

CHARTER
OF THE
CITY OF NOBLE,
OKLAHOMA

AS OF MARCH 15, 2005

CHARTER OF THE CITY OF NOBLE, OKLAHOMA

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CHARTER OF THE CITY OF NOBLE, OKLAHOMA

Preamble

We, the people of Noble, Oklahoma, striving for a more prosperous future for ourselves and our posterity, do ordain and establish this charter. This exercise of the power of home rule, granted to us by the constitution and laws of our state, encourages efficiency and economy in municipal affairs, strengthens the protection of human rights and personal dignity, and promotes civic advancement, the general welfare and a sense of community pride.

ARTICLE 1. INCORPORATION, FORM OF GOVERNMENT, POWERS AND TRANSITION.

Section 1-1. Incorporation: Annexation, Consolidation, Merging.

The City of Noble, Oklahoma, within the corporate limits as now established or as hereafter may be established, shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Noble." It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the Town of Noble, Oklahoma; and shall be liable for all debts and other obligations for which the Town is now legally bound.

The City of Noble, Oklahoma, may not be annexed by or to, or consolidated with any other city or political subdivision, or merged into a combined county-city government, unless a majority of the qualified electors of the City of Noble voting on the question approve such annexation, consolidation, or merger; and such question shall be submitted to the qualified electors of the City only by the City Council or by the Mayor on proper initiative petition at a special election; provided that nothing herein shall prohibit the City of Noble from annexing additional territory to the City as provided by law.

Section 1-2. Form of Government.

The municipal government provided by this Charter shall be known as the "Council-Manager Government." All powers of the City shall be exercised in the manner prescribed by this Charter or, if the manner is not prescribed, then in such manner as the City Council may prescribe by ordinance. Whenever in the Constitution of the State of Oklahoma, or the laws thereof, or in the present ordinances of the Town of Noble, hereby continued in force, reference is made to the "Mayor," or to the "Ceremonial head of government," of the City, 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 "Trustees," "Mayor and Trustees," "Board of Trustees," "City Council," "Mayor and Council," "Mayor and Councilmembers," or to the "Legislative Body" of the City, such reference shall be deemed made to the City Council of the City.

Section 1-3. Powers of the City.

The City shall have all the powers, functions, rights, privileges, franchises, and immunities granted to cities by the State Constitution and law and all implied powers necessary to carry into execution all the powers granted. Except as prohibited by the State Constitution and law, the City shall have all municipal powers, functions, rights, privileges, franchises, and immunities of every name and nature whatsoever. The City shall have power to adopt a corporate seal and to alter it at pleasure, to sue and be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any City purpose, including public utilities, works and ways, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation, or other legal means; and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey, or otherwise dispose of, such property as its interests may require, including public utilities, works and ways. It shall have the power to issue bonds in the manner and within the limitations prescribed by the State Constitution and law. It shall have the power, within the limits prescribed by the State Constitution and law, to accept and administer federal and state grants-in-aid and to do everything necessary to accomplish the purpose or purposes for which such grants may be made. It shall have the power to ordain and to enforce local legislation, consistent with the State Constitution and law, for the proper organization and functioning of City government, for the preservation and enforcement of good government and order, for the protection and Benefit of trade and commerce, for the protection of health, life, safety, and property, for the prevention, summary abatement, and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend and renew franchises in accordance with the State Constitution and law. The City shall have the power to engage directly or indirectly in advocacy calculated to influence legislative and administrative matters at all levels of government.

The enumeration of particular powers by this Charter shall not be deemed to be exclusive or limiting; and in addition to the powers enumerated herein or implied hereby, the City shall have all powers which, under the State Constitution and law, it would be competent for this Charter specifically to enumerate.

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 are not superseded by this Charter or by ordinance.

Section 1-4. Intergovernmental Relations.

The City 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, or the United States or any agency thereof.

Section 1-5. Transition of Government.

The City of Noble shall continue with the five (5) wards as they currently exist until the municipal election in March 1991, at which time the number of wards will be reduced to

four (4). The four wards shall be created and based on compactness and contiguity of territory and distribution of population. The four wards shall be created and defined by the interim City Council, by ordinance, not later than December 1, 1990. In the general municipal election for 1991, Councilmembers from each of the four newly created wards and a Mayor-at-large shall be elected. The initial terms of the Councilmembers from Wards Two (2) and Four (4) shall be one (1) year, and the initial terms of office of the Councilmembers from Wards One (1) and Three (3) shall be two (2) years. The initial term of office for the Mayor-at-large shall be three (3) years. Thereafter the terms of office and elections shall be as set forth in Article II of this Charter.

The offices of Town Trustee are hereby abolished and replaced by City Councilmember and the office of the President (Mayor) of the Board of Trustees is hereby abolished and replaced by Mayor of the City of Noble. Those persons currently holding the offices of Mayor and Town Trustee shall continue as Mayor and City Councilmembers until the municipal election in 1991. Nothing in this section shall prohibit those holding office at the time for filing for the 1991 election from becoming a candidate for the office of Councilmember from their respective, newly created wards or for Mayor-at-large.

