**TOWN CHARTER**

***Town of Bethel Acres, Oklahoma***

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# ARTICLE I: ORGANIZATION AND POWERS

## Section 1. - Name of Town; succession to rights, powers and obligations; powers and duties generally.

The inhabitants of the Town of Bethel Acres, within the boundaries as now established or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Bethel Acres, and under that name and style shall have perpetual succession; and as such, they and their successors shall succeed to own and possess all the property, whether real, personal or mixed, and all the rights, privileges, franchises, powers, and immunities now belonging to, possessed, or enjoyed by the present corporation known as the Town of Bethel Acres; that said municipal corporation shall be subject to and liable for all debts, judgments, bonds, notes, and other legal obligations for which the present corporation is now legally bound; that the said municipal corporation and its successors, in said corporate name of the Town of Bethel Acres, shall have power to sue and be sued, plead and be impleaded, complain, intervene, and defend in all courts; that it shall have the power to make contracts, to take and acquire property, by purchase or otherwise, and to hold, sell, lease, convey, or otherwise dispose of, any real or personal property within or without the limits of said Town; that it shall also have, exercise, and enjoy such other and additional powers, rights, privileges, franchises, and immunities as are granted and conferred by any other part of this Charter; that it may make and use a corporate seal and alter the same at the pleasure of its board of trustees; that it may adopt a town flag and alter the same at the pleasure of its board of trustees.

The Town shall have the power to engage directly or indirectly in advocacy calculated to influence legislative and administrative matters at all levels of government.

*State Law reference— Corporate powers of municipalities, 11 O.S. § 22-101.*

## Section 2. - Enumeration of powers not exclusive.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein, implied thereby, or appropriate to the exercise thereof, it is intended that the Town of Bethel Acres shall have, and may exercise, all powers which are now or may hereafter be conferred under the constitution and general law of the State of Oklahoma. All powers of the Town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the commission. 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 not superseded by this Charter or by ordinance.

## Section 3. - Intergovernmental relations.

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states, civil divisions or agencies thereof, federally recognized tribal nations, or the United States or any agency thereof.

# ARTICLE II: WARDS AND BOUNDARIES

## Section 1. - Boundaries.

The boundaries of said Town of Bethel Acres, shall, until altered as provided by law or ordinance, be the same as at the time of the adoption of this Charter.

## Section 2. - Wards.

The Town is hereby divided into five (5) wards, being the same number now existing in the present corporation, with boundaries to each as heretofore established; but the board of trustees shall have power by ordinance to change the boundaries of the present wards, and in doing so each ward shall contain as nearly the same number of inhabitants as in the judgment of said board can reasonably be done.

*State Law reference— Changing wards, 11 O.S. § 20-101 et seq.*

# ARTICLE III: OFFICERS OF MUNICIPALITY

## Section 1. - Designation of board of trustees.

Whenever in the Constitution of the State of Oklahoma, or the laws thereof, or in the present ordinances of the Town of Bethel Acres, hereby continued in force, reference is made to the "mayor," or to the "chief executive officer," of the Town, such reference shall be deemed made to the mayor under the form of government under this Charter; and whenever in the said Constitution, laws, or ordinances reference is made to the "Town trustees," "mayor and trustees," or to the "legislative body" of the Town, such reference shall be deemed made to the board of trustees of the Town.

## Section 2. - Composition of board of trustees; nomination and election of trustees.

The board of trustees shall constitute the governing body of the Town. It shall consist of a five (5) trustees, each of whom shall file for office from the ward in which he or she resides, with one trustee to be elected or appointed from each of the five (5) wards, but shall be nominated and elected by vote of the Town at large. The five (5) trustees shall nominate one trustee to serve as mayor, with approval of a majority of the trustees.

## Section 3. - Qualification of trustees.

All members of the board of trustees, including the mayor, shall have attained the age of twenty-five (25) years and each shall be a duly qualified elector within the Town, and shall be a resident of the Town, and shall be a resident of the ward from which he or she files for office.

*State Law reference— Qualifications for elected office, 11 O.S. § 8-101.*

## Section 4. - Terms of office of trustees.

The trustees shall serve for four (4) years or until their successors are elected and qualified. The terms of office of trustees shall begin on the first Monday in the month following the general election, or runoff election as applicable. The terms of office of those trustees elected to fill vacancies at a special election, as provided in Article VIII hereof, shall begin with the next meeting of the board of trustees following the official results of the special election.

## Section 5. - Compensation of mayor and trustees.

The mayor and trustees shall serve without compensation, but shall be reimbursed their necessary expenses incurred in the performance of their duties. The board of trustees shall have authority to employ and provide for the expenses and compensation of accountants, engineers, attorneys, and other consultants for the purpose of investigating the affairs of the Town in any and all particulars.

## Section 6. - Vacancies in board of trustees.

If after their election as trustees and prior or subsequent to the qualification for office as herein provided, any of said trustees ceases to be a resident of his or her ward, or if any of said trustees dies or resigns, or otherwise becomes incapable of performing the duties of the office to which he or she has been elected, the other members of the board of trustees shall nevertheless qualify for office and convene, as such board of trustees, and fill the vacancy caused by such death, resignation, removal, or incapacity as provided in article III, section 7 hereof. The board of trustees shall be the exclusive judges of the existence of any vacancies.

