

CITY COUNCIL CONFERENCE MINUTES

April 9, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 9th day of April, 2013, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
ABSENT:	None

QUARTERLY UPDATE FROM HAROLD HEIPLE, CHAIRMAN OF THE CHARTER REVIEW COMMISSION, REGARDING ACTIVITIES OF THE CHARTER REVIEW COMMISSION.

Mr. Jeff Bryant, City Attorney, highlighted Resolution No. R-1112-109, establishing the Charter Review Commission (CRC) and adopted by Council on February 14, 2012. He said the resolution requested the CRC to conduct a targeted review of the Norman City Charter and report its recommendations to City Council. Mr. Bryant said the following City Charter items were identified for targeted review to include:

- Article II, Section 1, to consider changing verbiage from “compensation” to “stipend” in regards to compensation of City Councilmembers;
- Article III, Section 1, to consider simplifying the process for removal of the City Manager;
- Article III, Section 6, to consider creating a mechanism under which the City Council could request information regarding a specific City Department from the City Manager;
- Article III, Section 7, to consider requiring a City employee to take a leave of absence to run for partisan political office;
- 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;
- Article XVII, Section 2, to consider whether employee compensation language needs to be modernized;
- Article XX, to consider amending or updating the Reapportionment Commission process or procedure; and
- Review whether or not there should be a scheduled review of the Charter within the Charter itself.

Mr. Bryant said if Council desires they can request the CRC to review additional charter items and the CRC can also ask Council permission to look at additional charter items. Ultimately the process should conclude in a CRC vote on each item and voted by each individual Councilmember to decide if the item(s) should be moved forward to a City-wide public vote.

Mr. Harold Heiple, CRC Chairman, said the CRC held its first meeting on December 20, 2012, and served as an opportunity for the CRC members to meet one another, as well as City Staff.

At the January 3, 2013, CRC meeting, Staff provided the Committee with an overview of the Open Meetings Act and the areas identified by Council for target review. The CRC discussed the language in Article II, Section 1, related to Council compensation and voted to substitute the word “stipend” for “compensation”. The CRC also began discussion of the City Manager removal process.

At the February 7, 2013, CRC meeting the CRC continued discussion regarding Article III, Section 1, City Manager removal process; began discussing Article III, Section 6, regarding creating a mechanism under which Council could request information regarding a specific City department; and began discussing Article III, Section 7, regarding creating a requirement that a City employee take a leave of absence to run for partisan political office. Chairman Heiple said the CRC *formerly* adopted the language in Article II, Section 1, related to Council compensation for the substitution of the word “stipend” for “compensation”.

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The CRC met on March 7, 2013 and voted to recommend language amendments in Article II, Section 1, City Manager removal process. The CRC continued discussing Article III, Section 6, regarding creating a mechanism under which Council could request information regarding a specific City department and Section III, Section 7, regarding a City employee to take a leave of absence to run for partisan political office. The CRC also voted to recommend language recommended by the 2005-2006 CRC related to modernizing employment compensation language in Article XVII, Section 2.

Chairman Heiple said the CRC held its first public hearing on April 3, 2013, and there were no attendees; however, it may have been due to the wet weather that evening.

The CRC met on April 4, 2013, and continued discussion regarding employees that choose to run for political office. The CRC voted to recommend language amendments to Article III, Section 6, to create a mechanism under which the City Council could request information regarding a specific City department. The CRC also voted to recommend language recommended by the 2005-2006 CRC related to modernizing employment compensation language in Article XVII, Section 2.

Councilmember Kovach said currently the City Manager designates an individual from the Management Team to be acting City Manager while he/she is on vacation and asked whether or not the proposed Charter language requires Council to appoint someone to serve as City Manager while he/she is on vacation. Chairman Heiple said no; the CRC's thoughts were that Council would designate someone in case of the City Manager's absence or disability, but not if he/she were on vacation. He felt additional language could be added stating that Council requests the City Manager to select a particular designee while he/she is on vacation. Mr. Bryant noted the proposed language regarding the City Manager's absence and/or disability is not new to the Charter; however, Staff felt it needed to be more appropriately repositioned within the Charter section.

Councilmember Jungman requested clarification on the proposed language for Article III, Section 6, regarding Council inquiring into the conduct of any office, department, or agency of the City by resolution and direct the City Manager to investigate such affairs and/or authorize such inquiries through an outside agency and Chairman Heiple said the proposed language was added for emphasis to the preceding sentence that currently exists. Chairman Heiple said the proposed language gives clarity that Council has the opportunity to request such information, as well as, hire an outside agency if the City Manager is unwillingly or ineffectively not providing information regarding a particular department. Mr. Bryant said the proposed language also very closely mirrors language in state statute that outlines powers of Councilmembers. Councilmember Kovach asked how the CRC envisioned the process, should a request for this resolution come forward and Mr. Bryant said a request to place an item on the agenda for Council discussion can be utilized with the "rule of three (3)" that is currently in the City Code.

Councilmember Castleberry asked the difference between a Councilmember requesting something from a subordinate and directing (ordering) something to a subordinate and Chairman Heiple said it really depends on the individual making the request or comment, the individual receiving the request or comment, and the subjective intent. Chairman Heiple said Councilmembers should not get into the minutia of management and/or personnel without going through the City Manager. He felt the chain of command needed to be respected because the City Council/City Manager form of government depends on the preservation of this separation. Chairman Heiple said what may sound like an innocuous request could involve a lot of Staff time and resources, especially when the City may be experiencing a shortage of personnel and/or money.

Councilmember Jungman asked how the utility rate discussion got added to the review list and Mayor Rosenthal said the CRC did not add the utility rate discussion to the list of Charter review items. She said the request was in the resolution that went to the CRC and explained that several review items were from *prior* CRCs and had a sharply divided vote; therefore, *prior* Councils chose not to move the items forward. Councilmember Kovach agreed and said when this subject came out of the Oversight Committee and items were identified for targeted review; the rationale was that the prior Charter Commission had met for over a year, including citizen input, and for lack of a better term these issues/items were left lying on the table. He said the Oversight Committee felt the issues/items deserved some discussion with the current CRC.

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Items submitted for the record

1. Memorandum dated April 8, 2013, from Harold Heiple, Chairman, Charter Review Commission, to Honorable Mayor and Councilmembers
2. Charter Review Commission recommendations dated April 8, 2013

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Community Development
2. Mr. Steve Lewis, City Manager
3. Mr. Anthony Francisco, Director of Finance
4. Ms. Joy Hampton, The Norman Transcript

The meeting adjourned at 6:10 p.m.

ATTEST:

City Clerk

Mayor