

CHARTER REVIEW COMMISSION

Final Report

March 20, 2014



THE CITY OF NORMAN
CHARTER REVIEW COMMISSION
FINAL REPORT

The Charter Review Commission (“CRC”) was established with the adoption of Resolution No. R-1112-109 in February 2012. Thirteen (13) Commission members were appointed in late 2012 after Amendment No. 1 to Resolution No. R-1112-109 was adopted by Council. Members include: Jane Abraham, Bob Thompson, Richard Stawicki, Kenneth McBride, Kevin Pipes, Thad Balkman, Barry Roberts, Doug Cubberley, Harold Heiple, Trey Bates, Hal Ezzell, Carol Dillingham, and Samantha Kahoe. The Resolution established the CRC to conduct a targeted review of the Norman City Charter and report its recommendations to City Council. The following items were identified for targeted review:

- Review Article II, Section 1 of the City Charter to consider changing verbiage from “compensation” to “stipend” in regards to compensation of City Council members.
- Review Article III, Section 1 of the City Charter to consider simplifying the process for removal of the City Manager.
- Review Article III, Section 6 of the City Charter to consider creating a mechanism under which the City Council could request information regarding a specific City Department from the City Manager.
- Review Article III, Section 7 to consider requiring a City employee to take a leave of absence to run for partisan political office.
- 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.
- Review Article XVII, Section 2 to consider whether employee compensation language needs to be modernized.
- Review Article XX to consider amending or updating the Reapportionment Commission process or procedure.
- Review whether or not there should be a scheduled review of the Charter within the Charter itself.

Among other things, Resolution No. R-1112-109 required the CRC to hold quarterly public meetings, to submit its final recommendations to Council in a written Final Report approved by a super-majority of the CRC, and complete its work within one (1) year. If additional time was needed by the CRC, the Resolution provides that the Commission may request that the term be extended on a quarterly basis. The CRC met regularly throughout the year and had planned to complete its Final Report during its regular meeting on December 5, 2013 with a goal of holding a public hearing on its Report prior to submitting it to Council. Unfortunately, due to poor weather conditions, the December 5, 2013 meeting was cancelled and the Commission was unable to complete its tasks by the end of the year. City Council granted the CRC an extension until March 31, 2014 to allow time for completion of the Final Report.

The CRC met eleven times between December 2012 and January 2014. Three public hearings were held and two updates were provided to City Council. The following is a summary of the recommendations being forwarded to Council by the CRC:

- ARTICLE II, SECTION 1, OF THE CITY CHARTER TO CONSIDER VERBIAGE FROM “COMPENSATION” TO “STIPEND” IN REGARDS TO COMPENSATION OF CITY COUNCIL MEMBERS.

CRC recommended the word stipend in Article II, Section 1, be substituted for the word compensation in the language as now written

- ARTICLE III, SECTION 1, OF THE CITY CHARTER REGARDING THE CITY MANAGER REMOVAL PROCESS, ENSURING COMPLIANCE WITH OPEN MEETING ACT REQUIREMENTS, AND FINALIZE LANGUAGE RECOMMENDATION.

CRC clarified the City Manager’s status as an at-will employee and created a process for at least 4 Councilmembers may request an item be placed on an agenda to hold an Executive Session to discuss the City Manager’s employment.

- ARTICLE III, SECTION 6, OF THE CITY CHARTER REGARDING CREATING A MECHANISM UNDER WHICH THE CITY COUNCIL COULD REQUEST INFORMATION REGARDING A SPECIFIC CITY DEPARTMENT.

CRC recommended language that formalized the mechanism for inquiring into specific issues or departments allowed in Title 11 of the Oklahoma Statutes. The language also provided that the Council may direct that some inquiries may be done through an outside agency.

- ARTICLE III, SECTION 7, OF THE CITY CHARTER REGARDING CREATING A REQUIREMENT THAT A CITY EMPLOYEE TAKE A LEAVE OF ABSENCE TO RUN FOR PARTISAN POLITICAL OFFICE.

CRC recommended language that would require an employee seeking elected office to take a leave of absence in accordance with the Code and/or the City Personnel Manual.

- 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.

CRC recommended Article XVI, Section 2, be removed in its entirety.

- ARTICLE XVII, SECTION 2, TO CONSIDER WHETHER EMPLOYEE COMPENSATION LANGUAGE NEEDS TO BE MODERNIZED.

CRC recommended deleting language differentiating between full time elective or appointive officers.

- ARTICLE XX TO CONSIDER AMENDING OR UPDATING THE REAPPORTIONMENT COMMISSION PROCESS OR PROCEDURE.

CRC recommended language that would make the Reapportionment Commission an ad hoc committee meeting only in specific circumstances.

- SHOULD A SCHEDULED REVIEW OF THE CHARTER BE WITHIN THE CHARTER ITSELF.

CRC recommended language be added to require Council to consider whether to appoint a Charter Review Committee if such review had not occurred within the prior 10 years.

The specific recommended language approved by the CRC for each of the aforementioned provisions is attached. Additionally, minutes from all of the regular meetings of the CRC, the three public hearings, and the two updates to Council are also attached.

CHARTER REVIEW COMMISSION

FINAL RECOMMENDATIONS

CHARTER REVIEW COMMISSION RECOMMENDATIONS
March 6, 2014

Article II, Section 1 - Compensation of Council members.

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

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The Mayor and each of the Councilmembers shall receive, ~~as compensation~~ 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 ~~compensation~~ stipend for any given calendar month.

