manner in the appointment or removal of officers and employees of the city, except as provided by law; or
3. Give orders on ordinary administrative matters to any subordinate of the city manager either publicly or privately.

#### **COUNCIL-MEETINGS (Section 10-108)**

The council shall meet regularly at least monthly at such times as it may prescribe by ordinance or otherwise. The mayor or any three councilmembers may call special meetings.

#### **COUNCIL-QUORUM-RULES AND VOTING (Section 10-109)**

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

#### **VACANCY IN THE OFFICE OF MAYOR OR VICE-MAYOR (Section 10-110)**

When a vacancy occurs in the office of mayor, the vice-mayor shall become the mayor for the duration of the unexpired term. When a vacancy occurs in the office of vice-mayor, the council shall elect another vice-mayor from among its members for the duration of the unexpired term.

## **COMPENSATION OF OFFICERS** (Section 10-111)

The compensation of all elective city officers shall be fixed by ordinance.

## **CITY MANAGER — APPOINTMENT BY COUNCIL** (Section 10-112)

The council shall appoint a city manager, a part-time city manager, or a part-time city planner, pursuant to this act, by a vote of a majority of all its members subject to the terms of employment established by the council. It shall choose the city manager, part-time city manager, or part-time city planner solely on the basis of executive and administrative qualifications with special reference to the actual experience in, or the knowledge of, accepted practice in respect to the duties of the office. At the time of appointment, the city manager need not be a resident of the city or state; but during the tenure of holding office the city manager shall reside within the city. City managers, part-time city managers, or part-time city planners may appoint themselves, or the council or other authority may appoint or elect the city manager, part-time city manager, or part-time city planner to other offices and positions in the city government, subject to regulations prescribed by ordinance; but the city manager, part-time city manager, or part-time city planner may not receive compensation for service in such other offices or positions. Neither the mayor nor any members of the city council may be appointed city manager, part-time city manager, or part-time city planner during the term for which they shall have been elected nor within two (2) years after they cease to hold such office. (Effective, November 1, 2009)

## **CITY MANAGER – PART-TIME** (Section 8-116; 74, Section 5017.8)

Any municipality with a population of less than five thousand (5,000) according to the latest Federal Decennial Census may employ a part-time city manager or a part-time city planner. The duties of the part-time city manager shall be determined by the governing body of the municipality, or pursuant to Section 10-113 of this title for municipalities governed by the council-manager form of government. The duties of the part-time city planner shall be determined by the governing body of the municipality.

Financial assistance for qualifying municipalities may be obtained, upon availability of funding, through a financial assistance program to be developed by the Oklahoma Department of Commerce authorized pursuant to Section 5017 of Title 74 of the Oklahoma Statutes.

Contingent on funding, the Oklahoma Department of Commerce may partner with a statewide organization to develop and coordinate a financial assistance program for qualifying municipalities having a population of less than five thousand (5,000) according to the latest Federal Decennial Census to employ a part-time city manager or a part-time city planner pursuant to Section 8-116 of Title 11 of the Oklahoma Statutes. The statewide organization shall demonstrate to the Oklahoma Department of Commerce

that it is exempt from taxation under federal law and designated pursuant to the Internal Revenue Code, 26 U.S.C., Section 170(a) and that it has represented municipalities, had statutory functions and conducted training programs for municipalities for at least fifteen (15) years prior to November 1, 2005. It shall further demonstrate that its continuous official purpose is to promote the general welfare of cities and towns, to foster or conduct schools, short courses and other training sessions, to provide technical assistance and consultative services and other aids for the improvement and increased efficiency of city and town government, and to serve as the representative of cities and towns in carrying out the duties and prerogatives conferred on it by state law. (Effective, November 1, 2009)

#### **CITY MANAGER — DUTIES (Section 10-113)**

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

1. Appoint, and when necessary for the good of the service, remove, demote, lay off or suspend all heads of administrative departments and other administrative officers and employees of the city except as otherwise provided by law. The manager or the council by ordinance may authorize the head of a department, office or agency to appoint and remove the subordinates in such department, office or agency;
2. Supervise and control all administrative departments, officers and agencies;
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; and recommend to the council any changes in the budget which he deems desirable;
4. Submit to the council a report after 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 as he deems desirable; and
6. Perform such other duties as may be prescribed by law or by ordinance.

