

THE CITY OF NORMAN CHARTER REVIEW COMMISSION FINAL REPORT

The Charter Review Commission (“CRC”) was established with the adoption of Resolution R-1819-66 on April 23, 2019. Seventeen community members were initially appointed to the CRC, but three members were ultimately unable to serve. Members of the CRC include: Bob Thompson (Chairman), Doug Cubberley (Vice-Chairman), Richard Stawicki, Kenneth McBride, Kevin Pipes, Trey Bates, Carol Dillingham, Jim Griffith, Shon Williamson Jennings, Greg Jungman, Tom Hackelman, Jim Eller, Bryan Vineyard, and Aisha Ali. The Resolution established the CRC to conduct a targeted review of the Norman City Charter and report its recommendations to Council. Resolution R-1819-66 was amended on July 23, 2019 and again on November 10, 2020 to add additional areas of the Charter for the CRC to examine. The following items were identified for targeted review:

- Consider adding 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.
- Review of Article VII, Section 2 to consider whether the City Attorney should be appointed and subject to removal by the City Council.
- Consider adding language to the Charter that would establish consequences should the provisions of Section 2-103 of the City’s Code be violated.
- Review of Article II, Section 1 to consider increasing the monthly stipend provided for the Mayor and Councilmembers.
- Consider adding language to Article II, Section 1 of the Charter adding reimbursement for cell phone expenses as additional compensation received by City Councilmembers.
- Review of Article II, Sections 2, 5, 6 and 14 to consider whether the term of office for Councilmembers should be changed from two to three years, and whether the term of office for Mayor be changed from three to four years.
- Review of Article II, Section 2 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.
- Consider adding language to Article II, Section 10 of the Charter that would require a sitting Councilmember to resign their position at the time he or she files for another City, State or Federal elected office.
- Consider adding language to Article II, Section 2 of the 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.

- Consider adding language to Article XVI, Section 2 of the Charter requiring the City Council to consider a resolution calling for a vote of the electorate to increase City utility rates under certain conditions, i.e. upon a finding of financial need after a review of the utility funds and their monetary sources by the Finance Director or upon the recommendation of an independent elected utilities board.
- Consider adding language to the Charter to establish a Resident or Community Bill of Rights.
- Consider amending Article VI, Section 1 of the Charter to increase the number of members of the Board of Norman Regional Hospital Authority from nine to eleven members.
- Consider adding language to the Charter related to requiring a vote of the electorate for approval of a Tax Increment Finance District over \$5,000,000.
- Review of Article II, Section 22 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, or whether to delete language allowing Council to appoint a successor and instead require a special election to be called for the purpose of filling such vacancy.
- Review Article II, Section 11 to consider whether to allow partisan elections for municipal office.
- Review potential loopholes used to skirt the Open Meetings Act and provide recommendation.
- Review executive session restrictions and provide recommendation on appropriate limits of use versus overly expansive such that it provides cover to skirt Open Meetings Act.
- Revisit the relationship between Norman Regional Hospital and the City of Norman for equitability of benefit versus burden to the respective parties and make a recommendation.
- Examine the ward boundary creation process.
- Review Article XIII, Recall of Elective Officers, and provide a recommendation on whether the language should be modified.
- Review Article XVII, Section 9 to consider whether to require biennial review of the Charter.

Among other things, Resolution R-1819-66 required the CRC to hold quarterly public meetings, to submit its final recommendations to Council in a written Final Report approved by a majority vote of two-thirds of the members of the Commission. The CRC met regularly until COVID-19 resulted in most City committees and commissions canceling their meetings. The CRC began meeting again via Zoom while it was permitted. Public hearings were held January 6, 2020 and October 12, 2020. Meetings were held on the following dates: July 8, 2019, August 12, 2019,

September 9, 2019, October 14, 2019, November 4, 2019, December 2, 2019, January 13, 2020, February 10, 2020, March 9, 2020, August 10, 2020, November 12, 2020, April 19, 2021, May 17, 2021 and June 14, 2021. The following is a summary of the recommendations being forwarded to Council by the CRC:

- APPOINTMENT AND REMOVAL OF A CITY AUDITOR BY CITY COUNCIL

Not recommended by the CRC.

- APPOINTMENT AND REMOVAL OF CITY ATTORNEY BY CITY COUNCIL

Recommended by a vote of 8-3.

- ADDITION OF CONSEQUENCES FOR VIOLATIONS OF THE CITY'S ETHICS ORDINANCE

Not recommended by the CRC.

- ARTICLE II, SECTION 1 TO CONSIDER INCREASING THE MONTHLY STIPEND PROVIDED FOR THE MAYOR AND COUNCILMEMBERS.

Language recommended that would provide an initial increase in annual stipend (applicable to terms following expiration of current Councilmember and Mayor terms), and providing for a Compensation Commission that would determine additional increases every 3 years.

- ARTICLE II, SECTION 1 TO CONSIDER ADDING REIMBURSEMENT FOR CELL PHONE EXPENSES AS ADDITIONAL COMPENSATION RECEIVED BY CITY COUNCILMEMBERS.

No changes recommended by CRC.

- ARTICLE II, SECTIONS 2, 5, 6 AND 14 TO CONSIDER WHETHER THE TERM OF OFFICE FOR COUNCILMEMBERS SHOULD BE CHANGED FROM TWO TO THREE YEARS, AND WHETHER THE TERM OF OFFICE FOR MAYOR BE CHANGED FROM THREE TO FOUR YEARS.

Language recommended to provide for 3 year terms for all ward representatives. No changes to the term of office for the Mayor recommended by CRC.

- ARTICLE II, SECTION 2 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.

Language recommended to change the beginning and end date of terms such that a new term would begin (and the prior term end) on the first Tuesday following certification of the

election results for the new term.

- ARTICLE II, SECTION 10 OF THE CHARTER TO REQUIRE A SITTING COUNCILMEMBER TO RESIGN THEIR POSITION AT THE TIME HE OR SHE FILES FOR ANOTHER CITY, STATE OR FEDERAL ELECTED OFFICE.

No changes recommended by the CRC.

- ARTICLE II, SECTION 2 OF THE CHARTER TO 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.

Language recommended to require residency within the ward for 6 months prior to filing for elective office with provisions made for cases where ward boundaries have changed.

- ARTICLE XVI, SECTION 2 OF THE CHARTER TO REQUIRE THE CITY COUNCIL TO CONSIDER A RESOLUTION CALLING FOR A VOTE OF THE ELECTORATE TO INCREASE CITY UTILITY RATES UNDER CERTAIN CONDITIONS.

Language recommended to require Staff to prepare a rate study for each utility annually and requiring Council to submit a rate increase for one or more utilities at the next Council election, and making provision for situations where an additional rate increase may be needed to meet an unexpected need.

- ADDING NEW LANGUAGE TO THE CHARTER TO ESTABLISH A RESIDENT OR COMMUNITY BILL OF RIGHTS.

No additions to the Charter were recommended by the CRC.

- ARTICLE VI, SECTION 1 OF THE CHARTER TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD OF NORMAN REGIONAL HOSPITAL AUTHORITY FROM NINE TO ELEVEN MEMBERS.

Language recommended to increase the number of board members from 9 to 11, provided that at least 9 of the members are Norman residents.

- ADDING LANGUAGE TO THE CHARTER RELATED TO REQUIRING A VOTE OF THE ELECTORATE FOR APPROVAL OF A TAX INCREMENT FINANCE DISTRICT OVER \$5,000,000.

No additions to the Charter were recommended by the CDC.

- ARTICLE II, SECTION 22 TO CONSIDER ALLOWING THE OUTGOING COUNCILMEMBER CREATING THE VACANCY TO APPOINT HIS OR HER SUCCESSOR, OR TO REQUIRE A SPECIAL ELECTION TO BE CALLED FOR THE PURPOSE OF FILLING SUCH VACANCY.

Language recommended to clarify that Council can either appoint someone to fill the vacancy or call a special election. Language also recommended to eliminate confusion about appointments being for the remainder of the term.

- ARTICLE II, SECTION 11 TO CONSIDER WHETHER TO ALLOW PARTISAN ELECTIONS FOR MUNICIPAL OFFICE.

No changes recommended by the CRC.

- REVIEW POTENTIAL LOOPHOLES USED TO SKIRT THE OPEN MEETINGS ACT AND PROVIDE RECOMMENDATION.

No additions to the Charter were recommended by the CRC.

- REVIEW EXECUTIVE SESSION RESTRICTIONS AND PROVIDE RECOMMENDATION ON APPROPRIATE LIMITS OF USE VERSUS OVERLY EXPANSIVE SUCH THAT IT PROVIDES COVER TO SKIRT OPEN MEETINGS ACT.

No additions to the Charter were recommended by the CRC.

