

CHARTER
CITY OF SAPULPA, OKLAHOMA

Adopted April, 1922

Revised 2014 (2018)

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CHARTER OF THE CITY OF SAPULPA, OKLAHOMA

Adopted April, 1922

Revised 2014 / 2018

PREAMBLE

We, the people of the City of Sapulpa, under and by virtue of the Constitution and Laws of the State of Oklahoma do ordain and establish this Charter for the City of Sapulpa as an amendment to and substitute for the Charter of said City heretofore prepared by a Board of Freeholders on May 23, 1910, and approved by the Governor of the State of Oklahoma on September 1, 1910, and all amendments thereto thereafter adopted.

ARTICLE I

ORGANIZATION AND POWERS

Section 1. Organization. That the inhabitants within the boundaries hereinafter defined and their successors, are hereby created and organized a municipal corporation, with perpetual succession, under the name of "City of Sapulpa," and as such they and their successors, are hereby created a body political and corporate, and shall succeed to, own, and possess all the property, whether real, personal or mixed, and all the rights, privileges, franchises, powers and immunities now belonging to, possessed or enjoyed by, the present corporation known as the City of Sapulpa, and which was created under the laws of the United States in force in the Indian Territory, and continued in existence by the Constitution of the State of Oklahoma; that said municipal corporation shall be subject to and liable for all debts, judgments, valid bonds, notes and other legal obligations for which the present corporation is now legally bound; that the said municipal corporation hereby created, and its successors, in said corporate name of the City of Sapulpa, shall have power to sue and to be sued, plead and be impleaded, complain, intervene, and defend in all courts; that it shall have power to make contracts, to take and acquire property, either real or personal, by purchase or otherwise, for municipal purposes, and hold, sell, lease, convey, or otherwise dispose of any such real or personal property within or without the limits of said City; that it shall also have exercise, and enjoy such other additional power, rights

and privileges, franchise and immunities as are granted and conferred by any other parts of this Charter; that it may make and use a corporate seal and alter same at the pleasure of its Board of Councilors.

Section 2. Boundaries. That the boundaries of the City of Sapulpa, until otherwise changed as provided in this Charter, shall remain and continue to be the same, and divided into the same wards, as are existing at the time of the adoption of this Charter, with power and authority vested in the City to change its boundaries in the manner authorized by law and to change the boundaries and number of its wards and ordinance.

Section 3. General Grant of Power. The City shall have and exercise all powers, privileges and functions which are pursuant to the Constitution and laws of the State of Oklahoma, have been or could be granted to, or exercised by, any city of the first class, except as herein otherwise provided, it shall by ordinance regulate the speed at which all trains, engines, and cars of any railroad company, whether steam or electric, shall be run within the corporate limits upon the streets, ways, or public places of the City. And may also by ordinance require such companies to maintain flagmen or gates or both flagmen and gates at any intersection or street crossing where in the judgment of the Board of Councilors, the public safety requires the same; and may also require all railway companies to erect viaducts over, or tunnel under their tracks at crossing of streets.

Section 4. REPEALED (Effective 1970).

ARTICLE II

ELECTIVE AND APPOINTIVE OFFICERS OF MUNICIPALITY

Section 1. Elective Officers. The elective officers of the City of Sapulpa shall be two (2) Councilors from each ward, one (1) of said councilors shall be elected Mayor by a majority of the Board of Councilors.

The appointive officers of the City of Sapulpa shall be:

- A City Manager
- A City Attorney
- A City Treasurer
- A Judge of the Municipal Court.

Section 2. Compensation and Elections. The Councilors provided for in Section 1, shall serve without compensation and until otherwise provided by ordinance, four (4) qualified electors shall be nominated in each ward for Councilors who shall be voted for at the regular election and the two (2) receiving the highest number of votes in said ward at the regular election shall be declared to be elected.

Section 3. Salary Limitation. No full-time, salaried employee of the City shall hold an office or employment in the federal, state, or county Government. No person shall be elected or appointed to any office, position, or employment, the compensation of which was increased or fixed by the Board of Councilors while he was a member thereof at least one (1) year from date when he ceased to be a member of the Board.

Section 4. Conflict of Interest. No officer or employee of the City, or any business in which the officer or employee, or spouse of the officer or employee has a proprietary interest, shall engage in: (i) selling, buying or leasing real or personal property to or from the City; (ii) contracting with the City; or (iii) buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidences of indebtedness of the City. Provisions of this section shall not apply where competitive bids were obtained consistent with municipal ordinance or state law and two (2) or more bids were submitted for the materials, supplies, or services to be procured by the City, provided the notice of bids was made public and open to all potential bidders. For purposes of this section, "employee" means any person who is employed by a municipality more than ten (10) hours in a week for more than thirteen (13) consecutive weeks. For purposes of this section, "proprietary interest" means ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage which constitutes a controlling interest but shall not include any interest held by a blind trust. Any violation of any provision of this section by any such officer, or employee, shall be sufficient grounds for removal from office. No officer of the City, whether elective or appointive, shall be directly or indirectly connected with or interested in any franchise granted to the City; and if any City officer accepts employment from any person, company or corporation operating under any franchise granted by the City, or be guilty of a violation of these provisions, he shall thereby forfeit his office, and the same shall immediately become vacant. (Amended, effective 2014).

Section 5. Oath of Office. Every officer provided for in this Charter shall before entering upon the discharge of the duties of his office take and subscribe to the following oath or affirmation:

"I do solemnly swear, (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Oklahoma, and that I will faithfully discharge the duties of the office of (here insert the name of the office), according to the best of my ability."

Section 6. Vacancies in Office. If any elective officer shall die, resign, or remove from the ward from which he was elected, or shall fail to attend for four (4) consecutive regular meetings of the Board of Councilors, or shall fail to qualify by taking the oath of office and filing his official bond as hereinafter required within ten (10) days from the time he receives his certificate of election, or if he shall otherwise become unable to discharge the duties of his office, such office may be declared vacant by the Board and said Board shall thereupon appoint some qualified person from the ward in which the said vacancy may occur to fill the unexpired term of the person originally elected therefrom. In the event of a vacancy or vacancies in the Board of Councilors, such vacancy or vacancies shall be filled by a majority vote of the remaining members of said Board, within thirty (30) days of the declaration of said vacancy. Nominations for consideration by the Board will be made by the remaining Councilor from the ward where the vacancy has occurred. In the event that both Councilors representing a single ward are vacant at the same time, nominations for the filling of these two (2) positions shall be made by the Mayor. Appointments will be for the remainder of the original term. (Amended, effective 2014).

Section 7. Appointive Offices. The City Manager, the City Attorney, the Municipal Judge, and the City Treasurer shall be appointed by the Board of Councilors.

Section 8. General Powers of Appointive Officers. All officers appointed by the Board of Councilors of the City of Sapulpa shall have such powers and perform such duties as may be imposed on them by this Charter or by ordinance.

Section 9. Limitation on Board to Appointive Office. No member of the Board shall, during the term for which he shall

have been elected, be eligible to any office to be filled by the Board of Councilors, nor shall any member of the Board be selected to fill any vacancy that may occur or employment where such vacancy is to be filled by the Board of Councilors.

Section 10. Description of Work Day. All persons holding any appointive office or employment under the City shall be required to engage in the actual work of the office or employment so held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure to do so shall be grounds for summary dismissal.

Section 11. Compensation to Employees. No officer or employee shall receive any pay, commission, money, or thing of value, or derive any benefit, profit, or advantage directly or indirectly from or by reason of any dealings with, or service to the City, by himself or by others, or from or by reason of any improvements, alterations, or repairs, required, by authority of the City except his lawful compensation or salary as such officer or employee.

Section 12. Merit Appointments. No appointment to any position under the city government shall be made or withheld by reason of any political opinions or affiliations or political service, and no appointment or election to, or removal from, any office or employment, and no transfer, promotion, reduction, reward, or punishment shall be in any manner effected or made by reason of such opinions, affiliations, or service.

ARTICLE III

ELECTIVE OFFICERS

Section 1. Powers of Board of Councilors. The Board of Councilors shall be the legislative body of City Government, and all legislative power of the City is vested therein excepting the legislative power herein reserved to the inhabitants of the City under the Initiative and Referendum.

