



CITY OF NORMAN, OK CITY COUNCIL STUDY SESSION

Municipal Building, Executive Conference Room, 201 West Gray, Norman,
OK 73069

Thursday, February 02, 2023 at 5:30 PM

MINUTES

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CALL TO ORDER

Mayor Heikkila called the Meeting to Order at 5:30 p.m.

ROLL CALL

PRESENT

Mayor Larry Heikkila
Councilmember Ward 2 Lauren Schueler
Councilmember Ward 4 Helen Grant
Councilmember Ward 5 Rarchar Tortorello
Councilmember Ward 6 Elizabeth Foreman
Councilmember Ward 7 Stephen Holman
Councilmember Ward 8 Matthew Peacock

ABSENT

Councilmember Ward 3 Kelly Lynn

AGENDA ITEMS

1. DISCUSSION REGARDING THE USE OF ASSET FORFEITURE FUNDS.

Mr. Ricky Jackson, Deputy Police Chief, said the City of Norman's arrangement with the District Attorney's (DA) Office regarding seizures and forfeitures is governed by State Statute 63 § 2-506. He said forfeiture funds not used by the State are to be maintained in a revolving fund in the office of the County Treasurer where the property was seized. Under 63 § 2-506, DA's can share forfeited funds with municipalities and currently, Norman Police Department's (NPD) share is 75% and Cleveland County's share is 25%.

Item 1, continued:

While 63 § 2-506 requires DA's to use forfeited funds "solely for enforcement of controlled dangerous substances laws, drug abuse prevention, and drug abuse education," there is no such limitation for municipal police departments.

Deputy Chief Jackson said Federal fund distribution is based on an agency's participation in a case and under the Guide to Equitable Sharing for State and Local Law Enforcement Agency, forfeited funds can be used for patrol cars and surveillance vehicles.

In summary, State law does not limit how municipal police departments can spend forfeited funds seized by a municipal police department. Deputy Chief Jackson said the Department of Justice (DOJ) published information which asserts that permissible uses of funds include, but are not limited to, law enforcement equipment and costs associated with the purchase, lease, maintenance, or operation of law enforcement equipment for use by law enforcement personnel that supports law enforcement activities. For example, furniture; file cabinets; office supplies; telecommunications equipment; copiers; safes; fitness equipment; computers; computer accessories and software; body armor; uniforms; firearms; radios; cellular telephones; electronic surveillance equipment; and vehicles. The NPD is proposing using forfeited funds to purchase law enforcement vehicles.

The Seizure Fund Balance as of December 31, 2022, for the State is \$1,274,296 and \$247,429 for the Federal Fund Balance for a total of \$1,521,725. The cost to purchase and equip a police unit is \$75,000 and to purchase 14 police vehicles on the fleet replacement cost list would be approximately \$1,050,000. Staff proposes including this amount in the FYE 2024 Budget for fleet replacement.

Councilmember Tortorello asked what the process would be if the money is used by the NPD and the person is found innocent and Deputy Chief Jackson said if a person is adjudicated and found innocent they get their money or property back. He said any assets are kept in property custody until the case is adjudicated and is not distributed between the City and County until that time.

Mr. Rick Knighton, Assistant City Attorney, said forfeiture funds should not really be considered as use for reoccurring expenses since the City cannot rely on seizure and forfeiture funds being available every year.

Councilmember Holman said he is concerned about the integrity of the federal and state adjudication process as he has heard the DA argue in Court that the government does not have to prove an asset was used in a crime while the person who owns the property is the one who has to prove their property was not used in a crime. He felt the government should always carry the burden of proof and he would like to have a deeper discussion about what the funds should be used for and whether the City of Norman should potentially set a higher standard for acceptance of the funds.

Councilmembers concurred with Councilmember Holman.

Item 1, continued:

Councilmember Foreman said Council needs to protect the General Fund and although she has opposed the use of seizure/forfeiture funds in the past due to contentiousness from the public, she would support using the funds for the purchase of police vehicles.

Councilmember Holman asked if there is an itemized list of forfeiture cases as it would be helpful to see where the assets are coming from. Deputy Chief Jackson said there is a spreadsheet he will provide to Council, but it is not as detailed as Council would probably like to see. Councilmember Holman said he could support the use of funds for police vehicles and body cameras because they would be a beneficial use to NPD as well as the public.

