

CITY COUNCIL CONFERENCE MINUTES

October 13, 2020

5:30 p.m.

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a virtual conference at 5:30 p.m. in the Municipal Building Council Chambers on the 13th day of October, 2020, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Bierman, Foreman, Hall, Holman, Nash, Peacock, Petrone, Mayor Clark

ABSENT: None

Item 1, being:

REPORT FROM THE CHARTER REVIEW COMMISSION.

Mr. Bob Thompson, Charter Review Commission (CRC) Chairman, said the CRC has been meeting monthly since the summer of 2019, to discuss multiple Charter items, has held quarterly public meetings, and submitted quarterly reports to City Council. Tonight he will be presenting CRC's recommendations to City Council.

Article II, Section 1 - Stipend Increase for Mayor and Councilmembers

Current Charter language states, "The Mayor and each of the Councilmembers shall receive 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 dollar's total stipend for any given calendar month."

The CRC recommends language that states, "The Mayor shall receive an annual stipend of [\$8,100 - \$11,700] for his or her annum, payable monthly beginning with the mayoral term in 2022. Each of the Councilmembers shall receive an annual stipend of [\$5,400 - \$7,800] per annum, payable monthly, beginning with the terms that begin in 2022. The Mayor, with the consent of Council, shall appoint a five-member Compensation Commission to determine and set the appropriate stipend for the Mayor and each of the Councilmembers based on the consumer price index, the City's overall budget, and other relevant factors every three years thereafter. Said Compensation Commission shall be appointed every three years and any monthly stipend increase approved by the Commission shall not become effective until the following Council or Mayoral (as applicable) term."

Article II, Section 1 – Reimbursement for Cell Phone Expenses

Chairman Thompson said there is currently no language in the Charter allowing for reimbursement of cell phone expenses and the CRC is recommending no changes be made as this should be a policy change, not a Charter requirement.

Article II, Section 2 – Mayor and Councilmember’s Term Increase/Expiration

Current Charter language states that Councilmembers will serve two-year terms with odd wards elected in odd-numbered years and even wards elected in even-numbered years. The Mayor will serve a three-year term and all will be sworn into office the first Tuesday in July after the election.

Chairman Thompson said the CRC recommends that beginning in 2023, Councilmember serve three-year terms and beginning in 2024, terms will begin on the first Tuesday following certification of the election results. Recommended language states, “Beginning with the 2023 elections, elections for Councilmembers shall occur every three years, with the odd-numbered ward elections occurring in 2023 and every three years thereafter, the even-numbered ward elections occurring in 2024 and every three years thereafter. The terms of Councilmembers chosen to represent Council wards two (2), four (4), six (6), and eight (8) shall begin on the first Tuesday of July of the next even numbered year after their election. Beginning in 2024 and every third year thereafter, the terms of Councilmember chosen to represent such wards shall begin at six-thirty in the evening (6:30 p.m.) on the first Tuesday following certification of the election results by the election board secretary. The term of Councilmembers chosen to represent Council wards one (1), three (3), five (5), and seven (7) shall begin on the first Tuesday of July of the next odd numbered year after their election. Beginning in 2023 and every third year thereafter, the terms of Councilmembers chosen to represent their wards shall begin at six-thirty in the evening (6:30 pm) on the first Tuesday following certification of the election results by the election board secretary. Elections for Mayor shall be occur every three (3) years. The terms of the Mayor shall begin on the first Tuesday of July and every three (3) years thereafter. Beginning with the 2025 election, and every third year thereafter, the term of the Mayor shall begin at six-thirty in the evening (6:30 pm) on the first Tuesday following certification of the election results by the election board secretary.”

Article II, Section 2 – Requiring a Person to Reside in a Ward for a Minimum of Six (6) Months in Order to be a Candidate for Council.

Chairman Thompson said to be eligible, candidates must have been duly registered to vote in Norman for six (6) months prior to the date of the election and reside in the ward for which they are filing on the date of their filing. He said CRC is recommending language that states, “For purposes of filing and election to the positions of City Council, only persons who have ben duly registered to vote in accordance with state law within the City of Norman and reside within the ward for which they seek election for the six months prior to the date of the municipal election ~~and reside in the ward from which they seek election, on the date of their filing,~~ shall be eligible to seek election to the City Council. If a candidate’s ward designation has changed in the six months prior to the election due to reapportionment, then the requirement of six months durational residency shall be waived, although the candidate is still required to live in the newly established boundaries of the ward for which he or she seeks office.”

Article II, Section 10 – Resignation upon Filing for Another Elected Office

Chairman Thompson said the Charter does not currently require someone to resign upon filing for another elected office and the CRC is not recommending any changes to this section.