- REVISIT THE RELATIONSHIP BETWEEN NORMAN REGIONAL HOSPITAL AND THE CITY OF NORMAN FOR EQUITABILITY OF BENEFIT VERSUS BURDEN TO THE RESPECTIVE PARTIES AND MAKE A RECOMMENDATION.

No changes recommended by the CRC.

- EXAMINE THE WARD BOUNDARY CREATION PROCESS.

No changes recommended by the CRC.

- ARTICLE XIII, RECALL OF ELECTIVE OFFICERS TO CONSIDER WHETHER THE LANGUAGE SHOULD BE MODIFIED.

The CRC recommended changes to Article XIII to address potential timing conflicts with existing elections, ensuring the Clerk has adequate time to review signed petitions, and incorporating state law where appropriate in light of *In re: Petition to Recall Ward Three City Comm'r Ezzell*, 2021 OK 5.

- ARTICLE XVII, SECTION 9 TO CONSIDER WHETHER TO REQUIRE BIENNIAL REVIEW OF THE CHARTER.

No changes recommended by the CRC.

Summaries of the CRC's discussion of each item are attached, as well as formal language recommended, and the meeting minutes.

Article ____, Section ____ – Creation of the Position of City Auditor Subject to Appointment and Removal by City Council

Background:

The Creation of the position of City Auditor is a novel issue for the CRC. The proposed change first appeared in the Resolution No. R-1819-66 drafted in December 2018.

Currently, the City Manager is the only employee of Council. The Charter sets forth the Manager's position as an at-will employee of the Council and sets forth how a City Manager may be removed or suspended. It also outlines the general and special duties and powers of the City Manager.

The Charter empowers the City Manager to “appoint and remove all directors or heads of departments and all subordinate officers and employees in such departments. Further, such appointments and removals shall be made upon the basis of merit and fitness alone, including training and experience in the work to be performed...” Article III, Section (b). Similarly, the City's Personnel Manual sets forth the causes for termination in Section 305.9. Such causes include, but are not limited to:

- (a) Failure to report for work, regularly and promptly, except for causes beyond control of the employee;
- (b) Failure to meet prescribed standards of work, morality and ethics to an extent that makes an employee unsuitable;
- (c) Failure to comply with City rules and regulations;
- (d) Failure to make a reasonable effort to perform emergency service in any position when requested to do so;
- (e) Insubordination (a willful or intentional failure to obey a lawful and reasonable request of a supervisor or an action which constitutes lack of respect or harassment directed toward a supervisor);
- (f) Abuse of, or actions toward or around other employees or the public, either on or off the job, which tend to disrupt the good order and efficiency of the operation of any City department, impair the morale of its employees or impair the respect of the public for the department;
- (g) Horseplay, scuffling, and other acts that could have an adverse influence on the safety or well-being of other employees;
- (h) Theft, destruction or misuse of City property;
- (i) Unauthorized absences, abuse of leave privilege or a three (3) day absence without leave (AWOL)
- (j) Acceptance of a gift, fee, money or other valuable consideration given with the intent of influencing the employee in the performance of their official duty;
- (k) Improper use of authority or official position for personal profit or advantage;
- (l) Use of alcoholic beverages or intoxication while on duty;
- (m) Use, possession, sale, solicitation or transfer of drugs; or

- (n) Controlling interest, directly or indirectly, in any contract or job for the work or for material, or supplies, or the profits thereof, or any purchase made for or sales made by, to or with the City.

Recent City Managers in Norman have had an employment contract that specifies his or her status as an at-will employee and contains severance provisions that apply if the City Manager is fired, but not for cause. The current City Manager's contract is attached for your review.

A chart comparing the existence of city auditors and the approval and removal process of those city auditors was attached for the CRC's review at its September 2019 meeting. Commission members discussed the position and did not feel it was necessary for the City to create a position in the Charter for City Auditor due to the sufficiency of existing regular outside audits.

Proposed Change:

No changes recommended by the Charter Review Commission.

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

Background:

Appointment and removal of the City Attorney by the City Council is a novel issue for the CRC. Currently, the City Manager appoints and removes the City Attorney. The proposed change first appeared in the Resolution No. R-1819-66 drafted in December 2018.

Currently, the City Manager is the only employee of Council. The Charter sets forth the Manager's position as an at-will employee of the Council and sets forth how a City Manager may be removed or suspended. It also outlines the general and special duties and powers of the City Manager.

The Charter empowers the City Manager to “appoint and remove all directors or heads of departments and all subordinate officers and employees in such departments. Further, such appointments and removals shall be made upon the basis of merit and fitness alone, including training and experience in the work to be performed...” Article III, Section (b). Similarly, the City's Personnel Manual sets forth the causes for termination in Section 305.9. Such causes include, but are not limited to:

- (o) Failure to report for work, regularly and promptly, except for causes beyond control of the employee;
- (p) Failure to meet prescribed standards of work, morality and ethics to an extent that makes an employee unsuitable;
- (q) Failure to comply with City rules and regulations;
- (r) Failure to make a reasonable effort to perform emergency service in any position when requested to do so;
- (s) Insubordination (a willful or intentional failure to obey a lawful and reasonable request of a supervisor or an action which constitutes lack of respect or harassment directed toward a supervisor);
- (t) Abuse of, or actions toward or around other employees or the public, either on or off the job, which tend to disrupt the good order and efficiency of the operation of any City department, impair the morale of its employees or impair the respect of the public for the department;
- (u) Horseplay, scuffling, and other acts that could have an adverse influence on the safety or well-being of other employees;
- (v) Theft, destruction or misuse of City property;
- (w) Unauthorized absences, abuse of leave privilege or a three (3) day absence without leave (AWOL)
- (x) Acceptance of a gift, fee, money or other valuable consideration given with the intent of influencing the employee in the performance of their official duty;
- (y) Improper use of authority or official position for personal profit or advantage;
- (z) Use of alcoholic beverages or intoxication while on duty;
- (aa) Use, possession, sale, solicitation or transfer of drugs; or

- (bb) Controlling interest, directly or indirectly, in any contract or job for the work or for material, or supplies, or the profits thereof, or any purchase made for or sales made by, to or with the City.

Recent City Managers in Norman have had an employment contract that specifies his or her status as an at-will employee and contains severance provisions that apply if the City Manager is fired, but not for cause. The current City Manager's contract is attached for your review.

A chart comparing the status of City Attorneys/Municipal Counselors and the approval and removal process of such persons was provided to the CRC at its September 9, 2019 meeting. Discussion centered around the need for the Council to be able to select its Attorney versus the need to protect the Council's legal advice from politics. Ultimately, the CRC asked that two options be prepared for discussion at the October meeting – one option to add language to the Charter that would make the City Attorney an at-will employee of City Council, similar to the City Manager, and a second option that would make the City Attorney an at-will employee of the City Manager and clarify that the City Council is the client. After discussing the two options, the CRC voted 8 - 3 to recommend Option 1.

Language adopted by the CRC:

Option 1 (modeled after City Manager, Art. III, Section 1):

The City Attorney shall be appointed by Manager; such appointment shall be subject to the approval of a majority of the City Council. The City Attorney may be removed by the City Manager. 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, ancestry, 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 or suspended 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. 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.

Article __, Section _ – Consequences for Violations of the Ethics Ordinance

Background:

On April 12, 2009, the City Council adopted the City of Norman Ethics Policy for City Council, Boards, Commissions and Committees of the City of Norman by Resolution. This policy continues to be used to guide decisions related to ethical dilemmas on Norman Boards, Commissions and Committees. In 2011, the Council adopted Ordinance O-1112-5, which formerly codified much of the Ethics Policy as applicable to City Councilmembers in Section 2-103 of the Code. Among other things, the Ethics Ordinance requires that Councilmembers refrain from participating in discussion and votes on items in which they have a pecuniary interest (expectation of a financial benefit, detriment or employment consequence) or actual conflict (items in which the official holds a direct benefit, detriment or employment consequence) related to the action or decision. Additionally, Councilmembers must disclose potential conflicts prior to participating in the discussion and vote on an item where he or she might have an indirect benefit, detriment or employment consequence that could call into question his or her objectivity or independence. The City Attorney's role as set forth in the Ethics Ordinance is to answer questions and provide opinions related to possible ethics violations. There is no penalty outlined in the ordinance for violations. The resolution establishing the CRC asked that the CRC consider adding language to the Charter that would establish consequences for violations of Section 2-103 of the Code. A copy of the ordinance is attached for your review.

A chart comparing Norman's ethics ordinance with approaches in other cities was attached for the CRC's review. The cities cited on the chart were all cities in Oklahoma that are of similar size, population, and proximity to metropolitan areas.

Proposed Change:

The Commission voted unanimously to recommend no Charter amendments related to this issue.