#### **DESIGNATION OF ACTING CITY MANAGER (Section 10-114)**

The city manager, by letter filed with the city clerk, may appoint a qualified administrative officer of the city to be acting city manager during the temporary absence or disability of the city manager. The council may appoint an acting city manager whenever:

1. The manager fails to make such designation;
2. The council suspends the city manager; or

3. There is a vacancy in the office of city manager.

### **SUSPENSION OR REMOVAL OF CITY MANAGER (Section 10-115)**

The council may suspend or remove the city manager or acting city manager at any time by a vote of a majority of all its members.

### **PURCHASES AND SALES BY CITY MANAGER — COMPETITIVE BIDDING — TRANSFER OF MANAGER'S POWERS (Section 10-116)**

- A. The city manager shall contract for, purchase, or issue purchase authorizations for all supplies, materials and equipment for offices, departments, and agencies of the city government, subject to any regulations which the council may prescribe. Every contract or purchase exceeding an amount to be established by the council shall require the prior approval of the council. The city manager may also sell or transfer to or between offices, departments, and agencies surplus or obsolete supplies, materials, and equipment, subject to regulations the council may prescribe.
- B. The council may prescribe requirements and procedures for competitive bidding. Notice and opportunity for competitive bidding shall be given before a purchase or contract for supplies, materials, or equipment is made, and before a sale of any surplus or obsolete supplies, materials, or equipment is made, in accordance with regulations the council may prescribe. The council shall not exempt a particular contract, purchase, or sale from the requirement of competitive bidding.
- C. The council may transfer some or all of the power granted to the city manager pursuant to the provisions of this section to an employee appointed by and subordinate to the city manager.

### **CITY CLERK — CREATION AND DUTIES — COMPENSATION (Section 10-117)**

The city clerk shall be an officer of the city, appointed by the city manager for an indefinite term. The city clerk shall serve as clerk for the council. Subject to regulations the council may prescribe, the city clerk shall:

1. keep the journal of the proceedings of the council;
2. enroll all ordinances and resolutions passed by the council in a book or set of books kept for that purpose; and
3. have custody of documents, records and archives, as may be provided for by law or by ordinance, and have custody of the seal of the city; and
4. attest and affix the seal of the city to documents as required by law or by ordinance; and

5. have such other powers, duties and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as city clerk may be employed by the city to perform duties not related to his position as city clerk. The salary, if any, for said duties shall be provided for separately by ordinance.

**CITY TREASURER — CREATION AND DUTIES — COMPENSATION** (Section 10-118)

The city treasurer shall be an officer of the city, appointed by the council for an indefinite term. The council may provide by ordinance that the same person may hold both the office of city clerk and the office of city treasurer. Subject to such regulations as the council may prescribe, the city treasurer shall deposit daily funds received for the city in depositories as the council may designate. The city treasurer shall have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as city treasurer may be employed by the city to perform duties not related to his position as a city treasurer. The salary, if any, for said duties shall be provided for separately by ordinance.

**DEPARTMENTS INCLUDED IN COUNCIL-MANAGER GOVERNMENT**  
(Section 10-119)

In a statutory council-manager city, there shall be a police department, a fire department, a department of law headed by a city attorney, and other administrative departments, offices and agencies as the council may establish.

**APPOINTMENTS AND REMOVALS** (Section 10-120)

Appointments and promotions in the service of a statutory council-manager city shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. The council by ordinance may establish a merit system and provide for its organization and functioning, and provide for personnel administration and regulation of personnel matters.

**CITY OFFICIALS AND EMPLOYEES — SUSPENSION OR REMOVAL — SUCCESSORS** (Section 10-121)

An officer or employee may be suspended, demoted, laid off or removed by the city manager or other authority which has the power to appoint or elect the officer or employee. The city manager or other authority which has the power to 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 the case of a vacancy, until a successor is appointed or elected and qualified. The council may ordain that a particular superior or subordinate or deputy of such officer or employee shall act in such cases.