Article III, Section 1

Section 1. Council to appoint City Manager.

Council shall by ~~a majority~~ an affirmative vote of five (5) members appoint a City Manager, who shall serve at the pleasure of the City Council as an at-will employee. He shall be chosen by the Council solely upon the basis of his executive and administrative qualification, 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 Manager, nor for two years after he ceases to be a member. In case of absence or disability of the City Manager, the Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager ~~shall be removable~~ may be removed or suspended at any time, upon ~~an~~ an affirmative vote of a ~~majority~~ five (5) members of the Council. Should at least four (4) Council members desire that a majority of Council discuss removal or suspension of the City Manager, 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. Before the manager shall be removed, he shall, if he so demands, within three days after notification of an intended removal, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at the next regular meeting of the Council held not less than five days after such demand, prior to the final vote of the question of his removal. In the event Council should desire to suspend or remove the City Manager 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 Manager. If the Council suspends or removes the City Manager from office pending and during such hearing, the Council may suspend the City Manager from his office, and may provide for the temporary performance of the City Manager's duties. The action of the Council in suspending or removing the City Manager 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. In case

~~of absence or disability of the manager, the Council may designate some qualified person to perform the duties of the office during such absence or disability.~~

Article III, Section 6

Section 6. Council not to interfere in appointments, removals or administration.

Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from office by the City Manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the City, except that the Council may direct the ~~City m~~Manager, by resolution, to investigate charges of misconduct or incompetence against any City employee and to report the result thereof. Provided, the Council may, by resolution, inquire into the conduct of any office, department or agency of the City, investigate municipal affairs, and direct the City Manager to investigate such affairs, or if necessary, authorize and provide for such inquiries through an outside agency. The City Councilmembers shall deal with the administrative services solely through the City Manager, and neither the Councilmembers nor any of them thereof shall give orders to any subordinate of the City Manager either publicly or privately. Violation of any of the provisions of this section by the Councilmembers or any of them shall constitute grounds for removal.

Article III, Section 7

Section 7. – Political activity prohibited.

Any employee of the City may actively engage in political activities. Provided, the political activity in which the employee participates shall be exercised only during off-duty hours and while not in uniform. Any employee seeking elected office may be required to take a leave of absence as prescribed by the Norman Code of Ordinances and/or the City Personnel Manual. Such requirements shall be consistent with applicable state and federal laws. Any federal statutes restricting political activities of City employees shall supersede the provisions of this section as to such employees. The City does hereby reserve the right to establish employment requirements requiring City employees to refrain from filing as a candidate for City office while employed by the City.

Article XVI, Section 2

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. 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 XVII, Section 2

Section 2. Extra compensation prohibited.

No ~~full-time elective or appointive officer or~~ employee shall receive any compensation from the City other than as specified in the salary, benefits and compensation package attached to his/her position. No full-time ~~person~~ employee shall be permitted under any circumstances to draw more than one salary from the City for any and all purposes.

Article XX

Section 1. – Reapportionment ~~Commission~~ Ad Hoc Committee.

There shall be a Reapportionment ~~Commission~~ Ad Hoc Committee, which shall consist of nine voting members appointed by the Council on nomination by the Mayor. All members of the Reapportionment ~~Commission~~ Ad Hoc Committee shall be registered voters of the City and shall hold no other office or position of employment in the City government.

Section 2. – ~~Composition~~ Appointment and Meetings of the Reapportionment ~~Commission~~ Ad Hoc Committee.

The Reapportionment Committee shall meet to review and make recommendations on ward boundaries as follows:

- a. When the City proposes to annex or de-annex property; or
- b. During the last quarter of the calendar year prior to the release of the Federal Decennial Census and continuing through the release of the final Census; or
- c. Upon the unanimous recommendation of City Council.

In the case of proposed annexation or de-annexation, members of the Reapportionment Committee shall be appointed within ninety (90) days of adoption of any such proposal. For purposes of reviewing the Federal Decennial Census, members of the Reapportionment Committee shall be appointed six (6) months prior to the year of the

issuance of such census. The Reapportionment Commission's Committee's members shall be residents and registered voters of the City's wards, (one at-large and one from each ward).

~~The terms of all nine (9) voting members shall be five (5) years, beginning on July 1. The members so appointed shall, at a regular meeting July of each year subsequent to July 1, 1977, meet and elect a presiding officer and such other officers as the Commission may deem necessary to its proper function.~~

~~Vacancies shall be filled by the City Council in the manner set out hereinafter for the unexpired terms.~~

Section 3. – Criteria for Ward Boundaries.

~~Subsequent to the issuance of each Federal Decennial Census and within ninety (90) No later than one hundred and eighty (180) days after the appointment of the Reapportionment Committee pursuant to Section 2(a) or 2(c) herein, or after the issuance of the Federal Decennial Census when the Committee is appointed pursuant to Section 2(b) herein, the Commission Committee shall pass and refer to the City Council a resolution to establish and retain or readjust the wards and their boundaries to comply with the requirements standards set out herein. Wards shall should be formed so as to equalize, as nearly as practicable, the population of the several wards. In addition, each ward shall should be 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. Ward lines shall not create artificial corridors which in effect separates voters from the ward to which they most naturally belong.~~

Section 4. – Public hearing on proposed boundaries; votes required for passage.

At least ten (10) days before voting on the resolution, the Reapportionment ~~Commission Committee~~ shall hold a public hearing thereon. At least five (5) votes shall be required for passage of the resolution, and the vote on passage shall be by roll call and shall be entered in the minutes of the ~~Commission Committee~~. A map showing the wards and their boundaries shall be appended to the resolution.

