

CHARTER REVIEW COMMISSION MINUTES

June 14, 2021

The Charter Review Commission met at 5:55 p.m. in the Municipal Building Council Chambers on the 14th day of June, 2021, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 24 hours prior to the beginning of the meeting.

CALL TO ORDER AND ROLL CALL.

PRESENT:

Ms. Alisha Ali
Mr. Trey Bates
Mr. Doug Cubberley, Vice-Chairman
Ms. Carol Dillingham
Mr. Jim Eller
Mr. Jim Griffith
Mr. Kevin Pipes
Mr. Richard Stawicki

ABSENT:

Mr. Tom Hackelman
Ms. Shon Williamson-Jennings
Mr. Greg Jungman
Mr. Kenneth McBride
Mr. Bob Thompson, Chairman
Mr. Bryan Vinyard

STAFF PRESENT:

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

Item 2 being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MINUTES OF APRIL 29, 2021, AND MAY 17, 2021.

Approved. Moved by Commissioner Stawicki, Seconded by Commissioner Eller. Ayes: Vice-Chairman Cubberley, Commissioners Ali, Bates, Dillingham, Eller, Griffith, Pipes, and Stawicki. Nays: None.

Items submitted for the record

1. Charter Review Commission minutes of April 19, 2021, and May 17, 2021

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Item 3, being:

CONTINUED DISCUSSION AND POSSIBLE APPROVAL, REJECTION, AMENDMENT, POSTPONEMENT OF ARTICLE II, SECTIONS 2, 5, 6, AND 14 OF THE CITY CHARTER TO CONSIDER WHETHER THE TERM OF OFFICE FOR COUNCILMEMBERS AND THE MAYOR SHOULD BE CHANGED FROM TWO TO THREE YEARS.

Article II, Section 2 – Term of Office

Ms. Kathryn Walker, City Attorney, said the Charter Review Commission (CRC) discussed the potential for a lengthy period of time between election and officially seating the newly elected member and expressed a desire to reduce that time. The Commission like the approach used in Stillwater, Oklahoma, 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. Staff prepared options to reflect a two-year cycle for Councilmember election and a three-year cycle for Mayoral elections. During the October meeting, Commissioner Bates requested that this issue be revisited in order for Staff to prepare language for three year terms for all elected officials, with odd-numbered ward elections continuing to occur together in the same year, even-numbered ward elections occurring the next year together, and the Mayoral election occurring every third year as a stand-alone election. To achieve this without affecting current terms, language was drafted for three-year terms to begin in 2023. On November 4, 2019, the CRC voted six to five to move forward with amendments to Section 2 that would implement three-year terms for members of Council. She said tonight, the CRC will review and vote on ancillary amendments also needed to implement three-year terms for all members of Council.

Approved. Moved by Commissioner Stawicki, Seconded by Commissioner Pipes. Ayes: Vice-Chairman Cubberley, Commissioners Ali, Bates, Dillingham, Eller, Griffith, Pipes, and Stawicki. Nays: None.

Items submitted for the record

1. Article II, Section 2 – Term of Office

Article II, Section 5 – Municipal Elections

Ms. Walker said Staff drafted language that states, “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.”

Item 3, continued:

Approved. Moved by Commissioner Dillingham, Seconded by Commissioner Stawicki. Ayes: Vice-Chairman Cubberley, Commissioners Ali, Bates, Dillingham, Eller, Griffith, Pipes, and Stawicki. Nays: None.

Items submitted for the record

1. Article II, Section 5 – Municipal Elections.

Article II, Section 6 – Municipal Runoff Elections

Ms. Walker said Staff drafted language for municipal runoff elections and Commissioners requested language be amended (stricken) as follows:

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 ward 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, election 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 the municipal runoff elections shall be in April.

Approved as amended. Moved by Commissioner Stawicki, Seconded by Commissioner Eller. Ayes: Vice-Chairman Cubberley, Commissioners Ali, Bates, Dillingham, Eller, Griffith, Pipes, and Stawicki. Nays: None.

Items submitted for the record

1. Article II, Section 6 – Municipal Runoff Elections.

Item 3, continued:

Article II, Section 14 – Form of Ballot

Ms. Walker said Staff prepared language as follows:

In ~~odd-numbered~~ years in which the terms of 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 Councilmembers in Ward No. _____” followed by the instruction in each case: “Vote for One.”

In ~~even-numbered~~ years in which the terms of 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 Councilmembers in Ward No. _____” followed by the instruction in each case: “Vote for One.”

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

Approved. Moved by Commissioner Stawicki, Seconded by Commissioner Bates. Ayes: Vice-Chairman Cubberley, Commissioners Ali, Bates, Dillingham, Eller, Griffith, Pipes, and Stawicki. Nays: None.

Items submitted for the record

1. Article II, Section 14 – Form of Ballot

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Item 4, being:

DISCUSSION AND POSSIBLE APPROVAL, REJECTION, AMENDMENT, POSTPONEMENT REGARDING THE CHARTER COMMISSION FINAL REPORT.

Ms. Walker highlighted the CRC recommendations in the final report as follows:

- 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 eight to three;
- 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 provide for the Mayor and Councilmembers – CRC recommends an initial increase in annual stipend and providing a Compensation Commission to determine additional increases every three years;

Item 4, continued;

- Article II, Section 1 to consider adding reimbursement for cell phone expenses as additional compensation received by City Councilmembers – no changes recommended by the 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 years to four years – CRC recommends three year terms for all ward representatives and no changes to Mayor's term;
- Article II, Section 10 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 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 – the CRC recommends requiring residency within the ward for six months prior to filing for elective office with provision made for cases where ward boundaries have changed;
- Article XVI, Section 2 to require the City Council to consider a resolution calling for a vote of the electorate to increase City utility rates under certain conditions – the CRC recommends Staff 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 provisions for situations where an additional rate increase may be needed to meet 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 to increase the number of members of the Board of Norman Regional Hospital Authority from nine to eleven members – the CRC recommends increasing the number of board members from nine to eleven, provided that at least nine 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 million – no additions were recommended by the CRC;
- 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 – the CRC recommended clarification that Council can either appoint someone to fill the vacancy or call a special election and to eliminate confusion, any appointment would be for the remainder of the term only;
- Article II, Section 11 to consider whether to allow partisan elections for municipal office – no changes were recommended by the CRC;
- Review potential loopholes used to skirt the Open Meetings Act and provide recommendation – no additional to the Charter were recommended by the CRC;
- Review Executive Session restrictions and provide recommendations on appropriate limits of use versus overly expansive such that it provides cover to skirt the 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 were recommended by the CRC;

Item 4, continued:

- Examine the ward boundary creation process – no changes were recommended by the CRC;
- Article XIII, Recall of Officers to consider whether the language should be modified – the CRC recommends changes to address potential timing conflicts with existing elections, ensuring the City Clerk has adequate time to review signed petitions and incorporating state law where appropriate in light of “Petition to Recall Ward Three City Councilmember Ezell” 2021 OK 5; and
- Article XVII, Section 9 to consider whether to require biennial review of the Charter – no changes were recommended by the CRC.

Approved. Moved by Commissioner Ali, Seconded by Commissioner Stawicki. Ayes: Vice-Chairman Cubberley, Commissioners Ali, Bates, Dillingham, Eller, Griffith, Pipes, and Stawicki. Nays: None.

Items submitted for the record

1. Charter Review Commission Final Report

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Item 5 being:

MISCELLNEOUS DISCUSSION.

None

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Item 6 being:

ADJOURNMENT.

The meeting was adjourned at 6:23 p.m.