Article II, Section 1 – Stipend increase for Mayor and Councilmembers.

Background:

The 2005 CRC unanimously recommended a compensation increase for the Mayor and Council members. The City Council did not elect to include the compensation increase in a municipal vote. In 2015, Article II Sec. 1’s verbiage changed from “compensation” to “stipend” per the CRC’s recommendation. However, the 2015 CRC did not consider changing the actual stipend amount.

The most recent proposed stipend increase appeared in the Resolution No. R-1819-66 drafted in December 2018. No specific increase amount was requested.

A chart comparing Norman’s stipend amount with other cities’ stipend amounts/salaries was presented to the CRC during its August 12, 2019 meeting. The Committee discussed the range of stipend amounts in other cities and there was consensus to move forward with a modest increase in a format that would simplify the payment process (instead of tracking the number of meetings attended to establish the stipend amount). The Committee asked that language be drafted to recommend a stipend between \$450 - \$650 per month (\$5,400 - \$7,800 per year) for Councilmembers and \$675 - \$975 per month (\$8,100 - \$11,700 per year) for the Mayor.

At its meeting in September, the Committee reviewed the drafted language and discussed other ways to gauge the appropriate compensation so that it would not require a Charter change every time the stipend was changed. Some suggested tying future increases to a set marker – employee wage increases, consumer price index, etc. but others expressed concerns about putting forward a structure that would guarantee a regular stipend increase without regard to overall budgetary concerns. Ultimately, the Commission appeared to reach a consensus and asked that language be drafted that requiring a Compensation Commission to be appointed and make recommendations for stipend increases every three years.

After looking at the implications of using either the term “stipend” or “salary” and whether the amount of each may impact status of the elected official as an “employee” of the City, it appears stipend is an appropriate term for these purposes regardless of the amount. A stipend is generally defined as a fixed sum of money paid periodically for services or to defray expenses. Whether it is called a stipend, wage or salary is immaterial for Internal Revenue Service purposes. Elected officials are explicitly excluded from the definition of employee in the context of the Employment Security Act, 40 O.S. s. 1-210, Federal Fair Labor Standards, 29 U.S.C.A. s.203, and the Family Medical Leave Act, 29 CFR s.825.102.

The CRC discussed possible language at its October 2019 meeting and voted unanimously to recommend the language set forth below.

Language Adopted by the CRC:

Section 1. - Elected Officers: Powers and duties; stipend.

* * * *

The Mayor shall receive an annual stipend of [\$8,100 - \$11,700] for his or her service per annum, payable monthly beginning with the mayoral term that begins 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 monthly stipend for the Mayor and each of the Councilmembers shall receive 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 increases approved by the Commission shall not become effective until the following Council or Mayoral (as applicable) term., 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 dollars total stipend for any given calendar month.

Article II, Section 1 – Reimbursement for Cell Phone Expenses as Additional Compensation.

Background:

Adding reimbursement for cell phone expenses as additional compensation for Councilmembers is a new proposal. Past CRC's have not considered this issue. The proposed change first appeared in the Resolution No. R-1819-66 drafted in December 2018.

A chart comparing Norman's allowed additional compensation with other cities' allowed additional compensation was provided to the CRC at its August 12, 2019 meeting. After some discussion, the Committee recommended that the City provide cell phones for City business to the Mayor and Councilmembers, but felt this was more appropriately characterized as a policy change and did not require a change to the Charter.

Proposed Change:

No changes to the Charter were recommended by the CRC.

Article II, Sections 2, 5, 6, 14 – Mayor and Councilmember’s Term Expiration.

Background:

Prior to 2003, the terms of the Mayor and Councilmembers expired “at the time fixed for the last regular meeting of the Council in April”. In 2003, voters approved the current language that sets the expiration of mayoral and councilmember terms on the first Tuesday of July.

A chart comparing Norman’s current term expiration date with other cities’ term expiration date was provided to the CRC at its August 12, 2019 meeting. The Committee discussed the potential for a lengthy period of time between election and officially seating the newly elected member and expressed a desire to reduce this time. The Committee liked the approach used in Stillwater, where seating newly elected officials is tied to the certification of the election results.

During the September meeting, the CRC reviewed proposed language and expressed concerns about the term of office not being exactly two years as set forth in the existing Charter language. Option 1 below has been modified to reflect a two-year cycle for Councilmember elections and a three-year cycle for Mayoral elections.

During the October meeting, Member Bates requested that this issue be revisited in order for Staff to prepare language for three year terms for all elected officials, with odd-number ward elections continuing to occur together in the same year, even-numbered ward elections occurring the next year year together, and the Mayoral election occurring every third year as a standalone election. To achieve this without affecting current terms, the language is drafted to begin in 2023 as shown on the chart below.

	Current Term	New Term
Odd Wards	July 2, 2019 – July 7, 2021 July 7, 2021 – 2023 (Tuesday following election results)	2023 – 2026 (Tuesday following election results)
Even Wards	July 3, 2018 - July 7, 2020 July 7, 2020 – July 5, 2022 July 5, 2022 – 2024 (Tuesday following election results)	2024 – 2027 (Tuesday following election results)
Mayor	July 2, 2019 – July 5, 2022	July 5, 2022 – 2025 (Tuesday following election results)

On November 4, 2019, the CRC voted 6-5 to move forward with three year terms for all members of Council and a modification that would provide that terms end, and new terms begin at 6:30pm on the Tuesday following certification of election results by the County Election Board. This necessitated related changes to Sections 5, 6, and 14 of Article II.

Language adopted by the CRC:

Section 2. - Term of office.

~~The term of Councilmembers shall be for a period of two years. 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 expire~~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 Councilmembers chosen to represent such wards shall begin at six-thirty in the evening (6:30pm) 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 ~~expire~~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 such wards shall begin at six-thirty in the evening (6:30pm) on the first Tuesday following certification of the election results by the election board secretary.

Each elected officer shall continue to hold and to perform the duties of his office until his successor is elected and qualified, unless he is removed or forfeits his office under other provisions of this Charter.

~~The term of office of the Mayor elected at regular elections, Elections for Mayor shall be~~occur every three (3) years. The term of the Mayor shall expire~~begin~~begin on the first Tuesday of July and each 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 (6:30pm) on the first Tuesday following certification of the election results by the election board secretary.

Section 5. – Municipal Elections.

By resolution duly adopted each year, the City Council shall designate a date in the following year, which is approved under then-current state law, for the holding of Norman's municipal election, at which time there will be election contests conducted by the Cleveland County Election Board for each of the following positions for which two (2) or more qualified (as described above) registered voters have filed for office: wards two (2), four (4), six (6), and eight (8) in even-numbered years; wards one (1), three (3), five (5), and seven (7) in odd-numbered years; and Mayor in 2007 and each third year thereafter. Beginning in 2023, and every third year thereafter, elections for the following wards should be held, provided two (2) or more qualified (as described above) registered voters have filed for office: wards one (1), three (3), five (5), and seven (7). Beginning in 2024, and every third year thereafter, elections for the following wards should be held, provided two (2) or more qualified (as described above) registered voters have filed for office: wards two (2), four (4), six (6), and eight (8). Beginning in 2025, and every third year thereafter, elections for Mayor shall be held, provided two (2) or more qualified (as described above) registered voters have filed for office. If allowed by then-current state law, the date for municipal elections shall be in February. In each such municipal election, a person receiving a majority of votes cast shall be deemed to be the winner. If no person receives a majority of votes in the municipal election, the two candidates receiving the most votes shall proceed in the municipal runoff election, described below. If two or more persons tie for second place in the municipal election, and the person receiving the most votes did not receive a majority

of votes cast, then the second-place nominee shall be determined from among those tying, fairly by lot, by the Cleveland County Election Board. If three or more persons tie for first place in the municipal election, then the two municipal runoff election nominees shall be determined from among those tying, fairly by lot, by the Cleveland County Election Board.

Section 6. – Municipal Runoff Elections.

By resolution duly adopted each year, the City Council shall designate a date in the following year that is subsequent to the date chosen for Norman's municipal election described in Section 5 herein, which is approved under then-current state law, for the holding of Norman's municipal runoff election, at which time there will be runoff election contests, if necessary, conducted by the Cleveland County Election Board for each of the following positions for which two (2) or more qualified (as described above) registered voters have filed for office: wards two (2), four (4), six (6), and eight (8) in even-numbered years; wards one (1), three (3), five (5), and seven (7) in odd-numbered years; and Mayor in 2007 and each third year thereafter. Beginning in 2023, and every third year thereafter, elections for the following wards should be held, provided two (2) or more qualified (as described above) registered voters have filed for office: wards one (1), three (3), five (5), and seven (7). Beginning in 2024, and every third year thereafter, elections for the following wards should be held, provided two (2) or more qualified (as described above) registered voters have filed for office: wards two (2), four (4), six (6), and eight (8). Beginning in 2025, and every third year thereafter, elections for Mayor shall be held, provided two (2) or more qualified (as described above) registered voters have filed for office. If allowed by then-current state law, the date for municipal runoff elections shall be in April.