## Section 7. - Filling of vacancies; mayor and board of trustees.

When a vacancy occurs in the board of trustees, the board of trustees, by a majority vote of the remaining trustees, shall appoint a person meeting the qualifications for the vacant trustee’s seat to serve until the next general or special municipal election and until a successor is elected and qualified. Any such vacancy shall then be filled at the next general or special municipal election to complete the balance of any unexpired term. Nothing herein shall require the board of trustees to call a special municipal election to fill vacancies in the board of trustees

*State Law reference— Vacancies in office generally, 11 O.S. § 8-109.*

## Section 8. - Town attorney.

The Town attorney shall be appointed by the board of trustees. The Town treasurer and Town attorney shall be appointed and/or removed only by a majority vote of all members of the board of trustees, not including vacant positions.

## Section 9. - Duty of Town attorney.

It shall be the duty of the Town attorney to represent the Town of Bethel Acres in legal matters and proceedings, and he or she shall advise the heads of the various departments, upon request, upon all questions of law, provided this section shall not prohibit the hiring of outside counsel on specific legal problems.

# ARTICLE IV: POWERS, DUTIES, AND MEETINGS OF BOARD OF TRUSTEES

## Section 1. - Power of board to make ordinances; operative date of ordinances; emergency measures.

All legislative authority is hereby vested in the board of trustees. The trustees shall each have one (1) vote, and the mayor shall have no veto power, but shall forthwith, without discretion, approve all ordinances and resolutions adopted by the board of trustees. The adoption of ordinances shall require an affirmative vote of a majority of all members of the board of trustees, not including vacant positions. All ordinances and resolutions shall be entered in the minutes and no ordinances other than those related to zoning matters, shall become operative until thirty (30) days after final passage and approval, except in the case of emergency measures. Emergency measures so adopted and approved shall take effect and be in force from and after their passage and approval. No emergency measures shall become immediately operative unless it shall state in a separate section the reason why it is necessary that it should become immediately operative, and the question of emergency shall be voted upon separately and shall require the affirmative vote of three-fourths of all trustees present, but never less than three (3) votes. All ordinances relating to zoning decisions shall become operative immediately after their passage and approval without the necessity of an emergency measure. Except as may be required by this Charter for the publication of ordinances relating to particular matters, every ordinance shall be published one (1) time, by title, in a newspaper of general circulation in the Town.

*State Law reference— Ordinances, 11 O.S. § 14-101 et seq.; effective date of ordinances, 11 O.S. § 14-103; publication of ordinances, 11 O.S. § 14-106.*

## Section 2. - Scope of power of board of trustees.

The legislative power of said board of trustees shall extend to all rightful subjects of municipal legislation, subject only to the constitution and general laws of the state. The board of trustees shall have, in addition to other powers herein granted, power to enact and provide such ordinances as are necessary to protect life, health, and property, to declare, prevent, abate, and remove nuisances, preserve and enforce good order, good government, and general welfare and security of the Town and the inhabitants thereof; to promote the public health, public peace, public morals, public safety, trade and commerce, and general welfare of the inhabitants of the said Town.

The said board shall have authority to pass ordinances, to impose fines and imprisonment, and to commit [to confinement] until such fine and costs are paid.

## Section 3. - Ordinances and resolutions to be complete in final form; approval of franchises by vote of people.

Every ordinance or resolution appropriating money or ordering any street or sewer improvement, or making or authorizing any contract, or granting any franchise or right to use the streets, bridges, or public places in the Town, shall be complete in the form in which it is finally passed. No franchise or right to occupy or use the streets, bridges, or public places in said Town shall be granted, renewed, or extended except in the manner provided by ordinances, and every grant or franchise for street, railway, gas, or waterworks, electric lights or pole franchise, telegraph, telephone system, or other public service utilities within said Town, must be authorized or approved by a majority of the electors, voting thereon at a general or special election called for that purpose as provided by law.

## Section 4. - Meeting of board of trustees; quorum; minutes; executive sessions.

The board of trustees shall hold at least one (1) regular meeting each month at Town Hall at a date and hour to be designated by resolution. The board of trustees 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 board of trustees may be called by two (2) of the trustees by filing a written call of the meeting with the Town clerk. The call shall state the business to be transacted at said meeting. Upon receipt of the call of a special or emergency meeting, the Town clerk shall give notice thereof by posting the call of special or emergency meeting at Town Hall, and shall make a good-faith attempt to serve each trustee personally or by leaving the call at their usual place of residence. Failure a trustee to receive a copy of the call shall not invalidate an otherwise legal meeting of the board of trustees.

All meetings of the board of trustees of the Town of Bethel Acres shall be public except the commission may hold executive sessions for the purpose of: (a) discussing the employment, hiring, firing, appointment, promotion, demotion, disciplining, or resignation of an individual salaried officer or employee; (b) discussion with legal counsel of contemplated, threatened, or pending investigation, litigation, claims, or proceedings; (c) for such other purposes as are now or may hereafter be permitted under the Oklahoma Open Meeting Law. Any vote or action on an item discussed in executive session shall be publicly cast and recorded. A journal of all proceedings of the board of trustees shall be kept by the Town clerk, and any citizen may examine the minutes of the meetings during normal working hours. Provided, no minutes shall be kept of discussions held in executive sessions as permitted herein. A majority of the board of trustees, not including vacant positions, shall constitute a quorum. The mayor shall preside at the meetings of the board of trustees provided, however, if the mayor is absent, then any other trustee shall preside.

*State Law reference— Notice of meetings, 25 O.S. § 311; absence from meetings, 11 O.S. § 8-108.*

# ARTICLE V: LEASE OF PUBLIC UTILITIES OR OTHER REAL OR PERSONAL PROPERTY TO REGULARLY CONSTITUTED AUTHORITIES OF THE TOWN OF BETHEL ACRES

## Section 1. - Authority of Town.

Any other provision of this Charter to the contrary notwithstanding, the Town may lease public utilities or other real or personal property to regularly constituted authorities of the Town, and may operate and maintain the same and collect revenues thereof on behalf of said authorities and deposit such revenues to the account of said authorities for disposition in accordance with indentures securing indebtedness issued by such authorities.

