

CITY COUNCIL STUDY SESSION MINUTES

April 4, 2019

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:05 p.m. in the Municipal Building Conference Room on the 4th day of April, 2019, 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 48 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Bierman, Castleberry, Clark, Hickman (arrived 5:25 p.m.), Holman, Scott, Wilson, Mayor Miller

ABSENT:

Councilmember Carter

Item 1, being:

DISCUSSION REGARDING A RESOLUTION ESTABLISHING A CHARTER REVIEW COMMISSION FOR THE PURPOSE OF CONDUCTING A TARGETED REVIEW OF THE NORMAN CITY CHARTER AND TO REPORT ITS FINDINGS TO THE CITY COUNCIL.

Ms. Kathryn Walker, Interim City Attorney, said this discussion began in late October 2018, when Council asked Staff to begin taking suggestions regarding changes to the City Charter to be reviewed by a Charter Review Commission. She said the primary focus includes a new position of an Internal Auditor and the existing City Attorney to make these positions reportable directly to Council. She said through that discussion, other suggestions came forward in November and December that were presented to Council for consideration in January 2019. She said the item was postponed in January and again in March 2019.

Creation and Purpose

Ms. Walker said initially, Council considered reinstating members from the last Charter Review Commission unless they were unable to serve; however, since the postponement in January, Council has shown a desire to change some of that Commission makeup or add members. She highlighted proposed Charter changes that include adding language related to the appointment and removal of a City Auditor subject to removal by Council; reviewing whether the City Attorney should be appointed and subject to removal by Council; adding language that would establish consequences for violation of the Ethics Ordinance; consideration of increasing the monthly stipend provided for the Mayor and Councilmembers; adding language for reimbursement of cell phone expenses as additional compensation received by Councilmembers; considering whether the term of office for Councilmembers should be changed from two years to three years and the office of Mayor from three years to four years; consideration of whether the term of office for Councilmembers and Mayor should expire on the last Tuesday of the month in which a runoff election is held or scheduled to be held; adding language that would require a sitting Councilmember to resign their position at the time he or she seeks election for another City, State, or Federal elected office; adding language that would require a candidate for City Council to reside in the Ward in which he or she seeks election for a minimum of six months prior to filing for office; consideration of removing language requiring a vote of the electorate prior to increasing City utility rates and adding language in its place to establish an independent elected utilities board to set utility rates; adding language to establish a Resident or Community Bill of Rights; consideration of increasing the number of members of the Board of Norman Regional Authority from nine to eleven members; and adding language requiring a vote of the electorate for approval of a Tax Increment Finance (TIF) District over \$5 million.

Ms. Walker said additional amendments suggested by Councilmember Castleberry include adding language requiring Council to consider a resolution calling for a vote of the electorate to increase City utility rates under certain conditions, e.g., upon a finding of financial need after a review of the recommendation of an independent elected utilities board; consideration of allowing the outgoing Councilmember creating the vacancy to appoint his or her successor, unless such vacancy has been created due to removal from office as result of proceedings by a Court of competent jurisdiction; and consideration of reducing the percentage of registered voters required on a recall petition.

Councilmember Castleberry said he wants to make it very clear that citizens will still vote on utility rate increases and Council is not taking away the public's right to vote.

Councilmember Holman said his interest for this utility rate language is to prevent Council from waiting nine years between rate increases, which is the length of time between the last two rate increases. He knows it is difficult for Council to propose utility rate increases, but putting it off because they are afraid to do it is a problem. He said there needs to be language in the Charter requiring Council to review rates on a regular basis and propose increases when needed.

Ms. Walker said Councilmember Clark suggested an amendment to allow the candidate receiving a plurality of votes in a municipal election to be deemed the winner to avoid run-offs.

Councilmember Clark said Ms. Brenda Hall, City Clerk, explained to her that the City would have to run its own election in order to have plurality votes and asked Ms. Hall to explain. Ms. Hall said even though Norman has a local Election Board, they are tied to a statewide system so the way the current machines count votes does not include counting plurality votes. She said in order to have a plurality vote the City would have to have its own voting machines. Ms. Hall said conducting the City's elections would have significant costs for polling sites, machines, machine setup and removal, election officials, etc.

Councilmember Wilson agreed there would be significant costs for the City to run its own elections, but the City also pays a significant amount of money to the Cleveland County Election Board to run the elections. Ms. Hall said that is true, but feels the costs of \$36,000 or more per election with the Cleveland County Election Board is significantly less than the cost of the City running the election. Mayor Miller agreed and said full time election employees would be needed.

Councilmember Castleberry said if the City ran its own elections, would the City still be subject to State election dates and Ms. Hall said possibly, but the City would have to comply with absentee voting and military voting, which means ballots would have to go out even further in advance of the election so there will be state limitations. Councilmember Castleberry said the City might have more opportunities for additional election dates. Ms. Hall said some smaller cities that run their own elections have one polling place, City Hall, but she does not know of any larger communities in Oklahoma that run their own elections.

Appointment, Composition, and Timetable of Commission

Ms. Walker said Charter Review Commission will consist of nine (9) registered voters residing in the City of Norman to include Bob Thompson, Richard Stawicki, Kenneth McBride, Kevin Pipes, Doug Cubberley, Harold Heiple, Trey Bates, Carol Dillingham, and Jim Griffith. The Commission will select from among its members a Chair and Vice-Chair and the Commission's term will last no more than one year with the Commission holding no more than one meeting each month provided the term could be extended on a quarterly basis at the request of the Commission and upon approval of Council. If no amendments or revisions are recommended to Council, the Commission shall be automatically be dissolved after approval of its final report. The Commission shall be staffed by no less than three City employees - the City Attorney,

City Manager, and City Clerk or their respective representatives, who will provide additional support as deemed necessary and appropriate.