The elective offices of Town Clerk and Town Treasurer are hereby abolished and replaced by the appointed offices of City Clerk and/or City Treasurer in accordance with sections 4-1 and 4-2 of this Charter. Those persons currently holding the elective offices of Clerk and Treasurer shall continue in the appointed position of City Clerk and City Treasurer until the hiring of a City Manager, retirement or resignation, whichever occurs first. In the case of retirement or resignation, prior to the hiring of the City Manager, it shall be the responsibility of the City Council to fill that position by appointment. The City Council, prior to the hiring of a City Manager, may remove the City Clerk and/or City Treasurer from that position. The City Manager, upon being hired, shall thereafter be responsible for the appointment of a City Clerk and/or City Treasurer. Nothing herein shall prevent those persons currently holding the positions of City Clerk and/or City Treasurer from being appointed by the City Manager to those positions.

Section 1-6. Annexation.

The City of Noble shall have those powers of annexation granted to cities under applicable State law, and in addition thereto the City of Noble shall have the authority to annex territory adjacent or contiguous to its corporate limits when: (1) the owners of a majority of the acres to be annexed file a written consent to the annexation; or (2) when the territory to be annexed is subdivided into tracts or parcels of less than five (5) acres and contains more than one residence; or (3) when three sides of the territory to be annexed are adjacent or contiguous to property already within the City limits.

ARTICLE II. LEGISLATIVE DEPARTMENT

Section 2-1. City Council: Legislative Authority Vested in, Election, Term.

The legislative authority shall be vested in and exercised by the City Council, which shall consist of one (1) ward representative from each of the four (4) wards and one (1) Mayor.

Section 2-2. City Council: Qualifications and Term of Office.

There shall be one (1) Councilmember from each of the four (4) wards of the City. A candidate for Councilmember must be past the age of twenty-one (21) years and a registered voter at an address within the ward for which the candidate is tiling for Councilmember for at least one (1) year immediately prior to filing a declaration of candidacy. If a Councilmember ceases to be a resident of the ward in which that Councilmember was elected, that office is thereupon vacant and shall be filled as specified in this charter. Each Councilmember shall be elected for a period of two (2) years, except as specified in Section 1-5 of this Charter. In odd numbered years, beginning in 1991, wards one (1) and three (3) will be elected. In even numbered years, beginning in 1992, wards two (2) and four (4) will be elected.

Section 2-3. Mayor: Qualifications, Duties and Term of Office.

A candidate for Mayor must be past the age of twenty-one (21) years and a registered voter at an address within the municipality for at least one (1) year immediately prior to filing a declaration of candidacy. The Mayor shall be elected every three (3) years commencing in 1991. Upon cessation of residence within the city the office shall thereupon be vacant and shall be filled as required in this Charter. The Mayor shall be a member of the City Council. The Mayor shall preside at all meetings of the City Council, and shall participate with and have a vote in all proceedings of, and business transacted by, the City Council, but shall have no power of veto. The Mayor shall certify all ordinances and resolutions passed by the City Council. The Mayor shall sign all contracts awarded by the Council, obligations of the City duly authorized by the City Council, and all commissions and certificates of appointment made by the City Council, provided a facsimile signature may be used except where prohibited by law. The Mayor shall, by proclamation, call all special elections of the City and the officials to conduct the same, as shall be authorized by the City Council, the Constitution, and general laws of the State or this Charter. The Mayor shall perform such other ministerial duties as the Council may direct and such other special duties as may be required by law. The Mayor shall be recognized as the head of the City Government for all ceremonial purposes and by the Governor for purposes of military law. The Mayor shall have no regular administrative duties except as otherwise provided in this Charter.

Section 2-4. Vice Mayor: Appointment and Duties.

The City Council shall appoint one of its members as Vice Mayor for a term of one (1) year at the City Council meeting on the second Monday following the general municipal election. The Vice Mayor shall act as Mayor during the temporary absence or disability of the Mayor. If a vacancy occurs in the office of Mayor the City Council shall appoint a new Mayor for the completion of the unexpired term or until the next municipal election, whichever comes first. The person to be appointed Mayor must meet the qualifications for candidate for Mayor as defined in Section 2-3. A member of the City Council may be appointed to the office of Mayor. If so, the ward of the new Mayor will become vacant and the City Council shall fill the vacancy as provided in Section 2-12 of this Charter.

Section 2-5. Mayor and City Council: Compensation.

Each member of the City Council elected in 1991 and thereafter shall receive the sum of fifteen (\$15.00) dollars per regular scheduled meeting attended and ten (\$10.00) dollars per special meeting attended, up to a maximum of fifty (\$50.00) dollars per calendar month. After the 1991 election, the Mayor, in addition to compensation as a Councilmember, shall receive fifteen (\$15.00) dollars per calendar month for the extra duties required, up to a maximum of sixty-five (\$65.00) dollars per calendar month. When any Councilmember, or the Mayor, shall attend any school, workshop, seminar, or other activity approved by the City Council, he may be entitled to be reimbursed for actual expenses of tuition, registration, lodging, meals, and transportation.

Section 2-6. City Council: Powers and Duties.