# ARTICLE VI: PLANNING AND ZONING

## Section 1. - Grant of authority.

(a) The Town of Bethel Acres shall have full power to promote the public health, safety, morals, and general welfare by regulating the use of property and by controlling and directing the development of the Town, through the complete exercise of the powers of planning and zoning and of all powers necessary and proper to carry these powers into full effect and to maintain them within the Town limits to the fullest extent permissible under the constitution of the United States and the constitution of this state. The exercise of the powers of planning and zoning within the Town always shall be in pursuance of this grant of authority and not under authority of state statutes or law, except with respect to such matters of general state concern as to which state law controls under the state constitution. The Town also may exercise powers of planning and zoning granted by the State in respect to matters of general state concern, as aforesaid, and also in respect to property situated outside the Town limits.

(b) The scope of the planning function shall include, but shall not be limited to, the development and administration of a comprehensive land-use plan which will provide for the careful and thoughtful integration of residential, commercial, industrial, public and other elements to achieve and preserve social purposes, economic values, and aesthetic quality of the neighborhoods and of other areas that compose the Town.

(c) The Town of Bethel Acres shall have full authority to regulate and restrict the location of mobile homes and manufactured housing within the Town of Bethel Acres to the extent allowed a home rule town under the Oklahoma and the United States Constitutions.

(d) The Town of Bethel Acres shall have full authority to regulate and restrict the location of oil, gas, and disposal wells and related appurtenances within the Town, and to adopt regulations concerning oil, gas, and disposal wells and related appurtenances within the Town for the general safety and welfare of the inhabitants of the Town of Bethel Acres insofar as is consistent with the Oklahoma and United States Constitutions.

(e) The Town of Bethel Acres shall have the power to regulate, restrict, and/or prohibit the operation of disposal sites for hazardous and deleterious wastes within the Town of Bethel Acres to the fullest extent possible under the Oklahoma and United States Constitutions.

## Section 2. - Continuation of existing legislation.

All ordinances and regulations of this Town in respect to planning and zoning which are in operation at the effective date of this Charter hereby are adopted and continued in force, under and by virtue of the authority conferred by the preceding section of this Charter, until altered or repealed by the board of trustees.

# ARTICLE VII: REVENUE

## Section 1. - Authority.

The Town of Bethel Acres shall have the authority to raise revenue, make appropriations, issue bonds, regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, and all other fiscal affairs of the Town subject to the provisions of this Charter, the Oklahoma Constitution, and State law applicable to cities operating under a charter.

## Section 2. - Taxes certified by clerk.

All taxes and special assessments provided for in this Charter or by law to be collected by the county treasurer, except license taxes shall be certified by the Town clerk to the county treasurer of Pottawatomie County to be by said county treasurer placed on the county tax rolls for collection, subject to the same penalty, and collected by the county treasurer as other taxes are collected by the county treasurer, as is provided by law for the collection of taxes, and paid by the county treasurer to the Town treasurer of the Town of Bethel Acres, and such payment shall include all penalties collected on such Town taxes.

*State Law reference— Municipal taxation, 68 O.S. § 2701 et seq.*

## Section 3. - County treasurer to pay all taxes and penalties to Town treasurer.

It shall be the duty of the Town treasurer of the Town of Bethel Acres to call upon the county treasurer of the County of Pottawatomie at least once each month for all money due the Town of Bethel Acres; and the Town treasurer shall carefully check all the books and records of the county treasurer and ascertain and see to it that all funds due the Town collected by the county treasurer from all sources have been paid to the Town. It shall be the further duty of the Town treasurer upon receiving any funds from the county treasurer to execute and deliver to the county treasurer therefor duplicate receipts for same, one of which said receipts shall be filed with the Town clerk of the Town of Bethel Acres and the Town clerk shall enter in the proper books kept for that purpose and under the proper head, all amounts of such funds so received and for which such receipts are given.

## Section 4. - Investment of funds.

The Town clerk, with the approval of the board of trustees, may invest the funds of the Town in United States bonds or other obligations of the United States, in the bonds and warrants of the State of Oklahoma, or of any County of Oklahoma, or in any bonds of a city of Oklahoma with a population of at least ten thousand (10,000) according to the last preceding federal census, or of a school district of Oklahoma with a population of at least five thousand (5,000) according to the last preceding federal census, in the legally issued warrants of the Town of Bethel Acres or in judgments against the Town, or in any other securities, not above enumerated, authorized by the statutes of Oklahoma for the investment of public funds. No securities shall be purchased for more than par and accrued interest. With the approval of the board of trustees, the Town clerk also may buy and cancel outstanding bonds of the Town with sinking fund moneys, whenever such bonds may be purchased for less than par and accrued interest. The board of trustees may, by general resolution, authorize the investment of funds in investments complying with this section without necessity for a specific resolution for each investment.

*State Constitution reference— Sinking fund, OK Const. Art. 10, § 28.*

*State Law reference— Certain bonds as legal investments, 11 O.S. § 24-111; authorized investments generally, 62 O.S. § 348.1; investment of sinking funds, 62 O.S. §§ 541, 562.*

## Section 5. - Designation of Town depositories.

All moneys collected or received by any officer or employee of the Town, for fines, costs, taxes, assessments, water, or other public utility service, licenses, permits, and from all other sources shall be accounted for and paid daily to the Town treasurer, who shall immediately deposit the same in the depository of the Town and disburse same only upon warrants drawn by the Town clerk and approved by the Town manager. Town depositories shall be all financial institutions qualified under the laws of the State of Oklahoma to be depositories for public funds. In making and changing depositories, the clerk, with the approval of the Board of Trustees, shall choose from among the qualified depositories those which grant to the Town the most advantageous terms.

