

Statutory Town Form of Government

(Title 11 of the Oklahoma Statutes)

GOVERNING BODY (Section 12-102)

The town board of trustees shall consist of either three (3) or five (5) trustees who shall be nominated from wards or at large and elected at large. The governing body may submit to the voters the question of whether the town board shall consist of three (3) or five (5) trustees. If approved, the election of trustees to fill any new positions shall take place at the time set by the town board but no later than the next regular municipal election. The terms of the new trustees shall be staggered as provided for in Sections 16-205 and 16-206 of this title.

QUALIFICATIONS OF GOVERNING BODY MEMBERS (Section 12-103)

The trustees who are nominated from wards shall be actual residents of their respective wards. Removal of a trustee from the ward for which he was elected shall not cause a vacancy in the office of that trustee.

NOMINATING AND ELECTING TRUSTEES AT LARGE — ORDINANCE — PETITION (Section 12-103.1)

- A. The board of trustees may, by ordinance, provide for the nomination and election at large of the trustees of a statutory town board of trustees form of government; provided, however, that such ordinance shall not become effective until sixty (60) days following the date of its publication. After the ordinance becomes effective, the requirement that trustees of a town be residents of and nominated from wards shall not apply.
- B. Within such sixty-day period, the registered voters of such town may petition for an election on the question of nominating and electing the trustees at large. The petition shall be signed by a number of such registered voters that is not less than twenty percent (20%) of the votes cast at the most recent election for the town office receiving the greatest number of votes. The petition shall be filed with the town clerk. The ordinance providing for the nomination and election of trustees at large shall be suspended pending the determination of the sufficiency of the number of signatures on the petition or the determination of the results of the election.
- C. Each petition filed with the town clerk shall be on a separate sheet and shall be authenticated by the affidavit of at least one credible witness that the signatures are genuine and that the signers of the petition are registered voters of the town. The clerk shall make a physical count of the number of signatures appearing on the petitions and shall verify with the county election board the number of votes cast at the most recent town election for the office receiving the greatest number of votes. The clerk shall then publish a notice of the filing and the apparent sufficiency or insufficiency of the petition. The notice shall also state that any qualified elector of

the town may file a protest to the petition or an objection to the count made by the clerk. A protest to the petition or the count of signatures shall be filed in the district court in the county in which the situs of the town is located within ten (10) days after the publication. Written notice of the protest shall be served upon the clerk and the parties who filed the petition. In the case of the filing of an objection to the count, notice shall also be served upon any party filing a protest. The district court shall fix a day, not less than ten (10) days after the filing of a protest, to hear testimony and arguments for and against the sufficiency of the petition. A protest filed by anyone, if abandoned by the party filing it, may be revived within five (5) days by any other qualified elector. After the hearing, the district court shall decide whether such petition is in form required by law. If the number of signatures on the petition is insufficient, the ordinance shall become effective.

- D. If the number of signatures of the registered voters on the petition is sufficient, an election on the question shall be conducted as provided in the applicable sections of Article 16 of this title. The question on the ballot shall read substantially as follows:

For the nomination and election of trustees at large ()

Against the nomination and election of trustees at large ()

- E. If a majority of the votes cast on the question favor the nomination and election of trustees at large, the ordinance shall become effective. If a majority of the votes cast on the question are against the nomination and election of the trustees at large, the ordinance shall not become effective.

NOTICE OF AT LARGE ELECTION OF TRUSTEES — BALLOT — CANDIDATES ELECTED (Section 12-103.2)

- A. Whenever the trustees of a town are to be nominated and elected at large, the notice of election shall state the number of trustees to be elected for four-year terms and the number of trustees to be elected to fill unexpired terms, if any. Candidates for the office of trustee shall state on the declaration of candidacy the term of the office being sought.
- B. The ballot shall state the number of offices of trustee to be filled for each designated term and that the voters shall vote for the number of offices to be filled.
- C. The candidate who receives a plurality of the votes cast for the office of trustee for the designated term shall be elected for that designated term. If more than one office of trustee is to be filled for a designated term, the candidates receiving the largest pluralities shall be elected to those offices.

