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CITY CHARTER

CHARTER OF THE CITY OF COALGATE, OKLAHOMA

PREAMBLE

We, the people of the City of Coalgate, exercising the powers of home rule granted to us by the Constitution and laws of the State of Oklahoma, in order to provide for more efficient, adequate and economical government, do hereby ordain, ratify and establish this Charter of the City of Coalgate, Oklahoma.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS

Incorporation

Section 1. The City of Coalgate, 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 Coalgate, Oklahoma'. It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the City of Coalgate, Oklahoma; and shall be liable for all debts and other obligations for which the corporation is now legally bound.

Form of Government

Section 2. 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 thus prescribed, then in such manner as the council may prescribe.

Powers of the City.

Section 3. The city shall have all powers, functions, rights, privileges, franchises and immunities granted to cities by the state constitution and law and all the 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 to 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 interest may require, including public utilities, works and ways. It shall have power to issue bonds in the manner and within the limitations 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 power to ordain and to enforce local legislation, consistent with the state constitution and law, for the proper organization and functioning of the city government, for the preservation and enforcement of good government and

order, for the protection of health, life, morals 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 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.

ARTICLE II. THE COUNCIL

Councilmen: Number, Qualifications

Section 4. There shall be a council of five members, which shall consist of one (1) councilman at large and one (1) councilman from each of the four (4) wards of the city as the wards are now constituted or as they may be hereafter constituted by ordinance. *Only qualified electors of the city who are freeholders at least twenty-five (25 years of age, shall be qualified for the office of councilman; and councilmen from the wards must reside in their respective wards at the time of their election.* Removal of a councilman from one ward or precinct to another within the city after his election, shall not disqualify him from completing the term for which he was elected. No councilman may hold any office or position in the city government by appointment by the city manager.

Mayor and Vice-Mayor

Section 5. At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmen or as soon thereafter as practicable, the council shall elect from its membership a mayor and a vice-mayor, who shall serve as such until the next such first meeting.

The mayor shall preside at meetings of the council and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. As a councilman, he shall have the right to vote on all questions. He shall have no regular administrative duties except that he shall sign such written obligations of the city as the council may require.

The vice-mayor shall act as mayor during the absence or disability of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council from its membership for completion of the unexpired term.

Councilmen: Compensation

Section 6. Neither the mayor nor any other councilman may received any compensation as mayor or councilman nor for any other service rendered the city, other than expenses.

Council: Powers

Section 7. 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 council. Without limitation of the foregoing the 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 social 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 the state or federal government or both;
- (5) Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs; the members of the personnel board, the members of the planning commission, the members of the board of adjustment and other quasi-legislative, quasi-judicial or advisory officers and authorities, now or when and if established, or prescribe the method of appointing or electing and removing them;
- (6) Grant pardons, including the remission of fines and costs, upon the recommendation of the municipal judge;
- (7) Regulate elections and the initiative and referendum within the limits prescribed by the state constitution and law and this charter;
- (8) 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;
- (9) Create, change and abolish all offices, departments and agencies of the city other than the offices, departments and agencies created by this charter; and assign additional powers, duties and functions to offices, departments and agencies created by this charter.

Council not to Interfere in Appointments and Removals

Section 8. Neither the council nor any of its members may direct or request the appointment of any person to, or his 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. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager; and neither the council nor any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately.

City Clerk

Section 9. The city treasurer shall be ex officio city clerk, and an acting city treasurer shall be ex officio acting city clerk. In the absence from a meeting of the city clerk and acting city clerk if any, the council may elect an acting city clerk to serve during such absence.

The city clerk shall keep the journal of the proceedings of the council; shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it; shall be custodian of such documents, records and archives as may be provided by applicable law or ordinance; shall be custodian of the seal of the city; shall attest, and affix the seal to, documents when required in accordance other duties as the charter or the council may prescribe or direct. The city clerk as such does not collect revenue and other money for the city except as may incidental to his duties as city clerk; in all other cases where the law or ordinances provide that money shall be paid to the city clerk, it shall be paid to the city treasurer as city treasurer.