Section 2. Council Meetings. The Board of Councilors elected and provided for herein shall hold regular meetings at least twice a month at the City Hall on a day to be named by ordinance, and shall hold such special meetings as may be deemed necessary for the transaction of business. All meetings of the

Board of Councilors shall be public, and a complete record of the proceedings shall be kept. The City Clerk shall be clerk of said Board of Councilors. At six o'clock (6:00) P.M. on the first Monday following the canvass of the municipal election, the Board of Councilors shall meet, at which time the newly elected members of the Board shall assume the duties of their office. A majority of all members of the Board, not including any declared vacancy, shall constitute a quorum to transact business, but a less number may adjourn from day-to-day or until the next regular meeting, and may compel the attendance of absent members in such a manner as the Board may by ordinance or some resolution provide. (Amended, effective 2002; Amended, effective 2014)

Section 3. City Clerk. The City Clerk, or a designee appointed by the City Manager, shall be present at the meetings of the Board and shall keep a journal of the proceedings under its direction, and the ayes and nays shall be taken and entered on the journal in the final action upon all matters coming before the Board. (Amended, effective 2014)

Section 4. Selection of Mayor/Vice-Mayor. The Board of Councilors shall be the judge of the election and qualification of its members. The Board of Councilors herein provided for shall immediately after their election and qualification elect one (1) of said Councilors as Mayor and one (1) as Vice-Mayor, who in the absence of the Mayor, or his refusal or inability to fulfill the duties required by him, shall be vested with all the powers and authority by the Board of Councilors.

Section 5. Council Power of Duty Assignment. The Board of Councilors shall, except as otherwise herein provided, prescribe for any officer, agent, or employee appointed by it, other duties than those herein prescribed not inconsistent with the provisions of this Charter.

Section 6. Council Responsibility of Office Space. The Board of Councilors shall provide for and maintain necessary rooms for officers, agents, and employees of the City for the transaction of the business of the City.

Section 7. Establishment of Ordinances and Resolutions. The legislative acts of the Board of Councilors shall be by ordinance or resolution, the subject of which shall be clearly set out in its title, and no ordinance or resolution shall contain more than one subject; PROVIDED, that if any subject be embraced in any ordinance or resolution contrary to the

provisions of this section, such ordinance or resolution shall be void only as to so much of the ordinance or resolution as may not be expressed in the title thereof. The enacting clause of every ordinance shall be "Be it ordained by the City of Sapulpa." Every member of the Board of Councilors when present shall vote unless disqualified; and every ordinance shall require, on its final passage, the affirmative vote of a majority of the membership of said Board.

Section 8. Time for Ordinance Effectiveness. All ordinances passed by the Board of Councilors except emergency ordinances, shall take effect and become valid at the end of fifteen (15) days from the date of the publication of such ordinances. All ordinances finally adopted shall be published either in a daily or weekly newspaper published and of general circulation in the City of Sapulpa, such publication to be within ten (10) days from the final passage of the ordinance. (Amended, effective 2002)

Section 9. Emergency Clause. The Board of Councilors, by a vote of two-thirds of its membership may pass an emergency ordinance when the public safety of the City or the inhabitants thereof shall, in the judgment of the Board of Councilors demand it; and every ordinance which shall, in a separate section, declare that an emergency exists, by reason whereof the said ordinance shall immediately become effective, shall take effect at once upon its final passage and publication.

Section 10. Mayor's Signature on Ordinances. Every ordinance, order, or resolution which shall have been passed by the Board of Councilors shall be signed by the Mayor and attested by the City Clerk.

Section 11. Council Records. Every ordinance, after its passage, shall be recorded in a book to be called "Ordinance Record," and likewise every resolution shall be recorded in a book called "Resolution Record," kept for that purpose, which records of such ordinances and resolutions shall be authenticated by the signature of the Mayor and attested by the City Clerk.

Section 12. Council's Power to Adopt Ordinances. The Board of Councilors shall be vested with the power and charged with the duty of adopting all laws and ordinances, and to carry into effect all powers of the municipality, not inconsistent with the Constitution and general laws of the State of Oklahoma touching every object, matter, or subject within the provisions of the

local government instituted by this Charter, whether the same may be specially mentioned in this Charter or omitted herefrom.

Section 13. Council Power to Amend or Repeal Ordinances. The Board of Councilors shall have power to amend or repeal any ordinance or resolution which may have been adopted, whenever in their opinion such amendment or repeal shall be for the best interests of the City; PROVIDED, that no ordinance or amendment to an ordinance that may have been created or amended by an initiative or referendum vote of the electors of the City shall ever be changed except by resubmission of the question to such initiative or referendum vote.

Section 14. Special Meeting. Special meetings of the Board of Councilors may be called by the Mayor or by three (3) Councilors at any time on such notice as the Board of Councilors may prescribe by ordinance. The purpose of such meetings shall be set forth in such call and no other business shall be transacted at such meetings.

Section 15. Council Quorum. REPEALED (Effective 2014)

Section 16. Council Vacancy. REPEALED (Effective 2014)

ARTICLE IV

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

The executive and administrative powers of the City of Sapulpa shall, except as otherwise provided for herein, be vested exclusively in the City Manager as provided herein.

Section 1. City Manager. The Councilors shall, as soon as practicable, after having met, qualified, and elected a Mayor and Vice-Mayor, proceed to elect a City Manager, City Attorney, Judge of the Municipal Court and City Treasurer; and whenever a vacancy shall occur in any of said offices, the Councilors shall select some qualified person to fill such vacancy. The City Manager shall be elected without regard to his political affiliation, and it shall not be necessary that said Manager be a legal resident or qualified voter of the City of Sapulpa, but in the selection of a Manager, residents of Sapulpa, possessing qualifications equal to those of other available persons shall be given preference. Said Manager shall be paid a salary of not to exceed Five Hundred Dollars (\$500.00) per month until said compensation

shall be changed by resolution, and said Manager shall serve during the pleasure of the Board. In the event the Manager shall for any reason be temporarily incapable of performing the duties of his office, the Councilors shall immediately upon receiving notice of such temporary inability, select a Manager pro tem who shall perform all the duties imposed upon the Manager by this Charter or by ordinances until the Manager shall return to duty, or a new manager be selected. The entry in the minutes of the meeting of the Councilors shall be conclusive evidence of the fact of such inability and the proper selection of Manager pro tem.

Section 2. City Manager's Qualifications. The Manager herein provided for shall be chosen by the Councilors solely upon the basis of his executive and administrative qualifications, and shall be discharged at the pleasure of the Councilors by majority vote thereof.

Section 3. City Manager's Limitation of Employment. The City Manager shall be the administrative head of the municipal government under the direction and supervision of the Councilors. He shall not, during his services as such Manager, be an employee of or perform any duty for any person, firm or corporation, or institution other than the City of Sapulpa; and shall not be interested in the profits or emoluments of any contract, job, work, or service for the City. Provisions of this section shall not apply to prohibit the City Manager from engaging in voluntary pro bono, charitable, or educational services otherwise permitted by the Councilors. (Amended, effective 2014)

Section 4. Oath and Bond. Before entering upon the duties of this office, he shall take the official oath required of City Officers and shall execute a bond in such sum as shall be fixed by the Councilors in favor of the City of Sapulpa for the faithful performance of his duties, said bond to be approved by the Councilors.

Section 5. General Powers of City Manager.

(a) The City Manager, as chief administrative officer of the City, shall have charge and supervision of all branches of the City government, except as otherwise provided in this Charter of the City of Sapulpa.

(b) He shall see to the faithful execution of all laws and ordinances of the State of Oklahoma and the City of Sapulpa.

(c) He shall appoint all officers and employees of the City of Sapulpa except the elective officers and the officers and employees whose election or appointment is vested in the Councilors by the Charter.

(d) He shall have power to dismiss any officer or employee appointed by him whenever, in his judgment, the interests of the City service so requires.

(e) He shall control and direct the several officers and employees so appointed by him.

(f) He shall have power at any time to investigate the affairs of any department. He or any person appointed by him in writing for the purpose shall have power to compel the attendance of witnesses and the production of books, papers, and other evidence.

(g) He shall attend all meetings of the Councilors and may take part in the discussions, but shall have no power to vote.

(h) He shall keep the Councilors advised of the needs of the City and shall recommend measures for adoption by the Councilors.

(i) He shall supervise and manage all public works of the City and the repair and maintenance thereof. He shall manage and control the public utilities of the City, and shall have general charge of the cleaning, sprinkling, lighting, and improving of the streets, sidewalks, bridges, and public grounds, within and without the City, except as otherwise provided in this Charter.

(j) He shall make a monthly report to the Councilors and shall prepare and submit to the Councilors, an annual budget, subject to the approval of the Board of Councilors.

(k) He may create such departments for the more efficient and economical administration of the affairs of the City as to him shall seem necessary and expedient.

(l) He shall perform such other duties as may be imposed on him by the Charter or by ordinance.

