

THE CITY OF NORMAN  
CHARTER REVIEW COMMISSION  
FINAL REPORT

The Charter Review Commission (“CRC”) was established with the adoption of Resolution No. R-1112-109 in February 2012. Thirteen (13) Commission members were appointed in late 2012 after Amendment No. 1 to Resolution No. 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 No. 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. The following is a summary of the recommendations being forwarded to Council by the CRC:

- 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, ENSURING COMPLIANCE WITH OPEN MEETING ACT REQUIREMENTS, AND FINALIZE LANGUAGE RECOMMENDATION.

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 formalized the mechanism for inquiring into specific issues or departments allowed in Title 11 of the Oklahoma Statutes. The language also provided 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 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.

CRC recommended Article XVI, Section 2, be removed in its entirety.

- 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.

The specific recommended language approved by the CRC for each of the aforementioned provisions is attached. Additionally, minutes from all of the regular meetings of the CRC, the three public hearings, and the two updates to Council are also attached.

**CHARTER REVIEW COMMISSION RECOMMENDATIONS**  
**March 6, 2014**

Article II, Section 1 - Compensation of Council members.

**Section 1. - Elected Officers: Powers and duties; ~~compensation~~ stipend.**

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The Mayor and each of the Councilmembers shall receive, ~~as compensation~~ a stipend for their services, fifty dollars per month, plus ten dollars for each regular or special meeting attended, provided, however, that no Councilmember shall receive more than one hundred dollars total ~~compensation~~ stipend for any given calendar month.

Article III, Section 1

**Section 1. Council to appoint City Manager.**

Council shall by a ~~majority~~ an affirmative vote of five (5) members appoint a City Manager, who shall serve at the pleasure of the City Council as an at-will employee. He shall be chosen by the Council solely upon the basis of his executive and administrative qualification, without regard to age, race, color, religion, ancestry, national origin, sex or place of birth, and need not, when appointed, be a resident of the City or State. No member of the Council shall, during the time for which he is elected, be chosen City Manager, nor for two years after he ceases to be a member. In case of absence or disability of the City Manager, the Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager ~~shall be removable~~ may be removed or suspended at any time, upon ~~an affirmative vote of a majority~~ an affirmative vote of five (5) members of the Council. Should at least four (4) Council members desire that a majority of Council discuss removal or suspension of the City Manager, then a notice of such a request shall be filed with the City Clerk, who shall then place an item for Executive Session for that purpose on the Agenda of the next regularly scheduled Council meeting or at a special meeting of the Council called for that purpose. Before the manager shall be removed, he shall, if he so demands, within three days after notification of an intended removal, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at the next regular meeting of the Council held not less than five days after such demand, prior to the final vote of the question of his removal. In the event Council should desire to suspend or remove the City Manager following the Executive Session, an additional item shall be included on the same Agenda of the meeting in which the Executive Session is to be held to consider immediate suspension or removal of the City Manager. If the Council suspends or removes the City Manager from office pending and during such hearing, the Council may suspend the City Manager from his office, and may provide for the temporary performance of the City Manager's duties. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council. ~~In case~~

~~of absence or disability of the manager, the Council may designate some qualified person to perform the duties of the office during such absence or disability.~~

Article III, Section 6

**Section 6. Council not to interfere in appointments, removals or administration.**

Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from office by the City Manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the City, except that the Council may direct the ~~City m~~Manager, by resolution, to investigate charges of misconduct or incompetence against any City employee and to report the result thereof. Provided, the Council may, by resolution, inquire into the conduct of any office, department or agency of the City, investigate municipal affairs, and direct the City Manager to investigate such affairs, or if necessary, authorize and provide for such inquiries through an outside agency. The City Councilmembers shall deal with the administrative services solely through the City Manager, and neither the Councilmembers nor any of them thereof shall give orders to any subordinate of the City Manager either publicly or privately. Violation of any of the provisions of this section by the Councilmembers or any of them shall constitute grounds for removal.

Article III, Section 7

**Section 7. – Political activity prohibited.**

Any employee of the City may actively engage in political activities. Provided, the political activity in which the employee participates shall be exercised only during off-duty hours and while not in uniform. Any employee seeking elected office may be required to take a leave of absence as prescribed by the Norman Code of Ordinances and/or the City Personnel Manual. Such requirements shall be consistent with applicable state and federal laws. Any federal statutes restricting political activities of City employees shall supersede the provisions of this section as to such employees. The City does hereby reserve the right to establish employment requirements requiring City employees to refrain from filing as a candidate for City office while employed by the City.

Article XVI, Section 2

**Section 2.**

~~Precedent to an increase in utility rates within the control of the City of Norman, such increase proposal must be submitted to the legal voters of the City for their approval or rejection at the next regular general election, or at a special election which might be called for said purpose. This section is self executing and shall supersede all provisions in conflict therewith; legislation may be enacted to facilitate its operations but no ordinance shall limit or restrict the provisions thereof.~~

Article XVII, Section 2

**Section 2. Extra compensation prohibited.**

No full time ~~elective or appointive officer or~~ employee shall receive any compensation from the City other than as specified in the salary, benefits and compensation package attached to his/her position. No full-time ~~person~~ employee shall be permitted under any circumstances to draw more than one salary from the City for any and all purposes.