Except as otherwise provided in this Charter, all powers of the City, including the determination of all matters of policy, shall be vested in the City Council. Without limitation of the foregoing, the City Council may:

1. Appoint and remove the City Manager as provided in this Charter.
2. By ordinance, enact municipal legislation.
3. Raise revenue; make appropriations; regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the City subject to the provisions of the State Constitution and law and this Charter.
4. Establish or adopt a pension, retirement, and/or special security system or systems for any or all groups of the officers and employees in the service of the city, either alone or in cooperation with other municipalities, the state or federal government, or all.
5. Inquire into the conduct of any office, department, or agency of the City, and investigate municipal affairs.
6. Appoint and remove its own subordinates, the members of the Parks Board, the members of the Planning and/or Zoning Commission, the Board of Adjustment, the Personnel Board, and other quasi-legislative or quasi-judicial authorities created by the City Council, except as limited by this Charter.
7. Grant pardons, including the remission of fines and costs, upon the recommendation of the Municipal Judge.
8. Regulate elections and the initiative and referendum within the limits prescribed by the State Constitution and the law and this Charter.
9. Regulate the organization, powers, duties, and functions of the Municipal Court, and of the Minor Violations Bureau, when and if established, within the limits prescribed by the State Constitution and law and this Charter.
10. Create, change, and abolish all offices, departments, and agencies of the City other than the offices, departments, and agencies established by this Charter; and assign additional functions and duties to offices, departments, and agencies established by the Charter.
11. Define, control, and prohibit public nuisances within the City of Noble.

12. Determine all local matters of policy, except as may be prohibited by the Oklahoma Constitution.
13. Bring to the attention of the City Council and City Manager any and all needs both current and future within their respective wards or for the City at large.
14. Prepare annually a plan which promotes the public health, safety, and general welfare by regulating the use of property and by controlling and directing the development of the City.
15. By resolution, direct the City Manager to investigate charges of misconduct or incompetence against any city employee and to report the results thereof.

Section 2-7. City Council Not To Interfere in Appointments and Removals.

Neither the Mayor, the City Council, nor any of its members may direct or request, publicly or privately, the appointment of any person to, or removal from, office or employment by the City Manager or by any other authority; or, except as provided in this Charter, participate in any manner in the appointment or removal of officers and employees of the City. The Mayor, the City Council, and its members shall deal with the administrative service solely through the City Manager in all matters pertaining to the administration of the affairs of the City, and neither the Mayor, the City Council, nor any member thereof shall give orders, either publicly or privately, on administrative matters to any subordinate of the City Manager. Nothing herein contained shall restrict an employee's right to exercise any rights guaranteed under the United States Constitution and Oklahoma Constitution. Violation of any of the provisions of this Section by the Councilmembers or any of them shall constitute grounds for removal.

Section 2-8. Secretary to the City Council.

The City Clerk, hereinafter provided for, shall keep the journal of the proceedings of the City Council, shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it, and shall perform such other duties as this Charter may require and as the City Council may prescribe.

Section 2-9. Mayor and City Council: When Inducted Into Office, Meetings.

The terms of office of the Mayor and the City Councilmembers shall begin at the time of convening of the next regular council meeting following the general municipal election and following final certification of the election results by the county election board. The City Council shall meet regularly, at least twice monthly, at such times as it shall prescribe by ordinance. The Mayor or any three Councilmembers may call special meetings by filing such call with the City Clerk, setting forth therein the date and time of such meeting and the business to be transacted; and such call shall be entered at length in the minutes of the meeting, and no business shall be transacted at such meeting except that which is specified in the call. The City Clerk shall immediately give notice, under the seal of the City, to the Mayor and Councilmembers, showing the date and time of the meeting, and the business to be transacted.

Section 2-10. Mayor and City Council: Absences to Terminate Office.

If the Mayor or any Councilmember shall be absent from more than one-half (1/2) of all the meetings of the City Council, regular and special, held within a period of six (6)

consecutive calendar months, that person shall thereupon cease to hold office; provided, a person who ceases to hold office by reason of absences shall not be eligible for reappointment to the unexpired term for said vacant position.

Section 2-11. Mayor and City Council: Removal.

The Mayor or any Councilmember shall be removed from office for the willful violation of any provision of this Charter, or for any cause specified by applicable State law for the removal of officers, and by the method or methods prescribed thereby.

Section 2-12. City Council: Vacancies.

The City Council, by majority vote of its remaining members, shall fill vacancies in its own membership, within forty-five (45) days of the date the vacancy occurs, to serve the balance of the term for that ward. Provided, if a vacancy occurs in the office of Councilmember which office has more than twelve (12) months remaining on an unexpired term, then the remaining members of the City Council shall appoint a person who meets the qualifications of a candidate as defined in Section 2-2 to fill the vacancy until the next municipal election. City Council positions becoming vacant by reasons of the provisions of Section 6-3 hereof shall be filled at the general municipal election in that year for the duration of the unexpired term.

Section 2-13. City Council: Quorum, Rules, Yeas and Nays.

A majority of all members of the City Council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. All votes taken shall be in either the affirmative or the negative except if a member of the City Council has some personal interest in the outcome of a vote. When a personal interest is indicated, the reason shall be entered in the minutes of that meeting and that Councilmember shall be allowed to abstain from voting on that item and the abstention shall not count either for or against the motion before the City Council.

Section 2-14. Ordinances: Enacting Clause.

The enacting clause of all ordinances passed by the City Council shall be: "Be it ordained by the City Council of the City of Noble," and of all ordinances proposed by the voters under their power of initiative: "Be it ordained by the People of the City of Noble."

Section 2-15: Ordinances: Passage, Publication, When Effective.