Section 14. – Form of ballot.

In ~~odd-numbered~~ years in which the terms of the odd numbered wards expire, the names of the candidates for City Council for each Council ward numbered one (1), three (3), five (5) and seven (7) shall appear upon the ballot in the appropriate ward of the City and placed under the words: "For Councilmember in Ward No. _____", followed by the instruction in each case: "Vote for One".

In ~~even-numbered~~ years in which the terms of the even numbered wards expire, the names of the candidates for City Council for each Council ward numbered two (2), four (4), six (6) and eight (8) shall appear upon the ballot in the appropriate ward of the City and placed under the words: "For Councilmember in Ward No. _____", followed by the instruction in each case: "Vote for One".

In the years in which the Mayor's term expires, the names of candidates for Mayor shall be placed upon the ballot under the words: "For Mayor", followed by the instruction: "Vote for One".

Article II, Section 2 – Resignation upon Filing for another Elected Office.

Background:

In 2005, subsequent to the 2005 CRC report, four councilmembers suggested an additional change to the Charter that would have required City employees running for partisan political office to take a leave of absence upon filing for office. City Council did not send any such language forward for a vote. The 2012/13 CRC recommended adding language to the Charter stating that any employee seeking elected office may be required to take a leave of absence as prescribed by the Code of Personnel Manual, and such language was adopted by the voters in 2015.

Although previous CRC's have considered how to best address employees who run for elected office, the proposal requiring a sitting Councilmember to resign upon filing for another City, State, or Federal elected office is a novel issue.

51 Okla. Stat. § 6 prohibits dual office holding such that a sitting City Councilmember cannot also serve as mayor, state representative, federal representative, etc. State law also provides that candidates may file for no more than one office at any one election. 26 Okla. Stat. § 5-106.

A chart comparing Norman's current Charter provisions regarding current councilmembers filing for another elected office with other cities related provisions was provided to the CRC for review during its August 12, 2019 meeting. The Committee discussed whether the Charter should discourage Councilmembers from running for another office and ultimately reached a consensus to recommend that the existing language in the Charter remain.

Proposed Change:

The CRC recommended no changes to Article II, Section 2 related to situations where sitting municipal officials file for another elected office.

Article II, Section 2 – 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.

Background:

Currently, in Article II Section 2, the Norman Charter requires that a councilmember candidate reside in Norman for six months prior to filing for office. There is not a specific ward residency requirement in the Charter at this time. A ward residency requirement for councilmember candidates has not been considered by past CRCs. The proposed change first appeared in the Resolution No. R-1819-66 drafted in December of 2018.

A chart comparing Norman’s current ward residency requirement with other cities’ policies was provided to the CRC for review at its August 12, 2019 meeting. The Committee discussed whether requiring a candidate to live in the ward for six months was too long, but most members expressed support for the requirement, citing the ability to know the ward better the longer one has lived in the ward. Concern was expressed, however, that in the case of reapportionment, someone could have lived in a neighborhood for more than six months, but be ineligible to serve merely because the Ward boundaries changed. In Article XX, Section 5 of the Charter, it states that in the case of reapportionment, “the new wards and boundaries will supersede the previous wards and boundaries for the next primary and general election, and for all other purposes on the day on which the terms of the Councilmembers elected that year begin.”

Some committee members also asked whether it was possible to define residency and/or domicile. Although it is difficult to find a definition of residency in a similar context, Oklahoma courts have recognized that the term “resident” is not an ambiguous term, that is, its meaning is clear to a layperson. *Shelter Mutual Insurance Company v. American Hallmark Insurance Company of Texas*, 330 P.3d 1229 (Okla. Civ. App. 2014). Black’s Law Dictionary defines “residence” as living or dwelling in a certain place permanently or for a considerable length of time. By its plain reading, language requiring residency in the ward for 6 months would mean living or dwelling in a location within the ward for 6 months. Conversely, Black’s Law Dictionary defines “domicile” as the place at which a person is physically present and that the person regards as home; a person’s true, fixed, principal, and permanent home, to which that person intends to return and remain even though currently residing elsewhere.

At its September 9, 2019 meeting, the CRC voted unanimously to recommend the proposed language set forth below.

Language adopted by the CRC:

Section 2. - Term of office.

*

*

*

*

For purposes of filing and election to the positions of City Council, only persons who have been 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.

For the purpose of filing and election to the position of Mayor, only persons who have been duly registered to vote in accordance with state law within the City of Norman for the six months prior to the date of the municipal election, shall be eligible to seek election as Mayor.

Article XVI. Municipally Owned Utilities.

Background

Article XVI, Section 2 of the City's Charter requires any increase in utility rates within the control of the City of Norman to be submitted to the legal voters of the City for their approval or rejection. This section was added to the Charter in the 1970's after Council adopted a utility rate to cover the cost of additional officers.

This Section has been considered on multiple occasions by prior CRC's. The 2005 CRC studied this provision and recommended that it be changed to authorize increases in utility rates of up to 3% per year without requiring an election. Under the 2005 CRC proposal, any increase greater than 3% would require voter approval. The City Council did not move this proposal forward for voter consideration at that time. In Resolution No. R-1112-109, the CRC was asked to "Review Article XVI, Section 2 to consider whether City Council should be empowered to increase utility rates not more than three percent (3%) annually without requiring a city wide vote." After extensive discussion, the CRC responded with a recommendation that Section 2 be stricken altogether. The minutes from those meetings are attached. Council ultimately disagreed and no amendments to this Section were submitted to the voters.

Section 5(j) of Resolution R-1819-66 (as amended) asks the current CRC to consider "adding language to Article XVI, Section 2 of the Charter requiring the City Council to consider a resolution calling for a vote of the electorate to increase City utility rates under certain conditions, i.e. upon a finding of financial need after a review of the utility funds and their monetary sources by the Finance Director or upon the recommendation of an independent elected utilities board." The language was suggested by then Councilmember Castleberry, as a way to ensure the City went to the voters for needed increases when dictated by financial need.

Ken Komiske, Director of Utilities, attended the August 2020 CRC meeting and provided historic information about how often and how much the City increases utility rates, particularly as compared to other cities without such a Charter provision. The CRC requested additional information relative to methodology in other cities, frequency of rate increases, and whether entities other than City Councils were empowered to implement rate increases. This information is provided below. A member proposed consideration of requiring a vote on one alternating utility rate every year to remove it from considerations related to Councilmember elections and to ensure a regular rate increase.

CRC further discussed this proposal at its September 2020 meeting and discussed a desire to create an expectation for annual utility elections while giving Council and Staff the flexibility to address the needs of each utility. The CRC voted to adopt the language set forth below unanimously.

Adopted Language:

Section 2. -

Precedent to 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.

Article ____, Section ____ – City of Norman Community Bill of Rights.

Background:

No past CRC has considered adding a Community Bill of Rights (“CBOR”) to the Charter. Resolution No. R-1819-66 called for the 2019 CRC to consider adding language to the Charter to establish a CBOR. Currently, no Oklahoma cities have a CBOR. Other cities across the United States have adopted or have tried to adopt CBOR ordinances or charter amendments. CBORs are declarations of community self-government often motivated by concerns related to fracking, pollution, water protection, ecological preservation, and sustainable energy.

The Community Environmental Legal Defense Fund (“CELDF”) indicates that CBORs often contain the following:

(1) A preamble, (2) a definitions section, (3) a section enumerating specific rights, (4) a section identifying and prohibiting the rights-violating activities, (5) an enforcement section, (6) a section preserving certain corporate powers, (7) a section voiding past permits that allowed the rights-violating activities, (8) a section calling for federal and state constitutional recognition and enforcement of the rights of community self-government, (9) a severability section, and (10) a repealer section that repeals prior local laws in conflict with the CBOR.

A chart comparing three CBOR’s, each of which employing different degrees of legislative measures to accomplish their goals, was provided to the CRC. The CBORs cited largely conformed to the CELDF’s suggested format except for minor deviations. CBORs differ greatly in their legislative measures. Some CBORs are simply declarations of local self-government and rights to a clean environment, while others ban activity outright and impose strict penalties. The Community Rights US group (www.communityrights.us) is a pro-community rights group with information related to similar efforts across the county. An article written about the community rights movement was also provided for review.

At its meeting on December 2, 2019, the Committee asked for an item on its next agenda to recommend that Council consider working on this issue with a separate committee. No charter amendments were recommended at the time.

Proposed Language:

No changes were proposed by the CRC.

