

CHARTER REVIEW COMMISSION MINUTES

September 9, 2019

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Multi-Purpose Room on the 9th day of September 2019, and notice and agenda of the meeting were posted in 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.

CALL TO ORDER AND ROLL CALL.

PRESENT:

Ms. Aisha Ali [arrived at 6:02 p.m.]
Mr. Doug Cubberley, Vice-Chairman
Mr. Jim Eller
Mr. Jim Griffith
Mr. Tom Hackelman
Mr. Kenneth McBride
Mr. Kevin Pipes
Mr. Richard Stawicki
Mr. Bob Thompson, Chairman
Mr. Bryan Vinyard

ABSENT:

Mr. Trey Bates
Ms. Carol Dillingham
Mr. Greg Jungman
Ms. Victoria McBride
Ms. Shon Williamson-Jennings

STAFF PRESENT:

Ms. Kathryn Walker, Interim City Attorney
Ms. Brenda Hall, City Clerk

Item 2, being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MEETING MINUTES OF JULY 8, 2019, AND AUGUST 12, 2019.

Member McBride moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Member Stawicki;

Items submitted for the record

1. Charter Revision Committee minutes of July 8, 2019
2. Charter Revision Committee minutes of August 12, 2019

and the question being upon approval of the minutes and upon the subsequent directive, a vote was taken with the following result:

Item 2, continued:

YEAS: Members Cubberley Eller, Griffith, Hackelman, McBride, Pipes, Stawicki, Vinyard and Chairman Thompson

NAYES: None

The Chairman declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 3, being:

CONTINUED DISCUSSION AND POSSIBLE ACTION OF ARTICLE II, SECTION 1, OF THE CITY CHARTER TO CONSIDER INCREASING THE MONTHLY STIPEND PROVIDED FOR THE MAYOR AND COUNCILMEMBERS.

Interim City Attorney Kathryn Walker provided draft language for the Committee's consideration based on feedback received at the previous meeting. The language provided a range of stipend for Mayor of \$8,100-\$11,700 annually and a range of \$5,400-\$7,800 for Councilmembers.

Chairman Thompson allowed Mr. Paul Arcoli to present some information to the committee related to this topic since he was not able to do so the previous meeting. Mr. Arcoli said the fixed stipend currently in place makes it difficult for hourly wage individuals to participate in City Council activities. He said the stipend should be increased and suggested the stipend recognize to a degree, the level of tenure for each Councilmember.

Committee members discussed several options; e.g., using minimum wage as a basis for pay with some type of trigger for increases, tie increases to CPI, establishing a Compensation Committee to review and make recommendations to Council for increases. Vice-Chairman Cubberley did not support automatic increases and suggested establishing a committee. Member McBride supported the creation of a Committee and tying increases to something that is not arbitrary like CPI.

Chairman Thompson said the consensus is to create the base number and create a Compensation Committee to review every three years to be effective the following term. He asked Staff to prepare draft language for the Committee's consideration at the next meeting. Ms. Walker said she would need to review using the word stipend vs. salary so that it would not create a problem of making Council City employees.

Items submitted for the record

1. Article II, Section 1 – Stipend increase for Mayor and Councilmembers including draft language for amendments

Item 4, being:

CONTINUED DISCUSSION AND POSSIBLE ACTION OF ARTICLE II, SECTION 2 OF THE CITY CHARTER TO CONSIDER 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.

Ms. Walker highlighted draft language for the Committee's consideration which would change the date for Councilmember Elects to be sworn in. The language proposed would tie the effective date of the office to the Cleveland County Election Board's certification of the election results. Concern was expressed by the Committee regarding the variability of term length using this approach and Staff was asked to work on language to bring back at next meeting.

Items submitted for the record

1. Article II, Section 2– Mayor and Councilmember's Term Expiration with draft language

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Item 5, being:

CONTINUED DISCUSSION AND POSSIBLE ACTION OF ARTICLE II, SECTION 10, OF THE CITY CHARTER 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 SAID OFFICE.

Ms. Walker said the draft language requires that a Councilmember candidate reside in ward in which they seek election for six months prior to the date of the Municipal election. It also included language to address changes in ward boundaries due to reapportionment of wards within six months of the election date. That language states if a candidate's ward designation has changed in the six months prior to the election due to reapportionment, the six month residency requirement would be waived.

Members unanimously approved the language as written.