Council: Induction into Office, Meetings

Section 10. The terms of office of the Councilmen shall begin at 7:30 o'clock P.M. on the first Monday in May following their election. The council shall hold a meeting at that time, and those whose terms are beginning shall be inducted into office. If any councilman-elect fails to qualify within one month thereafter, his office shall become vacant; and the council shall fill the vacancy. The council shall meet regularly at least monthly at such times as it may prescribe by ordinance or otherwise. The mayor or any three (3) councilmen may call special meetings. All meetings of the council except executive sessions shall be open to the public, and the journal of its proceedings shall be open to public inspection.

The City Council of the City of Coalgate, Oklahoma, being the governing body thereof, may go into executive sessions, upon a majority vote of the quorum present, for the purposes designated and prescribed by the statutes of the State of Oklahoma and cases made thereunder.

Council: Absences to Terminate Membership

Section 11. If any councilman shall be absent from more than one-half (1/2) of all meetings of the council, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

Councilmen: Removal

Section 12. A councilman may be removed from office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed thereby.

Council Vacancies

Section 13. The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms.

Council: Quorum, Rules, Yeas and Nays

Section 14. A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council shall determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays, and shall be entered in the journal.

Ordinances: Enacting Clause

Section 15. The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the Council of the City of Coalgate", and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Coalgate".

Ordinances: Passage, when in Effect

Section 16. Every proposed ordinance shall be read, and a vote of a majority of all the councilmen shall be required for its passage. The vote on final passage of every ordinance shall be by yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten (10) days after its passage every ordinance except an emergency ordinance, shall become effective thirty days after its final passage unless it specifies a later time; provided that an ordinance granting a franchise to a public utility shall not go into effect until it has been approved at an election by a vote of a majority of the qualified electors voting on the question.

Ordinances: Emergency

Section 17. An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health or safety, and which should become effective prior to the time when an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, “and declaring an emergency”; and in a separate section, herein called the emergency section, shall declare the emergency. The council shall vote on the emergency section separately, and must adopt the section by a vote of at least four-fifths (4/5) of all the members of the council, which vote shall be by yeas and nays, and be entered in the journal. An emergency ordinance shall take effect upon passage unless it specifies a later time.

Ordinances: Adoption by Reference

Section 18. The council by ordinance may adopt by reference codes, ordinances and standards relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such code, ordinance or standard so adopted need not be enrolled in the book of ordinance or standard in force for distribution or sale at their approximate cost.

Ordinances: Codification

Section 19. The ordinances of the city shall be codified and published in book or pamphlet form at least every ten (10) years unless the 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 part of ordinances may be omitted. Permanent general 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 after adoption by the council, but the code need not be enrolled in the book of ordinances.

ARTICLE III. CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

City Manager: Appointment, Term, Qualifications, Removal

Section 20. There shall be a city manager. The council shall appoint him for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications and other qualifications for the office of city manager. At the time of his appointment, he need not be a resident of the city or state, but, during his tenure of office, he shall reside within the city. Neither the mayor nor any other councilman may be appointed city manager during the term for which he shall have been elected nor within two (2) years after the expiration of his term. The council may suspend or remove the city manager at any time by a vote of a majority of all its members.

Acting City Manager

Section 21. If the city manager is absent from the city or is unable to perform his duties, if the council suspends the city manager, or if there is a vacancy in the office of city manager, the council may appoint an acting city manager to serve until the city manager returns, until his disability or

suspension ceases, or until another city manager returns, until his disability or suspension ceases, or until another city manager is appointed and qualifies, as the case may be. The council may suspend or remove an acting city manager at any times.

City Manager: Powers and Duties

Section 22. The city manager 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, and shall be responsible therefor to the council. He shall: Appoint, and when necessary for the good of the service, suspend, demote or remove all directors, or heads, of administrative departments and all other administrative offices and employees of the city except as he or the council by ordinance may authorize the head of a department, and officer or an agency to appoint and suspend, demote or remove subordinates in such department, office or agency, subject to such merit system regulations as the council may ordain;

- (1) Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees;
- (2) Prepare a budget annually and submit it to the council, 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;
- (3) Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year;
- (4) Keep the council advised of the financial condition and future needs of the city, and make such recommendations as may seem to him desirable;
- (5) Perform such other duties as this charter may prescribe and such duties consistent with this charter as the council may prescribe.