Mayor Heikkila asked if the City could request a list from the DA's Office on forfeiture funds and Mr. Knighton said he would look into requesting those records.

Items submitted for the record

1. Memorandum dated January 30, 2023, from Rickey J. Knighton II, Assistant City Attorney, through Kathryn Walker, City Attorney, to Honorable Mayor and Councilmembers
2. PowerPoint presentation entitled, "Norman Police Department Use of Seizure Funds"

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2. DISCUSSION REGARDING APPOINTMENTS FOR THE COMPREHENSIVE PLAN AD HOC COMMITTEE AND STRONG TOWNS AD HOC COMMITTEE.

Mayor Heikkila said criteria for nominations for the 2023 Comprehensive Land Use and Transportation Plan and Strong Towns Committees included Education level and applicability to each committee; Professional licensure; Profession, Trade, etc.; Experience in Norman; Personal and familial relationships with others on the Committees; and residency in Norman. The goal for each Committee was to find the best mix of education and skills combined with an ability to work cooperatively. An effort was made to populate the Comprehensive Plan Committee more heavily with engineers, land use people, and attorneys. The Strong Towns Committee has more architects, real estate people, and a Police Officer. He said this effort was made to give each committee the skills they needed to provide our City with excellent plans that are acceptable, rational, and looks ahead for the next 15 to 20 years.

There are voting and non-voting members of each committee and both classes of members participate in all of activities and all have equal input. Only voting members may vote to direct the Chair of the Committee to take action while non-voting members have the opportunity to add to the conversation, participate to the fullest extent they are able, and bring their wisdom to the table. Particular care was taken to guard against persons who are related from being on the same committee.

Item 2, continued:

The Committee Chair may replace voting members with non-voting members if a voting member leaves the Committee. The Chair may also remove a committee member for cause, such as disruptive behavior or failure to participate, with notice to City Council. If a Chair cannot find a non-voting member to fill a vacant position, they may not fill a vacancy without vetting the candidate and obtaining City Council's approval of the new nomination.

Another group will be known as "Partners" who will be non-voting advisors with the function of adding experience and education to the planning process as it matures. These people were chosen for their expertise and experience and may enlist the help of other experts who may be able to educate the committees on specialized topics. He said the partners include representatives from OU, Chamber of Commerce, Cleveland County Commissioners, VisitNorman, Sooner Mall, Sooner Centurions, Moore-Norman Vocational Technical School, Norman Public Schools, Norman Economic Development Coalition, Hitachi, Oklahoma Academy, and Absentee Shawnee Tribe.

Mayor Heikkila asked Council for input on his proposed nominations for each committee. Councilmembers Holman and Tortorello felt their wards were being under-represented on the Comprehensive Plan Committee. Mayor Heikkila said he based his nominations on education and experience, not wards, but wants to make the selection process as fair as possible.

Councilmember Schueler said Council received the list of nominations just before the Council meeting and felt Council did not have enough time to review the names for input. She asked how Council would be involved in the committee process if a Councilmember is not appointed, such as a Council Ad Hoc Committee, and Mayor Heikkila said he would like Council to be constantly involved in the meetings, but at the same time did not want any type of political influence driving the committees towards a decision. Councilmember Schueler said she understands and realizes Council will ultimately be voting to approve recommendations from the committees.

Councilmember Tortorello said Councilmembers submitted names from their wards for the committees, but he is not seeing many of those names on the lists. Ms. Brenda Hall, City Clerk, said some of the people Council recommended did not follow through with submission of an application.

Councilmember Schueler felt that Council is disparaging applicants by adding or removing individuals from the list in a public meeting and Mayor Heikkila said that is why the skill set/expertise seemed to be the fairest option in choosing an applicant.

Councilmembers said they would like more time to review the nominations and Ms. Hall said continued discussion will be scheduled for February 21, 2023, to allow Council time to vet applications.

Items submitted for the record

1. Nominations for 2023 Comprehensive Land Use and Transportation Plan and Strong Towns Committees
2. City of Norman Comprehensive Plan Ad Hoc Committee and Strong Town Ad Hoc Committee Organization Chart

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ADJOURNMENT

The meeting was adjourned at 7:42 p.m.

ATTEST:

City Clerk

Mayor