Section 5. – Council shall have final authority.

The resolution shall then be referred to the eCity Council which shall, within thirty (30) days, conduct a public hearing on the proposed resolution and adopt the resolution without modification, reject the resolution, or adopt the resolution with such modification as the Council deems necessary, the resolutions as an ordinance of the city. If any changes in ward boundaries are adopted by City Council, such changes shall also be adopted by ordinance and codified in the Code of the City of Norman. In any alteration or amendment of the resolution as proposed by the Reapportionment

~~Commission~~Committee, the City Council shall use the same criteria for ward boundaries as hereinabove adopted for the use of the Reapportionment ~~Commission~~Committee.

Thereupon, the new wards and boundaries shall supersede the previous wards and boundaries for purposes of 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.

Section 6. – Annexed territory; reapportionment between census report.

When territory is annexed to the City, the Reapportionment ~~Commission~~Committee, by resolution in the manner provided hereinabove, shall incorporate it into the adjacent ward or wards or shall readjust the wards and boundaries in the manner provided hereinabove, as it deems appropriate.

~~Further the Commission may, at other periods than those set out above, in the manner and upon the basis stated and provided for herein, alter the boundaries of the wards when an increase, decrease, or shift in residence of the population of the City, or other substantial change in the criteria set out above.~~

Scheduled Review of Charter within the Charter

Section 9. ~~Reserved~~Periodic Charter Review.

At least once every ten years beginning no later than 2024 and occurring no more than every 10 years thereafter, City Council shall consider whether a Charter Review Committee shall be appointed for the purpose of reviewing the Charter.

CHARTER REVIEW COMMISSION

REGULAR MEETING MINUTES

CHARTER REVIEW COMMISSION MINUTES

December 20, 2012

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Conference Room on the 20th day of December, 2012, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:

Ms. Jane Abraham
Mr. Thad Balkman
Mr. Trey Bates
Mr. Doug Cubberley, Vice-Chairman
Ms. Carol Dillingham
Mr. Hal Ezzell
Mr. Harold Heiple, Chairman
Ms. Samantha Kahoe
Mr. Ken McBride
Mr. Barry Roberts
Mr. Richard Stawicki
Mr. Bob Thompson

ABSENT:

Mr. Ken McBride
Mr. Kevin Pipes

STAFF PRESENT:

Mr. Jeff Bryant, City Attorney
Ms. Brenda Hall, City Clerk
Mr. Steve Lewis, City Manager

Items 1, 2 and 3, being:

INTRODUCTIONS, OPENING REMARKS, AND INTRODUCTION OF STAFF SUPPORT MEMBERS.

Mayor Rosenthal welcomed members of the Charter Review Commission and thanked them for their service on this very important Commission. She said the Charter is to the founding document, if you will, of the City of Norman. She said Council adopted Resolution No. R-1112-9 tasking the Charter Review Commission to conduct a targeted review of specific areas of the Charter to see if they need to be updated and modernized. She felt it would be engaging for all members as they work through the review over the next year.

Mr. Heiple asked for clarification of whether the Commission could look at areas of the Charter outside the specific areas outlined in the resolution. City Attorney Jeff Bryant said there is a provision in the Resolution where the Commission could ask the Council, to direct by motion or resolution, the authority to look at other sections.

Committee members and staff introduced themselves and provided information about their background.

Item 4, being:

ELECTION OF CHAIR AND VICE-CHAIR.

City Clerk Brenda Hall opened the floor for nomination of Chair. Two nominations were received; Harold Heiple and Doug Cubberley. Harold Heiple was elected by majority vote.

Chairman Heiple opened the floor for nominations for Vice Chair. Doug Cubberley was nominated with no other nominations. Chairman Heiple declared Doug Cubberley as Vice Chairman by acclamation.

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Item 5, being:

ESTABLISHING A MEETING SCHEDULE.

It was the consensus of the Commission to meet on the first Thursday of each month at 5:30 p.m.

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Item 6, being:

ADJOURNMENT.

The meeting was adjourned at 5:58 p.m.

CHARTER REVIEW COMMISSION MINUTES

January 3, 2013

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Conference Room on the 3rd day of January, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:

Ms. Jane Abraham
Mr. Trey Bates
Mr. Doug Cubberley, Vice-Chairman
Ms. Carol Dillingham
Mr. Harold Heiple, Chairman
Ms. Samantha Kahoe
Mr. Ken McBride
Mr. Kevin Pipes
Mr. Barry Roberts
Mr. Richard Stawicki
Mr. Bob Thompson

ABSENT:

Mr. Thad Balkman
Mr. Hal Ezzell

STAFF PRESENT:

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

Item 1, being:

BRIEF OVERVIEW OF OPEN MEETINGS ACT.

Ms. Kathryn Walker, Assistant City Attorney, provided an overview of the State of Oklahoma Open Meetings Act. She said the cornerstone of the Open Meetings Act is that meetings should be open to the public so the public can have the opportunity to be informed of what is going on within their government. The Open Meetings Act applies to all public bodies and City of Norman's Resolution No. R-1112-9 clarifies that all City committees, sub-committees, and ad hoc committees shall follow the Open Meetings Act. She cautioned that communications to a majority of members by e-mail, text messaging, or social media can be construed as an improper meeting.