Article II, Section 11 – Partisan Elections

Current Charter language states, “No nominating notice nor acceptance thereof shall have upon it any party emblem, sign or designation, and there shall be nothing thereon to indicate the affiliation of the nominee or of any signer with any political party or any organization.” The CRC is recommending no changes be made to that language.

Article II, Section 22 – Filling Vacant Council Positions

Chairman Thompson said, currently, vacancies in office are filled by a majority of the remaining members of Council and if a vacancy is not filled within 60 days, Council shall call a special election to fill the vacancy for the unexpired term. The CRC is recommending language that states, “Any vacancy occurring on the City Council shall be filled by a majority vote of the remaining members of the City Council after appointment and recommendation of one candidate from a Selection Committee made up of five residents of the ward for which the vacancy has or will occur, for a period extending until the next regular municipal election, at which time an election, conducted as provided by this Charter and applicable State law, shall be held to fill any balance of the unexpired term; provide, however, if the City Council does not fill the vacancy by appointment within sixty (60) days after the same occurs, it shall be mandatory on the part of the City Council to call and schedule a special election to fill the vacancy for the unexpired term, which election shall be held for the election of a City Councilmember, only, and said election shall be conducted in the same manner as a regular municipal election.”

Article VII, Section 2 – Appointment and Removal of City Attorney by City Council

The City Attorney is currently appointed by the City Manager, subject to approval of a majority of City Council and the City Attorney may be removed by the City Manager. The CRC is recommending language that states, “Council shall by an affirmative vote of five (5) members appoint a City Attorney, who shall serve at the pleasure of the City Council as an at-will employee. He or she shall be chosen by the Council solely upon the basis of his or her qualifications, without regard to age, race, color, religion, 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 Attorney, nor for two years after he ceases to be a member. In case of absence or disability of the City Attorney, the Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Attorney may be removed at any time, upon an affirmative vote of five (5) members of the Council. Should at least four (4) Councilmembers desire that a majority of Council discuss removal or suspension of the City Attorney, 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. In the event Council should desire to suspend or remove the City Attorney 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 Attorney.

Article VII, Section 2 – Appointment and Removal of City Attorney by City Council, continued:

If the Council suspends or removes the City Attorney from office, the Council may provide for the temporary performance of the City Attorney’s duties. The action of the Council in suspending or removing the City Attorney 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.”

Creation of Position of City Auditor Subject to Appointment and Removal by City Council

The position of City Auditor does not exist in the Charter at this time and the CRC is recommending no changes or additions to the current Charter.

Addition of Consequences to the Charter for Violations of the City Ethics Ordinance

Language does not currently exist in the Charter and the CRC is recommending no changes or additions be made at this time because they were not sure what Council was looking for in terms of consequences and scope of behaviors they wanted covered in the Charter.

Requiring Council to Consider Calling Utility Rate Elections Under Certain Conditions

Chairman Thompson said any increase in utility rates within the City’s control must be submitted to the voters for approval or rejection and Norman is the only City that has that requirement, which he believes Norman residents would not be willing to change. The CRC is recommending language that states, ~~“Precedent for 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. On an annual basis, Staff shall prepare and submit to the City Council a rate study for each of its utilities. Upon receipt of such rate studies, Council shall submit a rate increase for one or more of the utilities to the voters at the next election at which ward representatives or the Mayor will appear on the ballot. Should an unexpected need for an additional rate increase for any utility arise prior to the regular election on which such an increase would normally be scheduled as provided herein, then a special election may be called for such 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.”

Establishment of a Community Bill of Rights

Chairman Thompson said there is no language currently in the Charter and the CRC is recommending no changes or additions be made at this time because a Community Bill of Rights typically asserts some rights related to local self-government and community interests.

Norman Regional Hospital Authority Board Membership and Examination of Relationship

Norman Regional Hospital Authority is a public trust, having the City of Norman as its sole beneficiary, that operates the municipal hospital in Norman and regionally. The City approves debt issuance, but is not legally or financially responsible for the actions of the Authority. Current Charter language provides for nine board members appointed by the Mayor with approval of City Councilmembers for three year terms and the Hospital is requesting an eleven-member board. The Hospital Board exercises general control over the health system, establishes hospital policies, accounts for funds and appoints a hospital administrator. The hospital is required to file an annual report with the City Clerk.

The CRC is recommending language that states, “The Mayor, with the approval of the City Councilmembers, shall appoint a Board of Norman Regional Hospital Authority consisting of ~~nine~~ eleven registered voters who shall serve for a term of three years. At least nine of the board members shall be Norman residents. A maximum of two members may be appointed from other communities in which the Norman Regional Hospital Authority operates at least one facility. In case of a vacancy in the Board, an appointment to fill the unexpired term shall be made in the same manner as the original appointments. The City Manager shall be an ex-officio member of the Board of Norman Regional Hospital Authority but he shall have no vote. His advice and services shall be given to the Board in the planning and execution of its work.”