Article IX– Hospital.

Background:

Resolution R-1819-66, as amended, included two items in the charge of the CRC related to the hospital. First, Section 5(l), which asks the Commission to consider recommending an amendment to Article IX, Section 1 of the Charter to increase the number of board members for the Norman Regional Hospital Authority from 9 to 11, was requested by the Hospital. Language accomplishing this change is provided below for your consideration. Section 5(r) of the resolution asked that the Commission revisit the relationship between Norman Regional Hospital and the City for equitability of benefit versus burden to the respective parties and make a recommendation. A brief history of the relationship between the hospital and the City is provided for your consideration. Additionally, the trust indenture creating the hospital authority is attached.

Norman’s first hospital, the American Legion Memorial Hospital, opened after World War I to address the needs of the growing community. During World War II, the hospital closed due to shortages of trained medical personnel. News reports from the time captured stories of people losing loved ones because of the travel time to the nearest hospitals in Oklahoma City. Norman’s Charter was amended in 1945 to include provisions for a municipal hospital. In 1946, Norman Municipal Hospital opened at 901 N. Porter to address the need for a local hospital. The original hospital had 61 beds and 29 employees. After 20+ years of managing the hospital, the City created the Norman Municipal Hospital Authority (now the Norman Regional Hospital Authority), a public trust, in 1969 to provide for the operations of the hospital and allow the hospital the benefits of a public trust without subjecting the City to the liability and financial responsibility related to operating a hospital. The City of Norman has always been the sole public beneficiary of the trust.

Public trusts exist as an independent legal entity, separate and distinct from the beneficiary. The beneficiary, here, the City, is able to enjoy the benefits of the public functions met by the trust, without being liable for lawsuits, financial obligations, etc. Unlike the City’s other public trusts (NUA, NMA, etc.), this particular trust indenture was written to provide for trustees that are separate and independent from the City Council. Instead, the Mayor, with the consent of Council, appoints the trustees to the Norman Regional Hospital Authority (“NRHA”) Board of Directors. The trustees are specifically empowered by the trust indenture with having and exercise exclusive management and control of the Trust properties, making and performing contracts, adopting rules, regulations, policies and procedures for the regulation of its affairs and conduct of its business, acquiring property, making investments, financing facilities, etc. (See Article VII, Amended and Restated Trust Indenture). The City, as beneficiary, has no authority to control or direct the actions of the Trustees. (Article VIII, Amended and Restated Trust Indenture). The Trust Indenture can be amended only by approval of 2/3rds of the Trustees and approval of the Beneficiary so long as no outstanding indebtedness is secured by the Trust Estate (Article X, Amended and Restated Trust Indenture).

Since 1945, the Norman Regional Health System (“NRHS”) has grown to be a multi-campus system providing health and wellness services for south central Oklahoma. The Porter Avenue Norman Regional Hospital currently serves as an acute-care facility and is licensed for 219 beds. The HealthPlex campus at Tecumseh and I-35, open several years ago and is licensed for 168 beds

and features Cardiovascular Services, Spine and Orthopedic Surgery, and Women's and Children's Services. NRHS also includes a healthcare facility in Moore as well as outpatient diagnostic centers, medical transport services, physician services, centers of excellence, durable medical equipment supplies, a primary care network, community wellness services and employer health services. NRHS employs more than 3,000 people and have more than 375 physicians on staff.

Over the past several years, NRHS has undertaken a process to develop a strategic long range plan ("Inspire Health") to more effectively and efficiently provide high quality healthcare in south central Oklahoma. Council, as representatives of the beneficiary of the hospital trust, approved debt financing for the implementation of this plan in November 2019. The CRC discussed the proposed increase in board membership at its March 2020 meeting, and asked that language be drafted to increase the board membership from nine to eleven, and ensure no more than two board members are appointed from other communities in which the Hospital operates a facility. The CRC expressed a strong sentiment that board diversity should be a priority and guiding principle for board composition.

The CRC also discussed the relationship between the Hospital and the City for equitability of benefit versus burden to the respective parties. Chairperson Thompson spoke with Councilmember Petrone, who requested this item be included in the CRC's charge, and relayed that she was asking about liability caps under the Governmental Tort Claims Act and whether citizens received cheaper healthcare in return. CRC members discussed the extraordinary complexity of hospital management and recommended that the NRHS presentation page titled "Community Benefit Reporting Quantifiable Benefits, 2010-2019" be included in the next quarterly report to Council. This document shows a total value of quantifiable benefits provided to the community of \$261,244,917 between 2010 and 2019. No Charter changes were identified by the CRC related to this item.

Proposed Change:

Article IX. – Hospital.

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.

Article ___, Section ___ – Voter Approval Required for Tax Increment Finance Districts over \$5,000,000.

Background:

No past CRC has considered requiring voter approval of any Tax Increment Finance (“TIF”) District. Resolution No. R-1819-66 called for the 2019 CRC to consider adding language to the Charter requiring a vote of the electorate for approval of a Tax Increment Finance District over \$5,000,000.

Cities are authorized to create TIF districts by the Local Development Act, which was adopted by the State Legislature in 1992. TIF Districts allow cities to use revenue growth generated in a district to fund certain improvements. Over the years, the City has created three TIF Districts – the Campus Corner TIF, the University North Park TIF, and the Center City TIF. The Campus Corner TIF authorized project costs in the amount of \$1.25 million for lighting, security systems, landscaping, sidewalks, etc. and was funded with growth in revenue from ad valorem and sales taxes. The University North Park TIF authorized project costs in the amount of \$54.725 million to fund costs associated with traffic and roadway improvements, economic development, Legacy Park, a conference center and cultural facility, and Lifestyle Center. It was funded with a portion of the growth in sales tax and ad valorem tax revenue generated within the district. Most recently, Council created the Center City TIF, which uses growth in ad valorem revenue to fund up to \$44.5 million in primarily public infrastructure improvements that make redevelopment more costly and more difficult.

In order to create a TIF district under the Local Development Act, the area proposed for inclusion must first be eligible under the Act. Then a Project Plan must be developed which is required to be reviewed by a committee made up of representatives of the taxing jurisdictions and three community members. Once the review committee makes a recommendation on the Project Plan, the Planning Commission must review and make a recommendation. Finally, the City Council must hold two public hearings prior to adoption of the plan. The proposal before the CRC is to consider whether a vote of the public must also be required prior to creating a TIF district with authorized project costs exceeding \$5 million.

At its December 2, 2019 meeting, the Committee discussed the merits of requiring a vote of the electorate prior to creating a TIF district and whether such a proposal should include a \$5 million threshold. The Committee wanted to further discuss whether an election should be for TIF’s that utilize sales tax increments only and whether there is an appropriate threshold amount. Some members expressed concern that a threshold would not stand the test of time and would essentially require all TIF’s to be voted on by the electorate. Some of the discussion related to limiting the scope of any Charter amendment to TIF’s funded from sales tax increments since the City is only entitled to sales tax. Additional discussion centered on whether Council would be able to amend a TIF without an additional vote of the electorate. Staff was asked to draft a proposal based on the feedback thus far to help spur additional discussion. During its January 2020 meeting, the CRC was split 5-5 on whether to recommend changes to the Charter, specifically the language set forth below.

The City Council, after receiving a quarterly update from Chairperson Thompson, asked that the CRC consider this item again since the prior consideration resulted in a tie vote and not all members were present at the previous meeting. The CRC discussed the item again during its November 2020 meeting and ultimately its position remained unchanged.

Article II, Section 22 – Filling Vacant Council Positions.

Background:

Whether to allow an outgoing councilmember to appoint their successor or to hold a special election to fill the empty position is a novel issue for the CRC.

The proposed change allowing an outgoing councilmember to appoint their own replacement came in the form of an amendment to the Resolution proposed by Councilmember Castleberry on April 18, 2019. The Resolution was subsequently amended by Councilmember Petrone to include a proposed change that would mandate a special election in the case of a vacant councilmember position.

A chart comparing Norman’s current policy for filling vacant positions with other cities’ policies was provided to the CRC for review at its August 12, 2019 meeting. The CRC discussed both proposals and expressed a desire to follow a consistent process, recognizing that the current Charter language provides Council an option to call a Special Election or follow a committee process. Ultimately, the Committee recommended that language be drafted to codify the Committee process used recently to fill vacancies in Ward 6 and Ward 4.

The CRC voted unanimously at its September 9, 2019 meeting to recommend incorporating the selection committee process into the Charter. Subsequent to the September 2019 discussion, there was some question about the language “for a period extending until the next regular municipal election”. When a vacancy is filled and the next regular municipal election already would include election for the next term of the same seat that was filled, historically, the election for the next term has not been treated as automatically including filling the current term because the regular election is for a two-year term beginning in July per Article II, Section 2 of the Charter. In other words, the appointment continues until the expiration of the term for which the appointee was selected to fill. One remedy that was considered was to have two ballots for the same seat on the same election – one to complete the term, and one for the term beginning in July. However, according to the Election Board, this presented a completely novel issue and one not addressed by their rules. Ultimately, it would be highly discouraged by the Election Board due to the possibility of confusion.