Article XX

**Section 1. – Reapportionment ~~Commission~~ Ad Hoc Committee.**

There shall be a Reapportionment ~~Commission~~ Ad Hoc Committee, which shall consist of nine voting members appointed by the Council on nomination by the Mayor. All members of the Reapportionment ~~Commission~~ Ad Hoc Committee shall be registered voters of the City and shall hold no other office or position of employment in the City government.

**Section 2. – ~~Composition~~ Appointment and Meetings of the Reapportionment ~~Commission~~ Ad Hoc Committee.**

The Reapportionment Committee shall meet to review and make recommendations on ward boundaries as follows:

- a. When the City proposes to annex or de-annex property; or
- b. During the last quarter of the calendar year prior to the release of the Federal Decennial Census and continuing through the release of the final Census; or
- c. Upon the unanimous recommendation of City Council.

In the case of proposed annexation or de-annexation, members of the Reapportionment Committee shall be appointed within ninety (90) days of adoption of any such proposal. For purposes of reviewing the Federal Decennial Census, members of the Reapportionment Committee shall be appointed six (6) months prior to the year of the

issuance of such census. The Reapportionment ~~Commission's~~ Committee's members shall be residents and registered voters of the City's wards, (one at-large and one from each ward).

~~The terms of all nine (9) voting members shall be five (5) years, beginning on July 1. The members so appointed shall, at a regular meeting July of each year subsequent to July 1, 1977, meet and elect a presiding officer and such other officers as the Commission may deem necessary to its proper function.~~

~~Vacancies shall be filled by the City Council in the manner set out hereinafter for the unexpired terms.~~

### **Section 3. – Criteria for Ward Boundaries.**

~~Subsequent to the issuance of each Federal Decennial Census and within ninety (90) No later than one hundred and eighty (180) days after the appointment of the Reapportionment Committee pursuant to Section 2(a) or 2(c) herein, or after the issuance of the Federal Decennial Census when the Committee is appointed pursuant to Section 2(b) herein, the Commission~~ Committee shall pass and refer to the City Council a resolution to establish and retain or readjust the wards and their boundaries to comply with the requirements ~~standards~~ set out herein. Wards shall ~~should~~ be formed so as to equalize, as nearly as practicable, the population of the several wards. In addition, each ward shall ~~should~~ be formed of compact, contiguous territory with boundaries drawn to reflect and respond to communities of common interest, ethnic background, and physical boundaries, to the extent reasonably possible. Ward lines shall not create artificial corridors which in effect separates voters from the ward to which they most naturally belong.

### **Section 4. – Public hearing on proposed boundaries; votes required for passage.**

At least ten (10) days before voting on the resolution, the Reapportionment ~~Commission~~ Committee shall hold a public hearing thereon. At least five (5) votes shall be required for passage of the resolution, and the vote on passage shall be by roll call and shall be entered in the minutes of the ~~Commission~~ Committee. A map showing the wards and their boundaries shall be appended to the resolution.

### **Section 5. – Council shall have final authority.**

The resolution shall then be referred to the ~~e~~ City Council which shall, within thirty (30) days, conduct a public hearing on the proposed resolution and adopt the resolution without modification, reject the resolution, or adopt the resolution with such modification as the Council deems necessary, ~~the resolutions as an ordinance of the city. If any changes in ward boundaries are adopted by City Council, such changes shall also be adopted by ordinance and codified in the Code of the City of Norman.~~ In any alteration or amendment of the resolution as proposed by the Reapportionment

~~Commission~~Committee, the City Council shall use the same criteria for ward boundaries as hereinabove adopted for the use of the Reapportionment ~~Commission~~Committee.

Thereupon, the new wards and boundaries shall supersede the previous wards and boundaries for purposes of the next primary and general election, and for all other purposes on the day on which the terms of the Councilmembers elected that year begin.

**Section 6. – Annexed territory; reapportionment between census report.**

When territory is annexed to the City, the Reapportionment ~~Commission~~Committee, by resolution in the manner provided hereinabove, shall incorporate it into the adjacent ward or wards or shall readjust the wards and boundaries in the manner provided hereinabove, as it deems appropriate.

~~Further the Commission may, at other periods than those set out above, in the manner and upon the basis stated and provided for herein, alter the boundaries of the wards when an increase, decrease, or shift in residence of the population of the City, or other substantial change in the criteria set out above.~~

Scheduled Review of Charter within the Charter

**Section 9. ~~Reserved~~Periodic Charter Review.**

At least once every ten years beginning no later than 2024 and occurring no more than every 10 years thereafter, City Council shall consider whether a Charter Review Committee shall be appointed for the purpose of reviewing the Charter.