## Section 6. - Audits; maintenance of funds; limitations on use of certain funds.

(a) The Board of Trustees shall cause an annual, or at their discretion, a monthly audit to be made of the books and accounts, records, and transactions of the administrative departments of the Town's affairs kept by the Town clerk and the officers and employees of the Town employed by him or her. Such audit during each fiscal year shall be made by one or more certified public or municipal accountants, who hold a certificate issued under authority of the State of Oklahoma, or of some other state in the union. Such statements and audits shall include a general balance sheet exhibiting the assets and liabilities of the Town supported by schedules and including schedules for each utility publicly owned or operated, summaries of income and expenditures supported by detailed schedule and also comparisons in proper classification with the last previous year.

(b) All other necessary funds as it may be lawful to establish shall be established and maintained, in the discretion of the board of trustees.

*State Law reference— Perpetual care funds, 8 O.S. § 161 et seq.; annual audit of books and accounts, 11 O.S. § 17-105 et seq.; funds generally, 11 O.S. § 17-212; trusts for perpetual care, 11 O.S. § 26-201 et seq.*

## Section 7. - Accurate books of account to be kept.

It shall be the duty of the Town clerk to cause accurate books of accounts and records of all the transactions of all departments of the Town and all officers and employees appointed by him or her, to be kept so that the same shall present a complete and itemized statement of all the business and financial affairs of the Town.

## Section 8. - Claims against the Town.

All claims against the Town must be filed with the Town clerk in writing with a full account of all items thereof, and must be subscribed by the claimant, his or her agent, or attorney who on oath shall declare that the same is correct, just, due, and unpaid; and no claim or demand shall be allowed or suit filed thereon unless so prepared and filed. Nothing herein shall prevent the Town of Bethel Acres from operating under the Oklahoma purchase order law.

## Section 9. - No property exempt from assessments for local improvements.

No property of any kind, church, school, or otherwise shall be exempt from any of the special assessments authorized by this Charter or by state law for local improvements.

## Section 10. - Manufacturing enterprises and public utilities exempt from municipal taxation.

The board of trustees by a majority vote of the electors of said Town voting thereon are hereby authorized and empowered to exempt from municipal taxation for a period of not to exceed five (5) years, manufacturing establishments and public utilities as an inducement to their location in said Town. Provided, however, that the provisions of this section shall not apply to manufacturing establishments and public utilities located in said Town on the date of the approval of this Charter by the governor of the state.

## Section 11. - Public service corporation not to be relieved from taxes.

No Charter, ordinance, or franchise hereafter granted, amended or modified granting to any public service corporations, corporation dealing in or handling public utilities authorized to do business within the Town, shall ever contain or provide an express waiver or otherwise exempt such corporation or corporations from the provisions of any license tax, special, or franchise tax.

## Section 12. - Signing and attesting of warrants and bonds of Town.

All bonds of the Town shall be signed by the mayor and attested by the Town clerk. All warrants of the Town shall be signed by the Town mayor and attested by the Town clerk.

*State Law reference— Payment of invoice or account, petty cash accounts, 11 O.S. § 17-102.*

# ARTICLE VIII: FRANCHISES AND PUBLIC UTILITIES

## Section 1. - No franchise granted without approval of a majority of electors.

The Town shall never grant, extend, or renew a franchise, without the approval of a majority of the qualified electors residing within its corporate limits, who shall vote thereon at a general or special election, and the board of trustees may submit any such matter for approval or disapproval to such electors at any general municipal election, or call a special election for such purpose at any time upon thirty (30) days' notice; and no franchise shall be granted, extended, or renewed for a longer term than twenty-five (25) years.

## Section 2. - Franchise election to be called by mayor.

Whenever a petition signed by a number of qualified electors of said Town equal to twenty-five (25) percent of the total number of votes cast at the next preceding general municipal election, demanding that a franchise be granted or renewed, shall be filed with the mayor of said Town, the mayor shall within ten (10) days thereafter call a special election, at which he shall submit the question whether or not such franchise shall be granted, extended, or renewed. If at such election a majority of the said electors voting thereon shall vote for the grant, extension, or renewal of such franchise the same shall be granted by the proper authorities at the next succeeding regular meeting of the board of trustees. Provided, that the mayor shall not call any special election until the party or parties demanding such franchise shall deposit with the clerk of said Town a sufficient amount of money to pay the expenses of such special election, which amount shall be used in paying the expenses of such election.

**Section 3. - Town may engage in public utility business, power of eminent domain; issuance of bond.**

The Town of Bethel Acres shall have the right to engage in any business or enterprise which may be engaged in by a person, firm, or corporation by virtue of a franchise by said corporation; and shall have the right and power to acquire, own, and maintain within or without the corporate limits of such Town, but not to exceed one hundred fifty (150) miles therefrom, all real estate for municipal purposes for sites and rights-of-way for public utility and park purposes, and for the location, erection, and maintenance thereon of waterworks, electric light, gas plant, aviation airport, hospitals, quarantine stations, telephone lines and telephone exchanges, garbage reduction plants, pipelines for the transportation and transmission of gas, water, and sewerage, and public markets, and for any plant for the manufacture of any material for public improvement purposes, public buildings, or other public utilities, works or ways local in use, and for all such purposes shall have the power to exercise the right of eminent domain, either within or without the corporate limits of the Town, and to establish, lay, and operate any such plant or pipeline upon any land or right-of-way taken thereunder; the Town of Bethel Acres shall have and exercise the right to manufacture any material for street paving or other public improvement purposes and public buildings, and to barter or exchange the same for other material to be used in public improvement in such Town, or to sell the same to other cities for like purposes, and for any and all such purposes in order to raise means to carry out the same, shall have power to issue and sell bonds under and by virtue of the constitution of this state, and issued in manner and form provided by the laws of the State of Oklahoma; provided, that whenever it shall be found impracticable to issue bonds as above provided, for any improvement deemed by such Town necessary for the public welfare, without increasing the total indebtedness of such Town beyond the constitutional limit, it shall be lawful for such Town to lease at a stipulated rental any public improvement or utility from any person, firm, or corporation which will contract to furnish the same; provided, further, that any such rental contract shall reserve to such Town the option to purchase such improvement or utility in the future, on terms to be named in such rental contract.