Every proposed ordinance shall be read, either in full or by title, and a vote of a majority of all the City Council shall be required for the final passage of an ordinance. Except as may be required by this Charter for the publication of ordinances relating to particular matters, every ordinance shall be published by title within fifteen (15) days after its passage in a newspaper of general circulation in the City. Every ordinance, except an emergency ordinance, shall become effective thirty (30) days after its final passage unless it specifies a later time.

Section 2-16. Ordinances: Emergency.

An emergency ordinance is an ordinance which, in the judgement of the City Council, is necessary for the immediate preservation of peace, health, or safety, and which shall

become effective immediately upon passage and approval unless it specifies a later time. Every such ordinance shall contain, as part of its title, the words: "and declaring an emergency;" and in a separate section therein called the emergency section shall declare the emergency setting forth the general facts constituting the emergency. The City Council shall vote on the emergency section separately, and must adopt the section by a vote of at least three-fourths (3/4) of all its members, which vote shall be entered in the journal.

Section 2-17. Adoption by Reference.

The City Council, by ordinance, may adopt by reference, codes, ordinances, and standards relating to building, plumbing, electrical installations, and other matters which it has power to regulate otherwise. Such a code, ordinance, or standard so adopted need not be enrolled in the book of ordinances, but a copy shall be filed and kept in the office of the City Clerk. The City Clerk shall keep copies of every such code, ordinance, or standard in force for distribution or sale at their approximate cost.

Section 2-18. Ordinances: Codification.

The ordinances of the City shall be codified and published in book or pamphlet form at least every ten (10) years unless the City Council, by use of a loose-leaf system and process of amendment, keeps the code up-to-date. Titles, enacting clauses, and emergency sections may be omitted from the code, and temporary and special ordinances and parts of ordinances which are to be repealed by the code shall be omitted from the code. The ordinances and parts of ordinances included in the code may be revised, rearranged, and reorganized and the code may contain new matter, provisions of the State Constitution and law relating to the City and provisions of this Charter. A copy of the published code shall be filed in the office of the City Clerk, but the code need not be enrolled in the book of ordinances.

ARTICLE III. CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

Section 3-1. City Manager: Appointment, Term, Qualifications, Removal.

There shall be a City Manager. The City Council shall appoint the City Manager for an indefinite term by a majority vote of all its members within six (6) months after approval of the Charter by the Governor or within six (6) months after the office of City Manager becomes vacant, for whatever reason. The City Manager shall at the time of appointment have a combination of education and experience which the Councilmembers deem appropriate. The annual salary for the City Manager, inclusive of salary received from the Noble Utilities Authority, shall not exceed \$35,000; that maximum salary shall be reevaluated by the City Council every two years, beginning the first Monday in May 1992, and may be adjusted by ordinance as the City Council deems necessary. The City Manager's salary will be determined solely by qualifications and/or performance and will be stated in the employment contract between the City of Noble and the City Manager. No City Councilmember or Mayor may be appointed City Manager during the term for which they shall have been elected nor within two (2) years after the expiration of their term. The City Council may suspend or remove the City Manager with or without cause at any time by a vote of a majority of all its members.

Section 3-2. Acting City Manager.

To perform assigned duties during the City Manager's temporary absence or disability, the City Manager, by letter filed with the City Clerk, may appoint, subject to City Council confirmation, a qualified administrative officer of the City to be Acting City Manager. If the City Manager fails to make such designation, or if the City Council does not confirm the appointment, or if the City Council suspends the City Manager, or if there is a vacancy in the office of the City Manager, the City Council may appoint an Acting City Manager to serve until the City Manager returns, or until the disability or suspension ceases, or until it appoints another City Manager. The City Council may suspend or remove an acting City Manager from that appointed office with or without cause at any time by a vote of a majority of all its members.

Section 3-3. City Manager: Powers and Duties.

The City Manager shall be chief executive officer and head of the City Government. The City Manager shall execute the laws and administer the government of the City, and shall be responsible therefore to the City Council. The City Manager shall:

1. Appoint and when necessary, for the good of the service, remove any or all heads of administrative departments and other administrative officers and employees of the City, except as otherwise provided in this Charter. Further, such appointments and removals shall be made upon the basis of merit and fitness alone. The City Manager may have recommendations from department heads for the purpose of appointments and removals.
2. See that all laws and ordinances are enforced.
3. Exercise either direct or indirect management, control, and supervision over all departments.
4. Supervise and manage all public works and the repair and maintenance thereof; manage and control public utilities.
5. Make a monthly report to the City Council, attend all meetings of the City Council, and make recommendations that the City Manager feels are necessary.
6. Keep the City Council advised as to the financial conditions and needs of the City.
7. Prepare a budget annually and submit it to the City Council, be responsible for the administration of the budget after it goes into effect, and recommend to the City Council any changes in the budget which the City Manager deems desirable.
8. Keep the City Council advised of the future needs of the City and promote economic growth.
9. Identify all available grants and aids and prepare applications for same in accordance with City Council directives.

Section 3-4. Administrative Department, Offices and Agencies.

There shall be a Department of Finance, a Public Works Department, and such other administrative departments, offices and agencies as are established by this Charter and as the City Council may establish. There shall be a permanent paid police department and a permanent paid fire department, but nothing in this Charter shall prohibit the employment

of part-time employees or the assistance of volunteers in any department. Permanent paid, for the purpose of this Charter, shall mean other than exclusively volunteer and/or part-time employees.