Items submitted for the record

1. PowerPoint presentation entitled, "Open Meeting Act, Oklahoma Statutes, Title 25, Sections 301-315," Charter Review Commission, dated January 3, 2013

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Item 2, being:

OVERVIEW OF RESOLUTION NO. R-1112-109 ESTABLISHING THE CHARTER REVIEW COMMISSION.

Ms. Walker highlighted Resolution No. R-1119-109 establishing the Charter Review Commission (CRC). She said the resolution sets forth the areas of targeted review; appointment, composition, and timetable of the Commission; duties of Commission members; removal of Commission members; and reporting and recommendations by the Commission.

Ms. Walker said the CRC will review the targeted sections of the Charter and consider whether those sections need to be amended to meet the City's current and/or future needs; educate the community about any proposed amendments, the Charter, and the review process during one public meeting per quarter; perform other duties as Council directs; and create policies/procedures for CRC as guidelines for function of the Commission including attendance, receiving public testimony, structure or format of meetings, and frequency of public hearings.

Ms. Walker said all meetings will be open to the public; minutes will be made available to Council; a public hearing will be held at least once a quarter; CRC can consult with various groups/experts if interested; quarterly reports will be submitted to Council at a Study Session; final report recommendations must be approved by a majority vote of the Commission prior to being forwarded to Council; and the final report, upon completion, will be submitted to Council in a special meeting where Council will vote on each recommendation.

Member Dillingham asked if the Commission needed to discuss establishing the process for how CRC will function and whether or not the Commission wants to receive testimony prior to evaluating a section of the Charter. She said she would like an orderly manner of evaluating each section such as determining if there is a perceived problem, what is the problem, who does the Commission need to talk to in order to solve the problem, and determine how to evaluate possibilities for resolution of the problem. Member Bates felt it would be helpful to have background information ahead of the meeting for review purposes.

Items submitted for the record

1. PowerPoint presentation entitled, "Resolution No. R-1112-109 Establishing the Charter Review Commission," dated January 3, 2013

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Item 3, being:

DISCUSSION OF ARTICLE II, SECTION 1, OF THE CITY CHARTER TO CONSIDER VERBIAGE FROM "COMPENSATION" TO "STIPEND" IN REGARDS TO COMPENSATION OF CITY COUNCIL MEMBERS.

Member Dillingham said when she served on Council, compensation of City Council came up numerous times and opinions ranged from changing to a strong Mayor form of government to no change. She said because there were such diverse opinions, Council believed this was something a CRC should review. She said Council had wanted to know what options exist, how other cities with City Manager/City Council form of government handle Council compensation, and the pros and cons of Council being a volunteer position.

Item 2, continued:

She said Councilmembers put a lot of time and effort into a position that pays a maximum of \$100 per month. Chairman Heiple said the CRC is charged with deciding if “compensation” needs to be changed to “stipend” and Member Dillingham is talking about a broader discussion. Member Stawicki felt most citizens have not read the Charter and would not know the difference between compensation and stipend so nothing would be accomplished by changing the language. Member Pipes said people run for Council to serve the public, not for income reasons, but there should be some type of reimbursement for Council related expenditures such as cell phone charges or travel expenses and Member Thompson agreed.

Ms. Walker said the directive to look at changing compensation to stipend came about because of minimum wage requirements, although there is an exemption for public officials. Mr. Doug Cubberley said the directive is to review language and not the entire provision; however, if CRC wants to do that, they should get permission from Council first. He said in 2006, the Charter Review AdHoc Committee recommended raising Council’s compensation, but the City was considering employee lay-offs and Council felt asking voters to raise Council’s compensation would be inappropriate.

Chairman Heiple said he started a list of topics outside of the targeted areas of review that he wants to ask Council’s permission to discuss and raising Council’s compensation could be added to that list.

Member Bates said it would be helpful to know Council’s intent for wanting discussion on the targeted areas prior to CRC review. He said any research Staff has done would be helpful as well.

Member Cubberley suggested asking Council’s permission to review Article II, Section 1, in its entirety rather than limiting discussion to one topic and Chairman Heiple said he would add that to the list for Council’s consideration.

Member Roberts moved to recommend to City Council that the word stipend in Article II, Section 1, be substituted for the word compensation in the language as now written, which motion was duly seconded by Member Dillingham;

Items submitted for the record

1. PowerPoint presentation entitled, “Resolution No. R-1112-109 establishing the Charter Review Commission, January 3, 2013”

and the question being upon recommending to City Council that the word stipend in Article II, Section 1, be substituted for the word compensation in the language as now written, a vote was taken with the following result:

YEAS:	Members Abraham, Bates, Cubberley, Dillingham, Kahoe, McBride, Pipes, Roberts, Stawicki, Thompson, Chairman Heiple
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NAYES:	None
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Chairman Heiple declared the motion carried and a recommendation to City Council that the word stipend in Article II, Section 1, be substituted for the word compensation in the language as now written was approved.

Item 4, being:

DISCUSSION OF ARTICLE III, SECTION 1, OF THE CITY CHARTER TO CONSIDER SIMPLIFYING THE PROCESS OF REMOVAL OF THE CITY MANAGER.

Ms. Walker highlighted the current process for City Manager removal and said in 2005, the Charter Review AdHoc Committee recommended a proposed amendment be considered by voters; however, when the ordinance came forward for Council's vote, it was postponed indefinitely.

