

## CITY COUNCIL CONFERENCE MINUTES

October 23, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 23rd day of October, 2012, 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

Item 2 was discussed prior to Item 1.

Item 2, being:

### DISCUSSION REGARDING THE CITY OF NORMAN COMMUNITY SERVICE PROGRAM.

Mr. David Poarch, Municipal Judge, said the Community Service Program was enacted in 1989 wherein State law authorizes municipal judges to sentence defendants to community service for violations of municipal ordinances. The City of Norman Municipal Court Judges order community service in lieu of payment of fines and costs, depending on the circumstances once determination is made regarding the defendant's inability to satisfy the judgment.

Judge Poarch highlighted a typical Municipal Court transaction. He said first, the citizen receives a citation then he goes to Court to see the Judge and most of the time the defendant pleads, pays his fine, and departs. If the defendant pleads guilty, but cannot pay his fine, the Judge enters a time-to-pay order and defendant has additional time to comply. At that point, if they cannot pay the money because of economic or health reasons the Court will work with them. Defendants with substance abuse issues can attend an alternative program and if compliance is reached, their fines may be suspended. He said oftentimes it is difficult to decide who should do community service based on attitude, economic issues, health issues, substance abuse issues, etc.

Judge Poarch said there are a few defendants that do not pay and do not return to Court on their assigned date so warrants are issued for their arrest. He said if incarcerated defendants cannot pay, they may be given a chance to perform community service through the City of Norman Parks and Recreation Department who administers a program for court ordered community service. He said this program is available for defendants who are unable to pay fines and costs and non-violent offenders from Cleveland County District Court and Oklahoma County District Court who have been ordered to perform community service as part of their sentence can participate in the program. He said the majority of defendants are assigned to the City's Animal Welfare Division and a few are assigned to park maintenance areas. He said half of them do not show up for community service or do not come back and finish community service.

Judge Poarch said Municipal Judges have access to the defendants Municipal Court records and State driving records, but do not know anything about felony or misdemeanor history, out of state convictions, mental health situation, domestic violence history, etc.

Judge Poarch said State Statute allows Counties to work with the Department of Corrections on community service programs for non-violent offenders in conjunction with jail sentences, but Cleveland County does not participate in this program. He said, typically, Municipal Judges do not sentence people right away to community service with the exception of Driving Under the Influence (DUI) convictions. He said Municipal Judges cannot fine anyone over \$750 or send them to jail for more than 60 days. First time offenders are usually given a six month deferred sentence. If someone is assigned community service, they are required to serve 40 hours, but have the option to buy out their community service for \$200. He said Municipal Court only handles non-aggravated DUI charges.

Item 2, continued:

Councilmember Spaulding asked if community service is offered or if defendants volunteer and Judge Poarch said it depends on the person and their economic and/or health circumstances. He said some people simply refuse to do community service and many have mental or substance abuse issues. Councilmember Spaulding asked if rehabilitation is considered and Ms. Jeanne Snider, Assistant City Attorney, said the City does refer them to social services.

Councilmember Gallagher said if Municipal Judges do not know a defendants history and whether or not they have felonies, it would seem risky to assign them to community service at a City department. Judge Poarch said most of the defendants assigned to community service are from District Court who knows more about the defendant's background and only allow non-violent offenders into the program. Judge Poarch said the City is not assigning people to community service as part of their sentence, but it is a good program to have available.

Councilmember Lockett said non-profit organizations that use community service workers have not had good experiences with that. She said it often costs more time and money to supervise community service workers.

Mayor Rosenthal asked if Council could be provided statistics on the number of people that serve community service from Municipal Court versus District Court. Judge Poarch said 45 to 50 people per day are seen in Municipal Court and approximately ten of those receive a Time-to-Pay Order and eight of those ten will pay their fines. The remaining two will come back to Court with proof they are not able to pay and the Court will work with them.

Items submitted for the record

1. Memorandum dated October 18, 2012, from Ronda Guerrero, Municipal Court Administrator, to Steve Lewis, City Manager
2. Oklahoma Statute, Title 11, Cities and Towns, Chapter 1, Oklahoma Municipal Code, Article XXVII, Courts, Section 27-122.2, Community Service or Remedial Action in Lieu of Fine or in Conjunction with Imprisonment
3. Typical Municipal Court Transaction

Participants in discussion

1. Mr. David Poarch, Municipal Judge
2. Ms. Jeanne Snider, Assistant City Attorney
3. Mr. Jud Foster, Director of Parks and Recreations

Item 1, being:

DISCUSSION REGARDING THE 2013 CITY COUNCIL ELECTION DATES.

Ms. Brenda Hall, City Clerk, said the City Charter was amended in 2011, to allow Council more flexibility to set spring City Council Election dates. She said election dates must be set by resolution in November of each year for the following year's City Council elections. She said since 2013 is an odd numbered year, there are dates available each month, but for purposes of Council elections, available months include February, March, April, May, and June. She said, except for a School Board election, there are no other elections at this time for spring.

Councilmember Kovach felt March/April would be appropriate. Councilmember Williams said if the general election was held in February to coincide with the School Board election it would save costs. Councilmember Kovach said a February election would not allow candidates much time to campaign. Ms. Hall said School Board elections are different from State elections as State elections are generally citywide whereas School Board elections are usually only held in certain school districts. She did not believe the School Board election would be citywide so the City would pay a majority of the costs. She said the 2013 Council elections would be citywide as the Mayoral election will be in 2013. She said elections costs will be approximately \$26,000 to \$30,000.

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Item 1, continued:

Mayor Rosenthal suggested the third alternative of April/May because there has been interest as to whether or not a hotel/motel room tax question should be placed on the ballot. She said Staff will need time to gather that information and the City needs time to explain the issue to voters.

Ms. Hall said if any question is added to the ballot the City is required to give a 60 day notice to the Cleveland County Election Board and Council would need to adopt an ordinance on First and Second Reading prior to that notification.

Councilmember Lockett said when she ran for Council and registered in January, the General Election was held in March with the run-off in May. She said it is difficult on candidates to campaign that long.

Councilmember Griffith said, for him, campaigning was much easier in April so he preferred an April/May scenario. He said one month between elections seemed to keep voters more excited about the campaign.

Councilmember Spaulding said since cost savings would be minimal with a School Board election, he preferred March/April.

Councilmember Gallagher said he prefers March/April. Councilmember Williams asked if the room tax issue would be ready by then and Mayor Rosenthal felt it would be very difficult to have everything ready. Councilmember Gallagher asked what was so difficult about putting together ballot language and Mayor Rosenthal said the Finance Committee felt there would be a wide range of opinions from the public as well as a wide range of opinions on how to use the additional revenue. Councilmember Jungman said success hinges on bringing people together on the financing. Mayor Rosenthal said things of this nature do not happen without effort. Councilmember Griffith agreed and said the room tax issue is extremely important and needs to be discussed in detail and a consensus reached before being voted on.

Councilmember Gallagher asked what the absolute deadline for selecting an election date would be and Ms. Hall said the Council would have to adopt the First Reading Ordinance by November 27th with Second Reading by December 11th. She said notice to the Election Board would have to be no later than January 3rd for a March 5th election.

Mayor Rosenthal said although Council was still divided, there seemed to be more consensus for April/May, but encouraged Councilmembers to provide follow-up to the City Clerk.

Items submitted for the record

1. Memorandum dated October 17, 2012, from Brenda Hall, City Clerk, to Mayor and City Councilmembers
2. Potential Election Dates, 2013

The meeting adjourned at 6:22 p.m.

ATTEST:

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City Clerk

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Mayor