*State Law reference— Issue and sale of bonds, 62 O.S. § 351 et seq.*

## Section 4. - Sale or lease of public utilities.

The sale or lease of public utilities, the value of which is more than ten thousand dollars ($10,000.00), shall be made only by authority of a special ordinance other than an emergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation within the Town 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 Town if a proper referendum petition is properly filed within thirty (30) days after its passage; otherwise, it shall go into effect thirty (30) days after its passage."

# ARTICLE IX: ELECTIONS

## Section 1. - Conduct of elections generally.

All elections for municipal officers and on municipal questions in the Town of Bethel Acres shall be conducted as herein provided.

## Section 2. - Time for holding general election.

During every even-numbered year there shall be held a general election in each of the voting precincts of the Town at which time candidates for such offices as are to be elected shall stand for election. The general election shall be held on the same date as set for the statewide primary election held the same year.

If, on the date of closing for filing for candidacy for any office, only one (1) candidate has filed for trustee from any ward or wards, said candidate or candidates shall be chosen to their respective offices and no election shall be held.

On the date of the closing of the filing for trustees from the wards, all candidates who have filed for each said office shall have their names placed on the ballot at the general election.

If three (3) or more persons file for the same office and no one candidate receives a majority of votes at the general election, the two (2) candidates receiving the largest number of votes shall be voted upon at the ensuing general runoff election, and the person receiving the largest number of votes shall be elected.

## Section 3. - Nominees.

In the general election where three (3) or more candidates have filed for the same office, the two (2) candidates receiving the greatest number of votes for that office shall be nominated to stand in the general runoff election. If one (1) candidate receives a majority of all votes cast at the general election for that office that candidate is *ipso facto* elected thereto. He or she shall be issued a certificate of election and his or her name shall not appear upon the general runoff election ballot. In case of a tie at the general runoff election, the elected candidate shall be determined by the flip of a coin. If one (1) of the two (2) candidates nominated for the general runoff election dies, removes from the Town or from the ward, or withdraws before the general runoff election, the remaining candidate is elected *ipso facto*. He or she shall be issued a certificate of election and his or her name shall not appear upon the general runoff election ballot.

## Section 4. - Time for holding general runoff elections.

In every even-numbered year there shall be held a general runoff election conducted at the regular voting places within the Town for the election of municipal officers, except where no general runoff election is required by reason of the results of the general election. This election shall be held on the same date as the statewide runoff primary election held that same year.

## Section 5. - Qualification of voters.

In either the general or general runoff election provided for hereunder, only such persons shall be qualified to vote as electors therein as are qualified and registered under the general statutes of Oklahoma providing for qualification and registration of electors, and only such electors as are residents of the Town of Bethel Acres.

*State Law reference— Voter registration, 26 O.S. § 4-101 et seq.*

## Section 6. - Voting places.

All elections within the Town of Bethel Acres shall be held at the polling places designated by the board of trustees; and, in the absence of such designation, at the polling places designated under the general election law.

*State Law reference— Polling places, 26 O.S. §§ 3-120, 3-123.*

## Section 7. - Conduct of election period.

The Board of Trustees of the Town of Bethel Acres shall, by resolution, order the holding of all elections, except as otherwise provided in the Charter. All municipal elections in the Town of Bethel Acres shall be conducted by the County Election Board of Pottawatomie County. The election shall be held at the same place and in the same manner as provided for conduct of state and county elections. Polling places shall be open from seven o'clock a.m. to seven o'clock p.m. The precinct election board shall be the same as for state and county elections, provided substitutions, if necessary, may be made by the Pottawatomie County Election Board. Except as otherwise provided by this chapter, the laws governing state and county runoff and general elections shall be applicable to municipal elections in the Town of Bethel Acres.

## Section 8. - Filing of candidates.

Any elector, qualified as provided by article III, section 3, of this Charter may become a candidate for any office in any general election by filing with the secretary of the county election board written notice setting forth his/her name, the ward from which he/she is a candidate and the street number of his/her address and shall give the name of the office for which he/she is a candidate and the date of the general election, provided that he/she can be a candidate for only one (1) office. The period of filing for Town offices shall be identical to the filing period for the statewide elections to be held that same year.

*State Law reference— Filing, 26 O.S. § 5-101 et seq.*

## Section 9. - Preparation and distribution of general election ballots.

The county election board shall arrange the name of candidates for each elective office without regard to the alphabet or the time of filing; but the same names shall be so arranged that each name shall appear at the head of the list of candidates for said office on the total number of ballots printed an equal number of times with each other name, and likewise second, third, fourth and so on, to the end that the name of each candidate shall appear on said ballot in such position as will insure said candidate an equal opportunity with each other candidate. Such ballots shall contain no emblem, device, mark, or sign of any kind indicating to which political party a candidate may belong but shall be strictly a non-partisan ballot. The county election board shall cause the ballots to be printed, arranged as provided herein, and shall cause the ballots so arranged and printed to be distributed among the various precincts of the Town.