Items submitted for the record

1. Article II, Section 10 – Requiring a Person to Reside in a Ward for a Minimum of Six Months in order to be an Eligible Candidate for a Councilmember Position with draft language

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Item 6, being:

CONTINUED DISCUSSION AND POSSIBLE ACTION OF ARTICLE II, SECTION 22, OF THE CITY CHARTER TO CONSIDER 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 A RESULT OF PROCEEDINGS BY A COURT OF COMPETENT JURISDICTION. [ALTERNATE LANGUAGE APPROVED]

Ms. Walker said at the previous meeting the Committee discussed alternate language to replace vacancies other than allowing the outgoing Councilmember creating the vacancy to appoint his or her successor. She said the Committee asked Staff to draft language that would require the use of a committee within the ward similar to the process used that past few times a vacancy occurred. She said the language requires a committee made up of five residents within the ward to make a recommendation for City Council's consideration.

Members unanimously approved the language as written.

Items submitted for the record

1. Article II, Section 22 – Filling Vacant Council Positions with draft language

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Item 7, being:

DISCUSSION REGARDING THE CONSIDERATION TO ADD LANGUAGE TO THE CHARTER RELATED TO THE APPOINTMENT AND REMOVAL OF A CITY AUDITOR THAT WOULD BE A FULL TIME EMPLOYEE OF THE CITY OF NORMAN AND APPOINTED AND SUBJECT TO REMOVAL BY THE CITY COUNCIL.

Ms. Walker said there is no specific proposed language at this time. Currently, Norman does not have a City Auditor. The change as proposed would create the position of City Auditor. The City Auditor would be a full time employee of the City of Norman who would be subject to appointment and removal by City Council. She said if it's the Committee's desire to create a City Auditor position that would serve as an "at will" employee, language would need to be added to the Charter to clarify such status. She highlighted other cities in the metro and surrounding areas. Oklahoma City was the only city that has an auditor position and that position is appointed by City Council. Stillwater has an Audit Committee that is appointed by City Council.

Committee members discussed pros and cons of this proposal. Vice-Chairman Cubberley said City Council has the ability to hire an auditor for any specific purpose and felt this position would just be adding another level of bureaucracy, which is not needed for a city the size of Norman. Member Stawicki suggested the City Controller be a Council employee. Member Eller like the notion of an internal auditor not for finances, but for practices.

After further discussion, it was unanimously approved not to create the position. No change to the Charter will move forward to City Council.

Item 8, being:

DISCUSSION OF ARTICLE VII, SECTION 2, TO CONSIDER WHETHER THE CITY ATTORNEY SHOULD BE APPOINTED AND SUBJECT TO REMOVAL BY THE CITY COUNCIL.

Ms. Walker said just like the previous item, there is no specific proposed language at this time. Currently, the City Attorney is appointed by the City Manager, subject to confirmation by the City Council. Only the City Manager can terminate the City Attorney and it must be for cause. Under this proposal, the City Attorney would become a full time employee of the City of Norman who would be subject to appointment and removal by City Council. She said if it's the Committee's desire to specify that the City Attorney would serve as an "at will" employee, language would need to be added to the Charter to clarify such status. She highlighted other cities in the metro and surrounding areas. The City Attorney in Stillwater, Oklahoma City, Edmond, and Lawton are appointed by the City Council.

Member McBride felt the City Attorney should report to the City Council. He said question becomes "who's the client – the City Council or the City Manager". He felt the attorney client relationship should be between the City Attorney and the City Council. Member Stawicki suggested the client be identified in the Charter.

Vice-Chairman Cubberley was concerned about politicizing the position. He felt the current language in Article III, Section 6, was sufficient to address these type of concerns. Chairman Thompson felt the previous City Attorney politicized himself and provided examples to the Committee. Vice-Chairman Cubberley agreed there is potential for bad advice or misconduct, but does not think this is the answer. Some felt there has been a long history of the City Attorney not being responsive and loyal to the Council.

The consensus what for staff to draft two alternatives for consideration at the next meeting - that the City Attorney is an at will employee hired and fired by the Council, and language that would maintain the City Attorney's current status as an employee of the City Manager but clarify that the Council is the client.

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Item 9, being:

Miscellaneous Discussion.

Next meeting we will discuss consequences for violations of the Ethics Ordinance.

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Item 10, being:

ADJOURNMENT.

Chairman Thompson declared the meeting adjourned at 7:15 p.m.