Require a Vote of the Electorate for Tax Increment Finance (TIF) Districts Over \$5 million

Chairman Thompson said Tax Increment Finance (TIF) Districts are a creation of Oklahoma statute (Local Development Act) and provides a means to capture sales tax and/or ad valorem from future development to pay for infrastructure and other authorized project costs. He said there is no current language in the Charter and after a robust debate among the Commission, there was a tie vote on language that would require a vote of the electorate for any TIF supported by sales tax revenue and created by the City.

Review Potential Loopholes Used to Skirt the Open Meeting Act

The Open Meeting Act (OMA) is a state law that sets forth certain requirements for public bodies to hold meetings to ensure an informed citizenry. Current Charter language states that all meetings, regular, special, or adjourned, of the City Council and all Boards, Commissions, Authorities, and Committees of the Article VII, Section 2 – Appointment and Removal of City Attorney by City, whether the members thereof be appointed or elected, shall be open to the public under such regulations as may be fixed by ordinance; provided that the City may hold an executive session in compliance with State law. Resolution R-1112-9 approved by City Council states that all committees, sub-committees, and ad hoc committees must follow OMA and City Code requires all boards, commissions, Council sub-committees, and ad hoc committees to follow the OMA. Chairman Thompson said the CRC requested more clarification from the requesting Councilmember before proceeding with further discussion.

Review Executive Session Restrictions and Appropriate Limits of Use

Chairman Thompson said Executive Sessions are the only meeting of a quorum of the public body that is allowed to be held behind closed doors and no votes can take place. The OMA allows Executive Sessions in situations such as discussing employment issues regarding public officers or employees; discussing negotiations concerning employees; discussing purchase or appraisal of real property; confidential communications between a public body and its attorney in certain situations; and discussing any matter where disclosure would violate state or federal law. The CRC requested clarification from the requesting Councilmember prior to further discussion.

Examine the Ward Boundary Creation Process (Reapportionment)

The Reapportionment Committee consists of nine members appointed by City Council and make recommendations on ward boundaries when the City proposes to annex or de-annex property, during the last quarter of the calendar year or prior to the release of the Federal Decennial Census and continuing through the release of the final Census, or upon the unanimous recommendation of City Council. Ward boundaries are retained or adjusted to equalize, as nearly as practicable, the population of each ward and wards must 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. A public hearing by the Reapportionment Committee is required and a public hearing is conducted by Council prior to adopting any recommended changes. The CRC requested clarification from the requesting Councilmember prior to further discussion.

Council Comments/Questions

Councilmember Bierman asked how the CRC arrived at the Council and Mayor compensation ranges and Chairman Thompson said the Committee started on the premise of 20 hours per week and having served on Council, most CRC members know how much time is invested in City business. He said Ms. Walker provided the CRC with information on surrounding cities' pay ranges, which helped in making the decision. He said another consideration was that not everyone that would like to run for public office has the financial position or flexible work schedule, making it difficult for many who want to run for office. Councilmember Bierman agreed and said running for City Council needs to be as accessible to those who do not have the privilege and luxury of taking time off so she would like to see the Council range bumped up to minimum wage.

Councilmember Bierman asked why the CRC would recommend a majority vote to remove the City Attorney versus a super majority vote because, in her opinion, a simple majority does not meet the high bar Council should meet in order to oust a top employee. Chairman Thompson said the CRC tried to model the relationship on the existing contractual relationship of the City Manager.

Councilmember Bierman said in regard to Norman Regional, she has concerns about allowing members from other communities. Chairman Thompson said the CRC would be happy to revisit this language. Councilmember Petrone said she shares the same concern as Councilmember Bierman.

Council Comments/Questions, continued:

Councilmember Holman said in reference to compensation, it is definitely a challenge for hourly wage employees to serve the public as well as do their job because being a public servant takes a great deal of time and dedication. He felt \$500 a month would be a fair compensation and would encourage more people to consider running for City Council.

Councilmember Petrone said child care costs is another issue with running for public office.

Councilmember Holman did agree a cell phone policy would be better than a Charter amendment and likes the recommendation for utility rate increases.

Councilmember Petrone said since the CRC vote on the TIF question was tied, she believes the question should be put to a public vote.

Councilmember Petrone said an annual study and election on utility rates would cause voter fatigue and felt every two to three years would be sufficient.

Mayor Clark said Council will be discussing the issues during their Retreat this Friday and may have a new list of items for the CRC to consider. She encouraged Chairman Thompson to provide City Clerk Hall with a list of all the specific items the CRC needs clarification on so Council can discuss those at the Retreat as well.

Items submitted for the record

1. PowerPoint presentation entitled, "Council Quarterly Update," presented by the Charter Review Commission

* * * * *

The meeting was adjourned at 6:29 p.m.

ATTEST:

City Clerk

Mayor