For clarity’s sake, the Charter language could be modified to require either calling a special election, or appointing someone to fill the remainder of the term to eliminate any sort of argument about when the term begins. This would give Council flexibility to consider the available election dates in making a decision whether to appoint or elect a replacement. The CRC discussed this issue at its April 2021 meeting and asked Staff to draft an amendment to clarify this issue. During the May 2021 meeting, the CRC also discussed whether to keep the previously suggested amendment related to codifying the selection committee process. Ultimately, the CRC voted unanimously to remove the previously recommended language, and include the clarification regarding filling vacancies for the remainder of the term.

Recommended Language

Section 22. – Vacancies in office.

* * * * *

Any vacancy occurring on the City Council shall be filled by a majority vote of the remaining members of the City Council 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~~ the balance of the unexpired term; provided, 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 II, Section 11 – Partisan Elections.

Background:

Since its initial adoption, the City’s Charter has included a provision forbidding a person from designating his or her political party affiliation in connection with a run for municipal office. Resolution R-1819-66 (as amended), asked that the CRC review Article II, Section 11 to consider whether to allow partisan elections. According to the National League of Cities (“NLC”), over 75% of all municipalities have nonpartisan elections. The NLC cites the arguments of proponents of nonpartisan ballots as: political parties are irrelevant to providing services and cooperation between elected officials belonging to different political parties is more likely in a partisan setting. Proponents for partisan election argue that the absence of party labels can be confusing to a voter and that without a partisan label, the voters will turn to whatever cue is available, such as ethnicity, incumbent status, or single-issue identification. Additionally, proponents for partisan elections say that non-partisanship tends to produce elected officials more representative of the upper socioeconomic strata than the general populace, aggravating class bias in voter turnout. The NLC article was provided to the CRC at its November 2019 article. The CRC voted unanimously to reject the proposal for partisan elections.

Proposed Change:

No changes were recommended by the CRC.

Review potential loopholes used to skirt the Open Meetings Act and provide recommendation. Review executive session restrictions and provide recommendation on appropriate limits of use versus overly expansive such that it provides cover to skirt Open Meetings Act.

Background:

No past CRC has considered whether to recommend any changes to the Charter related to the Open Meetings Act. A summary of the Act is provided below.

The Oklahoma Open Meeting Act is designed to encourage and facilitate citizens' understanding of governmental processes and problems. Under the act, all meetings of public bodies, including municipalities must be open to the public, held at specified times and places, and votes must be publicly cast and recorded.

No informal gatherings or any electronic communications may decide an issue or take votes on any matter. A public trust whose beneficiary is a municipality may hold meetings by teleconference. However, no more than twenty percent of a quorum of the trustees may participate by teleconference, and all votes must be roll call votes. Executive sessions by teleconference are not permitted.

All regularly scheduled, continued or reconvened, special or emergency meetings of public bodies require public notice. Municipalities must give notice to the municipal clerk in writing by December 15 each year showing the date, time and place of the regularly scheduled meetings for the year. The municipal clerk must keep a record of all notices open to the public. Also, public bodies must display a notice twenty-four hours in advance at the public body's principal office.

If a meeting must be continued or reconvened, public notice of the continued meeting must be announced at the original meeting. Only matters appearing on the agenda of the meeting which is continued may be discussed at the continued or reconvened meeting.

Special meetings of public bodies require forty-eight-hour notice to the municipal clerk. Only matters appearing on the posted agenda may be considered at the special meeting. Notice of the special meeting must be posted twenty-four-hours prior at the public body's principal office. In the event of an emergency meeting, the person calling the meeting must give as much advance public notice as is reasonable and possible under the circumstances.

Minutes must be done for each meeting held by a public body under the Open Meetings Act. The minutes must show members present and absent, all matters considered, all actions taken, and the manner and time of notice. Any person attending a public meeting may record the proceedings as long as the recording does not interfere with the proceedings.

Executive sessions are only permitted in certain circumstances. Generally, for a municipality this includes 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; or when discussing any matter where disclosure of information would violate state or federal law.

Executive sessions discussing the purchase or appraisal of real property may not include any person who may profit directly or indirectly from a transaction concerning the real property.

Any vote or action on any item of business considered in an executive session must be taken in public meeting with the vote of each member publicly cast and recorded. If a public body proposes an executive session, the agenda shall: indicate that an executive session will be proposed; identify the items of business and purposes of the executive session; and state the provision of the Open Meetings Act authorizing the executive session.

Any action taken in willful violation of the Oklahoma Open Meetings Act is invalid. Additionally, the penalty for violation is a misdemeanor punishable by up to a \$500 fine or up to a year of imprisonment in the county jail, or both.

Although the Open Meeting Act only applies to groups meeting the definition of “public body” in the Act, the City’s Charter and Code ensure other bodies also comply with the Open Meeting Act. The Charter currently provides that all meetings of the City Council, Boards, Commissions, Authorities and Committees of the City be open to the public under such regulations as may be fixed by ordinance. It also recognizes the ability of the Council, Boards, Commissions, Authorities or Committees to hold executive sessions in compliance with State law. In 2011, Council adopted Resolution R-1112-9 (attached) that requires all committees, sub-committees, and ad hoc committees be subject to the Open Meetings Act. This requirement was codified by the adoption of Ordinance O-1213-47, which created Section 4-107 in the City Code and requires all boards, commissions, council sub-committees, and ad hoc committees to follow the provisions of the Open Meetings Act when posting meeting notices and agendas.

The CRC asked for clarification from the Councilmember who asked that it examine these issues. After receiving none, no recommendations were made related to this item.

Article XX– Reapportionment.

Background:

Article XX of the City of Norman’s Charter sets out the reapportionment process. Currently, under Article XX a Reapportionment Ad Hoc Committee reviews and ensures that the wards are 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.” 11 O.S. 11-20-101 (2014) proscribes that municipalities review wards and ward boundaries following the Census and change the boundaries or number of wards if necessary. Wards must be substantially equal in population. 11 O.S. 11-20-101 (2014). When establishing ward boundaries, a municipality should try to avoid subdividing precincts established by a county election board. *Id.* Under 11 O.S. 11-20-102 (2014), a change in the name, boundaries, or number of wards in a municipality may be proposed at any time by: (1) a resolution of the municipal governing body; or (2) an initiative petition filed with the governing body of the municipality.

In 2013, the CRC suggested substantial restructuring of the reapportionment process. First, the CRC suggested that the standing Reapportionment Commission, which was made up of members with five year terms, be changed to the Reapportionment Ad Hoc Committee. The Reapportionment Ad Hoc Committee would be appointed and convened when: a) the City proposes to annex or de-annex property; b) during the last quarter of the calendar year prior to the release of the Census; or c) upon the unanimous recommendation of City Council. The CRC suggested striking the language requiring a mandatory meeting because the Reapportionment Commission members’ had concerns “that changing ward boundaries too frequently results in voter confusion.” (2013 Art. XX Background Sheet). The 2013 Art. XX Background Sheet also cited concerns that that a City Council initiated reapportionment could become political and was not necessary. The U.S. Supreme Court has stated that “[D]ecennial reapportionment appears to be a rational approach to readjustment of legislative representation in order to take into account population shifts and growth.” *Reynolds v. Sims*, 377 U.S. 533, 583 (1964).

Finally, the CRC suggested adjusting the deadlines for convening the Committee and providing a resolution to the City Council. The CRC suggested that in the case of proposed annexation or de-annexation, members of the Reapportionment Committee be appointed within ninety days of adoption of the proposal. Also, for purposes of reviewing the Census, the CRC suggested that members of the Reapportionment Committee be appointed six months prior to the Census year. Regarding the Committee’s resolutions to retain or readjust the ward boundaries, the CRC suggested that the Committee provide a resolution to City Council 180 days after the appointment of the Committee or after the issuance of the Census. This was an increase from the previous 90 day deadline. The CRC then suggested adding language to Section 5 allowing City Council to either “adopt the resolution without modification, reject the resolution, or adopt the resolution with such modification as the Council deems necessary.” The previous language only allowed council to either adopt the resolution or not.

The City Council unanimously approved the 2013 CRC’s recommendations on July 17, 2014. Voters later adopted the language into the Charter. Because the 2014 language had not been

put to use yet, the CRC requested clarification regarding concerns about the ward boundary process from the Councilmember who added this item to their charge. Ultimately, no action was taken.

