

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

March 16, 2017

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:00 p.m. in the City Council Conference Room on the 16th day of March, 2017, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmember Allison, Holman, Karjala, and Chairman Castleberry
ABSENT:	None
OTHER STAFF PRESENT:	Mayor Miller Councilmember-Elect Kate Bierman Ms. Kristina Bell, Assistant City Attorney Mr. Jeff Bryant, City Attorney Ms. Brenda Hall, City Clerk Ms. Karla Chapman, Administrative Technician III

Item 1, being:

DISCUSSION REGARDING COUNCIL CANDIDATE ELECTION PROCESSES AND PROCEDURES.

Mr. Jeff Bryant, City Attorney, said a review of the City Charter provisions regarding municipal office elections has been requested. He said if City elections are to continue to be run by the Cleveland County Election Board, then an adjustment to Charter language is recommended to maximize flexibility for setting filing dates as necessary depending on future statutory changes.

He said from Staff's review of the options available for elections 2018-2022, if the desire is for conformity in election cycles for all the wards, then election months for general and runoff elections should be considered as February (general) and April (runoff).

Mr. Bryant said the City can choose to run our own elections; however, to do so would be a rather challenging process. He felt the City elections should be uniform as possible.

Continuing with Spring Elections

Mr. Bryant said Staff included a proposal that will maintain a Spring Election calendar in today's backup material and stated the language will need to be modified to give maximum flexibility on setting filing and election dates. He said this will allow Staff to review any State legislative changes that affect the County Election Board or the available election dates before a proposal is forwarded to Council for consideration on an annual basis.

Mr. Bryant said more specifically, Staff proposes a Charter amendment modifying § 10 of Article II providing for Council to adopt an annual Resolution in November selecting a filing period for elective office in the next year that is approved by then-current state law.

Fall Elections

Mr. Bryant said Staff also included Exhibit 8 which is a proposal that moves Council elections to the fall and has newly elected Councilmembers taking office before the end of the calendar year. He said the proposal will also modify the language to give maximum flexibility on setting filing and election dates. The proposal will also allow the Staff to first review any State legislative changes that affect the County Election Board or the available election dates and then forward a proposal to Council for consideration on an annual basis.

Mr. Bryant said Exhibit 8 also proposes a Charter amendment modifying both the filing period in § 10 of Article 11 as well as changing the term of office from expiring in July to expiring at the end of the calendar year. He said Staff suggests specific months for election dates to provide for conformity in election cycles for all Wards; however, it would contain more flexible language to avoid the need for additional Charter amendments should state law regarding potential election dates change again in the future.

Pending State Legislation

Staff attached Exhibit 9 which are copies of four (4) bills that have been introduced this session in the Oklahoma Legislature proposing changes to 26 O.S. § 3-101 specifying potential dates for municipal elections.

Mr. Bryant said House Bill (HB) 1106 does not change the current dates for municipal elections for elective office but rather eliminates the additional options available for other (non-elective office) municipal elections, such as Charter amendments or utility rate changes. HB 1106 also adds an additional election date in December for odd-numbered years that is available only to municipalities with a population in excess of five hundred thousand (500,000) persons. HB 1106 is a live bill, having passed out of the Government Modernization Committee on March 1, 2017, and currently on the House Floor.

Senate Bill (SB) 409 is very similar to HB 1106, removing the additional election dates for non-elective office municipal elections. The main difference between SB 409 and HB 1106 is that SB 409 carves out an exception for school district non-elective office elections and continues to provide additional available dates for school district issue elections. SB 409 is a live bill in the Senate and was passed out of the Rules Committee on February 22, 2017.

Senate Bills 100 and 183 are both dead bills that were referred to the Rules Committee but were not passed out of Committee by the March 2, 2017, deadline. The language in SB 100 is very similar to that in HB 1106 and SB 409 as far as restricting election dates for municipal elections. It does not, however, provide the additional December date in odd-numbered years for municipalities with populations exceeding 500,000. SB 183 not only removes the additional dates for municipal issue elections like the other three (3) bills but also changes some of the dates for municipal elective office elections as well. Even though these two (2) bills did not make it out of the committee, it's possible that some of the language from them may make it into live bills as an amendment.

Ms. Brenda Hall, City Clerk, said a February election and an April run-off (if necessary) would be consistent from year to year. Mayor Miller asked whether a seated councilmember would lose time (on their term) if it is determined the City will have Fall cycle elections and Mr. Bryant said no, they would actually gain six (6) months, i.e., newly elected councilmembers having a September election with a November run-off would not be sworn into office until the following July. He said Council can change the swearing in date back to April but doing so would require a Charter change as well.

