

# **Strong-Mayor-Council Form of City Government**

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

### **GOVERNING BODY (Section 11-102)**

The governing body of a statutory strong-mayor-council city shall consist of the mayor, who is elected at large, and one (1) councilmember from each ward of the city. The mayor shall serve as ex officio councilmember at large.

### **QUALIFICATIONS OF GOVERNING BODY MEMBERS (Section 11-103)**

The governing body members 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 VICE-MAYOR - DUTIES (Section 11-104)**

The council shall elect from among its members a vice-mayor. The 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 he shall serve until his successor has been elected and qualified. The vice-mayor shall act as mayor during the absence, disability or suspension of the mayor. During the absence, disability or suspension of both, the mayor and vice-mayor, the council may elect an acting mayor from among its members to serve as mayor.

### **MAYOR - DUTIES AS PRESIDENT OF COUNCIL - TEMPORARY COUNCIL PRESIDENT (Section 11-105)**

- A. The mayor shall preside at meetings of the council and shall certify to the correct enrollment of all ordinances and resolutions passed by it. As councilmember at large, he shall have all the powers, rights, privileges, duties and responsibilities of a councilmember, including the right to vote on questions.
- B. The council may elect any councilmember to preside as temporary president of the council whenever it deems that the mayor has a personal interest in a matter under consideration, or it deems that the mayor is not properly performing his duties as presiding officer. Such temporary president may certify to correct enrollment of ordinances and resolutions passed while he is presiding.

### **MAYOR - DUTIES AS CHIEF EXECUTIVE OFFICER (Section 11-106)**

The mayor 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. 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:

1. Appoint, and when necessary for the good of the service, remove, demote, lay off, or suspend all heads or directors of administrative departments and all other administrative officers and employees of the city in the manner provided by law. The mayor or the council by ordinance may authorize the head of a department, office or agency to appoint and remove subordinates in such department, office or agency;
2. Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees;
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 such recommendations as he deems desirable;
6. Grant pardons for violations of city ordinances, including the remission of fines and costs, upon the recommendation of the municipal judge; and
7. Have such other powers, duties and functions as may be prescribed by law or by ordinance.

#### **MAYOR - ADDITIONAL OFFICES OR DUTIES (Section 11-107)**

The mayor may appoint himself, or the council or other authority may elect or appoint him, to other offices and positions in the city government, subject to regulations as the council may prescribe; but he may not receive compensation for service in such other offices and positions. The council may provide that the mayor shall hold ex officio designated administrative offices subordinate to the mayor as well as other designated compatible city offices.

#### **POWERS VESTED IN COUNCIL -DESIGNATED POWERS (Section 11-108)**

Except as otherwise provided in this article, all powers of a statutory strong-mayor-council city, including the determination of all 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 to authorize and provide for such inquiries and investigations;
4. Appoint or elect and remove its own subordinates, members of commissions and boards, and other quasi-legislative, quasi-judicial or advisory officers and authorities as provided by law, or prescribe the method of appointing or electing and removing them; and
5. 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.

#### **COUNCIL - MEETINGS** (Section 11-109)

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

#### **COUNCIL - QUORUM - RULES** (Section 11-110)

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 may determine its own rules.

#### **VACANCY IN THE OFFICE OF MAYOR OR VICE-MAYOR** (Section 11-111)

When a vacancy occurs in the office of mayor, the vice-mayor shall act as mayor until a mayor is elected by the council and qualified for office. To fill the vacancy, the council shall elect a registered voter of the city, who may or may not already be a council member at the time, to be mayor until the next general municipal election, and to serve until a successor is elected and qualified. Any vacancy shall then be filled at the next general municipal election by election of a person to complete the balance of any unexpired term. If the vacancy has not been filled within sixty (60) days after it occurs, the governing body shall call for a special election for the purpose of filling the vacancy for the duration of the unexpired term. However, if less than one (1) year remains of the unexpired term, the council shall elect a registered voter of the city, who may or may not already be a council member at the time, to be mayor for the duration of the unexpired term. When a vacancy occurs in the office of vice-mayor, the council shall elect from among its members another vice-mayor for the duration of the unexpired term.

#### **COUNCIL AND MAYOR - COMPENSATION** (Section 11-112)

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

### **CITY CLERK - CREATION AND DUTIES (Section 11-113)**

The city clerk shall be an officer of the city, appointed by the mayor 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; and
1. enroll all ordinances and resolutions passed by the council in a book or 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 the 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.

### **APPOINTMENT OF TEMPORARY CLERK OF COUNCIL (Section 11-114)**

The council may appoint a temporary clerk of the council to serve during the absence from a meeting of the city clerk and acting city clerk, if any, or when it deems that the city clerk or acting city clerk is not properly performing his duties as clerical officer of the council. The temporary clerk of the council shall keep the journal of its proceedings, certify documents of the council, and perform all other duties and functions as clerical officer of the council, under the direction of the council and its presiding officer.

### **CITY TREASURER - CREATION AND DUTIES (Section 11-115)**

The city treasurer shall be an officer of the city, appointed by the mayor 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. Said council may also provide by ordinance that the city clerk shall be ex officio city treasurer and that an acting city clerk shall be ex officio acting 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 the 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.

**PURCHASES AND SALES BY MAYOR - COMPETITIVE BIDDING -  
TRANSFER OF  
MAYOR'S POWERS (Section 11-116)**

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

**DEPARTMENTS AND AGENCIES (Section 11-117)**

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

**APPOINTMENTS AND REMOVALS -PERSONNEL DEPARTMENT (Section 11-118)**

Appointments and promotions in the service of a statutory strong-mayor-council 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 regulations of personnel matters. If and when the council establishes a merit system, it shall create a personnel department, the head of which shall be a personnel director appointed by the mayor for an indefinite term. The mayor may serve also as personnel director.

