



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 06/21/22

**REQUESTER:** City Council Oversight Committee

**PRESENTER:** Kathryn Walker, City Attorney

**ITEM TITLE:** DISCUSSION REGARDING A RESOLUTION TO FORMALIZE THE PROCESS TO FILL VACANT COUNCIL SEATS.

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**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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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.

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.

#### **DISCUSSION:**

The Council Oversight Committee discussed the following items during the April 2021 meeting:

- 5 member Selection Committee made up of residents from the Ward being vacated
- Application to fill the vacancy should ask questions about voting history, City specific activities, and potential conflicts with Council position
- Limit the number of interviews to ensure they can all be conducted on the same day
- Utilize the same questions for all candidates; Selection Committee can add ward specific questions
- Selection Committee to send one name forward to Council; deliberations and selection should occur on the same day as the interviews.

The final process is envisioned to be adopted by City Council by resolution. 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 May 2022, the Council Oversight Committee reached consensus on the following items to be included in a resolution setting forth the process for filling Council vacancies.

- 5 member Selection Committee made up of residents from the Ward being vacated
- Application to fill the vacancy should ask questions about voting history, City specific activities, potential conflicts with Council position, and intention to run in the next election for the Ward representative.
- Utilize the same questions for all candidates; Selection Committee can add ward specific questions
- Selection Committee to send one name forward to Council; deliberations and selection should occur on the same day as the interviews.

Staff was asked to bring a resolution covering these key points of the process to Council for its discussion and consideration. Additionally, Staff was tasked with reviewing and modifying the application to be consistent with the discussion.

The revised application form and the requested Resolution is attached for Council review and discussion.

**RECOMMENDATION:**

Staff will be available for additional discussion at the June 21, 2022 Council Study Session.