

# **Bond Case Briefs**

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## **MUNICIPAL GOVERNANCE - OKLAHOMA**

### **Edwards v. City of Sallisaw**

**Supreme Court of Oklahoma - October 21, 2014 - P.3d - 2014 OK 86**

City police chief brought an action for declaratory and injunctive relief against city, city manager, and the mayor after city board of commissioners passed an ordinance removing police chief's supervisory and management authority over the police department. The District Court issued a permanent injunction against enforcement of the ordinance. Defendants appealed.

The Supreme Court of Oklahoma held that:

- Police chief did not have inherent authority to manage police department;
- Police chief was not denied due process protection; and
- Board was authorized to pass ordinance.

Elected home-rule city police chief did not have inherent authority to manage and supervise police department without interference from other local municipal powers, where duty to supervise and manage the police department was not expressly granted in city charter, rather, charter expressly vested only one duty, enforcement of state law and municipal ordinances, with the police chief.

Process afforded to police chief by city board of commissioners, in passing ordinance that removed police chief's supervisory and management authority over police department, complied with due-process protections even though a property right was not implicated. Police chief was not removed from office and retained emoluments of office, and he was given adequate notice of the proposed ordinance and the opportunity to be heard at a public meeting held to discuss the ordinance.

Home-rule city charter which directed city board of commissioners to set the powers and duties of an elected police chief allowed the board to limit those powers and duties by removing the police chief's supervisory and management authority over the police department by ordinance, where the ordinance came from a grant of authority in the city charter, and was not contrary to statute, precedent, or Constitution.