**PERSONNEL BOARD - MEMBERSHIP AND TENURE (Section 11-119)**

In a statutory strong-mayor-council city, there shall be a personnel board consisting of three members elected by the council for staggered six-year terms. The council shall elect the three original members so that the term of one member will expire in each succeeding even-numbered year. The term of their successors shall be for six (6) years, beginning at

7:30 o'clock p.m. on the first Monday in May in every even-numbered year. Members shall serve until their successors are elected and qualified, and they shall serve without compensation unless the council provides otherwise. The council, by a vote of a majority of its members, after adequate opportunity for a public hearing, may remove a member for the good of the service, and may fill vacancies for the unexpired term.

#### **PERSONNEL BOARD - OFFICERS AND MEETINGS (Section 11-120)**

At the time prescribed for the beginning of the term of a newly elected member or as soon thereafter as practicable, the members of the personnel board shall elect a chairman, a vice-chairman and a secretary. The secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairman or two members may call special meetings of the board.

#### **CLASSIFIED AND UNCLASSIFIED SERVICE (Section 11-121)**

All officers and employees of a statutory strong-mayor-council city shall be divided into the classified and the unclassified service. The unclassified service shall consist of:

1. The mayor and councilmembers, one secretary of the mayor, if any, the municipal judge, and one clerk or secretary of the municipal court, if any;
2. All personnel appointed, elected or confirmed by the council;
3. Members and secretaries of boards, commissions and other plural authorities;
4. All personnel who serve without compensation; and
5. Persons appointed or employed on a temporary basis to make or conduct a special audit, inquiry, investigation, study, examination or installation, or to perform a temporary professional or technical service, subject to exclusions, limitations and regulations as may be prescribed by ordinance or personnel rules.

All other officers and employees shall be in the classified service.

#### **POLITICAL APPOINTMENTS OR PROMOTIONS PROHIBITED - REVIEW OF ALLEGED VIOLATIONS (Section 11-122)**

- A. Neither the mayor nor any other appointing authority may appoint or promote any person to any office or position in the classified service of the city for any political reason nor for any reason other than merit and fitness.
- B. A qualified elector of the city may bring an alleged violation of this section before the city personnel board for consideration and determination. Alleged violations shall be made in the form of a sworn complaint charging that a designated person

has been appointed or promoted to an office or position in the classified service in violation of this section. The complaint shall be filed with the secretary or chairman of the personnel board not later than sixty (60) days after the effective date of such appointment or promotion, and shall be accompanied by a deposit of Twenty Dollars (\$20.00) for payment of costs. The personnel board shall provide adequate opportunity for a public hearing on the complaint. If the board finds to its satisfaction that the appointment or promotion was made in violation of this section, it shall veto the appointment or promotion. The appointment or promotion shall thereby be nullified and the money deposit shall be returned to the complainant.

**POLITICAL ACTIVITY PROHIBITED FOR OFFICERS AND EMPLOYEES IN CLASSIFIED SERVICE - REMOVAL FOR VIOLATIONS (Section 11-123)**

- A. No officer or employee in the classified service of a statutory strong-mayor-council city may actively influence, or actively attempt to influence, or work actively for, the nomination, election or defeat of any candidate for mayor or councilmember; but this shall not prohibit the ordinary exercise of one's right as a citizen to express his opinions and to vote. An officer or employee who violates this section shall be removed from office or position either by the authority normally having power to remove him, or, after adequate opportunity for a public hearing, by the personnel board. An officer or employee who violates this section shall not hold any office or position in the city government for a period of four (4) years thereafter.
- B. A qualified elector of the city may bring an alleged violation of this section before the personnel board for consideration and determination. Alleged violations shall be made in the form of a sworn complaint charging an officer or employee with such violation. The complaint shall be filed with the secretary or chairman of the personnel board and shall be accompanied by a deposit of Twenty Dollars (\$20.00) for payment of costs. If the personnel board finds to its satisfaction that the officer or employee has violated this section prohibiting political activity, it shall remove him from office or position, and the money deposit shall be returned to the complainant.

**CITY OFFICIALS AND EMPLOYEES -SUSPENSION OR REMOVAL - SUCCESSORS**

(Section 11-124)

An officer or employee may be suspended, demoted, laid off or removed in the manner provided by law by the mayor or other authority which has the power to appoint or elect the officer or employee. The mayor 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.

## **REMOVAL OF EMPLOYEES IN CLASSIFIED SERVICE – PROCEDURE**

(Section 11-125)

Whenever the mayor or other authority lays off, suspends without pay, demotes or removes an officer or employee in the classified service who has completed a probationary period of six (6) months, the following procedure shall apply:

1. The mayor or other appointing authority shall deliver, or mail by certified mail, a written statement of the causes for the layoff, suspension, demotion or removal to the officer or employee not later than three (3) days after the effective date of the personnel action;
2. The officer or employee may appeal the action to the personnel board. The appeal must be in writing, and must be filed with the secretary or chairman of the personnel board within ten (10) days after the effective date of the layoff, suspension, demotion or removal;
2. The personnel board shall hold a public hearing on the appeal, or give an adequate opportunity therefor, as soon as practicable after an appeal has been filed;
4. The personnel board shall report in writing its findings and recommendations to the mayor, where the appellant is a subordinate of the mayor, or to the respective authority having power of removal; and
5. The mayor or other authority having power of removal shall make the final decision in writing regarding the appellant's layoff, suspension, demotion or removal; but if the personnel board finds to its satisfaction that the layoff, suspension, demotion, or removal was made for a political reason or for any reason other than the good of the service, it shall veto the layoff, suspension, demotion or removal, and the action by the mayor or other authority shall be nullified thereby.