

# **Statutory Aldermanic Form of Government**

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

### **GOVERNING BODY (Section 9-102)**

The governing body of a statutory aldermanic city shall consist of the mayor, who is elected at large, and one or two councilmembers from each ward of the city. The governing body may submit to the voters the question of whether one or two councilmembers shall be elected from each ward. If approved, the change shall become effective for the next regular municipal election, which shall be, conducted in accordance with the provisions of Section 16-202 or 16-204 of this title, whichever is applicable.

### **QUALIFICATIONS OF GOVERNING BODY MEMBERS (Section 9-103)**

The governing body members shall be residents and registered voters of the city, and the councilmembers from wards shall be actual residents of their respective wards. Removal of a councilmember from the ward for which he was elected shall cause a vacancy in the office of that councilmember.

### **MAYOR — DUTIES AS PRESIDENT OF COUNCIL (Section 9-104)**

The mayor shall preside at meetings of the council, and shall certify to the correct enrollment of all ordinances and resolutions passed by it. The mayor is not considered a member of the council for quorum or voting purposes; except that he may vote on questions under consideration by the council only when the council is equally divided.

### **MAYOR — DUTIES AS CHIEF EXECUTIVE OFFICER (Section 9-105)**

The mayor shall be chief executive officer of the administrative branch of the government of the city. The mayor shall be recognized as the head of the city government for all ceremonial purposes and by the Governor for purposes of military law. The mayor shall:

1. appoint, subject to the confirmation by the city council, a city attorney and all heads or directors of administrative departments including members of boards and commissions and shall appoint all other administrative officers and employees of the city; and
2. sign the commissions and appointments of all officers, elected or appointed; and
3. remove or suspend city officers or employees against whom charges of incompetency, neglect, or violation of duty are made, until such time as the council shall take action on the charges; and
4. supervise and control all administrative departments, agencies, officers and employees, act promptly on a charge of neglect or violation of duty of any officer

or employee, and require any officer to account for and report to the council in writing on any subject pertaining to the duties, powers, or functions of the officer when the mayor deems necessary; and

5. prepare a budget annually and submit it to the council. The mayor shall be responsible for the administration of the budget after it goes into effect; and
6. keep the council advised of the financial condition and future needs of the city. The mayor shall 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; and
7. make recommendations to the council of measures for the well-being of the city; and
8. enforce the city ordinances; and
9. grant pardons for violation of city ordinances, including the remission of fines and costs, subject to the approval of the council. Said approval may only be given at a meeting of the council after the reasons and order of remission or pardon have been entered on the journal; and
10. have such other powers, duties, and functions as may be prescribed by law or by ordinance.

**MAYOR — SIGNING ORDINANCES — VETO POWER** (Section 9-106)

The mayor may sign or veto any city ordinance or resolution passed by the city council. Any ordinance or resolution vetoed by the mayor may be passed over his veto by a vote of two-thirds (2/3) of all the members of the council. If the mayor neglects or refuses to sign any ordinance or return it with his objections in writing at the next regular meeting of the council, the ordinance shall become law without his signature.

**ELECTION OF COUNCIL PRESIDENT — DUTIES** (Section 9-107)

The council shall elect from among its members a president of the city council. The council president 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 he shall serve until his successor has been elected and qualified. The council president shall act as mayor during the absence, disability or suspension of the mayor. He shall preside at all meetings of the council in the absence of the mayor and while presiding in the place of the mayor, he shall have all the powers, rights, privileges and duties as other members of the council. In the absence of the mayor and the council president, the council shall elect from among its members an acting president of the city council to occupy the position temporarily.

**POWERS VESTED IN COUNCIL — DESIGNATED POWERS** (Section 9-108)

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

1. enact municipal legislation subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
2. 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;
3. inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs, or authorize and provide for such inquiries; and
4. create, change and abolish offices, departments and agencies other than those established by law; assign additional functions and duties to offices, departments and agencies established by this article; and define the duties, powers and privileges of all officers which are not defined by this article.

#### **COUNCIL — MEETINGS** (Section 9-109)

The council shall meet regularly at least monthly at such times as it may prescribe by ordinance or otherwise. The mayor or any three (3) councilmembers may call special meetings. The call for special meetings must be in writing and specify the subjects to be considered. No business other than that specified in the call shall be transacted at the special meeting.

#### **COUNCIL — QUORUM — RULES AND VOTING** (Section 9-110)

A majority of all the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from day to day. The council shall determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the council may prescribe.

#### **VACANCY IN THE OFFICE OF MAYOR** (Section 9-111)

When a vacancy occurs in the office of the mayor less than ninety (90) days before the next regular municipal election, the president of the city council shall act as mayor until the next regular municipal election, at which time the registered voters of the city shall elect a person to fill any unexpired term, and until a mayor is elected and qualified for office. If the vacancy in the mayor's office occurs more than ninety (90) days before the next regular municipal election, the acting mayor shall cause a special election to be held for the purpose of electing a mayor for the duration of the unexpired term. The acting mayor shall be entitled to receive the same compensation, as the mayor would be entitled to.

#### **CITY CLERK — CREATION AND DUTIES — COMPENSATION** (Section 9-112)

The city clerk shall be an officer of the city. The clerk shall serve as clerk for the council. The city clerk shall:

1. keep the journal of the proceedings of the city council; and
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 9-113)

The city treasurer shall be an officer of the city. 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 city treasurer. The salary, if any, for said duties shall be provided for separately by ordinance.

**MARSHAL AND STREET COMMISSIONER** (Section 9-114)

There shall be one marshal and one street commissioner, who shall be officers of the city. The marshal may be the chief of police. The marshal shall have such powers, duties, and functions as may be prescribed by law or by ordinance. The street commissioner may be the head of the street department. The street commissioner shall have such powers, duties, and functions as may be prescribed by law or by ordinance.

**MERGER OR CONSOLIDATION OF CITY OFFICES** (Section 9-115)

The governing body may combine, merge, or consolidate by ordinance any of the various offices of city government, as it deems necessary and convenient for the administration of the affairs or government of the city. Any consolidation of elected city offices shall go into effect at the end of the term of office of those officers whose offices are consolidated or when a vacancy occurs in one of the offices to be consolidated. An ordinance

consolidating offices must be enacted at least thirty (30) days prior to the date of the next municipal primary election.

#### **COMPENSATION OF OFFICERS** (Section 9-116)

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

#### **APPOINTMENTS AND REMOVALS** (Section 9-117)

Appointments and promotions in the service of a statutory aldermanic city shall be made solely on the basis of merit and fitness. Removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. The council may suspend for cause, by a majority vote of all its members, any officer of the city except the mayor. The council by ordinance may establish a system for appointment and removal of employees on the basis of merit. After the council establishes a merit system, it shall adopt regulations governing the organization and functioning of the system, and for the regulation of personnel matters. The ordinance establishing the merit system may not be repealed except upon the approval of a majority of the registered voters voting on the question at a special or general election in the city.

#### **CITY OFFICIALS AND EMPLOYEES — SUSPENSION OR REMOVAL — SUCCESSORS** (Section 9-118)

An appointed officer or employee may be suspended, demoted, laid off or removed by the mayor. When appeal procedures have not been established by ordinance, the officer or employee may appeal the action to the city council. The appeal shall be in writing and shall be filed with the clerk of the council within ten (10) days after the effective date of the layoff, suspension, demotion or removal. The council may affirm, reverse or modify the mayor's decision. The mayor may appoint 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 and qualified.