(m) He shall be the Purchasing Agent for the City and shall follow the purchasing procedures and laws of the State of

Oklahoma governing municipalities or as may be established by ordinance, resolution or as set forth in this Charter.
(Amended, effective 1996)

Section 6. Mayor's General Powers. The chief officer of the City shall be designated "The Mayor of the City of Sapulpa". He shall preside at all meetings of the Board of Councilors and vote on all questions as other members of said Board. The Mayor shall sign all deeds, bonds, contracts and other instruments requiring the assent of the City, and shall cause the seal of said City to be affixed thereto by the City Clerk. He shall see that all contracts and agreements with the City are faithfully kept and fully performed, and to that end shall, when directed by the Board of Councilors, cause legal procedures to be commenced and prosecuted in the name of the City against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part, and by like authority shall, on behalf of the City prosecute or defend all actions or suits to which the City may be a party or in which it may be interested.

Section 7. Civic Responsibility. It shall be the duty of every officer and person in the employ or service of the City, when it shall come to his knowledge that any contract or agreement with the City or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Board of Councilors and City Manager all facts or information within his possession concerning the matter, and willful failure or neglect to do so, shall be cause for the discharge of such officer or employee.

The Mayor, when directed by the Board of Councilors, must institute such action and proceedings as may be necessary to revoke, cancel, or annul all franchises that may have been granted by the City to any person, firm, or corporation, which are subject to forfeiture in whole or part, or which for any reason may be illegal and void and not binding on the City. The City Attorney on demand of the Board of Councilors, shall institute and prosecute the actions necessary to enforce the provisions of this section.

Section 8. Organization of City Administration. The City Administration under the Manager shall be arranged into departments as provided in this Charter or as may hereinafter be created by ordinance.

Section 9. Sale of Abandoned Material. The City Manager shall be the agent of the City for the sale of or disposal of all abandoned or discarded materials and equipment, and for all products or by-products of the City. Whenever the value of any article or lot of articles to be sold together shall amount to Five Thousand Dollars (\$5,000.00) or more as set by the Board of Councilors by ordinance, the sale thereof shall be made upon competitive bids upon notice prescribed by the Board of Councilors; provided that in case no satisfactory bid is received, the Board of Councilors may reject all bids and call for more, or direct the City Manager to dispose of such articles at private sale for not less than the amount fixed by order of the Board of Councilors. (Amended, effective 2014)

Section 10. REPEALED (Effective 1996).

Section 11. City Printing. The City Printing shall be let by contract to the lowest responsible bidder on competitive bids.

ARTICLE IV- (A)

DIRECT PURCHASES OF MATERIALS, SUPPLIES AND EQUIPMENT

Section 1. Competitive Bidding Requirements and Procedures. Except in case of emergency, the City Manager shall procure sealed bids from competitive vendors where the estimated cost of the purchase of materials, supplies or equipment exceeds Three Thousand Five Hundred Dollars (\$3,500.00) or in an amount set by state law for public trusts as hereafter established by the legislature, or in an amount set by the Board of Councilors by ordinance, whichever is greater. The City Manager may authorize the purchase of materials, supplies or equipment where the estimated cost does not exceed Three Thousand Five Hundred Dollars (\$3,500.00) or in an amount set by state law for cities as hereafter established by the legislature, whichever is greater, by seeking competitive price quotations from prospective vendors and purchase at the lowest and best price available. The Mayor and City Council shall make rules governing the making of purchases by the City Manager, but no purchase, where the amount exceeds Three Thousand Five Hundred Dollars (\$3,500.00), shall be valid unless approved by the Mayor and Council. (Amended, effective 2002; Amended, effective 2014)

Section 2. Emergency Defined. Emergency as used herein shall be limited to conditions resulting from a sudden,

unexpected happening or unforeseen occurrence or condition and situation wherein the public health and safety is endangered and/or a condition or situation which if allowed to continue, would lead to economic loss to the City or to further damage of City property. (New, effective 1996)

Section 3. Advertisement. The purchase of materials, supplies, or equipment in any sum in excess of Three Thousand Five Hundred Dollars (\$3,500.00) or in an amount set by state law for cities if hereafter established by the legislature, whichever is greater, shall be awarded to the lowest and best bidder after advertisement for bids has been published in not less than two (2) consecutive weekly issues of a newspaper of general circulation in the county where the materials are to be purchased. (New, effective 1996; Amended, effective 2002)

Section 4. Bid Award. The Council may let the bid to the lowest and best bidder or may reject any or all bids and authorize the City Manager to buy on the open market at a price less than the lowest bid received from a responsible bidder; and FURTHER PROVIDED, that if no bids be received the City Manager may buy in the open market, subject to the approval of the City Council. (New, effective 1996)

ARTICLE IV-(B)

CONTRACTS FOR PUBLIC IMPROVEMENTS

Section 1. Controlling Act. The Public Competitive Bidding Act of 1974, as amended, and as may be subsequently amended by the legislature, shall apply to all City contracts for public improvements as defined in the act except as herein provided by the following sections. (New, effective 1996)

Section 2. Hometown Preference for Public Works. Insofar as possible, home labor shall be given preference on all public works, in the City of Sapulpa whether done by the City or by any contractor or sub-contractor; PROVIDED, that all public work insofar as practicable shall be done by City personnel and not by contract. (Amended, effective 1996)

Section 3. Bid Limits for City Public Improvement Contracts. Except in case of emergency as defined in the Public Competitive Bidding Act of 1974, as amended, the City Manager shall procure sealed bids from competitive vendors where the

estimated cost of the public improvement contract exceeds Three Thousand Five Hundred Dollars (\$3,500.00) or in an amount set by state law for cities as hereafter established by the legislature, whichever is greater. The Mayor and Council may approve a contract for a public improvement in an amount less than Three Thousand Five Hundred Dollars (\$3,500.00) or in an amount set by state law for cities as hereafter established by the legislature, whichever is greater, as established above, based on competitive quotations, and the Mayor is authorized to enter into a contract for public improvements in the case of emergency without prior council approval in an amount not to exceed Seven Thousand Five Hundred Dollars (\$7,500.00), or as subsequently amended by the Public Competitive Bidding Act of 1974, provided that the reasons therefore be recorded in the minutes of the next regularly scheduled meeting of the City Council. (New, effective 1996; Amended, effective 2002)

Section 4. Advertisement. The provisions of the Competitive Bidding Act of 1974, as amended, shall apply to the bidding and notice procedures affecting contracts for public improvements except that contracts shall be awarded to the lowest and best bidder after advertisement for bids have been published in not less than in two (2) consecutive weekly issues of a newspaper of general circulation in the county where the public improvement contract is to be performed and then opened at least twenty (20) days after the first publication. (New, effective 1996; Amended, effective 2002)

ARTICLE V

NON-ELECTED OFFICIALS

Section 1. City Clerk. The office of the City Clerk shall be appointive, and the City Manager shall appoint the City Clerk.

The City Clerk shall have the custody of and be responsible for all books and papers, records, and archives belonging to the City, not in actual use by other officers or elsewhere by special provision committed to their custody.

The City Clerk shall be the Clerk of the Board of Councilors and shall attend all meetings and keep a record of the same, and shall with the Mayor sign and attest all ordinances, resolutions, and orders.

He shall keep all the books properly indexed and open to public inspection when not in actual use. He shall keep separate books in which he shall record all ordinances, resolutions, orders, official bonds, and contracts.

He shall make out, sign all licenses, and perform such other duties as are or shall be imposed by this Charter or by ordinance or by direction of the City Manager.

The City Clerk shall receive any and all monies due the City from any and all sources and shall issue his receipt for the same. He shall make a daily report of all monies received, in triplicate form, one to the City Auditor and one to the City Treasurer, and retain one in the office of City Clerk. He shall deposit with the City Treasurer at the end of each day all monies received by him and take a treasurer's receipt for same.

Section 2. Municipal Court Judge. The Municipal Court Judge shall be appointed by the Board of Councilors and he shall serve for a term of two (2) years, said term to commence on the first day of May in even numbered years. Provided, that any Municipal Court Judge serving at the time of passage of this section shall serve until that May first in an even numbered year first following passage of this section. He shall act as Judge of the Municipal Court, and shall perform such other duties and receive such compensation as may be prescribed by the Board of Councilors. He shall be removed only in those instances for good cause shown. In case of his absence or inability to act, the Mayor shall in writing appoint some other person to act as Municipal Court Judge during such absence or inability to act.

