

Item 1, continued:

Councilmember Holman said joining Oklahoma City's transit system operated by EMBARK would make a lot of sense in terms of a regional transit system, but maintaining some type of control over the City's system could be an advantage until the RTA is achieved.

Councilmember Hickman suggested a citizen's advisory group be formed to work on the long-term process while the transfer plan is being created.

Mr. O'Leary reminded Council that the City is also discussing a parking authority concept and it is common to combine parking and transit. He said the RTA could be commuter rail, transit, and parking. Councilmember Castleberry said he would like to incorporate a parking solution into this process.

Mayor Miller said the City is looking at hiring a consultant in January and there are still other issues that need to be talked about. When would the Committee start working on this process? Mr. O'Leary said Staff has already been talking with major stakeholders, such as OU, FTA, etc., and will invite Cleveland County and the City of Moore to the table.

Items submitted for the record

1. Memorandum dated October 25, 2018, from Kathryn Walker, Assistant City Attorney, and Shawn O'Leary, Director of Public Works, to Honorable Mayor and Councilmembers with Attachment A, Transit Services in College Towns
2. PowerPoint presentation entitled, "Bus Operations in Norman," Council Study Session dated October 30, 2018

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Item 2, being:

DISCUSSION REGARDING POSSIBLE CHARTER AMENDMENTS TO HAVE THE CITY ATTORNEY AND INTERNAL AUDITOR POSITIONS REPORT DIRECTLY TO CITY COUNCIL.

Ms. Walker said Council requested Staff prepare information regarding City Attorney and Municipal Auditor positions reporting directly to City Council instead of the City Manager, which would require a Charter change. She said Oklahoma City has the same form of government as Norman and Staff has included Oklahoma City's Charter language for their City Attorney and Internal Auditor positions.

Changes to the City's Charter must be accomplished by a majority vote of citizens at a properly called election for that purpose. Article XVII, Section 9, of the Norman Charter calls for Council to consider appointing a Charter Review Committee for the purpose of reviewing the Charter every ten years. Section 10 provides for an amendment through the initiative petition process or by Council proposal to submit to the voters no later than 60 days before the election. It is unlikely a deadline for a spring election could be met if Council desires to utilize a Citizen Charter Review Commission; however, if Council decides to move forward more quickly, the same election notification deadlines Council has been discussing for the Transportation Bonds, Stormwater Utility (SWU), and Stormwater Bonds would be applicable.

Item 2, continued:

Councilmember Castleberry asked if the Charter Review Commission has discussed this type of Charter change and Ms. Brenda Hall, City Clerk, said in 2005 and 2006, the Charter Review Commission reviewed language to require department heads report directly to Council on an annual contract. She said in 2011 and 2013, the Charter Review Commission met again to discuss ethic violation investigation language. She said recommendations were made to Council, but Council decided not to move forward with changes.

Mayor Miller said she spoke with Mr. Doug Cubberley, a former Councilmember, who also served on the Charter Review Commission and it was his understanding the Charter Review Commission did not want to make the recommendation that Council be the direct administrator of hiring and firing department heads. She said Mr. Cubberley's personal opinion had been this would not be a prudent change to the Charter because it would politicize the positions.

Councilmember Castleberry said Oklahoma City has a different system than Norman with long serving Mayor and Councilmembers while Norman has had a lot of turnover of Councilmembers, which could potentially lead to politicizing the positions of City Attorney and Internal Auditor. If Council is going to pursue these changes he would like to see it require a super majority of Council (six) to fire the City Attorney or Auditor. He said most department heads are very honest and forthright with Council because they do not fear the retribution of being fired.

Councilmember Carter said he is vehemently opposed to requiring a super majority vote because it is not required for the City Manager's position.

Councilmember Clark would like a Charter Review Commission to review the proposed language because it is a substantial change.