Article XIII. Recall of Elective Officers

Background

For the first time in the City's history according to Staff research, multiple recall petitions were filed last summer against several Councilmembers and the Mayor. Although Article XIII, Recall of Elective Officers, has been in Norman's Charter for many years, these provisions hadn't really been tested. Now having utilized the provisions in the Charter in an actual recall scenario, Staff identified several things that could be changed to make the process clearer and better. Council amended the CRC's Resolution in November 2020 to add this section to the list of items they wanted the CRC to consider.

Residents do not have a right to recall their City elected officials by statute; rather, only a City's Charter can grant such a right. When dealing with a matter of local concern, courts typically give deference to cities. The City's provisions for recall are summarized below:

Section 1: An elected official is not eligible to be recalled until 6 months from the date of taking office.

Section 2: A petition for recall must contain signatures, names and addresses of 25% of the registered voters qualified to vote for the official proposed to be recalled.

The City Clerk provides the petition and circulators must return it to her within 30 days, not counting Sundays and legal holidays.

Separate petitions for separate elected officials

The top of each page of the petition must provide the reasons for recall.

The City Clerk has 30 days to review petitions and determine whether the signatures are valid and are those of registered voters eligible to vote for the official proposed to be recalled.

Section 3: City Clerk must publish a notice in the newspaper stating the name of the officer(s) whose recall is sought and the time limit for signing the petition. Notice is also mailed to the elected officer(s).

City Clerk must open her office during regular office hours or face possible prosecution.

Section 4: Once a petition is determined to have a sufficient number of signatures, the petition(s) must be presented to City Council, who shall call a recall election.

The only question on the ballot shall be the recall of the officer(s) affected.

In order to be successful, the total number of votes in favor of the recall must be a majority of the votes cast on the issue AND equal a majority of the votes cast in the most previous election for the office in question.

Section 5: Once an official is recalled, a vacancy is declared and filling for the unexpired term of the recalled officer(s). Council shall set filing dates for said election to commence 10 days after the date of the recall vote and lasting until 5 pm on the 11th day after the recall vote. The election to fill the vacancy shall be conducted in accordance with state election laws.

Section 6: Once an official is removed by recall, or if he/she resigned while recall proceedings were pending, the official cannot be appointed to any office within one year after such removal or resignation.

There are number of issues Staff identified for improvement while going through the recent recall process:

1. The petition form should be improved to provide more data points that will assist in matching voter signatures to voter registrations.
2. Thirty days is not enough time for the Clerk to review multiple petitions at the same time, and is likely not sufficient for a recall petition for the office of Mayor, simply because the signature threshold is much higher.
3. Elsewhere in the Charter, 5 votes are required for Council to take action. There should be a limit to the number of officials that can be recalled at one time. If 5 were to be recalled, there would not be enough officials left to call an election to replace the recalled officials.
4. Section 4 could be clarified that the question of recall should be the only *City* question on the ballot. In odd-numbered years in particular, election dates are already very limited by State law. An additional concern is the ability of Councilmembers who are the subject of recall to avoid recall simply by calling elections for other municipal issues on available dates.
5. The timing for declaring a vacancy and setting a filing period should be revised to match more closely to state law and to address the issue of whether an election is needed if the recall election occurs too closely to the regular election or the end of the term for the same seat. For example, in the most recent experience, odd-numbered ward representatives were already scheduled for the regular municipal election in February. If the recall election had been set on March 2, 2021 (the next available date and the only available date in March), then the election to fill the vacancy under state law could not have occurred until May 11, 2021 for a term that ends on July 6, 2021. If more than two candidates ran and no one garnered a majority of the vote, the earliest possible date for a runoff election would have been on July 13, 2021, after the term for which the official was being elected had expired.

While in the middle of a multiple day hearing of petition sufficiency in one of the local recall petitions on January 26, 2021, the Oklahoma Supreme Court issued its opinion in *In re: Petition to Recall Ward Three City Comm'r Ezzell*, 2021 OK 5. In the *Ezzell* case, the Supreme Court considered the extent to which other state statutory provisions may be applicable to local recall processes. The Court ultimately held that the same general procedure that applies to initiative and referendum should also control municipal recall elections.

State law related to initiative and referendum petitions are found in Title 34 of the Oklahoma Statutes. 34 O.S. §§1 and 2 sets forth the form for referendum and initiative petitions respectively. The form recently changed, effective November 1, 2020, to include more data points to assist with matching names on the petition with names in the voter registration database. The Charter currently doesn't set forth the form of the petition; it simply states that the petition form will be provided by the City Clerk. The form has already been updated to follow as closely as possible the referendum petition form provided by state statute because one of our goals was to include more data points to assist with matching signatures. The forms are put together in a pamphlet and include a warning related to fraudulent signatures, the gist of the proposition on the signature page, and an affidavit to be signed by each petition's circulator, all as required for initiative and referendum petitions under 34 O.S. §§3, 6. A copy of the form is attached for your reference.

34 O.S. §6.1 sets forth signatures that must be excluded from the total count by the Secretary of State when making a verification and count of the number of signatures on initiative and referendum petitions. Excluded signatures include:

1. All signatures on any sheet of any petition not verified by the circulator
2. All signatures of nonresidents
3. All signatures on a sheet that is not attached to a copy of the petition pamphlet
4. All multiple signatures on any printed signature line
5. All signatures not a printed signature line
6. Those signatures by a person who signs with any name other than his or her own, or signs more than once
7. All signatures of any sheet on which a notary has failed to sign, the seal of the notary is absent, the commission of the notary has expired or the expiration date is not on the signature sheet
8. Any signatures that cannot be verified by the Secretary of State with the Oklahoma State Election Board's public voter registration records. (Remember, the proscribed form states that at least 3 data points must be matched).

34 O.S. §17 requires publication of initiative and referendum measures not less than 5 business days before any election is held on such a measure, a copy of the ballot and an explanation of how to vote for or against the measure. This would be a simple requirement to implement for a recall petition. It would simply read: "On _____, 2021, voters of Ward ____/Norman will have an opportunity to vote on the following question: Should Councilmember/Mayor _____ be recalled? A yes vote means you would like he/she to be recalled and no longer serve in office and a no vote means you would like he/she to retain his/her office."

Areas of the Charter to Consider for Modification

Section 1 – Time of commencing proceedings

None

Section 2 – Filing of Petition; Validation of Signatures

Should we continue to require a statement of the reasons for which recall is sought at the top of each page of the petition?

Consider adding language that the petition provided by the Clerk shall be substantially similar to the form provided by State law for initiative and referendum petitions

Should the 30-day time period within which to return the petition be changed and/or should it continue to exclude Sundays and legal holidays?

The City's Clerk's inspection is required to be done in 30 days and makes no exclusions. Should more time be given if multiple petitions or for Mayoral recall? The Secretary of State's administrative rules for counting signatures includes the following process:

- Notify the proponent(s) of the specific date, time and location for the signature count
- Secretary of State trains counters
- Proponent(s) can provide an observer for the counting process
- Physical Count:
 - o Petitions are detached from signature sheets
 - o A physical count of the signatures is done
 - o Signature sheets are consecutively numbered
 - o Signature sheets and one (1) printed copy of the petition are bound in consecutively numbered volumes, which include a cover sheet showing the volume number, purported number of signature sheets, the series of numbers assigned to the signature sheets and the total number of signatures counted for that volume

NOTE: In this recent process, it appeared that we didn't receive the same information that the State is given as the database was much more tedious to search and in the format provided, only one person could use it at a time.

Clarify the information used to validate signatures to align with the data points in the new form, and with 34 O.S. §6.1 above.

Section 3 – Notice and publication

Consider adding a requirement to publish notice as set out above in line with 34 O.S. §17.

Section 4 – Calling election; votes required for recall

Consider clarifying that it must be the only City issue on the ballot

Consider limiting the number of officers that may be recalled at any one time (never more than 4) to avoid quorum issues

Consider ways to avoid a situation where Council can call elections on other issues to avoid a recall election

Section 5 – Election to fill vacancy created by recall

Update time frames to coincide with state law.

Consider whether language could be added to avoid a situation where the recall election and/or the election to fill the vacancy occurs after the recalled official's term would've ended anyway.

Section 6- Reappointment prohibited after removal.

None

The CRC discussed these issues at length at its meeting of April 19, 2021 and asked Staff to draft language that was responsive to the discussion. Changes to each section as discussed by the CRC is provided below, along with a summary of the discussion. The language below was adopted during its May 2021 meeting.

Recommended Language:

Section 1. - Time of commencing proceedings.

[The CRC discussed whether the limit on recall proceedings during the first 6 months of service is reasonable, and whether allowing a Councilmember to be recalled later in the term, when an election for the next term is already scheduled is prudent. Staff was directed to draft language that would allow an elected official to be removed via recall at any time after six months from the date of accession to six months prior to the end of the term, thus avoiding a potential situation where recall and regular municipal elections for the same office are happening in back to back months.]