ARTICLE IV. DEPARTMENT OF FINANCE, FISCAL AFFAIRS

Section 4-1. City Clerk: Office Created, Duties.

There shall be a City Clerk who shall be an officer of the City appointed by the City Manager for an indefinite term. Subject to such regulations as the City Council may prescribe, the City Clerk shall collect or receive revenue and other money for the City, and shall deposit the same with the City Treasurer in an account or accounts maintained by the City Treasurer in a depository or depositories. The City Clerk shall maintain a general accounting system for the City government.

Section 4-2. City Treasurer: Office Created, Duties.

There shall be a City Treasurer who shall be an officer of the City appointed by the City Manager for an indefinite term. Subject to such regulations as the City Council may prescribe, the City Treasurer shall deposit all funds coming into the Treasurer's hands in such depositories as the City Council may designate. The person holding the office of City Clerk may also hold the office of City Treasurer.

Section 4-3. Purchases and Sales.

The City Manager, subject to any regulations which the City Council 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 City government.

Every such contract or purchase exceeding an amount to be established by ordinance shall require the prior approval of the City Council. The City Manager 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 City Council 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 City Council may prescribe shall be given; but the City Council shall not except a particular contract, purchase, or sale from the requirement of competitive bidding.

Section 4-4. Sale of Property Valued at More than \$10,000.00.

The sale of any property, real or personal, whether used for a governmental or proprietary purpose, or any interest therein, including the sale of public utilities, the appraised value of which is more than \$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 City within ten (10) full 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 City 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.

Section 4-5. Public Improvements.

Public improvements may be made by the City government itself or by contract. The City Council shall award all contracts for such improvements; provided, that the City Council may authorize the City Manager to award such contracts not exceeding an amount to be determined by the City Council, and subject to such regulations as the City Council may prescribe. Every contract for public improvements of such amount as the City Council may determine by ordinance shall be awarded to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the City Council may prescribe. 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 a public agency intended to enhance its value, beauty, or utility, or to adopt it to new or future purposes. The term does not include the direct purchase of materials, equipment, or supplies by a public agency.

Section 4-6. Fiscal Year.

The fiscal year of the City government shall begin on the first day of July and shall end on the last day of June of every calendar year.

Section 4-7. Independent Annual Audit.

The City Council shall designate a qualified public accountant or accountants who shall make an independent annual audit of the accounts and evidences of financial transactions of the Department of Finance and of all other departments, offices, and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year or more often at the discretion of the City Council, and who shall report to the City Council and to the City Manager. In lieu of the above, the City Council may arrange with an appropriate State authority for such an audit when and if permitted by law. An audit/financial summary may be published annually, in a newspaper of general circulation in the community, within 30 days after the audit is received by the City Council.

ARTICLE V. OFFICERS TO BE APPOINTED BY THE COUNCIL**Section 5-1. City Attorney: Appointment, Term, Qualifications, Duties.**

The City Council shall appoint a City Attorney by a majority vote of all of its members. The City Attorney shall be licensed to practice law in the Courts of the State of Oklahoma. The City Council may suspend or remove the City Attorney, with or without cause, by a majority vote of all the members of the City Council. It shall be the duty of the City Attorney to attend the Council meetings: to prepare ordinances and resolutions when directed by the Council or other proper authority of the City: to advise the Council, and each member thereof, the City Manager, and other officers of the City as regards their official powers, duties, and responsibilities, upon request; and to perform such other duties as may be prescribed by law, this Charter, or ordinance. The foregoing provisions

shall not be deemed to prevent the employing of private Counsel as it is considered necessary.

Section 5-2. Municipal Court: Appointment, Jurisdiction, Penalties.

The City Council shall appoint a Judge of the Municipal Court by a majority vote of all its members. The Municipal Judge shall be licensed to practice law in the Courts of the State of Oklahoma. The City Council may suspend or remove the Municipal Judge, with or without cause, by a majority vote of all the members of the Council. The Municipal Judge shall have the original and exclusive jurisdiction to hear and determine all cases involving offenses against the Charter and ordinances of the City. All penalties for offenses against the Charter and ordinances of the City shall be within Constitutional and legal limits.

Section 5-3. Municipal Court: Place, Records, Style, Procedures, and Oaths.

The Municipal Judge shall maintain his office and hold session of Municipal Court in the City Hall, unless the Council, by ordinance, authorizes another place. He shall keep a record of all proceedings of the Court, of the disposition of all cases, and of all fines and other money collected. The style of all processes of the Municipal Court shall be in the name of the City of Noble. The procedures in all cases shall be summary when the State Constitution and Law permit. The Municipal Judge may administer oaths, make and enforce all proper orders, rules and judgments, and punish for contempt as provided by law.

ARTICLE VI. FILING FOR OFFICE AND ELECTIONS.

Section 6-1. Election of Mayor and City Council, Nonpartisan Elections.

Candidates for Councilmember shall be elected by wards. Candidates for Mayor shall be elected at large. The general election shall be nonpartisan, and no party designation or emblem shall be placed on the ballots.

Section 6-2. Filing for City Council or Mayor.

Any person filing for the office of Councilmember or Mayor shall file with the Secretary of the Cleveland County Election Board a sworn statement of candidacy stating the following: (a) legal name as it is to appear on the ballot; (b) the street address of residence; (c) the ward in which the candidate resides; (d) age; and (f) office for which the candidate is filing. No reference to party affiliation shall be placed on the filing statement. A person may not file for both the offices of Mayor and Councilmember for the same election.