Ms. Walker highlighted the National Civic League's (NCL) model Charter, 8th Edition, City Manager removal language. She said some cities do not have specific language in Charter or Code, but some have language that states, "City Manager serves at the pleasure of City Council." She said other language reviewed indicates removal can be made at any time with a majority vote of membership (not just quorum) without specific language and public hearing; removal can be made at any time by majority vote of membership with specific language about notice and public hearing; and removal can be made for cause with due process considerations acknowledged but not specified.

Chairman Heiple suggested alternative language for removal with cause and removal without cause. He felt the current procedure should be restated as it raises a multitude of undesirable scenarios. He said in light of today's multi-year contracts; the Open Meetings Act; the fact that Council only meets in regular session on the second and fourth Tuesday each month; and the laws regarding notice and procedure when a person is entitled to due process he believed the third, fourth and fifth sentences of Article III, Section 1, should be replaced.

Ms. Dillingham suggested researching 10th Circuit Court cases for Charter cities. She wants a fair process, but if a problem arises the contract could be terminated.

Member Thompson asked if the City Manager's contract was renewed annually or if it is a multi-year contract and Ms. Brenda Hall, City Clerk, said the contract requires an annual review where Council can amend the contract if they so desire.

Chairman Heiple suggested correlating language in the contract with language in this section and Ms. Walker said some Charter provisions reference the contract in the removal language.

Member McBride said it seems the City would want the City Manager to serve at the pleasure of the Council subject to the terms of the contract, if any. Member Cubberley said if there is no contract, the City Manager is subject to conditions of every other City employee so there would have to be a contract to specify something different than cause for removal.

Member Dillingham said she would like some review on employment law and what other cities are doing. She said because employment at will has such shifting ground in Oklahoma she would like information on the status of "employment at will" in Oklahoma.

Chairman Heiple asked if CRC wanted to discuss removal with cause and everyone agreed they did not want to pursue that.

Items submitted for the record

1. PowerPoint presentation entitled, "Targeted Review No. 1 – Council Compensation and Targeted Review No. 2 – City Manager Removal," dated January 3, 2013

Item 5, being:

MISCELLANEOUS DISCUSSION.

Chairman Heiple suggested placing each topic on the agendas so CRC can talk about any of them at any time. He said CRC will develop a list of additional sections to consider with Council's permission once the targeted areas have been completed. He said, currently, the list consists of reviewing compensation in Article II, Section 1, and Article II, Section 22, Vacancies in Office.

Member Cubberley suggested members send questions or topics they would like to address at the meetings to Ms. Walker or Ms. Hall.

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Item 6, being:

ADJOURNMENT.

The meeting was adjourned at 6:35 p.m.

CHARTER REVIEW COMMISSION MINUTES

February 7, 2013

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Conference Room on the 7th day of February, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:

Ms. Jane Abraham
Mr. Thad Balkman
Mr. Trey Bates
Mr. Doug Cubberley, Vice-Chairman
Mr. Harold Heiple, Chairman
Ms. Samantha Kahoe
Mr. Kevin Pipes
Mr. Barry Roberts
Mr. Richard Stawicki

ABSENT:

Mr. Bob Thompson
Ms. Carol Dillingham
Mr. Hal Ezzell
Mr. Ken McBride

STAFF PRESENT:

Mr. Jeff Bryant, City Attorney
Ms. Brenda Hall, City Clerk
Ms. Kathryn Walker, Assistant City Attorney

Mr. Harold Heiple, Chairman, discussed what has transpired since the last Charter Review Commission (CRC) meeting. He said CRC initially requested Staff to list all the topics Council sent for CRC review on the agenda, but after speaking with Staff, he realized the request would require a great deal of background preparation. As a result, the Committee will not see all topics requested by Council on today's agenda as previously discussed. Member Dillingham had suggested evaluating each section of the City Charter with the following series of questions:

1. Is there a perceived problem?
2. If there is a perceived problem, what is it?
3. Who does the CRC need to talk to in order to address the problem?

Member Bates previously asked for background information but expressed a concern, along with Member Thompson, regarding getting so bogged down with Staff presentations that there is not enough time for the CRC to discuss the topic(s). For that reason, Chairman Heiple suggested Staff evaluate and offer input using the three points suggested by Member Dillingham as stated above. Chairman Heiple asked the Committee if moving in that direction would be favorable and requested input from the Committee regarding the meeting process. He felt some of the issues will not be as complicated and/or as lengthy while others will need more discussion versus Staff presentations. Chairman Heiple said Staff is capable of doing the work and the Committee is grateful to Staff for the informative presentation today, but he would prefer the Committee have adequate time to review and discuss the items rather than discuss past CRC history, etc. Member Pipes said he understands the balance between Staff and the Committee and felt the Committee should ask questions and/or submit requests to Staff if more information is needed on a particular topic. Member Bates said he has not served on previous Charter Committees and preferred more background information regarding prior CRC processes because the same issues/topics keep coming back. He felt that for whatever reason, some of the past issues were not resolved with prior CRC recommendations and felt background information and/or results may help with understanding why prior recommendations were not adopted by Council. Member Bates said he preferred all the topics to be placed on the agenda so the Committee could raise and formulate questions that will assist with time efficiency while at the same time allow Staff to research and come back with the pertinent information. He said does not want Staff to do a massive amount of work on every single topic trying to anticipate Committee questions that may arise.