The holder of any elective office, either by election or appointment to fill a vacancy, may be removed at any time during the time period beginning after six months from the date of his accession to said office and ending six months prior to the expiration of the current term of the elected official so subject to recall, by the registered voters qualified to vote for a successor to such incumbent, in the following manner:

Section 2. - Filing of petition; validation of signatures.

[The CRC expressed support for incorporating a reference to State law for petition form in response to the *Ezzell* case mentioned previously. Some members of the CRC expressed

reservations about requiring a reason for recall on each petition; however, to the extent the *Ezzell* case requires that we follow state law as closely as possible, it would appear a gist of some kind would be required on each petition page. Some members expressed concern that the sufficiency of the gist could become a point of contention and result in otherwise valid petitions being thrown out, similar to initiative and referendum petitions. Staff has attempted to draft language that would comply with State law but provide a more standardized gist, particularly since the “gist” of a recall petition is less nuanced than many subjects of initiative and referendum petitions. The CRC also discussed whether 30 days is sufficient for the clerk to review petitions, particularly when multiple petitions are filed. While members recognized the need to review petitions expeditiously, they also recognized the challenge multiple petitions present in terms of time to review. It was suggested that Staff draft language that would allow no more than 30 days to review one petition for a ward representative, no more than 60 days to review a petition for the Mayor (simply because the signature threshold is much higher), and 90 days if multiple petitions were received. Because of the concerns expressed during the discussion about Section 1 related to potential recall elections occurring back to back with regular municipal elections for the same office, Staff was asked to run through several timing scenarios. A table is attached looking at a few different scenarios.]

A petition bearing the signatures, names and addresses of twenty-five per cent (25%) of the registered voters qualified to vote for the officer whose recall is sought, shall be necessary to initiate recall proceedings. The City Clerk shall maintain on file and for public use proper petition forms that are in substantial conformance with the form provided in State law for referendum petitions to initiate such proceedings.

At the top of each page of said petition(s) there shall be a ~~short-simple~~ statement of the ~~reasons for which recall is being sought.~~ gist of the recall proposition: “If successful, this petition will allow the voters to decide whether to recall [insert elected officer] prior to the expiration of his/her term, or allow he/she to continue to serve in office.”

The petition must be returned to the City Clerk within thirty (30) days, Sundays and legal holidays excepted, of its initiation in order to be valid. Failure to return the petition(s) within the proper time limits shall render them null and void.

Upon receipt of the petition(s), the City Clerk shall inspect said petition(s) to see that all the signatures are valid and that they are those of registered voters eligible to vote for the office from which the officer's removal is sought. Such inspection by the City Clerk shall be completed in a reasonable amount of time, not to exceed ~~not more than~~ thirty (30) days for one petition to recall a ward representative, sixty (60) days for a petition to recall the Mayor, and ninety (90) days if multiple petitions are undergoing inspection concurrently.

Recall Petition Timing Scenarios

Date Signed Petition Submitted to Clerk	Ward or Mayor	Minimum Number of Signatures Required	30 day review	60 day review	90 day review
August 14, 2020*	Ward 3	2,573	September 14, 2020	October 14, 2020	November 13, 2020
August 14, 2020*	Mayor	18,154	September 14, 2020	October 14, 2020	November 13, 2020
January 6, 2021**	Odd # Ward	2,100 (avg.)	February 5, 2021	March 7, 2021	April 6, 2021
February 7, 2021***	Even # Ward	2,400 (avg.)	March 9, 2021	April 8, 2021	May 8, 2021

* Actual petitions received in 2020.

** If a petition were filed 6 months prior to end of term.

*** First opportunity to file petition for new Councilmembers sworn in on July 7, 2020.

Available Election Dates	Filing Date Options	Notice to Election Board
November 3, 2020	8/24/20 – 8/26/20 8/31/20 – 9/2/20	August 19, 2020 (75 days because of State election)
February 9, 2021	12/14/20 – 12/16/20	December 10, 2020
April 6, 2021	2/8/21 – 2/10/21 2/15/21 – 2/17/21	February 4, 2021
September 14, 2021	7/19/21 – 7/21/21	July 15, 2021
November 9, 2021	9/13/21 – 9/15/21 9/20/21 – 9/22/21	September 9, 2021

Section 3. – Notice and publication.

[CRC members reviewed the current notice requirements in the Charter as well as notice requirements in 34 O.S. §17, which is arguably implicated in the *Ezzell* decision. Staff was asked to draft language that would reference state statute rather than mimic the statutory language to ensure the Charter provision doesn't have to be amended every time State law changes.]

The City Clerk shall cause to be published upon the filing of the said petition with the City Clerk's office, in some newspaper of general circulation in the City of Norman a notice to the voters, stating the name of the officer(s) whose recall is sought and the time limit within which said petition(s) must be signed. Further, the City Clerk shall cause to be mailed to the officer(s) whose recall is sought an official notice that the petition has been commenced and the time limit in which it must be completed. Such notice shall be by certified mail, return receipt requested, and the refusal of the officer(s) to accept delivery shall in no way affect the validity of the notice. Failure of the City Clerk to keep the City Clerk's office open during regular office hours, which failure prevents the proper filing of said petition(s), shall be adjudged a misdemeanor and upon conviction thereof the Clerk shall be punished by a fine of not less than ten dollars and not more than fifty dollars, and each day said City Clerk violates the provisions hereof shall constitute a separate and distinct offense. In the event such a failure on the part of the City Clerk occurs, petitioners may file the petition(s) with the City Manager.

In addition to publishing notice upon receipt of a petition, the City Clerk shall also publish notice in advance of any recall election in accordance with Title 34, Section 17 of the Oklahoma Statutes.

Section 4. – Calling election; votes required for recall.

[The CRC discussed the practical limits to scheduling an election where the question of recall is the only question on the ballot. There was consensus to remove this language. Additionally, the challenge posed by the potential for a successful recall election of 5 of the 9 Councilmembers was discussed. Article XI, Section 1 of the Charter requires the affirmative vote of five (5) members to adopt any motion, resolution or ordinance, or pass any measure, meaning a successful recall of five Councilmembers would result in an insufficient number of Councilmembers to take any action at all, including calling an election to replace the recalled Councilmembers. The CRC asked Staff to draft language that would provide for an exception to Article XI, Section 1 if more than four Councilmembers are recalled.]

Upon determination by the City Clerk that the petition(s) bear the signatures of the requisite number of registered voters, said petition(s) shall be presented by the City Clerk to the City Council which body shall, in accordance with state election laws, call a recall election.

~~The sole question in said election shall be the recall of the officer(s) affected.~~ The recall shall be adopted when the total number of votes in favor of the recall is a majority of all the votes cast on the issue and that majority equals a majority of all the votes cast in the most recent previous election for the particular office in question. Should more than four Councilmembers be recalled in the same recall election, then an affirmative vote of a majority of the remaining seated

Councilmembers shall be sufficient to take any action until the vacancies resulting from the recall are filled as set forth herein.

Section 5. – Election to fill vacancy created by recall.

In the event the recall is adopted, a vacancy shall be declared and an election shall be called for the next available election date in accordance with state election laws. ~~it shall be filled in the following manner for the unexpired term of the recalled officer(s): the City Council shall set filing for an election to fill the vacancy to commence ten (10) days after the date of the recall vote and last until 5:00 p.m. of the eleventh (11th) day after the recall election.~~ Qualification to be a candidate shall be as for a regular election as set out in Article II. ~~The election to fill the vacancy created by the recall shall be set in accordance with state election laws.~~ Election shall be by a plurality of the votes cast and shall be certified in the regular manner.

Article XVII, Section 9. - Periodic Charter Review

Background

In April 2016, voters approved the addition of language to the Charter requiring a periodic review. The language required Council to consider whether a Charter Review Committee should be appointed to review the Charter at least once every 10 years beginning no later than 2024. This language ensured that Council would consider an examination of the Charter on a regular basis while also allowing for the flexibility to appoint a Review Committee more often as may be needed. When Council amended Resolution R-1819-66 in November 2020, one of the tasks added for CRC review was “Review Article XVII, Section 9 to consider whether the require biennial review of the Charter”. Biennial review would require a review every two years. CRC members discussed this proposal at its April 2021 meeting and pointed that the current CRC has been meeting almost two years, meaning such a proposal could have the effect of creating an ongoing Charter review process. Members expressed comfort with the current language and the flexibility it provides for more frequent reviews of the Charter if it is needed. The CRC voted unanimously to not recommend any changes to Article XVII, Section 9.

Recommended Language

No changes were recommended by the CRC.