*State Law reference— Ballots, 26 O.S. § 6-101 et seq.*

## Section 10. - Ballots for general runoff election; names of candidates; waiver of general runoff election; compliance with state election laws; election of mayor.

The county election board shall prepare the ballots for the general runoff election which shall be in the same form as described for the general election ballots, except that they shall include only those offices to which no one has been elected as a result of the general election or of events subsequent thereto. Except as otherwise in this Charter specifically provided, the general and runoff election laws of this state applicable to municipal elections are adopted and put into effect hereby, and the results of elections shall be canvassed, published and declared as provided by law. Whenever one (1) or more measures or questions are to be voted upon at the same time that any general or general runoff election for Town office is held, such measures or questions shall be submitted upon a ballot separate from that bearing the names of candidates for office. The candidate for each office receiving the highest number of votes shall be elected and shall receive a certificate of election. In the event of a tie vote, the successful candidate shall be determined by the flip of a coin. All declarations of candidacy, petitions and election ballots shall be non-partisan in form and shall bear no party designation of any kind and no sign, mark, symbol, or device of partisan character.

## Section 11. - Violation of election laws.

All acts made offenses or crimes under the election laws of this state shall be, and are hereby made, offenses if committed in any election held hereunder, and for such offenses the offender shall be punished in the manner and form as provided by the statutes of Oklahoma, and as may be hereafter provided by ordinance.

*State Law reference— Penalties, 26 O.S. § 16-101 et seq.*

## Section 12. - When state election laws in full operation.

In the event that the foregoing provisions or any of them should be for any reason held void, or for any reason shall become inoperative then the election laws of the state shall govern all elections within the Town of Bethel Acres, insofar as the special provisions fail.

## Section 13. - Special election.

The board of trustees shall have power to call special elections which shall be ordered held and conducted and the results thereof made known and declared in the same manner as herein provided for other elections.

*State Law reference— Notice of special election, 26 O.S. § 13-102.*

## Section 14. - Constitution applied.

Article Eighteen of the Constitution of the State of Oklahoma, under the title "Municipal Corporations," and every section thereof, including the initiative and referendum, and all other provisions and sections of said article XVIII, are hereby adopted and made in full force and effect for the government of the Town of Bethel Acres.

## Section 15. - The recall.

The holder of an elective office may be removed at any time by the electors qualified to vote for this successor. The procedure shall be: A petition signed by electors entitled to vote for a successor to the person sought to be removed, equal in number to at least sixty (60) percent of the entire vote cast at the last Town general election and containing a general statement of the specific grounds upon which the removal is sought, which shall be based upon issues of policy or law as distinguished from personalities, shall be filed with the Town clerk. The signatures need not all be appended to one (1) paper, but each signer shall add to his signature the place of his residence, specifying street and number. One (1) signer of each paper shall state, under oath or affirmation before an officer authorized to administer oaths, that the statements therein are true as he believes, and that each signature to the paper is the genuine signature of the person by whom it is purported to have been signed. Within ten (10) days from date of filing the Town clerk shall examine the petition and shall determine, from the register of voters, whether said petition is signed by the required number of qualified electors, and shall attach to the petition his certificate, showing the result of said examination. The board of trustees shall provide him any funds necessary to employ extra help for the examination. If the clerk's certificate shows the petition to have insufficient signatures, others may be added within ten (10) days after the date of certification. The clerk, within ten (10) days after such amendment, shall examine the amended petition. If he certifies that it still is insufficient, it shall be returned to the person who filed it, without prejudice to the filing of a new petition for the same purpose. If the petition is found sufficient as to signature and as to grounds, the clerk shall submit it without delay to the board of trustees who shall order the election fixing the date for the same not less than thirty (30) days nor more than forty (40) days from the date of the clerk's certificate of sufficiency. Procedure to review a finding of insufficiency shall be the same as for petitions for the initiative or referendum under the laws of the state.

The trustees shall publish notice of the election and cause to be made all arrangements necessary for holding and conducting the election. The election shall be conducted, returned, and the result declared in the same way as other special Town elections. The successor of an officer recalled shall hold office for the unexpired term of his or her predecessor. The person sought to be removed may be a candidate to succeed himself, and his name shall be placed upon the official ballot unless he requests otherwise in writing. In a recall election the candidate receiving the highest number of votes shall be elected. If the successful candidate is the incumbent, he retains his office; if he is other than the incumbent, the latter is removed from office upon qualification by his successor. If the successor fails to qualify within ten (10) days after he is notified of his election, the office becomes vacant. Removal by recall shall be cumulative and additional to other methods provided by law.

No recall petition shall be filed against any officer prior to the expiration of six (6) months after his qualification, and no new recall petition shall be filed against a successful incumbent until the expiration of six (6) months from the prior recall election.

## Section 16. - Initiative and referendum—Reserved.

The powers of the initiative and referendum reserved by the constitution of the state to the people thereof, and the respective counties and districts therein, are hereby reserved to the people of this Town and the same shall be held to apply to all legislative authority which the said board may exercise, and to amendments to this Charter.

*State Constitution reference— Initiative and referendum, OK Const. Art. 5, § 1 et seq.; municipal initiative and referendum, OK Const. Art. 18, § 4(a) et seq.*

*State Law reference— Municipal initiative and referendum, 11 O.S. § 15-101 et seq.; initiative and referendum generally, 34 O.S. § 1 et seq.*

## Section 17. - Same—Petition.

Every petition for the initiative or referendum shall be signed by a number of qualified electors residing within the limits of said Town equal to twenty-five (25) percent of the total number of votes cast at the last Town general election, and every such petition shall be filed with the mayor of the Town of Bethel Acres. When such petition demands the enactment of an ordinance or other legal act other than a grant, renewal, or extension of a franchise, the mayor shall present the same to the board of trustees at its next meeting. Unless the said petition shall be granted, the board of trustees shall submit the said ordinance or act so petitioned for to the qualified voters at the next election at which Town officers are to be elected; and if a majority of said electors voting thereof shall vote for same, it shall thereupon become in full force and effect.