Section 6-3. Election: Filing for Mayor.

In every third year, beginning in 1991, any qualified person, as defined in Section 2-3, may have their name placed on the ballot for the election as a candidate for Mayor by filing by filing a declaration of candidacy, as described in Section 6-2, in the manner and at the time required by state law. Any incumbent Councilmember whose term does not expire in the current year shall resign their City Council position prior to filing for Mayor. In the event a Councilmember whose term is not expiring in the current election

year files for Mayor without resigning a City Council position, then that City Council position shall become vacant immediately upon that person filing for Mayor.

Section 6-4. Election: Filing for Councilmember.

In any odd-numbered year any qualified person, as defined in Section 2-2, in wards one (1) and three (3) may have their name placed on the ballot for the election for Councilmember by filing declarations of candidacy, as described in Section 6-2, in the manner and at the time required by state law. In any even-numbered year any qualified person, as defined in Section 2-2, in wards two (2) and four (4) may have their name placed on the ballot for the election for Councilmember by filing as described in Section 6-2 hereof during the second Monday through Wednesday in February.

Section 6-5. General Election: Time, Who Elected.

A general election shall be held in the City to elect one Councilmember each from wards number One (1) and Three (3) on the first Tuesday in April in every odd-numbered year, and a general election shall be held in the City on the same date in every even-numbered year to elect one Councilmember each from wards number Two (2) and Four (4). Every third year, beginning in 1991, at the general election, a mayor shall be elected from the City-at-large. The candidate for Councilmember from each ward receiving the greater number of votes for Councilmember cast in his ward, and the candidate for Mayor receiving the greater number of votes for Mayor cast in the City-at-large, shall be elected. Notice of the elections shall be given as required by state law.

Section 6-6. Elections: Laws Applicable; Absentee Ballots.

Unless otherwise provided by ordinance by the City Council, the provisions of state law relating to withdrawal of candidacy, petitions for recounts, election contests, contests of candidacy, and conduct of elections shall govern municipal elections insofar as they are applicable and are not superceded by the Charter or by ordinance. Absentee ballots are authorized for use in all general and special municipal elections.

Section 6-7. State Constitution and Law to Govern.

The precinct and county election boards shall conduct the special and general elections of the City. The provisions of the State Constitution and law relating to elections shall govern such elections insofar as they are applicable and are not superseded by this Charter or by ordinance.

ARTICLE VII. RECALL

Section 7-1. Recall Authorized.

Any Councilmember or the Mayor may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent in the manner provided in this article; provided, no Councilmember or Mayor shall be recalled until the office has been held for more than six (6) months.

Section 7-2. Recall Petition.

- (a) To initiate recall proceedings, a written statement proposing the recall of a Councilmember or Mayor shall be signed by one hundred (100) or more registered voters of the Ward which the Councilmember represents, or of the City-at-large in case of the Mayor, and shall be filed with the City Clerk after the incumbent has held the office at least six (6) months. The statement shall also contain the reason or reasons for which the recall is sought, in not more than two hundred (200) words. Within five (5) days the City Clerk shall mail a copy of such statement by registered, certified, or similar special mail to the officer at his mailing address. Within ten (10) days after the statement is mailed to the officer, the officer may make and file with the City Clerk a written statement, in duplicate, justifying the Councilmember's conduct in office, in not more than two hundred (200) words. The City Clerk, upon request, shall mail one copy to one of the electors filing the statement proposing the recall.
- (b) The petition for recall shall include a demand that a successor to the incumbent, sought to be recalled, be elected, and shall also include before the space where the signatures are to be written the statement giving the reason or reasons for recall under the heading "STATEMENT FOR RECALL", and if the officer has filed a statement as authorized, the statement justifying the Councilmember's conduct in office under the heading "STATEMENT AGAINST RECALL". The two statements shall be in letters of the same size. A copy of the petition shall be filed with the City Clerk within 30 days after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.
- (c) A number of registered voters of the ward which the Councilmember represents, or the City-at-large in case of the Mayor, equal to at least forty (40) percent of the total number of registered voters in the ward, or in the City-at-large in the case of the Mayor, who voted in the last general municipal election, must sign the petition. Each signer shall write after the signer's name their address within the City, giving street or avenue and number, if any. Not more than one hundred (100) signatures may appear on a single copy of the petition. Petitions may be circulated only by registered voters of the ward, in the case of Councilmember, or City in the case of the Mayor, and the person who circulates each copy of the petition shall sign an affidavit on the copy stating that each signer of the petition signed the petition in the presence of the person circulating the petition, that each signature on the petition is genuine, and that the person circulating the petition believes each signer to be a registered voter of the ward or City.
- (d) The circulated petition shall be filed with the City Clerk not later than 30 days after the filing of a copy as provided above. Within fifteen (15) days after date of filing of the circulated petition the City Clerk shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of registered voters of the City have signed it.

The City Clerk shall then attach the City Clerk certificate to the petition. If the City Clerk's certificate states that the petition has not been prepared and circulated as required and/or lacks a sufficient number of signatures, the petition shall have no effect. But, if the

City Clerk's certificate states that the petition has been prepared and circulated as required and has a sufficient number of signatures, the City Clerk shall submit the petition and certificate to the City Council at its next meeting.