Section 3. Municipal Court. A court is hereby created to be known as the Municipal Court of the City of Sapulpa, which shall have and possess the jurisdiction and powers now had and possessed by municipal courts in cities of the first class under the statutes of the State of Oklahoma and such powers and jurisdiction as may be prescribed by ordinance. Proceedings of the Municipal Court shall be conducted in accordance with the laws of the State of Oklahoma in regulating the proceedings in justice and Municipal Court, so far as such procedure is applicable.

Section 4. City Attorney. It shall be the duty of the City Attorney to prosecute all cases arising from violations of provisions of this Charter and the ordinances of the City of Sapulpa, and to attend to all suits, matters, and things in which

the City may be interested; PROVIDED, the Board of Councilors shall have authority to employ other attorneys to assist in prosecuting or defending on behalf of the City or to render legal services on behalf of the City.

He shall give his opinion or advise in writing whenever required by the Mayor, the Board, or City Manager, and shall do and perform such other services as may be required of him by resolution of the Board.

He shall approve by endorsement in writing the form of all official or the other bonds required by this Charter, or by ordinance, before the same be submitted to the Mayor or the Board or other persons authorized to approve bonds, for final approval, and no such bond shall be approved by the Mayor, the Board, or any other person, without such prior approval by the City Attorney.

He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the City.

The Board of Councilors before providing for the employment of other attorneys, than the City Attorney, shall by resolution entered of record give the reason thereof.

No case pending in court or claim against the City of Sapulpa shall be compromised or judgment thereon confessed without an order of the Board of Councilors entered of record in which the reason shall be distinctly stated, and any member of the Board opposing the action of the Board may have his reasons entered of record.

ARTICLE VI

TAXES

Section 1. Councilor's Responsibility. The Board of Councilors may, by ordinance, provide a system for the assessment, equalization, levy, and collection of all municipal taxes, not inconsistent with the provisions of this Charter and of law, but, in no case, shall any tax levy, made by the Councilors, exceed the amount fixed by the Constitution of the State of Oklahoma.

Section 2. Annual Assessment. Until otherwise provided by

ordinance, the annual assessment of all taxable property in the City of Sapulpa as finally fixed by the County and State assessing and equalizing officers and boards shall be accepted as the assessment for the City of Sapulpa, and the same shall be the basis for the levying of taxes for City purposes; and, until otherwise provided by law, the collection of taxes for and on behalf of the City of Sapulpa and the certification and collection of all delinquent charges, assessments and taxes shall be in accordance with the laws of the State of Oklahoma.

Section 3. City Manager's Responsibility. On or before the first Monday in May of each year, the City Manager shall certify to the Board of Councilors the amount of money to be raised by taxes during the ensuing fiscal year, to make payment of interest, judgment, or such part as is required to be paid annually, sinking fund, the principal of bonded indebtedness, and also the estimated amount of revenue from sources other than the taxes to be levied and he shall, at the same time or in such other day of each year as may be fixed by the Board of Councilors, prepare and present to the Councilors his annual budget for the ensuing fiscal year, showing all the needs of the City for all purposes. The budget so prepared shall be compiled from detailed information; and, in its arrangement the classification of expenditures shall correspond to the accounting system of the City and shall give in parallel columns the following information:

(a) Detailed estimates of the expense of conducting each department and division of the City government.

(b) Expenditures for corresponding items during the two (2) fiscal years last past.

(c) Amount of supplies and materials on hand.

(d) Estimated revenue from the operations of public utilities and incidental to other operations of the City government, other than a tax levy.

(e) Increase or reduction of demands as compared with the corresponding appropriations for the fiscal years last past.

(f) Such other information as may be required by the Board of Councilors, or as the City Manager may deem advisable to submit.

The estimates so given and constituting the recommendation of the City Manager as to the amounts necessary to be appropriated for the ensuing fiscal year shall be supported with information giving the reasons therefore and each detail may be necessary to afford the Board of Councilors a comprehensive understanding of the needs and requirements of the City government of the ensuing fiscal year.

Sufficient copies of the annual budget by the City Manager shall be prepared that there may be copies on file in the office of the City Clerk for inspection by the public.

Section 4. Annual Budget. Upon receipt of the budget as required by the preceding section, the Board of Councilors shall consider and adopt the same, with or without amendments; and, in adopting the said budget shall estimate and declare the amount of money necessary to be raised by tax levy and shall proceed to make by ordinance, the proper levy in mills upon each dollar of the assessed valuation of all taxable property within the City and shall cause the tax levy to be certified by the City Clerk to the proper county officials, shall extend the same upon the tax list of the ensuing fiscal year in a separate column, designated, "The City of Sapulpa," and shall include said City taxes in a general warrant to the proper county officials for collection. And the amount of funds estimated by the Board of Councilors as necessary for the conduct of the City government and the levy based thereon shall be final, and no other officer or board shall have authority to increase or decrease the same; PROVIDED, however, that in event assessments of the taxable property within the City of Sapulpa, for the ensuing fiscal year is not available to the time herein mentioned, the Board may defer the levying such taxes until said assessment has been finally fixed.

Section 5. Exemption From Taxation. The Board of Councilors may by vote of two-thirds (2/3) of the membership thereof exempt from municipal taxation for a period not to exceed five (5) years manufacturing establishments and public utilities and any other industry or business as otherwise allowed by state law and located in the City when this provision takes effect, or that may be brought into the City by change of the boundaries of the City, unless in any particular case of the Board, considering all the conditions and circumstances under which said establishment or utility was built shall be of the opinion that any such establishment or utility shall be entitled to such exemption. (Amended, effective 2002)

ARTICLE VII

SALARY OF OFFICERS

Section 1. Fixing Salaries. The Board of Councilors shall fix the amount of compensation for all officers and employees of the City of Sapulpa, who are employed on stated salaries, except as otherwise provided herein.

ARTICLE VIII

OFFICIAL BOND

Section 1. Bond. If any officer or employee is required by law or by this Charter to give bond, he shall not be deemed qualified for his office until such bond has been duly approved and filed. All such bonds must be approved by the City Attorney as to form, and by the Board of Councilors as to sufficiency and validity and deposited with the proper custodian as herein provided. Before any officer or employee of whom a bond is required, shall enter upon the duties of his office, he shall deliver such official bond to the Board of Councilors in such penal sum as shall be required with Surety Company Bond, conditioned that he will faithfully and impartially perform the duties of such office or employment and account for all moneys or other things of value that may come into his hands by virtue of his office or employment.

Section 2. Council's Authority on Bonds. The Board of Councilors are authorized to require any officer or employee of said City to execute a bond for the faithful performance of his duties, and fix the amount thereof, and the cost of bonds required shall be borne by the City.

Section 3. Indemnification. The City Council may by ordinance indemnify all City officials whether elected or appointed on such a basis, as they deem appropriate. This indemnification is limited to those areas of official representation of the City and shall not be authorized if the City official has been found guilty of any criminal action.

ARTICLE IX

DEPARTMENTS

FIRE

Section 1. Fire Chief - How Appointed, Qualifications: The Chief of the Sapulpa Fire Department shall be appointed by the City Manager and confirmed by the Board of City Councilors. The Chief so appointed shall have at least three (3) years actual experience as a paid fireman in the State of Oklahoma.

Section 2. Firemen - How Appointed. The member of the Sapulpa Fire Department shall, upon the approval and recommendation of the Fire Chief, be appointed by the City Manager; provided that all persons so appointed shall serve on probation for a period of twelve (12) months from the time of such appointment, during which time the City Manager may terminate the appointment of such probationary firemen, if, upon observation, investigation, or consideration of the performance of duty, he finds them unsatisfactory or unfit for the service. (Amended, effective 1996)

Section 3. Tenure of Office. Members of the Sapulpa Fire Department, including the Chief, shall hold their respective positions during good behavior, unless removed for good and sufficient cause. No member of the Fire Department shall be removed, demoted, or discharged, except for good and sufficient cause, and then only upon compliance with established policies and procedures of the Fire Department approved by the City. (Amended, effective 2014)

Section 4. Rules and Regulations. The Chief of the Fire Department shall prescribe reasonable rules and regulations to govern and regulate the Fire Department, subject to approval thereof by the Board of Councilors.

Section 5. Promotions. All promotions in the Sapulpa Fire Department, including Chief thereof, shall be made according to the most qualified individual for the position. (Amended, effective 2014)

Section 6. Reduction of Force - Curtailment of Expenditures. Nothing herein shall be construed to prohibit the Board of City Councilors from reducing the number of the force of the Fire Department because of curtailment of expenditures or

like causes; PROVIDED, that the persons discharged for such reasons shall be those of least seniority in period of time of service in the Sapulpa Fire Department; and provided further that each person so discharged for such cause shall be at the head of the list of eligible for appointment and first employed in the order of such seniority.