Administrative Departments, Offices and Agencies

Section 23. There shall be a department of finance, a police department, fire department, a department of law headed by a city attorney, and such other administrative departments, offices and agencies as this charter establishes and as the council may establish.

Public Library

Section 24. The public library or libraries, when established, shall constitute, or be a part of, and administrative department; and shall be under the supervision and control of an officer or of a board established by ordinance and appointed by the city manager, as the council may ordain.

ARTICLE IV. DEPARTMENT OF FINANCE, FISCAL AFFAIRS

City Treasurer: Office Created, Duties

Section 25. There shall be a city treasurer, who shall be an officer of the city appointed by the city manager for an indefinite term, and who shall be head of the department of finance. Subject to such regulations as the council may prescribe, the city treasurer shall collect or receive revenue and other money for the city, and shall deposit the same in such depositories as the council may designate. The city treasurer shall maintain a general accounting system for the city government. He shall have such other powers and duties as may be prescribed by this charter, by applicable law, or by ordinance.

Purchases and sales

Section 26. The city manager, subject to any regulations which the council may prescribe, shall contract for and purchase, or issue purchase authorizations 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 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 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, the council shall not except a particular contract, purchase or sale from the requirement of competitive bidding.

The council by ordinance may transfer some or all of the power granted to the city manager by this section, relating to purchases and sales, to an officer appointed by and subordinate to the city manager.

Sale of Property Valued at More than \$10,000 – Real Property

Section 27. The sale of any property, real or personal, including public utilities, or of any interest therein, the value of which is more than ten thousand dollars (\$10,000.00), shall be made only by authority of a special non-emergency ordinance. Such ordinance shall be published in full in a newspaper of general circulation within the city within ten (10) days after its passage, and shall include a section reading substantially as follows: “Section ___”. 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.”

Real property may be sold in fee simple only to the highest responsible bidder after opportunity for competitive bidding; and notice of such proposed sale shall be published in a newspaper of general circulation within the city once a week for two (2) consecutive weeks. All bids may be bidding may be given.

Public Improvements

Section 28. Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements; provided that the council may authorize the city manager to award such contracts which do not require compliance with the public competitive bidding act as defined by the statutes of the State of Oklahoma, Title 61, Section 101 et seq. All contracts in excess of that amount prescribed by statute in the Competitive Bidding Act of the State of Oklahoma, Shall be made in accordance with the provisions of that act.

Fiscal Year.

Section 29. 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.

Independent Annual Audit

Section 30. The council shall designate a qualified public accountant or accountants who shall make an independent 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 at least, and

who shall report to the council and to the city manager. Certified copies shall be filed with the County Clerk and the State Auditor and Inspector within nine (9) months after the close of the fiscal year. In lieu of the above, the council may arrange with an appropriate state authority for such an audit when and if permitted by law.

ARTICLE V. MUNICIPAL COURT

Municipal Court.

Section 31. The city manager shall be ex officio municipal judge; provided that the council by ordinance may provide that the city manager shall appoint a municipal judge. When appointed by the city manager, the council may suspend or remove the municipal judge or acting municipal judge at any time by a vote of a majority of all its members. The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the charter and ordinances of the city; provided that the council by ordinance may create a minor violations bureau with authority to dispose of cases arising out of designated minor violations, such as minor traffic and parking violations, on request of accused persons who desire to plead guilty, who are able and willing to pay fines and costs, and who do plead guilty and pay fines and costs. The municipal judge shall keep a record of all proceedings of the municipal court, of the disposition of all cases, and of all fines and other money collected. The style of all processes shall be in the name of the city. The municipal judge may issue subpoenas, administer oaths, make and enforce all proper orders, rules and judgments, and punish for contempt.

ARTICLE VI. NOMINATIONS AND ELECTIONS

Overlapping Terms – Nominated and Elected at Large – Nonpartisan Elections

Section 32. The councilmen shall be elected by the qualified electors of the city. At the primary and general election in 1955, the councilman from Ward One and the councilman from Ward Two shall be elected to serve for one (1) year, until 7:30 o'clock P.M. on the first Monday in May, 1956. The director at large at the time this charter goes into effect, shall become the councilman at large under this charter, and shall continue to serve until 7:30 o'clock P.M. on the first Monday in May, 1957. At the primary and general election in 1955, the councilman from Ward Three and the Councilman from Ward Four shall be elected to serve for three (3) years, until 7:30 o'clock P.M. on the first Monday in May, 1958. In 1956, and in every year thereafter, the respective successors of those whose terms are expiring shall be elected, and shall serve overlapping terms on three (3) years.