ELECTION OF MAYOR (Section 12-104)

The board of trustees shall elect from among its members a mayor. The mayor shall be elected in each odd-numbered year at the first board of trustees meeting held after trustee terms begin, or as soon thereafter as practicable. The mayor shall serve until his successor has been elected and qualified. All references to the president of the town board of trustees in Oklahoma Statutes shall mean the town mayor.

DUTIES OF MAYOR — ACTING MAYOR (Section 12-105)

The mayor shall preside at meetings of the board and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the town government for all ceremonial purposes and shall have such other powers, duties and functions as may be prescribed by law or ordinance. The mayor shall have all the powers, rights, privileges, duties and responsibilities of a trustee, including the right to vote on questions. During the absence, disability or suspension of the mayor, the board shall elect from among its members an acting mayor. When a vacancy occurs in the office of mayor, the board shall elect another mayor from among its members to serve for the duration of the unexpired term.

DESIGNATED POWERS VESTED IN BOARD OF TRUSTEES (Section 12-106)

All powers of a statutory town board of trustees, including the determination of matters of policy, shall be vested in the board of trustees. Without limitation of the foregoing, the board may:

1. appoint and remove, and confirm appointments of, designated town officers and employees as provided by law or ordinance;
2. enact municipal legislation subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
3. raise revenue, establish rates for services and taxes, make appropriations, regulate salaries and wages and all other fiscal affairs of the town, subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;
4. inspect the books and accounts maintained by the town treasurer;
5. inquire into the conduct of any office, department or agency of the town, and investigate municipal affairs, or authorize and provide for such inquiries;
6. create, change and abolish offices, departments or 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; and
7. grant pardons for violation of municipal ordinances, including the remission of fines and costs.

BOARD OF TRUSTEE — MEETINGS (Section 12-107)

The board of trustees shall meet regularly at least monthly at such times as it may prescribe by ordinance or otherwise. Special meetings may be called by the mayor or:

1. any two trustees where the board has three members; or
2. any three trustees where the board has five members.

BOARD OF TRUSTEES — QUORUM — RULES AND VOTING (Section 12-108)

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

TOWN CLERK — CREATION AND DUTIES — COMPENSATION (Section 12-109)

The town clerk shall be an officer of the town. The town clerk shall:

1. keep the journal of the proceedings of the board of trustees; and
2. enroll all ordinances and resolutions passed by the board of trustees 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 town seal; and
4. attest and affix the seal of the town 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 town clerk may be employed by the town to perform duties not related to his position as town clerk. The salary, if any, for said duties shall be provided for separately by ordinance.

TOWN TREASURER—CREATION AND DUTIES— COMPENSATION (Section 12-110)

The town treasurer shall be an officer of the town. The town treasurer shall:

1. maintain accounts and books to show where and from what source all monies paid to him have been derived and to whom and when any moneys have been paid; and

2. deposit daily funds received for the town in depositories as the board of trustees may designate; and
3. 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 town treasurer may be employed by the town to perform duties not related to his position as town treasurer. The salary, if any, for said duties shall be provided for separately by ordinance. The books and accounts of the town treasurer shall be subject at all times to examination by the board of trustees.

CHIEF OF POLICE — CREATION AND DUTIES (Section 12-111)

The board of trustees may appoint a chief of police, who shall enforce municipal ordinances and have such other powers, duties and functions as may be prescribed by law or ordinance. The chief of police may appoint police officers, as he deems necessary, subject to the approval and confirmation of the board of trustees. All references in Oklahoma Statutes to the town marshal shall mean the town chief of police.

DEPARTMENTS AND AGENCIES — MERGER OR CONSOLIDATION OF TOWN OFFICES (Section 12-112)

In the town board of trustees' form of government, there shall be such administrative departments, officers, and agencies as the board may establish. The board may combine, merge, or consolidate by ordinance any of the various offices of town government, as it deems necessary and convenient for the administration of the affairs or government of the town. Any consolidation of elected town 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 TOWN ELECTIVE OFFICERS (Section 12-113)

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

APPOINTMENTS AND REMOVALS (Section 12-114)

Appointments and promotions in the service of a statutory town board of trustees government 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 board by ordinance may establish a merit system and provide for its organization and functioning, and provide for personnel administration and regulation of personnel matters. The board of trustees may remove for cause any appointive officer by a majority vote of all its members.