Section 7. Adoption and Induction of Incumbent. For the benefit of public service and so to prevent delay, injury, or interruption by reason of the enactment of this amendment, all persons holding a position in the Fire Department, including the Chief thereof, when this act takes effect, are hereby appointed to such office, place, rank, or position which they shall then hold.

Section 8. Constitutionality of Act. If any section, subsection, sentence, clause, or phrase of this act shall for any reason be held unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

POLICE

Section 1A. The Police Department of the City of Sapulpa shall consist of a Chief of Police and as many other police officers as may be provided for by ordinance or other action of the Board of Councilors of said City.

Section 2A. The Police Department of the City of Sapulpa shall be under the management and control of the City Manager of such City. He shall appoint the Chief of Police, and such appointment shall be confirmed by the Board of Councilors, and shall appoint and council such other police officers allowed and provided for by ordinances of said City or by rules and regulations prescribed by the Board of Councilors. The Chief of Police and all other officers and members of the Police Department may be removed, suspended, or discharged by the City Manager.

Section 3A. In case of riot or insurrection or the failure or inability of the City Manager to act, the Mayor of the City of Sapulpa may assume the duties of the City Manager in regard to the Police Department of said City.

Section 4A. All personnel of the Police Department of the City of Sapulpa shall serve on probation for a period of twelve (12) months from the time of their appointment, during which time

the City Manager may terminate the appointment of such probationary personnel, if, upon observation, investigation, or consideration of the performance of duty, he finds them unsatisfactory or unfit for the service. This section shall become effective on the beginning of the fiscal year after approval. (New, effective 1996)

ARTICLE X

ELECTIONS

Section 1. Types of Elections. Elections to be held in the City of Sapulpa for the purposes of electing the officers of said City, and for all other purposes shall be of three (3) kinds.

1. General Municipal Elections.
2. Special Elections.
3. Primary Elections.

Section 2. Terms of Office. Effective with the 1986 General Municipal Election, the candidate who received the highest number of votes in each ward's race will hold his office for four (4) years, with the second highest vote recipient serving a two (2) year term. Effective in 1988 and thereafter all councilors shall serve four (4) year terms. All Councilors will serve until the election and qualification of their respective successor(s) and provided further that the terms of office of any and all elective officials may be terminated at any time through and by means of the provisions of the recall as provided in the Charter of the City of Sapulpa.

Section 3. Qualifications. Each of the elective officials shall be a registered voter and a bona fide resident in the City of Sapulpa for not less than one (1) year immediately preceding his nomination. Additionally, he shall be a bona fide resident of the ward in which he is seeking office for not less than six (6) months immediately preceding his nomination. No such elective officials shall hold any other elective office in federal, state, or county government. (Amended, effective 1996)

Section 4. Two Councilors from Each Ward. Until otherwise provided by ordinance, there shall be two (2) councilors representing each ward; said officers shall be nominated by the qualified electors of the respective wards in which they reside

and until otherwise provided by ordinance shall be elected by the qualified electors of the said wards of the City. Said officers shall qualify and their terms of office shall begin on the first Monday in May after their election, except as otherwise provided. Amended, effective 2002)

Section 5. Election Dates. The Primary Election for nomination of candidates for Councilors shall be held on the first Tuesday of March, 1986, and on either the first Tuesday of March every two years thereafter or on the statutory election date as may hereafter be established by the legislature and set by state law; and a General Municipal Election for the election of Councilors shall be held on either the second Tuesday in May of the said years or on the statutory election date as may hereafter be established by the legislature and set by state law. (Amended, effective 2002; Amended, effective 2005)

Section 6. Candidates. In the 1986 Primary Election if there are more than four (4) candidates seeking the two (2) Councilors' positions, the four (4) candidates receiving the highest number of votes for these positions shall be placed on the ballot for Councilors at the General Election. If the number of candidates is four (4) or less, then all shall be placed on the general ballot. In the 1986 Primary election and thereafter, if there are more than two (2) candidates seeking the one (1) Councilor's position, the two (2) candidates receiving the highest number of votes for this position shall be placed on the ballot for Councilor at the General Election. If the number of candidates is only two (2); then both shall be placed on the general ballot without necessity of Primary Election.

Section 7. Qualified Voters. No person shall be permitted to vote in a primary or general municipal election in the City of Sapulpa unless he is a qualified voter of the State of Oklahoma, and until otherwise provided by ordinance, the Registration Laws of the State of Oklahoma are hereby made applicable to the City of Sapulpa.

Section 8. Elected Without Opposition. If no more persons become candidates than there are offices to be filled in any ward, such persons shall, without submission of their names to the electors, be declared elected with a certificate of the officer with whom applications to become candidates are filed has been issued.

Section 9. Initiative and Referendum. The powers of the

initiative and referendum as defined by Article XVIII of the Constitution of the State of Oklahoma are hereby reserved to the City of Sapulpa with reference to all legislative authority which it may exercise for its government.

All exercises of the people of Sapulpa of the powers of the initiative and referendum, shall be by a petition signed by a number of qualified electors residing in said City equal in number to twenty-five percent (25%) of the total number of votes cast at the next preceding municipal election, which petition shall be filed with the Mayor, the procedure in regard to a vote of the people of the City, and the elections therefore shall be in all cases as prescribed in said Article XVIII of the Constitution of the State of Oklahoma, and not otherwise.

ARTICLE XI

FINANCES

Section 1. Ad Valorem Tax. The Board of Councilors shall by ordinance or resolution on or before the first Tuesday in July of each year, or as soon as the assessed valuation upon ad valorem basis has been ascertained, levy an ad valorem tax for all purposes, except as herein provided, not to exceed the limit provided by the Constitution of the State of Oklahoma. Said ordinance or resolution shall specify distinctly the purpose of which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

Section 2. Establishing of Sinking Funds. The Board of Councilors shall, on or before the first Tuesday in July of each year, or as soon as the assessed valuation upon an ad valorem basis has been ascertained, levy sufficient additional revenue to create a sinking fund to be used; First, for the payment of interest coupons as they fall due; Second, for the payment of bonds as they fall due; Third, for the payment of such parts of judgments as such municipality may by law be required to pay.

Section 3. Tax Rates May Be Increased. The rates of taxation herein limited may be increased for the purpose and in the manner provided for in the Constitution and laws of the State of Oklahoma.

Section 4. Bonds. REPEALED (Effective 1970).

Section 5. Limitation on City Officials on Personal Use of City Funds. The receiving directly or indirectly by an officer or employee of said City, of any interest, profit, or perquisite arising from the use or loan of public funds in his hands or to be raised through his agency for City purposes, shall be deemed sufficient cause to forfeit his office, and the person so receiving shall then and there forfeit his office, and be disqualified to hold office in the City until otherwise provided by ordinance.

Section 6. City Treasurer's Responsibilities. The City Treasurer shall receive all moneys due and belonging to the City and keep an accurate and detailed account of the same in such manner as at all times to show the exact financial conditions of the City. There shall be adopted and maintained by the City Manager, such systems of accounting as will show from the books at the close of each business day, the financial conditions of the City, and each department thereof. The Treasurer shall issue a quarterly statement to be published in a newspaper of the City of Sapulpa, showing a full, clear, and complete report of all moneys and revenues collected and expended during the previous quarter, indicating the sources which the moneys were derived and the distribution made thereof, and showing all disbursements during such period.

Section 7. Limitations on City Deposits. The City Treasurer shall not lend any or otherwise dispose of the same, except as provided by ordinance. He shall invest all funds received by him by virtue of his office in the federally insured financial institutions of the City of Sapulpa, without discrimination, such federally insured financial institutions shall not be required to pay interest on said deposits; PROVIDED, that any financial institutions receiving such deposits at any time to accept such said current City warrants at par, the City Treasurer shall deposit funds coming into his possession at the best financial rates, only in such financial institutions as will accept said warrants at par. In the event that at any time all the financial institutions of the City of Sapulpa shall refuse to accept current City warrants at par, the City Treasurer shall deposit the funds coming into his possession in all the federally insured financial institutions at highest prevailing rate. The City Treasurer shall require surety bonds or other security acceptable to him guaranteeing the deposits in any financial institutions in which he has funds deposited.

Section 8. City May Purchase Outstanding Bonds. The City shall have the power to purchase, whenever possible, from the holders of any outstanding bonds of the City, bonds which may not at the time be due; PROVIDED, that the price paid for such bonds shall not exceed par and accrued interest; and PROVIDED FURTHER, that no money shall be used for such purpose except such part of the sinking fund created to pay such bonds as may have been collected and on deposit.