Item 1, continued:

Chairman Heiple asked if placing all the items/topics on the agenda would be easier and more time efficient for Staff and Ms. Brenda Hall, City Clerk, said in order for the CRC to discuss a topic, the topic must be placed on the agenda. She said Staff would accommodate the Committee's wishes and felt all the topics can be listed on the agenda if the purpose is so that the Committee could ask Staff questions, but allow Staff time to research and bring information back to the CRC. Chairman Heiple asked if listing the topics and stating "discussion and possible action," would cause more Staff burden and Mr. Jeff Bryant, City Attorney, felt that would be acceptable. Mr. Bryant said it is always Staff's goal to be prepared to answer any questions or comments regarding agenda items, but there is not enough Staff to prepare information for all the topics; however, if the Committee recognizes that Staff may need to research a topic then putting all the topics on the agenda will be acceptable. He said Staff would accommodate the Committee's desires. Chairman Heiple asked if the Committee favors placing all the topics on the agenda and the Committee agreed. Chairman Heiple said, if necessary, the Committee would allow Staff time to research questions and/or comments.

Chairman Heiple said currently the topics that the CRC will request permission from Council to discuss includes:

1. Article II, Section 1: Increasing the monthly compensation of Councilmembers, and if so what figure or range of figure does the CRC suggest. Chairman Heiple requested that Council submit out of pocket expenses to Brenda Hall, City Clerk. Member Cubberley suggested asking Council's permission to review.
2. Article II, Section 1, in its entirety; however, Chairman Heiple felt and suggested the CRC only review the last paragraph since it regarded the amount of money paid to Council and Member Cubberley agreed stating that would be appropriate; and
3. Review Article II, Section 22, the process of filling Council vacancies - when a Councilmember steps down before their term expires.

Chairman Heiple asked the Committee if any other topics have been identified that will require Council permission to discuss and said the CRC can present Council with a list of topics when the CRC provides Council with quarterly reports. Ms. Hall said the CRC is tentatively scheduled to provide Council with the first quarterly report at the April 2, 2013, study session.

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Item 2, being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MINUTES.

Member Pipes moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Member Stawicki;

Items submitted for the record

1. Charter Revision Committee minutes of December 20, 2012; and
2. Charter Revision Committee minutes of January 3, 2013

and the question being upon approval of the minutes and upon the subsequent directive, a vote was taken with the following result:

Item 2, continued:

YEAS: Members Abraham, Balkman, Bates, Cubberley
Kahoe, Pipes, Roberts, Stawicki, and Chairman
Heiple

NAYES: None

Chairman Heiple declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 3, being:

CONTINUE DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE II, SECTION 1, OF THE CITY CHARTER REGARDING COMPENSATION OF COUNCIL MEMBERS BY CHANGING VERBIAGE FROM "COMPENSATION" TO "STIPEND" AND FINALIZE LANGUAGE RECOMMENDATION.

Chairman Heiple said the CRC discussed Article II, Section 1, of the City Charter at the January 3, 2013, CRC meeting regarding compensation of Councilmembers by changing verbiage from compensation to stipend and the CRC voted to recommend to City Council that the word stipend in Article II, Section 1, be substituted for the word compensation in the language as now written. Mr. Jeff Bryant, City Attorney, provided suggested language to the Committee.

Member Stawicki moved the language provided by Staff reflecting the word stipend in Article II, Section 1, be substituted for the word compensation in the language as now written, which motion was duly seconded by Member Kahoe, a vote was taken with the following result:

YEAS: Members Abraham, Balkman, Bates, Cubberley
Kahoe, Pipes, Roberts, Stawicki, and Chairman
Heiple

NAYES: None

Chairman Heiple declared the motion carried and a recommendation to City Council that the language provided by Staff reflecting the word stipend in Article II, Section 1, be substituted for the word compensation in the language as now written was approved.

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Item 4, being:

CONTINUE DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE III, SECTION 1, OF THE CITY CHARTER REGARDING THE CITY MANAGER REMOVAL PROCESS, ENSURING COMPLIANCE WITH THE OPEN MEETING ACT REQUIREMENTS, AND FINALIZE LANGUAGE RECOMMENDATION.

At the January 3, 2013, CRC meeting Ms. Kathryn Walker, Assistant City Attorney highlighted the current process for City Manager removal and said in 2005, the Charter Review AdHoc Committee recommended a proposed amendment be considered by voters; however, when the ordinance came forward for Council's vote, it was postponed indefinitely.

Item 4, continued:

Mr. Bryant said after the discussion, the CRC expressed concerns about 10th Circuit Court case law and wanted to make certain that the City Manager was clearly an “at-will employee.” He said that the City Manager is an “at-will employee” and highlighted language that clarifies the point. Mr. Bryant said the Committee was also concerned about the process allowing for Open Meetings Act requirements and said the proposed Charter language provides a mechanism for discussion and decision of suspension or removal that complies with Open Meeting Act. Under the proposed language, the initial request (four members may request) for discussion triggers an Executive Session (ES) and possible companion item for immediate suspension. After ES, a removal item may be scheduled with four concurring Councilmembers and the notice and opportunity for the City Manager to publicly respond would remain unchanged.

Mr. Bryant said the City Manager’s contract does not change the status of the City Manager’s employment as dictated in the Charter and typically deals with separation compensation. Immediate suspension, not termination, may be scheduled following the first ES should an act of moral turpitude be in question. Chairman Heiple requested a copy of the current City Manager’s contract, notwithstanding everybody’s best intentions, to satisfy the CRC and said there may not be any contradictions of Open Meetings Act within the contractual provisions. He said he is not aware of this happening in Norman but has seen it happen in other situations and would like to look at that before there is an issue. Mr. Bryant said Staff can provide a copy of the current contract, but he reviewed the contract and felt confident it was in good shape. Chairman Heiple said however in all fairness to the next City Attorney, a prospect will come into the City stating the conditions of the contract language they desire.