Councilmember Karjala felt the least amount of Charter change and keeping an April election date would be best. She said she has done research on cities that conduct ranked choice ballot elections, which has no run-off date, and felt they would save the City time and money. Councilmember Castleberry said many times people do not have a second or third choice and Councilmember Karjala disagreed stating people who turn out for municipal elections know how they intend to cast their vote(s). She said the ballots will be different than what the citizens are used to and the City would need to make certain the Cleveland County Election Board could accommodate a ballot change.

Councilmember Castleberry asked whether it would be possible for a candidate to get the majority rank but not win the election and Councilmember Karjala said ranked choices/votes can make a difference in the number one (1) and number two (2) spots.

Ms. Hall asked if any cities in Oklahoma currently use a ranked ballot process and Councilmember Karjala said no, but many cities across the United States use them. Mayor Miller said she likes the idea of a ranked ballot process; however, this topic will need a lot of discussion. She agreed that Council run-offs are very expensive and time-consuming.

Councilmember Karjala said the cities of Moore and Oklahoma City have four (4) year terms for Councilmembers and Councilmember Castleberry felt longer Council terms would give the public a better feel for their councilmember. Mayor Miller agreed and said a councilmember can accomplish more in three (3) years versus two (2) years.

Ms. Hall said she would check with the Cleveland County Election Board to see if they can accommodate the City if Council desires to change from current ballot elections to a ranked ballot election. Councilmember Holman felt whatever ballot method is determined, the Council election dates should be consistent every year and Ms. Hall said the only months that are consistent every year are February and April.

Councilmember Castleberry felt if the Council election dates are in February and/or April, the Council filing period should be moved back to November.

Councilmember Allison said he is against fall Council elections (in August) because many people are traveling and the candidates are campaigning during the summer months which are typically hot and when people take their summer vacations.

Councilmember Castleberry said a July swearing-in date versus a November/December swearing-in date needed to be discussed. He questioned which was worse, a "lame duck" or a "newbie" councilmember(s) voting on a new budget. Ms. Hall said in 2002 the swearing in date was moved from the first Council meeting in April to the first Council meeting in July; however, if Council elections were held in February and April the swearing in date can be moved back to April. She said a preliminary budget is done in April and a vote on the budget takes place in June. Mayor Miller felt it is more difficult to keep a "lame duck" Councilmember engaged.

Mr. Bryant said assuming the Charter election is the same time this year, ballot processes and term limit changes will be effective for the next Council elections for Wards 2, 4, 6, and 8 and will go into effect in 2018. Mayor Miller said number of years (term limits) would be a Charter amendment and felt public input would need to be gathered. Councilmember Allison felt increasing the term limits will save time and money for the City and citizens.

Councilmember Castleberry asked whether or not Staff should draft a resolution and Mr. Bryant said Staff can be creative when drafting the Charter amendment, i.e., “the City has always had elections in April and wants to continue to do so, unless state law changes.”

Councilmember Holman said another option for no run-off elections would be to simply state that the candidate with the most/highest percentage of votes wins the election and Councilmember Castleberry said the Charter would still need to be amended.

Mr. Bryant highlighted the items Staff would bring back to the next Oversight meeting to include:

- Research additional information on the ranked ballot system;
- Staff contact the Cleveland County Election Board to see if they can accommodate a ranked ballot system;
- Draft language to change term limits, effective 2019;
- Draft language to change swearing-in date; and
- Draft language to continue April elections.

Items submitted for the record

1. Memorandum dated January 13, 2017, from Kristina L. Bell, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to Oversight Committee
2. Exhibit 1, Norman, OK Code of Ordinances – Charter Article II, City Officers, Elections
3. Exhibit 2, The Oklahoma State Courts Network (OSCN), Oklahoma Statutes Citationized, Title 11, Chapter 1, Article XVI, Section 16-102
4. Exhibit 3, The Oklahoma State Courts Network (OSCN), Oklahoma Statutes Citationized, Title 26, Chapter A1, Article III, Section 3-101
5. Exhibit 4, The Oklahoma State Courts Network (OSCN), Oklahoma Statutes Citationized, Title 26, Chapter 1, Article XIII, Section 13-101.1
6. Exhibit 5, Moore, OK Code of Ordinances; Oklahoma City, OK Code of Ordinances; Lawton, OK Code of Ordinances; Chickasha, OK Municipal Code; City Charter, and Guthrie, OK Code of Ordinances
7. Exhibit 6, Potential Election Dates
8. Memorandum dated March 10, 2017, from Kristina L. Bell, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to Oversight Committee
9. Exhibit 7, Section 10, Candidates
10. Exhibit 8, Section 2, Term of Office
11. Exhibit 9, Bill Information and House of Representatives – Floor Version for House Bill (HB) 1106; Bill Information and Senate Floor Version for HB 409; Bill Information and Senate Bill 100; and Bill Information and Senate Bill 183

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ADJOURNMENT.

The meeting adjourned at 6:03 p.m.

ATTEST:

City Clerk

Mayor