Section 7-3. Recall Election: City Council to Order.

- (a) The City Council, by resolution or ordinance passed at the next regular meeting after receiving the petition and certificate of the City Clerk, shall order and fix the date for a recall election which shall be held on such dates and with such notice as required by state law. The City Clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper of general circulation within the City within ten (10) days after its passage, and such publication shall be sufficient notice of the election.
- (b) The City Council shall fix the filing period for filing of candidates in the recall election at such time as required by state law.
- (c) If only the incumbent should file in the recall election, then the election would be either for or against the Councilmember's recall. If the recall is approved, then the office becomes vacant and the City Council shall fill the vacancy by a majority vote of the remaining members, provided the officer recalled shall not be reappointed.

Section 7-4. Recall Election: How Held.

- (a) The recall election shall be an election to fill the office held by the incumbent sought to be recalled, except as provided in Section 7-3c above. Any qualified person, as defined in Sections 2-2 and 2-3, including the incumbent, may file as a candidate for the office. The candidate receiving the greatest number of votes in the recall election shall be elected. If a candidate other than the incumbent is elected, the incumbent shall be recalled from office effective as of the time when the result of the election is certified. A candidate thus elected and qualifying shall serve for the unexpired term. If the incumbent is a candidate and receives the greatest number of votes, the incumbent shall continue in office without interruption, and recall proceedings may not again be initiated against the incumbent within one (1) year after the election.
- (b) The provisions of this Charter relating to City elections shall also govern recall elections insofar as they are applicable and are not superceded by the provisions of this Section.

Section 7-5. Persons Recalled or Resigning.

A person who has been recalled from an office or who has resigned from such office while recall proceedings were pending against that person may not be appointed to office or position of employment in City government within two (2) years after recall or resignation, but may become a candidate for a Councilmember position at the next regular election held for the ward of residence, or may become a candidate for Mayor at the next regular election held for Mayor.

ARTICLE VIII. OFFICERS AND EMPLOYEES GENERALLY

Section 8-1. Merit System Crested, Personnel Policies, and Grievance Procedures.

A merit system is hereby established for personnel in the City service. Appointments and promotions in the service of the City shall be made on the basis of merit; and removals, demotions, suspensions, and layoffs shall be made for the good of the service, except as otherwise provided in this Charter. The City Council, consistent with this Charter, by ordinance or personnel rules, may regulate personnel matters and provide for proper personnel administration. The City Council shall adopt written personnel policies, job descriptions, and employee grievance procedures within one year of the effective date of this Charter. The City Council shall provide a procedure for review of personnel actions when required by the State or Federal constitution.

Section 8-2. Compensation of Officers and Employees.

The City Council shall, by contract, fix the compensation of the City Manager, the City Attorney, and the Municipal Judge. The City Manager shall fix the number and the salaries or compensation of all other officers and employees, with the approval of the Council.

Section 8-3. Individual Liability of Officers.

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

ARTICLE IX. PLANNING AND ZONING

Section 9-1. General Grant of Power.

- (a) The City of Noble shall have full power to promote the general welfare by regulating the use of property and by controlling the development of the City through the exercise of the complete powers of planning and zoning within the City 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 City shall be in pursuance of this grant of authority, except with respect to those matters of general State concern as to which State law controls under the State Constitution. The City 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 City limits.
- (b) The scope of the planning function shall include, but shall not be limited to, the development, administration and implementation 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 City.

ARTICLE X. MISCELLANEOUS PROVISIONS

Section 10-1. Initiative and Referendum.

The powers of initiative and referendum are reserved to the people of the City. In the exercise of these powers the requirements of the State Constitution and law shall be observed.

Section 10-2. Nepotism, Compatibility of Offices.

No person who is a relative by blood or marriage, within the third degree, of any Councilmember, the City Manager, or any other authority, shall be appointed to any City office or employment. This shall not prohibit an officer or employee already in the service of the City from continuing and being promoted until normal retirement or resignation. Except as may be otherwise provided by this Charter or by ordinance, the same person may hold more than one office or position in the City government. The City Manager may hold more than one such office or position, subject to any regulations which the City Council may make by ordinance, but may not receive compensation for service in such other offices and positions. Also, the City Council, by ordinance, may provide that the City Manager shall hold ex-officio designated offices which the City Manager has authority to fill by appointment, as well as other designated compatible City offices.

Section 10-3. Conflict of Interest.

- (a) Neither the Mayor, Councilmembers, the City Manager, nor any City employee shall sell or barter anything to the City or to a contractor to be supplied to the City; or make any contract with the City; or purchase anything from the City other than those things which the City offers generally to the public (i.e. utility services), and then only on the same terms as are offered to the public. Violation of this section shall constitute cause for removal from office or employment. Any violation of this section with knowledge, expressed or implied, of the person or corporation contracting with the City, shall render the contract voidable by the City Manager or the City Council. This subsection shall riot apply in cases in which the City acquires property by condemnation.
- (b) The City Council, by ordinance, or the City. Manager, by personnel rules, may further regulate conflicts of interest and ethics of officers and employees of the City.
- (c) Any member of the City Council or any board, commission, or other authority who has a direct personal or private interest in any question before the body of which he is a member shall abstain from voting thereon. Violation of this section shall constitute cause for removal from office for members of any board, commission, or other authority of the City government.