Member Bates said the CRC’s charge was to simplify the process for removal of the City Manager and felt the proposed language was making it more complicated. He asked Mr. Bryant to explain the language that reads, “Should at least four (4) Councilmembers desire that a majority of the Council discuss removal or suspension of the City Manager,” and asked where the number four came from and what does that mean. Councilmember Spaulding said that language seems to be in conflict with the rule of three. Chairman Heiple said he deliberately put “four” in the proposed language because it is more than the rule of three, but less than the five (5) that would violate the Open Meetings Act. He said if there are four Councilmembers who want to have the meeting to discuss removal of the City Manager, any City Manager will think twice about whether to even contest it or not. Member Bates said if a specific number of Councilmembers want to talk about dismissal, who calls the meeting? Do four Councilmembers have to sign a petition and turn that in? Mr. Bryant said if five Councilmembers got together outside a meeting and decide they want to have a meeting to fire the City Manager then they have violated the Open Meetings Act and that is what the language is trying to avoid. He said the CRC is trying to clarify if four Councilmembers want that meeting, what would the process be for initiating that meeting? He said Chairman Heiple is proposing a process to file a written request with the City Clerk signed by four members of Council then place a “Manager removal item” on the next regularly scheduled meeting agenda as an ES or on a special meeting agenda to be held not less than seven nor more than fourteen days from the date the City Clerk receives the request. Member Bates asked who decides whether the item is placed on a regularly scheduled meeting agenda or special meeting agenda and Mr. Bryant said it would depend on what the Councilmembers requesting the meeting wanted to do.

Chairman Heiple asked if there is a formal procedure for the rule of three and Ms. Brenda Hall, City Clerk, said the three Councilmembers requesting an item on an agenda submits a written request signed by all three to the City Manager. Member Roberts asked if the rule of three just allows items to be placed on the agenda and Ms. Hall said yes. Chairman Heiple said the rule of three came about due to a previous City Manager telling Council he would decide what goes on the agenda and no one could tell him what goes on the agenda.

Item 4, continued:

Member Kahoe asked if the goal is to simplify the process of terminating the City Manager or simplify the language and Chairman Heiple said the goal is to simplify and clarify language to comply with existing law because what is currently in the Charter violates the Open Meetings Act and current meeting schedules. Mr. Bryant said Staff's primary goal is to comply with the Open Meetings Act and existing Charter language puts Councilmembers into a situation where they could potentially violate the Open Meetings Act especially if there is a majority of Council coming forward with the request to fire the City Manager. He said the Committee needs to create a process to avoid that.

Member Cubberley said if five Councilmembers in an ES are willing to say, "fire the City Manager" then they should be able to go into the open session, explain themselves to the public, and vote on it. He said waiting a week or waiting for another time is not productive and it allows for a tremendous time of uncertainty and politics to get involved. He said if Council is at a point of calling a meeting for the potential termination of the City Manager, the notice is there and is already known by the public. He said the notice to the public is the ES to discuss the removal of the City Manager. He said if there are four dissatisfied Councilmembers willing to sign on the dotted line saying they want a meeting then everyone knows there is tremendous dissatisfaction. Member Bates said language is becoming more complicated because it states the City Manager has 72 hours to demand a reason for termination and the right to be heard publicly in a meeting to be held not less than five days after the demand. Mr. Bryant said existing Charter language already allows for this. He said a prior Charter Committee recommended deleting that language allowing a demand for reasons or a time period to respond in public. Councilmember Cubberley said the language gives rights to the City Manager that is contradictive to being an at-will employee. Mr. Bryant said the difference is substantive rights versus procedural rights. The at-will employee removes any substantive rights in the job, but the existing Charter language already provides procedural rights; however, that language can be removed. Councilmember Castleberry said most attorneys will tell you that when you fire an at-will employee, do not give them a reason because you will get a wrongful termination lawsuit. Chairman Heiple said he never intended reasons be given for the termination and that language has no business in the Charter so the language should be stricken. The Committee said they would like to remove the existing language regarding process and reasons for termination.

Chairman Heiple said he preferred allowing a gap of seven to fourteen days between the ES and termination and asked members their opinion on whether or not the City Manager should be suspended or fired directly after the ES. Members Roberts and Abraham preferred allowing a gap of time between the ES and termination. Member Bates said the risk in allowing a gap time is that it becomes political and he preferred immediate action to suspend or terminate. Member Stawicki preferred an immediate vote on suspension versus firing and suspension would give Council more time to decide on termination. Members Pipes, Bates, and Kahoe felt Council should have the flexibility to suspend or terminate immediately. Chairman Heiple said there appears to be a consensus to allow flexibility for Council to suspend or terminate after the ES.

Mr. Bryant asked if everyone agreed four Councilmembers are needed to call for the ES and Councilmember Cubberley said this is a very disruptive step to take and he would not support a rule of three. Chairman Heiple asked Staff to prepare language and forward that language to the Committee so it can be voted on at the next meeting.

Mr. Bryant summarized the proposal for the purpose of minutes and clarity. He said four Councilmembers will need to request an ES with an item following the ES that can be suspension or termination. Existing language regarding the City Manager's demand for reasons and response period will be stricken and the last sentence will be moved up.