Councilmember Hickman is prepared to move forward with the ballot language, but if it is the will of Council to convene the Charter Review Commission he would support that. He would like to use the money set aside in the budget for the FYE 2019 Auditor to hire a Forester instead and postpone hiring an Auditor.

Councilmember Holman said the Auditor is a new position with a requirement that the Auditor report directly to Council so he does not believe that position needs to be reviewed by the Charter Review Commission. He does support the Charter Review Commission reviewing the proposed change for the City Attorney reporting directly to Council.

Councilmember Castleberry said under the current Charter, who is the client for the City Attorney? Is it the City Manager, individual Councilmembers, or Council as a whole? Ms. Walker said the client for the City Attorney is the Council as a whole. She said that does not change regardless of who the "boss" is, but the City Attorney currently takes direction from the City Manager.

Councilmember Scott supports the Charter Review Commission reviewing the City Attorney proposal. She said Council seats can have high turnover and what this current Council thinks is right may not be what a future Council may think is right. She values job security and would not want someone to possibly lose their job because they made a Councilmember(s) mad and that is a really important consideration.

Item 2, continued:

Councilmember Hickman said the City Attorney and Internal Auditor positions would require a contract similar to the City Manager and those contracts would typically include a severance package that would protect them in the event there was termination with or without cause. He said attorneys are professionals hired and fired by their clients and the client in this case is City Council. It is offensive to him to think that any attorney would politicize their legal opinions because they work for elected officials. He said attorneys have ethics and rules they follow for their client and that client can hire and fire that attorney so the City Attorney should not be any different. If Council is going to ask the Charter Review Commission for their recommendation on the City Attorney position, then Council should also ask for a recommendation on the Auditor position.

Councilmember Carter said he has received so much feedback from constituents already that he does not think more input is needed. He looks at the two year Council cycle as an asset and believes most Councilmembers are entrenched with their constituents, which makes Council responsive, transparent, open, etc., so if the whims of the citizens were to sweep a number of Councilmembers out of office then that might be reflective of changes that need to be performed at City Hall.

Councilmember Clark said she values citizen input so she would send both positions to the Charter Review Commission for their recommendations.

Councilmembers agreed the Charter Review Commission should be convened to review the proposed Charter amendments and Mr. Jeff Bryant, City Attorney, said a resolution to reconvene the Charter Review Commission will be prepared for the November 13th Council agenda.

Councilmember Bierman would like the Charter Review Commission to also review Council's term lengths and swearing in date.

Mr. Bryant said he will send the draft resolution to Council and if they wanted more information, the item could be pushed to November 27th.

Items submitted for the record

1. Memorandum dated October 18, 2018, from Jeff Bryant, City Attorney, to Mary Rupp, Interim City Manager, with excerpts from Oklahoma City Charter, Article II, Section 16 – Selection of City Manager and Other Officers, and Charter IV, Article 7 – Duties of the Municipal Counselor; Oklahoma City Municipal Code, 2010 Chapter 2, Administration – Article III Division 7 – Municipal Counselor; Oklahoma Municipal Code, 2010 Chapter 2, Administration – Article III Division 5 – City Auditor; A Resolution Amending Policies and Procedure for the Office of the City Auditor from Oklahoma City adopted June 13, 1996; The City of Oklahoma City Office of the City Auditor Policies and Procedures Amended as of June 18, 1996; The City of Oklahoma City Audit Committee Charter; Association of Local Government Auditors – Model Legislation Guidelines for Local Government Auditors; City of Norman, Oklahoma Class Specification for Internal Auditor; Norman City Charter Article III – City Manager; Norman City Charter (proposed new section) Article IV. A – City Auditor; Norman City Charter Article VII – City Attorney; City of Norman Legislatively Notated Draft Ordinance; City of Norman Draft Ordinance; and Draft City of Norman Special Election Proclamation and Notice of Election

The meeting was adjourned at 6:55 p.m.

ATTEST:

City Clerk

Mayor