All candidates for councilmen shall be nominated, and all councilmen shall be elected, at large, by the qualified electors of the entire city, although candidates for councilmen from the wards must be qualified electors of their respective wards.

Both the primary and the general election shall be nonpartisan; and no party designation or emblem shall be placed on the ballots.

Primary Election: Filing

Section 33. Any qualified person may have his name placed on the ballot for the primary election as a candidate for councilman by filing a Declaration of Candidacy with the county election board as a sworn statement of his candidacy, not earlier than 8:00 o'clock a.m. on the first Monday in December and no later than 5:00 o'clock p.m. on the next succeeding Wednesday of December.

(Election on March 2005 passed to change the election dates for the election of Council members.)

Primary Election: Time, etc.

Section 34. A primary election shall be held on the second Tuesday of February, except in any year when a Presidential Primary is held in February, then the election shall be held on the same day as the Presidential Preferential Primary, to nominate candidates for the offices on the council whose terms are expiring. If only one (1) person is a candidate for an office to be filled, he shall be not only nominated, but also elected ipso facto; and his name shall not appear on the primary or general election ballot. Every qualified elector of the city shall be entitled to vote for one (1) candidate for each office to be filled.

(Election on March 2005 passed to change the election dates for the election of Council members.)

Primary Election: Who Nominated or Elected

Section 35. In a primary election, the two (2) candidates for each office to be filled receiving the greatest number of votes for that office, shall be nominated. If one (1) of the candidates for an office receives a majority of all votes cast for all candidates for that office, he alone shall be not only nominated, but also elected ipso facto; and his name shall not appear on the ballot for the general election. In case of a tie, the nominee or nominees (as the case may be) shall be determined from among those tying, fairly by lot, in a meeting of the council and under its direction. If one (1) of the two (2) candidates for an office nominated in a primary election dies or withdraws before the general election, the remaining candidate shall be elected ipso facto; and his name need not appear on the ballot for the general election.

General Election: Time, When Not Held, Who Elected

Section 36. A general election, if needed, shall be held in the city on the first Tuesday in April of every year to elect the councilmen to succeed those whose terms are expiring, if candidates for one (1) or more of such offices remain to be elected. Every qualified elector of the city shall be entitled to vote for one (1) candidate for each office to be filled. The candidate for each office receiving the greater number of votes, shall be elected. In case of a tie, the election shall be determined fairly by lot, in a meeting of the council and under its direction.

(Election on March 2005 passed to change the election dates for the election of Council members.)

Section 37. RECALL OF ELECTED CITY OFFICIALS

(An election was held Tuesday, April 4, 2000 passed with 117 votes.)

Subsection 1. Recall Authorized

The incumbent of any elective city office, including a person appointed to fill a vacancy in any such office, may be recalled from office by the voters qualified to vote for the election of a successor to the incumbent, in the manner provided in this article.

Subsection 2. Recall Petition

A. To initiate recall proceedings, a written statement in duplicate proposing the recall of the incumbent of an elective office, who shall be named in said written statement, shall be signed by fifty (50) or more registered qualified voters of the city, and shall be filed with the city clerk after the incumbent has held the office at least four (4) 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 residential address. Within five (5) 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 his conduct in office, in not more than two hundred (200) words; and the city clerk shall deliver one (1) copy to one of the persons filing the statement proposing the recall. If no reasons against the recall are submitted by said incumbent, the petition shall be valid if otherwise conforming to the provisions hereof.

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 his conduct in office under the heading "STATEMENT AGAINST RECALL". The two (2) statements shall be in letters of the same size and font. A copy of the petition shall be filed with the city clerk within one (1) month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.

C. A number of registered qualified voters of the city equal at least to twenty-five percent (25%) of the total number of votes cast in the last general city election must sign the petition. Each signer shall write after his name his residential 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 qualified voters of the city; and the person who circulates each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in this presence, that each signature on the petition is genuine, and that he believes each signer to be a registered qualified voter of the city.