ARTICLE XII

FRANCHISES

Section 1. City Owned Property. The ownership, right, and control and use of the streets, highways, alleys, parks, public places, and all other real property of the City of Sapulpa, is hereby declared to be inalienable by said City, as hereinafter provided; and no franchise or easement involving the right to use the same, either along, across, over or under the same shall ever be valid unless expressly granted and exercised in compliance with the terms hereof. No act or omission of the City, its officers or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise, or easement not necessarily granted as herein provided.

Section 2. Power to Confer Franchise. The City of Sapulpa shall have power subject to the terms and provisions hereof, to confer upon any person or corporation the franchise or right to use the property of the City, as defined in the preceding section, for the purpose of furnishing to the public any general service, including heat, light, power, telephone service, refrigeration, steam, or carriage of passengers, or freight, within the said City and its suburbs, over the streets, highways, and property of said City, or for any other purpose whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder in whole or in part, and for which a right to appropriate streets, highway, or other property of the City is necessary or proper; PROVIDED, that no franchise shall be granted by said City to any person, firm or corporation to own, control, or operate water works therein.

Section 3. Exclusive Franchise. No exclusive franchise or privilege shall ever be granted, and no franchise for any public utility shall ever be granted that shall not contain a provision

reserving to the City the right to engage in the same business mentioned in the said franchise.

Section 4. Time Limit on Franchise. No franchise shall ever be granted for a longer term than twenty-five (25) years. No subsidiary franchise or franchises or any character appertaining or relating to any other franchise which shall extend beyond the life of such main franchise shall ever be granted to any franchise holder, or to any person, firm or corporation, acting for him directly or indirectly and any such grant in violation of the prohibition shall be absolutely void. No franchise, privilege or easement granted by the City of Sapulpa shall ever be used or operated so as to extend or enlarge any other franchise or privilege as granted by said City, and any violation of this prohibition shall operate as a forfeiture of each and all such franchises, privileges and easements.

Section 5. Rights Reserved by Council. No franchise shall hereafter be granted that does not contain a provision reserving to the City the right through its Board of Councilors, to determine, fix, or regulate the charges, fares, and rates to be charged by the person, firm or corporation under said franchise, and to prescribe the equipment and kind of service to be furnished by such person, firm or corporation, and the manner in which it shall be rendered; and from time to time to alter or change such rules and regulations and compensation. The Board shall make rules and regulations granting a fair hearing to persons or corporations to be affected by said regulations and no change in regulations shall be adopted except after a fair hearing; PROVIDED, that in adopting such regulations and in fixing or changing such compensations, or determining the reasonableness thereof, no stocks or bonds authorized or issued by any corporation enjoying a franchise shall be considered, unless upon proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property by the labor done, or property actually received in accordance with the laws and Constitution of the State applicable thereto; and in order to ascertain all facts necessary for a proper understanding of what is, or should be a reasonable rate or regulation, the Board shall have the full power to inspect books and compel attendance of witnesses, and may prescribe penalties for failure or refusal to attend and testify or produce books.

Section 6. Transportation Franchise. Any franchise or right which may hereafter be granted to any person or corporation

or operate a street railway within the City or its suburbs shall be subject to the condition that the Board of Councilors shall have the right to any other person or corporation desiring to build or operate a street railway or interurban railway within the City of Sapulpa, the right to operate its cars over the tracks of the said street railway insofar as may be necessary to enter the City, and to reach the section thereof used by business purposes, PROVIDED, that the person or corporation desiring to operate its cars over the lines of said street railway shall first agree in writing with the owner thereof to pay it reasonable compensation within sixty (60) days from offering in writing to do so, as to terms and conditions for the use of its tracks and facilities. And if the person or persons desiring to use the same cannot agree with the owners of said street railway as to said compensation of the use of said tracks and facilities, then the Board of Councilors shall by resolution after the fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the Board, when so made shall be binding on and observed by the parties concerned.

Section 7. Vote on Franchise. All franchises shall be granted, extended, or renewed only with the approval of a majority of the qualified electors residing within the corporate limits of the City, who shall vote thereon. Whenever the Board of Councilors is petitioned by any person, firm or corporation for a franchise or for extension or renewal of any existing franchise such petitioner shall file with the petition an agreement that they will pay the expenses of any special election, and shall deposit with the City Clerk a certified check for the amount which shall be estimated by the Board necessary for holding such election. Thereupon the Mayor and Board of Councilors shall cause thirty (30) days notice to be given in a daily newspaper of the City of such special election, and if the majority of the qualified voters residing in the City who vote upon the question shall vote in favor thereof, the franchise shall be granted, extended or renewed by the Board at its next succeeding regular meeting; PROVIDED, that no franchise shall be granted to any non-resident of the State or any foreign corporation until such foreign corporation shall have domesticated according to the provisions of the laws of the State of Oklahoma.

Section 8. Petition for Franchise. The qualified electors of the City may demand that a franchise be granted, extended, or renewed by filing with the Mayor, a petition signed by electors equal in number to twenty-five percent (25%) of the total number

of votes cast at the preceding general municipal election. The signatures to the petition need not all be appended to one (1) paper, but each signer shall add to his signature his place of residence, giving the street number. Each such paper shall be verified in the manner prescribed by the Initiative and Referendum Laws of the State. The Mayor shall cause the City Clerk to immediately examine and from the registration ascertain whether or not said petition is signed by the requisite number of qualified voters, and the City Clerk shall attach to said petition his certificate showing the result of his examination. If the petition shall be found sufficient, the Mayor shall within ten (10) days after filing the same with him, call a special election at which shall be submitted the question of whether or not such franchise shall be granted, extended or renewed, and if at said election, a majority of said electors voting thereon shall vote for the grant, extension or renewal of such franchise, the same shall be granted by the Board of Councilors at the next succeeding regular meeting of that body.

Section 9. No Sub-Leasing of Granted Franchise. No franchise granted by the City shall ever be leased, assigned, or otherwise alienated without the expressed written consent of the City, authorized by ordinance, and no use of estoppel shall ever be invoked against the City asserting the invalidity of any attempted transfer in violation of this section.

Section 10. REPEALED (Effective, 2014).

Section 11. Purchase of Franchise. Every grant for a franchise or right shall provide that the City may, upon the payment therefor of its fair valuation, to be made as provided in the grant, purchase and take over the property and plant of the grantee in whole or in part. The procedure to affect such purchase shall be prescribed by ordinances.

Section 12. Arbitration of Differences. All holders of grants or franchises granted by the City of Sapulpa shall submit to the Board of Arbitration of all differences that may arise between themselves and their employees that cannot be adjusted by mutual agreement; the manner of selecting the board shall be as follows: the holder or holders of such grant or franchise shall select one (1) disinterested person, and the employees of such grant or franchise company shall also select one (1) disinterested person, and the two (2) selected shall select a third disinterested person to constitute the Board of Arbitration to decide the question in dispute. The decision and findings of

such board shall be binding on both parties to the controversy. If either party shall not consent to the findings of said Board of Arbitration, such question in controversy shall be referred to the State Board of Arbitration and Conciliation.

Section 13. Annual Payment to City. All franchises hereafter granted, extended, or renewed shall contain a provision that the franchise holders, or their assigns and successors shall pay to the City a sum not less than three percent (3%) of the gross receipts of the business pursued by the holder of the franchise. The amount of said bonus or compensation shall be fixed by ordinance granting the franchise and shall be payable quarterly each year. Said bonus or compensation shall be in addition to all lawful ad valorem taxes upon the values of the franchise or other property of the holder thereof, and the lawful occupation taxes imposed upon the occupation or calling of the holder of such franchise. In order to ascertain the true amount of such gross receipts and to determine the amount of such bonus or compensation, and for the purpose of fixing rates and regulating charges, the Board of Councilors shall have power to examine the books, papers, and records of the franchise holders, and to take testimony and compel the attendance of witnesses and the production of books, papers, and regulations as said Board may adopt, and should any franchise holder refuse inspection of its books, papers, and records or the production of the same when lawfully required to do so by said Board or should any officer, agent, or employee of said franchise holder refuse to give testimony before said Board of Councilors, then the Board shall have power, by ordinance, to declare the franchise privilege enjoyed by such corporation or person so in default, annulled, and terminated.