## Section 18. - Same—Election.

When such petition demands a referendum vote upon an ordinance or any other legal act other than the grant, extension, or renewal of a franchise, the mayor shall submit said ordinance or act to the qualified electors of said Town at the next municipal election at which any municipal officers are to be elected; and if at said election a majority of the electors voting thereon shall not vote for the same, it shall thereupon stand repealed.

## Section 19. - Same—Charter amendments.

When such petition demands an amendment to this Charter, the mayor shall submit such amendment to the qualified electors of said Town at the next municipal election at which any municipal officers are to be elected; and if at said election a majority of said electors voting thereon shall vote for such amendment, the same shall thereupon become an amendment to and a part of this Charter when approved by the governor and filed in the same manner and form as an original Charter is required by the provisions of the constitution of the state, to be approved and filed.

*State Constitution reference— Municipal charters, OK Const. Art. 18, § 3(a) et seq.*

# ARTICLE X: CONTRACTS AND IMPROVEMENTS

## Section 1. - Contract procedure generally.

The Town clerk, subject to any regulations which the commission may prescribe, shall contract for and purchase, or issue purchase orders for, all supplies, materials, and equipment for the offices, departments, and agencies of the Town government. Every such contract or purchase exceeding an amount to be established by ordinance shall require the prior approval of the board of trustees. The Town clerk also may transfer to or between offices, departments, and agencies, or sell surplus or obsolete supplies, materials, and equipment subject to such regulations as the commission may prescribe. Before the purchase of or contract for any supplies, materials, or equipment, or the sale of any surplus or obsolete supplies, materials, or equipment, ample opportunity for competitive bidding under such regulations and with such exceptions as the board of trustees may prescribe shall be given; but the trustees shall not except a particular contract, purchase, or sale from the requirement of competitive bidding.

*State Law reference— Public competitive bidding act of 1974, 61 O.S. § 101 et seq.*

## Section 2. - Bidding requirements.

All bids shall be sealed and filed with the Town clerk under such regulations as the council may determine. Each bid shall be accompanied by a sworn statement that the bidder has not entered into any agreement, express or implied, with any other bidder or bidders for the purpose of limiting the amount of the bid or the number of bidders or of parceling out to any bidder or bidders or to any other person any portion of the contract or of the subject matter of the bid. The announced award of a contract to the successful bidder shall give that bidder no right to action or claim against the Town upon such bid or contract until the transaction shall be embodied in writing and shall be duly signed by the contracting parties. All bids shall be opened in the presence of a quorum of the trustees, and may be referred to staff for tabulation, determination of compliance with specifications, and recommendations prior to award. The trustees shall consider all properly filed bids, and may enter into a contract with the bidder offering the lowest and best bid, or they may reject any and all bids and re-advertise for bids, or they may have the work done by force accounted for and under the supervision of the proper department of the Town. Pending advertisement for bids, all plans, specifications, and profiles to be used in the proposed work or contract shall remain on file in the office of the Town clerk, subject to the inspection of any person. The trustees, in their discretion, may require all bidders to execute surety bonds or to make cash deposits to secure performance of the contract and payment of all claims for labor and material used in the performance of the work or contract.

## Section 3. - Public improvements.

Public improvements may be made by the Town government itself or by contract. The trustees shall award all contracts for such improvements; provided, that the commission may authorize the Town clerk to award such contracts not exceeding an amount to be determined by the trustees, and subject to such regulations as the trustees may prescribe. Every contract for public improvements of such amount as the trustees may determine by ordinance, shall be awarded to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the trustees may prescribe, or as is required by law. All bids may be rejected and further notice and opportunity for competitive bidding may be given. Such contracts may be altered by mutual consent of the parties. Public improvements means any beneficial or valuable change or addition, betterment, enhancement, or amelioration of or upon any real property, or interest therein, belonging to the Town intended to enhance its value, beauty, or utility, or to adapt it to new or future purposes. The term does not include the direct purchase of materials, equipment, or supplies by the Town of Bethel Acres. Nothing herein shall prevent the Town from constructing public improvements by the force account method.

## Section 4. - Signing of contracts.

All contracts of the Town shall be signed by the Town mayor and attested by the Town clerk.

# ARTICLE XI: CONFLICT OF INTEREST AND OTHER PROHIBITED ACTS OF PUBLIC OFFICERS AND EMPLOYEES

## Section 1. - Trustees not to hold public employment; Town officers and employees not to be interested in Town contracts.

