



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 06/28/22

REQUESTER: Kathryn Walker, City Attorney

PRESENTER: Kathryn Walker, City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT OR POSTPONEMENT OF RESOLUTION R-2122-139: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SETTING FORTH A PROCESS FOR COUNCIL TO FOLLOW IN THE EVENT OF A VACANCY ON CITY COUNCIL.

BACKGROUND:

Norman's Charter addresses what to do when vacancies occur on Council. Article II, Section 22 says the following:

Section 22. - Vacancies in office.

A vacancy in the office of a member of the Council shall exist whenever the holder thereof:

- (a) Ceases to possess some qualification for the office, prescribed by this Charter or by applicable law;
- (b) dies;
- (c) resigns;
- (d) is removed from office by proceedings by a Court of competent jurisdiction;
- (e) is declared legally incompetent by a Court of competent jurisdiction; or
- (f) ceases to reside in the ward which elected except that no vacancy shall occur where a Councilmember is rendered a non-registered voter of the ward that member represents by reason of reapportionment carried out by the City Council.

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 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.

An amendment to this section of the Charter will be on the ballot for consideration at the August 23, 2022 election. It would amend Section 22 of Article II as follows:

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Vacancies on Council have been approached a number of ways. It can be challenging to get an election scheduled to fill a vacancy in a timely manner, so prior Council's have typically filled the vacancy by majority vote. Some years, names were submitted and voted on by Council at a public meeting, with voting ties being broken by pulling a name out of a hat. More recently, Council has appointed a selection committee made up of residents of the ward in which the vacancy exists. Once the committee made its selection, it came forward to Council for a vote on the recommendation. With one exception, Council has selected the candidate recommended by the selection committee for appointment.

Council has expressed a desire to formalize the selection committee process. This was discussed by the Council Oversight Committee on April 8, 2021 in the context of addressing the second Ward 2 vacancy within months, and again on May 12, 2022. A draft resolution was discussed at the Council Study Session on June 21, 2022 and Staff was directed to bring it forward for Council consideration.

DISCUSSION:

Resolution R-2122-139 sets forth the process for filling Council vacancies in accordance with Council direction. It also sets forth timelines to ensure a vacant seat is filled timely, and it includes a revised application for potential candidates for filling the Council vacancy. The process outlined in policy would not supersede the Charter, so Council would still be required to call a special election to fill any vacancy if it is not filled by appointment within 60 days of the vacancy.

In accordance with the resolution, applications for both an Ad Hoc Selection Committee and the City Council Application would be posted on the City's website within 5 days of learning of a vacancy. The resolution would require the Mayor, with the consent of Council, to appoint a 5 member Ad Hoc Selection Committee made up of residents of the ward being vacated (if the Mayoral office is vacated, selections would be at large) on the next available Council meeting

agenda. The Ad Hoc Selection Committee, once appointed, would meet to review applications, to consider whether any ward specific questions should be added, to determine which applicants to interview and to select an interview date. All interviews would occur on the same date, leaving time for Committee deliberation and selection of one applicant to forward to Council for its consideration on its next available agenda. This process ensures a timely selection and ensures opportunity for input in the selection is given to ward residents. The application form has been updated to inquire as to an applicant's intention to run for office at the next available opportunity and to ensure potential conflicts and prior municipal involvement and voting history are provided. Staff will also provide the selection committee with voting history information. This information would only include which prior elections the candidate has voted in – it would not include partisan affiliation or any other information about the votes cast.

RECOMMENDATION:

Staff forwards R-2122-139 for Council consideration.