ARTICLE XIII

THE RECALL

Section 1. The Recall. The holder of any elective office may be removed for just cause at any time by the electors qualified to vote for the successor of such incumbent. Just cause for recall is any act or acts of malfeasance or any act or acts of misfeasance by the elective official while in office. For the purposes of this section, "misfeasance" or "malfeasance" in office means any wrongful conduct that affects, interrupts, or interferes with the performance of official duty. Additionally, "misfeasance" in office means the performance of a duty in an

improper manner, and "malfeasance" in office means the commission of an unlawful act. "Violation of the oath of office" means the neglect or knowing failure by an elective public officer to perform faithfully a duty imposed by law. The procedure to effect the removal of an incumbent of an elective office shall be as follows: Petitions filed by the electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five percent (25%) of the registered voters of the ward of the Councilor or Councilors to be recalled, shall be filed with the City Clerk, who shall immediately refer it to the Board of Councilors, which Board shall within ten (10) days after receipt thereof, examine and pass upon the sufficiency of said petition; PROVIDED FURTHER, the said petition shall contain a specific statement of the act or acts complained of in concise language, give a detailed description including the approximate date, location, and nature of each act complained of, signed by the person or persons making the charge, give their respective residence addresses, and be verified under oath that the person or persons believe the charge or charges to be true and have knowledge of the alleged facts upon which the stated grounds for recall are based. The signatures to the petitions need not be appended to on paper, but each signer shall show his place of residence, and his qualifications to vote at such election and that he is familiar with the contents of the petition. The person circulating each such paper shall make an oath before an officer, competent to administer oaths, that the statements therein made are true and that each signature to the petition appended is a genuine signature of the person whose name purports to be thereunto subscribed, and the same circulated and signed within sixty (60) days. (Amended, effective 2014)

Section 2. Sufficiency of Petition. If the petition is found insufficient it shall be returned to the person filing the petition with a statement of the present reasons for such return, but without prejudice to the filing of new or amended petitions within ten (10) days to the same effect; if the petition or amended petition shall be found sufficient, the Board of Councilors, by resolution or ordinance, shall order and fix a date for a recall election, which shall be held at the earliest date permitted under the laws of the State of Oklahoma. There shall be no primary election. The recall election shall be an election to fill the office or offices held by the incumbent or incumbents sought to be recalled. Any qualified person including the incumbent(s) may file for the office or offices. The candidate(s) receiving the greatest number of votes for the office or offices in the recall election shall be elected. If at

such election some other person than the incumbent(s) shall receive the highest number of votes, the incumbent(s) shall thereupon be deemed removed from office and shall vacate the office after the said election is certified to the City; otherwise the incumbent(s) shall remain in office. The successor of any officer removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless requested not to do so by the incumbent, the City Clerk shall place his name on the official ballot without nomination. (Amended, effective 2014)

ARTICLE XIV

PUBLIC WORKS

Section 1. REPEALED (Effective 1996).

Section 2. Paving. Until otherwise provided by ordinance the general laws of the State of Oklahoma relating to cities of the first class as now in force by the session laws and the amendments thereto of the State of Oklahoma, or as the same as may be hereafter amended, shall govern the paving of streets, avenues, alleys, lanes, places, and courts of the City of Sapulpa, and the Board of Councilors shall adopt such ordinances, rules, and regulations as are necessary for the construction of any paving in the City of Sapulpa, and for the inspection of the same in accordance with the laws of the State governing paving. The general care and supervision of all paving shall be vested in the City Manager.

Section 3. Acquisition of Property - Public Utilities. Said City shall have power, to construct, condemn, purchase, acquire, lease, improve, add to, maintain, and conduct and operate, in whole or in part, waterworks, light plants, telephone systems, power plants, transportation systems, heating plants, incinerating plants, and any other public utility or works, or ways local in use, and everything required therefor for the use of said City and the inhabitants thereof. Any such systems, plants, works or ways, or any contracts in relation or connection therewith which may exist and which said City may desire to purchase in whole or in part, may be purchased by proceedings at law or in equity by right of eminent domain, and said City shall have the power to issue bonds upon the vote of the tax paying electors at any special or general election in any amount necessary to carry out any of said powers or purposes, said

amount being alone limited by the Constitution and the laws of the State of Oklahoma.

Section 4. Accounts of Municipally Owned Utilities. Accounts shall be kept for each public utility owned or operated by the City, distinct from other City accounts and in such manner as to show the true and complete financial result of such City ownership or ownership and operation, including all assets, liabilities, revenues, and expenses. Such accounts shall show the actual cost to the City of each public utility owned; the cost of all extensions, additions and improvements; all expenses of maintenance and renewals; the amounts set aside for sinking fund purposes; and, in case of City operation, all operation expenses of every description. The accounts shall show as nearly as possible the value of any service furnished to, or rendered by, any such public utility, by or to any other City or government department. The accounts shall also show proper allowance for depreciation, insurance and interest and the investment and estimates of the amount of taxes that would be chargeable against the property if privately owned. The Mayor and Board of Councilors shall annually cause to be made and printed for public distribution a report showing the financial result of such City ownership, or ownership and operation which report shall give the information specified in this section and such other information as the Mayor and the Council shall deem expedient.

Section 5. Basis for Charge for Service. In the operation of any public utility or business owned by the City, if the funds invested therein by the proceeds of the sale of bonds issued by the City, the rate of toll or charges for the commodity and service furnished shall be based on not less than the cost of production of such commodity and service furnished plus three percent (3%) per year on the investment; provided, that in determining the cost of such commodity and service, a sufficient deduction must first be made from the annual gross earnings to pay, (i) the annual interest of said bonds; (ii) to create a sinking fund sufficient to retire said bonds at maturity; (iii) to create depreciation reserve fund sufficient for the maintenance of the plant or plants occasioned by exhaustion, wear and tear of the physical property. It is intended by this section that the Mayor and Council and the City Manager shall institute and put into effect the system herein described as soon as it may be practicable, and it is the belief of the citizens that such system should be and can be put into effect gradually and in the course of three (3) to five (5) years that system should be fully installed.

ARTICLE XV

MISCELLANEOUS PROVISIONS

Section 1. Ordinances in Force. All City ordinances, resolutions, and other regulations, now in force, not inconsistent herewith, shall be and remain in force after this Charter takes effect until changed or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not be lost, impaired, or discharged thereby.

Section 2. Separation of Parts of the Charter. If any section or part of any section of this Charter shall be found inconsistent with the Constitution and laws of the State of Oklahoma, not relating to cities of the first class, said portion shall be held void, and shall not be considered a part of this Charter, and shall in no way affect the validity of any other portion of this Charter.

Section 3. Effective Date of Charter. This Charter shall take effect immediately on its approval by the governor as provided by law.

Section 4. Definitions of Terms. Whenever in this Charter the word "City" may be used, it shall be understood to, and shall be construed to mean the City of Sapulpa. Whenever in this Charter the word "Board" appears, it shall be understood to, and shall be construed to mean the Board of Councilors of the City of Sapulpa. Whenever the Constitution of the State of Oklahoma or in the laws thereof relating to cities of the first class, or any ordinance of the City of Sapulpa continued in force, reference shall be made to the City Council, or to the Mayor and Councilmen or the legislative body of the City, such reference shall be deemed to be and is made to mean the "Board of Councilors."

Section 5. Oath of Office. The Mayor, Councilors, the City Clerk, the Auditor, Municipal Court Judge, and the City Manager shall have the power and they are hereby authorized to administer oaths in all municipal affairs and government of the City.

Section 6. Mayor May Pardon. The Mayor shall have the power, by and with the consent of the Board of Councilors, to

remit fines and grant pardons after convictions for offenses arising under the violations of ordinances of the City.

Section 7. Fiscal Year. The fiscal year of the City shall begin on the first day of July of each year and end with the last day of June of the succeeding year.

Section 8. Workday for City Employees. Article XXII of the Constitution of the State of Oklahoma providing that "eight hours shall constitute a day's work in all cases of employment by and on behalf of the State or any County or Municipality" is hereby adopted insofar as the same relates to municipalities, and the same is hereby made a part of the Charter Law of the City of Sapulpa.

Section 9. REPEALED (Effective 1996).

Section 10. Nepotism. No person who is related within the third (3rd) degree by affinity or consanguinity to the Mayor or to any of the Councilors shall be appointed or employed in any service on behalf of the City, unless the person shall have been appointed or employed prior to the commencement of the term of the Councilors or Mayor to whom he is related.

Section 11. Power to Enforce Fines, Etc. Any violation to the provisions of this Charter or of any of the ordinances of the City which now exist or may hereafter be adopted is hereby declared an offense and the person committing such offense shall be liable to such fine or imprisonment or both fine and imprisonment, as may be prescribed by ordinance.

Section 12. Continuation of Employees. All officers, appointees, and employees of the City of Sapulpa, except the elective officers, shall continue in their offices and employment upon the adoption of this amended Charter until their successors are chosen and qualified, or until their services are dispensed with by order of the Board of Councilors or the City Manager.