D. The circulated petition shall be filed with the city clerk not later than one (1) month after the filing of a copy as provided above. Within one (1) month 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 send said petition to the county election board who shall determine the number of registered qualified voters of the city who have signed it. He shall then attach his certificate to the petition. If his 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, he shall submit the petition and certificate to the council as its next meeting.

Subsection 3. Recall election: council in order

A. The council, by resolution or ordinance passed within ten (10) days after receiving the petition and certificate of the city clerk, shall order and fix the date for a recall election, which shall be held not less than forty (40) days, nor more than sixty (60) days, after the passage of the resolution or ordinance. 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 of Coalgate within then (10) days after its passage; and such publication shall be sufficient notice of the election.

B. The qualified voters of the city may vote in a recall election on the election of successors to more than one officer [office] on the same day.

Subsection 4. Same: how held

A. The recall election shall be an election to fill the office held by the incumbent sought to be recalled; and candidates must file at least three (3) weeks before the recall election. There shall be no primary before the recall election. Any qualified person, including the incumbent, may file as a candidate for the office. Said recall shall be called and be conducted, and the results declared in all

respects as in other city elections. The candidates 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. The said successful candidate must qualify within ten (10) days thereafter; and if he fails to do so, the office shall be vacant, and the vacancy shall be filled as other vacancies in the council are filled. 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, he shall continue in office without interruption; and recall proceedings may not again be initiated against him within on (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 superseded by the provisions of this article.

Subsection 5. Person 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 him, may not hold any office or position of employment in the city government within three (3) years after his recall or resignation.

Political Activity of Officers and Employees

Section 38.

No officer or employee of the city except the councilmen, may attempt to influence the nomination, election or defeat of any candidate for councilman; provided that this shall not prohibit the ordinary exercise of his right to express his opinions and to vote. Any person who violates this provision, shall be punished, upon conviction thereof, by a fine not exceeding twenty dollars (\$20.00) inclusive of costs. Such violation shall constitute cause for removal from office or employment.

State Constitution and Law to Govern

Section 39.

The precinct and county election boards shall conduct the primary and general elections and special 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. MISCELLANEOUS PROVISIONS

Feminine Gender

Section 40. When the masculine gender is used in this charter, it shall also mean the feminine unless the masculine alone is clearly indicated.

Initiative and Referendum

Section 41. The powers of the 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.

Merit System

Section 42. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness; and layoffs, suspensions, demotions and removals shall be made solely for the good of the service. Better to achieve these ends, the council may establish a merit system and provide for its proper organization and functioning and for proper personnel administration.

Qualifications of Offices and Employees

Section 43. Officers and employees of the city shall have the qualifications prescribed by this charter and such additional qualifications as the council may prescribe by ordinance; but the council shall not prescribe additional qualifications for councilmen.

Nepotism, Holding More Than One Office or Position

Section 44. Neither the city manager, the council nor any other authority of the city government, may appoint or elect any person related to any councilman, to the city manager, or to himself, or, in the case of a plural authority to one (10 of its members, by affinity or consanguinity within the third degree to any office or position of profit in the city government.

Except as may be otherwise provided by this charter or by ordinance, the same person may hold more than one (1) office or position in the city government. The city manager may hold more than one (1) such office or position, through appointment by himself, by the council or by other city authority having power to fill the particular office or make by ordinance; but he may not receive compensation for service in such other offices and positions. Also the council by ordinance may provide that the city manager shall hold ex officio designated administrative offices subordinate to the city manager as well as other designated compatible city offices.

Official Bonds

Section 45. The city manager, the city treasures and such other officers and employees as the council 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 council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Oath or Affirmation of Office

Section 46. 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 or affirmation shall be filed and kept in the city clerk's office.

Who May Administer Oaths and Affirmations

Section 47. All officers authorized by federal or state law, the mayor, the city clerk, the city manager, the city treasurer, the heads of all other administrative departments, the municipal judge and such other officers as the council may authorize, may administer oaths and affirmations.

