



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-1516-25

File ID: O-1516-25

Type: Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item 25

In Control: City Council

Department: Legal Department

Cost:

File Created: 11/10/2015

File Name: CRC Ordinance Amendments

Final Action:

Title: CONSIDERATION OF ORDINANCE O-1516-25 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, SECTION 1 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO CHANGING REFERENCES TO COUNCIL MEMBER "COMPENSATION" TO "STIPEND"; ARTICLE III, SECTION 1 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY MANAGER APPOINTMENT AND REMOVAL PROCESS; ARTICLE III, SECTION 6 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE PROCESS BY WHICH CITY COUNCIL MAY INQUIRE INTO ADMINISTRATIVE MUNICIPAL AFFAIRS; ARTICLE III, SECTION 7 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO POLITICAL ACTIVITY BY CITY EMPLOYEES; ARTICLE XVII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO COMPENSATION OF CITY EMPLOYEES; ARTICLE XVII, SECTION 9 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO REVIEWING THE CHARTER EVERY TEN YEARS; ARTICLE XX, SECTIONS 1, 2, 3, 4, 5, AND 6 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE RENAMING OF THE "REAPPORTIONMENT COMMISSION" THE "REAPPORTIONMENT AD HOC COMMITTEE" AND FURTHER DEFINES DUTIES AND RESPONSIBILITIES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance O-1516-25 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance O-1516-25 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 12/08/2015

Agenda Number: 25

Attachments: O-1516-25 clean, O-1516-25 annotated, City Council Special Session Minutes - June 17, 2014, Final Report to Council (narrative)

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

| Version: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|--|--------------|------------|---|----------|-----------|--------------|---------|
| 1 | City Council | 11/24/2015 | Introduced and adopted on First Reading by title only | | | | Pass |
| Action Text: That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call | | | | | | | |

Text of Legislative File O-1516-25

Body

BACKGROUND: The Charter Review Commission (“CRC”) was established with the adoption of Resolution R-1112-109 in February 2012. Thirteen (13) Commission members were appointed in late 2012 after Amendment No. 1 to Resolution R-1112-109 was adopted by Council. Members include: Jane Abraham, Bob Thompson, Richard Stawicki, Kenneth McBride, Kevin Pipes, Thad Balkman, Barry Roberts, Doug Cubberley, Harold Heiple, Trey Bates, Hal Ezzell, Carol Dillingham, and Samantha Kahoe. The Resolution established the CRC to conduct a targeted review of the Norman City Charter and report its recommendations to City Council. The following items were identified for targeted review:

- Review Article II, Section 1 of the City Charter to consider changing verbiage from “compensation” to “stipend” in regards to compensation of City Council members.
- Review Article III, Section 1 of the City Charter to consider simplifying the process for removal of the City Manager.
- Review Article III, Section 6 of the City Charter to consider creating a mechanism under which the City Council could request information regarding a specific City Department from the City Manager.
- Review Article III, Section 7 to consider requiring a City employee to take a leave of absence to run for partisan political office.
- Review Article XVI, Section 2 to consider whether City Council should be empowered to increase utility rates not more than three percent (3%) annually without requiring a city wide vote.
- Review Article XVII, Section 2 to consider whether employee compensation language needs to be modernized.
- Review Article XX to consider amending or updating the Reapportionment Commission process or procedure.
- Review whether or not there should be a scheduled review of the Charter within the Charter itself.

Among other things, Resolution R-1112-109 required the CRC to hold quarterly public meetings, to submit its final recommendations to Council in a written Final Report approved by a super-majority of the CRC, and complete its work within one (1) year. If additional time was needed by the CRC, the Resolution provides that the Commission may request that the term be extended on a quarterly basis. The CRC met regularly throughout the year and had planned to complete its Final Report during its regular meeting on December 5, 2013 with a goal of holding a public hearing on its Report prior to submitting it to Council. Unfortunately, due to poor weather conditions, the December 5, 2013 meeting was cancelled and the Commission was unable to complete its tasks by the end of the year. City Council granted the CRC an extension until March 31, 2014 to allow time for completion of the Final Report.

The CRC met eleven times between December 2012 and January 2014. Three public hearings were held and two updates were provided to City Council. On June 17, 2014, City Council voted affirmatively to approve seven of the eight recommendations made by the CRC.

DISCUSSION: The following is a summary of the CRC recommendations approved by Council.

- ARTICLE II, SECTION 1, OF THE CITY CHARTER TO CONSIDER VERBIAGE FROM “COMPENSATION” TO “STIPEND” IN REGARDS TO COMPENSATION OF CITY COUNCIL MEMBERS.

CRC recommended the word stipend in Article II, Section 1, be substituted for the word compensation in

the language as now written

- ARTICLE III, SECTION 1, OF THE CITY CHARTER REGARDING THE CITY MANAGER REMOVAL PROCESS, CLARIFYING HIS OR HER EMPLOYMENT STATUS, AND ENSURING COMPLIANCE WITH OPEN MEETING ACT REQUIREMENTS.

CRC clarified the City Manager's status as an at-will employee and created a process for at least 4 Councilmembers may request an item be placed on an agenda to hold an Executive Session to discuss the City Manager's employment.

- ARTICLE III, SECTION 6, OF THE CITY CHARTER REGARDING CREATING A MECHANISM UNDER WHICH THE CITY COUNCIL COULD REQUEST INFORMATION REGARDING A SPECIFIC CITY DEPARTMENT.

CRC recommended language that formalizes the mechanism for inquiring into specific issues or departments allowed in Title 11 of the Oklahoma Statutes. The language also provides that the Council may direct that some inquiries may be done through an outside agency.

- ARTICLE III, SECTION 7, OF THE CITY CHARTER REGARDING CREATING A REQUIREMENT THAT A CITY EMPLOYEE TAKE A LEAVE OF ABSENCE TO RUN FOR PARTISAN POLITICAL OFFICE.

CRC recommended language that would require an employee seeking elected office to take a leave of absence in accordance with the Code and/or the City Personnel Manual.

- ARTICLE XVII, SECTION 2, TO CONSIDER WHETHER EMPLOYEE COMPENSATION LANGUAGE NEEDS TO BE MODERNIZED.

CRC recommended deleting language differentiating between full time elective or appointive officers.

- ARTICLE XX TO CONSIDER AMENDING OR UPDATING THE REAPPORTIONMENT COMMISSION PROCESS OR PROCEDURE.

CRC recommended language that would make the Reapportionment Commission an ad hoc committee meeting only in specific circumstances.

- SHOULD A SCHEDULED REVIEW OF THE CHARTER BE WITHIN THE CHARTER ITSELF.

CRC recommended language be added to require Council to consider whether to appoint a Charter Review Committee if such review had not occurred within the prior 10 years.

Another item on Council's agenda for consideration is an ordinance calling an election for the issuance of road bonds. If approved, the voters would also consider changes to the Charter at the same election on March 1, 2016, saving the City the cost of holding another separate special election. Ordinance O-1516-25 contains the Charter amendments and O-1516-26 calls the election and sets forth the ballot propositions.

RECOMMENDATION: Staff recommends approval of Ordinance O-1516-25 upon Second and Final Reading.