Section 13. Continuation of Elective Officers. The elective officers of the City of Sapulpa, in office when this amended Charter takes effect, shall continue in office, and continue to exercise all the powers and duties conferred upon them by the Charter, the amendments thereof and ordinances of the City of Sapulpa in force prior to the approval of this amended Charter by the Governor of the State of Oklahoma until the first Tuesday in May, 1922, and until the election and qualification of

the elective officers provided herein, which said Charter, the amendments thereof, and said ordinances, insofar as they provide for the duties, powers and compensation of such officers are hereby continued in force and effect until the first Tuesday in May, 1922, and until the election and qualification of said officers provided for herein.

Section 14. Gender. When the masculine gender is used in this Charter, it shall also include the feminine unless the masculine alone is clearly indicated.

Section 15. Charter Review. It shall be the responsibility of the Board of Councilors to review the Charter of the City of Sapulpa at least every ten (10) years from the date of the 1984 Revision.

Section 16. Council. When the terms "Commission," "Board of Commissioners" and "Commissioner" are used they shall now be amended to refer to "Council" and "Councilor" whenever found in said Charter. (New, effective 1996)

ARTICLE XVI

ADOPTION OF CHARTER

Section 1. Separability of Charter. The invalidity of any section, paragraph, or part thereof of this Charter shall not affect the remaining portion thereof.

Section 2. No loss of Rights by New Charter. Nor any existing right, actions, suit, proceedings, contracts, or claims shall be affected by the change in the form of government of the City of Sapulpa, but all shall continue as if no change of government had taken place.

Section 3. All Rights are Protected. The adoption and approval of this amended Charter shall not affect any accrued right, penalty incurred, or proceedings begun by virtue of any provision of the Charter, amendments thereof or ordinances in effect prior to the amended Charter becoming effective.

Section 4. All Ordinances, etc., Stay in Effect. All ordinances, resolutions, rules, and regulations, including those levying and providing for taxes and special assessments, in force when this amended Charter takes effect and not repugnant hereto

ARTICLE XVII

ADOPTION OF 1985 CHARTER REVISIONS

Section 1. No Loss of Rights by Charter Revision. No existing right, actions, suit, proceedings, contracts or claims shall be effected by the amendments and repealers adopted in the 1985 Charter Revision election.

Section 2. All Rights Protected. The adoption and approval of the amendments and repealers in the 1985 Charter Revision shall not affect any accrued right, penalty incurred, or proceedings begun by virtue of any provision of the Charter, amendments thereof or ordinances in effect prior to the Charter revision of 1985 becoming effective.

Section 3. All Ordinances, etc., to Stay in Effect. All ordinances, resolutions, rules and regulations, including those levying and providing for taxes and special assessments, in force when those amendments approved in the 1985 Charter Revision take effect and not repugnant hereto or otherwise inapplicable, shall remain in force in the City of Sapulpa, Oklahoma, until they expire by their own limitations, are altered or repealed.

Section 4. Repugnant Portions Repealed. Any and all portions of the Charter of the City of Sapulpa, Oklahoma, and all amendments thereto existent prior to the 1985 Charter Revision, which are inconsistent or repugnant to those amendments approved in said 1985 Charter Revision shall be deemed repealed by implication.

ARTICLE XVIII

ADOPTION OF 1996 CHARTER REVISIONS

Section 1. No Loss of Rights by Charter Revision. No existing right, actions, suit, proceedings, contracts or claims shall be effected by the amendments and repealers adopted in the 1996 Charter Revision Election.

Section 2. All Rights Protected. The adoption and approval of the amendments and repealers in the 1996 Charter Revision shall not effect any accrued right, penalty incurred, or proceedings begun by virtue of any provision of the Charter, amendments thereof or ordinances in effect prior to the Charter Revision of 1996 becoming effective.

Section 3. All Ordinances, etc., to Stay in Effect. All ordinances, resolutions, rules, and regulations, including those levying and providing for taxes and special assessments, in force when those amendments approved in the 1996 Charter Revision take effect and not repugnant hereto or otherwise inapplicable, shall remain in force in the City of Sapulpa, Oklahoma, until they expire by their own limitations, are altered or repealed.

Section 4. Repugnant Portions Repealed. Any and all portions of the Charter of the City of Sapulpa, Oklahoma, and all amendments thereto existent prior to the 1996 Charter Revision, which are inconsistent or repugnant to those amendments approved in said 1996 Charter Revision shall be deemed repealed by implication.

ARTICLE XIX

ADOPTION OF 2002 CHARTER REVISIONS

Section 1. No Loss of Rights by Charter Revision. No existing right, actions, suit, proceedings, contracts or claims shall be affected by the amendments and repealers adopted in the 2002 Charter Revision Election.

Section 2. All Rights Protected. The adoption and approval of the amendments and repealers in the 2002 Charter Revision shall not affect any accrued right, penalty incurred, or proceedings begun by virtue of any provision of the Charter, amendments thereof or ordinances in effect prior to the Charter Revision of 2002 becoming effective.

Section 3. All Ordinances, etc., to Stay in Effect. All ordinances, resolutions, rules and regulations, including those levying and providing for taxes and special assessments, in force when those amendments approved in the 2002 Charter Revision take affect and not repugnant hereto or otherwise inapplicable, shall remain in force in the City of Sapulpa, Oklahoma, until they expire by their own limitations, are altered or repealed.

Section 4. Repugnant Portions Repealed. Any and all portions of the Charter of the City of Sapulpa, Oklahoma, and all amendments thereto existent prior to the 2002 Charter Revision, which are inconsistent or repugnant to those amendments approved in said 2002 Charter Revision shall be deemed repealed by implication.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 24th day of June, 2002.

/s/ Frank Keating
Governor of the State of
Oklahoma

Attest:
/s/ Mike Hunter
Secretary of State

ARTICLE XX

ADOPTION OF 2005 CHARTER REVISIONS

Section 1. No Loss of Rights by Charter Revision. No existing right, actions, suit, proceedings, contracts or claims shall be effected by the amendments and repealers adopted in the 2005 Charter Revision Election.

Section 2. All Rights Protected. The adoption and approval of the amendments and repealers in the 2005 Charter Revision shall not affect any accrued right, penalty incurred, or proceedings begun by virtue of any provision of the Charter, amendments thereof or ordinances in effect prior to the Charter Revision of 2005 becoming effective.

Section 3. All Ordinances, etc., to Stay in Effect. All ordinances, resolutions, rules and regulations, including those levying and providing for taxes and special assessments, in force when those amendments approved in the 2005 Charter Revision take effect and not repugnant hereto or otherwise inapplicable, shall remain in force in the City of Sapulpa, Oklahoma, until they expire by their own limitations, are altered or repealed.

Section 4. Repugnant Portions Repealed. Any and all portions of the Charter of the City of Sapulpa, Oklahoma, and all amendments thereto existent prior to the 2005 Charter Revision, which are inconsistent or repugnant to those amendments approved in said 2005 Charter Revision shall be deemed repealed by implication.

ARTICLE XXI

ADOPTION OF 2014 CHARTER REVISIONS

Section 1. No Loss of Rights by Charter Revision. No existing right, actions, suit, proceedings, contracts or claims shall be effected by the amendments and repealers adopted in the 2005 Charter Revision Election.

Section 2. All Rights Protected. The adoption and approval of the amendments and repealers in the 2014 Charter Revision shall not affect any accrued right, penalty incurred, or proceedings begun by virtue of any provision of the Charter, amendments thereof or ordinances in effect prior to the Charter Revision of 2014 becoming effective.

Section 3. All Ordinances, etc., to Stay in Effect. All ordinances, resolutions, rules and regulations, including those levying and providing for taxes and special assessments, in force when those amendments approved in the 2014 Charter Revision take effect and not repugnant hereto or otherwise inapplicable, shall remain in force in the City of Sapulpa, Oklahoma, until they expire by their own limitations, are altered or repealed.

Section 4. Repugnant Portions Repealed. Any and all portions of the Charter of the City of Sapulpa, Oklahoma, and all amendments thereto existent prior to the 2014 Charter Revision, which are inconsistent or repugnant to those amendments approved in said 2014 Charter Revision shall be deemed repealed by implication.

the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 6th day of October, 2014.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA
/s/Mary Fallin
MARY FALLIN

Attest:
/s/ Chris Bengel
Secretary of State

* The strikethrough of the words "Mayor and" in Article XIII, Section 2, was not published in accordance with 11 O.S. ~~§§~~ 13-106 and 13-111(2).