Section 10-4. Bonds.

The City Manager, the City Clerk, the City Treasurer, and such other officers and employees as the City Council, by ordinance, may designate, before entering upon their duties shall provide bonds for the faithful performance of their respective duties, payable to the City, in such form and in such amounts as the City Council may prescribe by

ordinance, with a surety company authorized to operate within the State. The City shall pay the premiums on such bonds.

Section 10-5. Oath of Office.

Every officer of the City, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the State Constitution. The oath shall be filed and kept in the City Clerk's office.

Section 10-6. Who May Administer Oaths.

All officers authorized by federal or state law, the Mayor, City Manager, City Attorney, City Treasurer, City Clerk, heads of all other administrative departments, Municipal Judge, and such other officers as this Charter or the City Council may authorize, may administer oaths.

Section 10-7. Acting Officers and Employees.

The appointing or electing authority who may appoint or elect the successor of an officer or employee may appoint or elect a person to act during the temporary absence, disability, disqualification, or suspension of such officer or employee, or in case of vacancy until a successor is appointed or elected and qualifies.

Section 10-8. Separability Clause.

If a Court of competent jurisdiction should hold any section or part of a section of this Charter invalid, such holdings shall not affect the remainder of this Charter nor the context in which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with that section or part of a section.

Section 10-9. Publicity of Records.

All records of the City and its departments which are required by law to be kept shall be open to public inspection at proper times and in proper manner during all business hours of the day; provided, however, that this shall not apply to any records which their disclosure would defeat the purpose for which same are kept, or to records which are not public under the Oklahoma Open Records Act.

Section 10-10. Abstaining Votes.

If a member of any board, council, or commission of the city, other than the City Council, abstains from voting on an issue because of a conflict of interest as defined in Section 10-3 of this Charter, said vote shall not be recorded as a negative, but rather shall be reflected in the minutes as an abstention and not counted in determining whether the item passed or failed.

Section 10-11. Open Meetings, Executive Sessions.

All meetings of the City Council of the City of Noble shall be public, except the City Council may hold executive sessions for the purpose of: (a) hiring, firing, appointment, promotion, demotion, disciplining, or resignation of an individual salaried officer or employee; (b) discussion with legal counsel concerning contemplated, threatened, or

pending litigation, investigation, claims or proceedings; (c) for such other purpose as now or may hereafter be permitted under the Oklahoma Open Meeting Law. Any vote or action on any item discussed in executive session shall be publicly cast and recorded.

Section 10-12. Feminine Gender.

When the masculine gender is used in this Charter, it shall also mean the feminine, unless the masculine alone is clearly indicated.

Section 10-13. Favoritism to Officers and Employees Prohibited.

No officer or employee of the City may receive, directly or indirectly from the City of Noble, or from any person, firm, or corporation operating within the City under a public franchise, any services or other valuable thing upon more favorable terms than are granted to the public generally. Any violation of this Section shall constitute an offense against this Charter, and any officer or employee of the City, upon conviction thereof, shall thereby forfeit his office or employment. Nothing herein shall prevent such a person, firm, or corporation from granting services or other valuable things free or upon more favorable terms to the City.

ARTICLE XI. AMENDMENT

Section 11-1. Amendment; Proposal, Ratification, Approval.

This Charter may be amended by proposals therefore submitted to the people by the City Council or submitted by the Mayor upon initiative petition of the people as provided by the State Constitution, at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the Governor as provided by the State Constitution. If more than one amendment is proposed, all of them, except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such a manner that the electors may vote on them separately. A proposition to amend this Charter may be either in the form of a proposed amendment to a part or parts of the Charter or of a proposed new Charter.

ARTICLE XII. SUCCESSION IN GOVERNMENT.

Section 12-1. Charter: When Effective.

The provisions of this Charter shall go into effect immediately upon approval by the Governor as provided by the State Constitution.

Section 12-2. Ordinances Continued.

All ordinances, insofar as they are not inconsistent with this Charter, shall continue in effect until they are repealed or until they expire by their own limitations.

Section 12-3. Pending Actions and Proceedings.

The adoption of this Charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes full effect, brought by or against the municipality or any agency, office, department, or officer thereof.

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CITY OF NOBLE
P. O. BOX 577
NOBLE, OKLAHOMA 73068

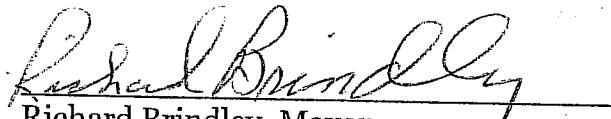
CHARTER CERTIFICATION

The undersigned, Richard Brindley, Mayor of the City of Noble, Oklahoma, hereby certifies that the attached Charter of the City of Noble, Oklahoma, is the true and correct amended Charter submitted to the electors and ratified by them.


The undersigned further certifies that the attached amended Charter was submitted to the registered voters of the City of Noble, Oklahoma, at the election held March 15, 2005, and that the amended Charter was approved by a majority of votes cast as reflected by the certificate of the Cleveland County Election Board, State of Oklahoma, a copy of which is attached hereto and made a part of this certificate.

Dated this 29 day of November, 2005.

City of Noble, Oklahoma


Richard Brindley, Mayor

Attest:


City Clerk