Duties

The duties of the Commission will be to review whether sections of the Charter meet current needs of the City or should be amended to meet current and future needs; educate the community about the proposed amendments by holding at least one public hearing; perform such other duties as Council directs; and create policies and procedures as guidelines for the functioning of the Commission in areas including, but not limited to, attendance, receiving public testimony, structure or format of meetings, and frequency of public hearings.

Removal

Ms. Walker said Commission members will be required to attend all meetings with absences at two consecutive meeting or three total meetings being grounds for removal from the Commission. Any member who is removed for absenteeism shall be replaced promptly and a vacancy shall be filled in the same manner as the original appointment. Any member may be removed by majority vote of Council without cause and upon removal of any Commission members; the number of members on the commission shall be no less than seven (7) and no greater than nine (9).

Reporting and Recommendations

All Commission meetings will be open to the public and the Commission will make the minutes of each meeting available to Council and the Commission will hold a public meeting at least once every quarter. In the event the Commission has interest in hearing from persons with special expertise on an issue, the Commission will be permitted to consult with various groups/experts throughout the duration of its term to educate themselves and/or the public about the Charter and the review process. The Commission will not have an advisory, ex-officio, or association members. Once each quarter the Chair of the Commission will report to Council in a study session to update Council on the Commission's findings. Each final recommendation in the written final report shall be approved by a majority vote of a quorum of the Commission consisting of two-thirds of the active members of the Commission. Members who do not approve a recommendation shall be entitled to prepare a minority report to be included with the Commission's final report. The Commission shall submit a final report of its findings to Council upon completion of the review process during a special Council meeting wherein the Commission presents its recommendations with Council voting section by section on whether to submit each recommendation to voters.

Mayor Miller said everyone seems to approve of sending the proposals to the Charter Review Commission and Council will vote on each recommendation separately.

Mayor Miller said all of the former Commission members have agreed to serve and six additional members are being proposed that include Greg Jungman; Victoria McBride; Jim Eller; Bill Wilson; Tom Hackelman; and Aysha Prather. She asked Councilmembers if they have other nominations and how large Council wants this Commission to be. Councilmember Castleberry asked Ms. Hall her opinion on the number of members needed and Ms. Hall said once a committee has more than thirteen (13) members, it almost becomes unmanageable and participation is lost as well. She said the last Charter Review Commission had 13 members, but there rarely were 13 in attendance at any of the meetings.

Councilmember Clark said her Ward 6 seat becomes vacant in July and she heard Jim Griffith is interested in applying for that vacancy. Will that be a conflict if he is on the Charter Review Commission? Mayor Miller said if that happened, he would need to resign from the Charter Review Commission. Councilmember Clark said she would like to begin the Ward 6 seat replacement process as soon as possible.

Councilmember Hickman said Carol Dillingham is the attorney for Cleveland County, which concerns him because of the proposed amendment regarding a TIF. He said Cleveland County is a taxing jurisdiction partner so would that be a conflict? He does not want to put the City or County in an odd position.

Councilmember Wilson felt Ms. Dillingham would be a benefit to the Commission not only because of her extensive legal knowledge but also because of her insight about how the County Commissioners may feel about the proposals.

Ms. Walker said Board and Commission policies regarding conflicts are similar in terms of appearance of a conflict. She said Ms. Dillingham would need to disclose her employment with Cleveland County when discussing the TIF language, but would not necessarily need to recuse herself.

Councilmember Wilson proposed Tom Hackelman and Aysha Prather from Ward 5 be on the Commission because they have experience, want to be involved, and have asked for opportunities to serve on a City committee.

Councilmember Hickman proposed Kevin Pipes be replaced with Greg Jungman and keep Carol Dillingham.

Councilmember Bierman proposed replacing Bill Wilson with Shon Williamson-Jennings because she has never served on a City committee and would bring a new perspective to the issues. She said Mr. Wilson currently serves on a City committee.

Councilmember Scott felt Victoria McBride and Jim Ellis would bring new perspectives to the Commission and proposed they replace Harold Heiple and Trey Bates.

Ms. Hall highlighted the proposed members as Bob Thompson; Richard Stawicki; Kenneth McBride; Carol Dillingham; Jim Griffith; Doug Cubberley; Greg Jungman; Victoria McBride; Jim Eller; Tom Hackelman; Aysha Prater; Shon Williamson-Jennings; and a possible at-large appointment.

Mayor Miller said she does not understand why Councilmembers would not want members with experience that have served on Council or a City Board or Commission.

Councilmember Wilson said it is time for the City to have fresh perspectives on committees and her nominations will bring that as well as experience.

Councilmember Hickman said it is incumbent upon Council to engage more people from the community and this is an opportunity to do that. He said it is highly unlikely that he would recommend someone who is already actively serving on a committee because there are other talented people wanting to serve on committees.

Councilmember Clark said while she agrees with Councilmembers Hickman and Wilson, the Charter Review Commission is a very unique Commission so historical knowledge is important and should be considered.

Mayor Miller said Harold Heiple has historical knowledge as well as experience with City government and she would like to keep him on the Commission.

Ms. Hall said the resolution and member nomination list will be updated prior to Council's review on April 23, 2019.

Items submitted for the record

1. Resolution R-1819-66
2. Current and proposed members of Charter Review Commission with proposed amendments for Charter Review Commission review

* * * * *

The meeting was adjourned at 5:55 p.m.

ATTEST:

City Clerk

Mayor