No member of the board of trustees shall hold any other office or employment within the municipal government of Bethel Acres, compensation for which is paid out of public moneys, nor be elected or appointed to any office, the compensation of which was increased or fixed by the board of trustees, while he or she was a member thereof, until after the expiration of at least one (1) year after he or she has ceased to be a member of said board of trustees. No member of the board of trustees or any officer of said Town shall be pecuniarily interested directly or indirectly in any contract, purchase, or sale made by or with said Town, or by any contractor or subcontractor of said Town, nor in any manner wherein the rights of [or] liabilities of said Town are, or may be involved, and such party, firm, or corporation shall be prohibited from recovering any compensation therefor, nor shall any member of the board of trustees, or any officer or employee of said Town be interested directly or indirectly in any public work or contract or contract made, supervised, or controlled, or which shall be paid for wholly or in part by said Town or by any contractor or subcontractor thereof. Any member of the board of trustees or any officer or employee of said Town becoming interested directly or indirectly as aforesaid, or by commission, retainer, fee, gift, or a loan given or received at the time of the transaction, or before or after the same in any contract, franchise, work, purchase, or at sale by or with any of the agencies aforesaid, or who shall hold stock in any corporation contracting with said Town or any contractor or subcontractor of said Town shall forfeit all right or claim of title to his or her office and to any emoluments in any office which he or she shall happen to hold in said Town, and shall be expelled therefrom by the board of trustees; or if they shall fail to remove said officer, member, or trustees, or any other Town officer guilty, as aforesaid, he or she shall nevertheless be subject to removal upon the action of any five (5) citizens taken in the district court of Pottawatomie County, in such proceedings as are appropriate and proper.

## Section 2. - Graft prohibited.

The receiving directly or indirectly by any officer of said Town for his or her own use and benefit or any other use or purpose other than is authorized and provided in this Charter and the laws of the state, of any interest, profits, or perquisites arising from the use or loan of public funds in his or her hands, or to be raised through his or her agency for Town purposes, shall be deemed sufficient cause to forfeit his or her office, and the person so receiving shall then and there forfeit his or her office and be disqualified to hold office.

## Section 3. - Offering compensation for election or appointment to office prohibited.

No officer or employee of said Town shall give or promise to give to any other person any portion of his or her compensation or any money or valuable thing, or promise employment to any person in consideration of having been, or of being nominated, appointed, voted for, or elected to any office or employment; and if any such promise or gift be made, the person making or accepting such gift or promise shall forfeit his or her office or employment and be debarred and disqualified from being elected, appointed, or employed in the services of said Town.

## Section 4. - Town officers not to receive gratuity from subordinate officer or candidate.

Any officer of said Town who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him or her, shall forfeit his or her office and be forever disqualified from holding any position in the services of said Town.

## Section 5. - Officers and bond liable for approving and paying unauthorized claims.

Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, ordinance, or this Charter shall be liable to said Town individually and on his or her official bond for the payment of the demand so illegally approved, allowed, or paid.

*State Law reference— Liability for voting unlawful claims generally, 11 O.S. § 17-104.*

**Section 6. - Duty of officers to report violations concerning Town contracts.**

It shall be the official duty of every officer or person in the employment or service of said Town, when it shall come to his or her knowledge that any contract or agreement with said Town or with any officer has been or is about to be violated by the other contracting party forthwith to report to the mayor and board of trustees all facts and information within his or her possession concerning such matter, and upon a willful failure to do so the board of trustees shall remove the officer and/or employee.

# ARTICLE XII: MISCELLANEOUS

## Section 1. - Oaths to be administered by certain Town officers.

The mayor, Town clerk, and a notary public shall be, and they are hereby, authorized to administer oaths in all municipal affairs and government of said Town.

*State Constitution reference— Oath of office, OK Const. Art. 15, § 1.*

## Section 2. - Elective and appointive officers to take oath; office vacated when officer ceases to possess qualifications.

Every person elected or appointed to any office in said Town shall, before he or she enters upon his or her duties, take the official oath prescribed by the Constitution of the State of Oklahoma, and such additional oaths as the board of trustees may prescribe to secure a faithful performance of duty, and file same in the office of the Town clerk. Any officer ceasing to possess any of the qualifications required of him or her at the time of his or her election shall instantly thereby forfeit his or her office and same shall be filled as herein provided.

## Section 3. - Town books and records open for inspection; exceptions.

All records of the Town and its departments which are required by law to be public records shall be open to public inspection at proper times and in proper manner during all regular business hours of each week; provided, however, that this shall not apply to any records required by law to be kept secret, nor shall it apply to records that if disclosed would defeat the purpose for which same are kept, including but not limited to criminal investigative records and personnel records, records prepared in anticipation or preparation of litigation, communications, memos, and opinions of the Town attorney protected under the client-attorney privilege.

## Section 4. - No change in salaries of elective officers.

No salary of any elective officer of said Town shall be increased or decreased during the term for which said officer was elected.

## Section 5. - Appointive officers; successor of officer holding under mayor and board of trustees.

The board of trustees elected under the provisions of this Charter and their successors in office shall be deemed in law and in fact the successors of the present board of trustees, and all officers appointed by the board of trustees, or otherwise as provided in this Charter, shall be deemed in law and in fact the successors of the present officers, whether elected or appointed.

## Section 6. - Ordinances and resolutions not in conflict with Charter continued.

All resolutions and ordinances not in conflict with or inapplicable under the provisions of this amended Charter which are in force and effect in said Town, at the time of the approval and taking effect of this amended Charter, shall be and remain in full force and effect until the same shall expire by limitation, be repealed or amended; provided further, that all prosecutions of violations of ordinances of the Town, whether begun, pending, or otherwise, shall be prosecuted to determination and effect as though this amended Charter had not been passed and approved.

## Section 7. - Abstaining votes.

If a member of the board of trustees or a member of any board or agency of the Town abstains from voting on an issue, said abstention shall not be recorded as a negative vote, but rather shall be reflected as an abstention and not counted in determining whether the item passed or failed.

## Section 8. - Repealer; construction of provisions.

All provisions of this Charter of the Town of Bethel Acres as the same exists prior to the adoption of these amendments, which are inconsistent or contrary to the provisions hereof, shall be and the same are hereby repealed.

## Section 9. - Severability.

If any part, article, section, or subsection of this amended Charter shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of this amended Charter, notwithstanding such holding.