Removal, etc., of Officers and Employees

Section 48. Except as otherwise provided by this charter, the power to lay off, suspend, demote and remove accompanies the power to appoint or elect; and the city manager or other appointing or electing authority at any time may lay off, suspend, demote or remove any officer or employee to who he or the other appointing or electing authority respectively may appoint or elect a successor.

Acting Officers and Employees

Section 49. 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 or suspension or such officer or employee, or, in the case of vacancy, until a successor is appointed or

elected and qualifies, unless the council ordains that a particular superior or subordinate of such officer or employee shall act. The council by ordinance may provide for a deputy to act in such cases.

Officers to Continue until Successors Are Elected or Appointed and Qualify

Section 50. Every office who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his successor is elected or appointed and qualifies unless his services are sooner terminated by resignation, removal, disqualification, abolition of the office or other legal manner.

Publicity of Records

Section 51. All records and accounts of every office, department or agency of the city government, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, shall be open to public inspection.

Separability Clause

Section 52. If a court of competent jurisdiction should hold any section or part of a section of this charter invalid, such holding 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.

If a court of competent jurisdiction holds a part of this charter invalid or if a change in the state constitution or law renders a part of this charter invalid or inapplicable, the council by ordinance may take such appropriate action as will enable the city government to function properly.

ARTICLE VIII. AMMENDMENT

Amendment: Proposal, Ratification, Approval

Section 53. This charter may be amended by proposals therefor submitted by the council, or 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 (1) amendment are proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such 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 of parts of the charter or of a proposed new charter.

Amendment: Board of Freeholders

Section 54. The council by ordinance may provide for the election on a board of freeholders to prepare and propose amendments to this charter. When an amendment proposed by a board of freeholders shall have been submitted by the council 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, it shall go into effect.

ARTICLE IX. SUCCESSION IN GOVERNMENT

Wards

Section 54. Until the council by ordinance provides otherwise, the four (4) wards of the city shall be as follows:

Ward One: All that portion of the City of Coalgate lying north of the M.K. & T. Ry. Switch (otherwise known as Perry Switch) and west of the East Railroad Street.

Ward Two: All that portion of the City of Coalgate lying east of the East Railroad Street and north of California Avenue.

Ward Three: All that portion of the City of Coalgate lying south of the M.K. & T. Ry. Switch (otherwise know as Perry Switch) and west of the East Railroad Street.

Ward Four: All that portion of the City of Coalgate lying east of the East Railroad Street and south of California Avenue.

Reference herein to streets, avenues and right-of-ways shall mean the center lines of such streets, avenues and rights-of-way.

New Charter to Go into Effect When Approved by the Governor

Section 55. If a majority of the qualified electors of the city voting on the question vote to ratify this charter, it shall go into effect immediately upon approval by the governor, in lieu of the heretofore existing charger; and said heretofore existing charter is hereby repealed as of that time.

Ordinances continued

Section 56. 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.

Officers and Employees Continued

Section 57. All officers and employees of the municipality under the previous charter, including the three (3) directors, or councilmen, shall continue in the offices and employments which they respectively hold, after this charter goes into effect, and until their services terminate or are terminated in accordance with the provisions of this charter.

Notwithstanding, any other provisions of this charter, until 7;30 o'clock P.M. on the first Monday in May, 1955, the council shall consist of three (3) members, as under the previous charter; but the three (3) directors shall have the title of "councilmen".

Pending Actions and Proceedings

Section 58. 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 office, department, agency or officer thereof.

NOTE: The above Charter was adopted on February 15, 1955, by a vote of 202 to 56. Governor Raymond Gary approved the Charter on February 21, 1955.

This Charter replaced a council-manager charter adopted in 1914.

The Charter as it appears in this code, has been printed from the masters from which the official copies of the Charter were printed in 1955.

City Council

Ward 1	Jahree Standridge
Ward 2	Russ Waller
Ward 3	Joe Ward, Vice Mayor
Ward 4	Muriel Parker
At Large	Michael Elkins, Mayor
City Manager	Roger Cosper
City Clerk/Treas.	Sherlyn Walker
Ass't Clerk/Treas.	Scarlett Anderson
Chief of Police	Kenny Pebworth
Fire Chief	David Holt
City Attorney	Trae Gray
City Judge	Robert Gray
Public Works Superintendent	Walter Roebuck