



office memorandum

DATE: February 7, 2022

TO: Oversight Committee

FROM: Anthony Purinton, Assistant City Attorney
Cinthya Allen, Chief Diversity and Equity Officer

SUBJECT: Staff Recommendation for Diversity Roundtable

BACKGROUND:

In August of 2021, the Oversight Committee heard a recommendation submitted by the Human Rights Commission, which recommended the creation of a new commission: a Person of Color Advisory Commission. The Oversight Committee requested City staff review the proposal. Based on that proposal, the input from the Human Rights Commission, and the Oversight Commission, the Office of Diversity and Equity is recommending the creation of a Diversity Roundtable. This memo provides legal context surrounding that recommendation.

DISCUSSION:

The legal requirements of Oklahoma's Open Meetings Act ("OMA") and the City's current Boards and Commissions ordinances posed significant barriers to the original recommendation as proposed. Changing the structure of the meeting body from a "formal" commission to an "informal" roundtable would allow the implementation and facilitation of key aspects of the proposal that would not be possible under a traditional board and commission structure. In order to preserve the key characteristics of the proposal, the more informal structure is recommended. The following considerations led to this recommendation:

Strict OMA Requirements

While State law does not require municipal boards and commissions to follow the requirements of the OMA, the City of Norman's code extends those requirements to all of its boards and commissions. Unfortunately, if the original proposal is implemented as a formal commission, several fundamental characteristics must be taken out in order to bring it into compliance with the OMA:

- Virtual meetings are not permitted under the OMA. The proposal assumes such an option, which does create an opportunity to reach a more diverse population by providing greater access to involvement.
- Open meeting requirements would stifle member communication and collaboration unless held in a meeting open to the public. This would implicate the member's ability to engage in community outreach and organization outside of a public meeting, as well as restricting communication between members of the commission.

Staff felt like that this requirement would stifle the type of “grassroots” efforts that the proposal envisioned.

- Both the virtual element and the various posting requirements of the OMA limit the responsiveness of the body in emergency or time-sensitive situations. For example, boards and commissions were unable to meet during the worst of the pandemic, bringing the business of those bodies to a halt. A more informal structure would allow this body to continue to meet and engage during such times and to continue addressing the needs of marginalized communities in Norman that are traditionally disproportionately impacted by such events.

City Ordinance Requirements

Similar to the prohibitive restrictions in State law, current City ordinances relating to boards and commission are not compatible with the approach identified in the proposal.

- Mayoral appointments to the Commission may be influenced by political factors. Allowing the Office of Diversity and Equity to oversee membership selection insulates the appointment process, ensuring applicants are selected based on relevant factors in furtherance of the body’s mission and values.
- Codification of the body’s mission and focus limits flexibility of the body to adapt and change based on the needs of the community.
- As an informal body, members would be allowed (and encouraged) to apply for and serve on existing City Boards and Commissions.

Other Considerations

Finally, in addition to the reasons discussed above, an informal body would result in decreased workload for City staff. More specifically, the informal structure would allow City staff to focus solely on substantive matters, eliminating most of the administrative functions required to comply with the OMA.

RECOMMENDATION:

Due to the considerations above, key characteristics of the proposal would be better preserved by shifting the structure of the proposed commission to an informal roundtable, as recommended by the Office of Diversity and Equity. In addition, it also respects the initial goal of the Oversight Committee in reducing the total number of boards and commissions, while still meeting this identified need in the community.