Item 5, being:

BEGIN DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE III, SECTION 6, OF THE CITY CHARTER REGARDING CREATING A MECHANISM UNDER WHICH THE CITY COUNCIL COULD REQUEST INFORMATION REGARDING A SPECIFIC CITY DEPARTMENT.

Chairman Heiple asked Member Cubberley if language proposed in 2006 that reads, "Provided the Council may, by majority vote, direct the City Manager to investigate and report to the Council with respect to specific concerns or questions regarding performance and/or the operation of any Department" would meet what Council was looking for at that time. Member Cubberley said at the time Council was having problems with Department Heads and the public does not understand that Council has no purview over Department Heads. He said when there are problems in those departments and they are not getting resolved, people go to Councilmembers and say, "Do something." He said when Council goes to a City Manager who is less than responsive there is little recourse. He said the Charter Committee at that time was trying to find a balance because Council does not want the day to day responsibilities, but at the same time wants to be able to get the City Manager to respond to concerns from Council.

Ms. Walker highlighted Oklahoma Statutes on Council/Manager forms of government, what the duties of Council are, what the duties of the City Manager are, and how that gets separated. Chairman Heiple said the Statute covers the problem, but it is not in the Charter and putting it in the Charter may solve the problem to a degree.

Chairman Heiple said the language is ambiguous when it states "report to the Council" because if the issue concerned personnel, the City Manager could say that it regarded personnel and he would report to Council in ES, not an open session.

He asked if anyone had an objection or question about the language and Councilmember Castleberry said the Statute states the Council has the power to regulate salaries and wages, but right now the City Manager handles arbitrations and negotiations with unions so he is the one who determines salaries and wages. He asked if Council should be doing that or is that just saying Council can do it and Council is delegating it to the City Manager. Mr. Bryant said it is done through an appropriation when Council adopts the budget. Councilmember Castleberry said if the union requested a 3% increase would Council approve the appropriation for the increase and Mr. Bryant said different Councils approach it differently. He said recently, Council had a discussion with the City Manager about the appropriate approach on whether the Council should budget money for salaries when they adopt the budget or wait until after negotiations are complete and approve a supplemental appropriation. He said in the past, Council has budgeted money for vacant positions so there is enough money from those vacancies to fund the wage increases.

Member Pipes felt more work needed to be done on the language and Member Stawicki agreed. Chairman Heiple said language would be discussed further at the next meeting.

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Item 6, being:

BEGIN DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE III, SECTION 7, OF THE CITY CHARTER REGARDING CREATING A REQUIREMENT THAT A CITY EMPLOYEE TAKE A LEAVE OF ABSENCE TO RUN FOR PARTISAN POLITICAL OFFICE.

Chairman Heiple asked if members favored the question, opposed the question, or needed more information about the question. Member Pipes asked what other cities in Oklahoma the size of Norman do.

Chairman Heiple suggested a partisan political office would not include a District Judge race.

Member Stawicki said if you are a State employee you have to take a leave of absence to run for a partisan office. Mr. Bryant said there is language in the Charter that prohibits a City employee from running for a City office.

Member Bates said he would like to know what teachers have to do if they run for a partisan political office.

Mr. Heiple said more information would be provided at the next meeting for further discussion.

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Item 7, being:

ADJOURNMENT.

The meeting was adjourned at 6:37 p.m.

CHARTER REVIEW COMMISSION MINUTES

March 7, 2013

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Conference Room on the 7th day of March, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:

Ms. Jane Abraham
Mr. Trey Bates
Mr. Doug Cubberley, Vice-Chairman
Mr. Harold Heiple, Chairman
Ms. Samantha Kahoe
Mr. Ken McBride
Mr. Barry Roberts
Mr. Richard Stawicki

ABSENT:

Mr. Bob Thompson
Mr. Kevin Pipes
Mr. Thad Balkman

STAFF PRESENT:

Mr. Jeff Bryant, City Attorney
Ms. Brenda Hall, City Clerk
Ms. Kathryn Walker, Assistant City Attorney

Item 1, being:

CALL TO ORDER AND ROLL CALL.

Item 2, being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MINUTES OF FEBRUARY 7, 2013.

Member Ezzell moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Member Cubberley;

Items submitted for the record

1. Charter Revision Committee minutes of February 7, 2013

and the question being upon approval of the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Members Abraham, Bates, Cubberley, Kahoe, McBride, Roberts, Stawicki, and Chairman Heiple

NAYES:

None

Chairman Heiple declared the motion carried and the minutes approved; and the filing thereof was directed.

Item 3, being:

CONTINUE DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE II, SECTION 1, OF THE CITY CHARTER REGARDING THE CITY MANAGER REMOVAL PROCESS, ENSURING COMPLIANCE WITH OPEN MEETING ACT REQUIREMENTS, AND FINALIZE LANGUAGE RECOMMENDATION.

Member Ken McBride said language was added in Article II, Section 1, that allows an item to be included on the City Council agenda following an Executive Session (ES) and he thought the Open Meetings Act required a notice period before an agenda item could be added. He asked for clarification on whether or not adding an item during a meeting in progress would be permissible. Mr. Jeff Bryant, City Attorney, said when the agenda is posted there will be an item for ES and an action item after that so two items will be posted on the agenda. He said if Council adjourns out of ES and does not want to act on the next item, they do not have to, but there is adequate notice if they do decide to act.

Member Hal Ezzell noted that the proposed language requiring an affirmative vote from five councilmembers. He said if the Charter Review Committee (CRC) is trying to tighten the language under which the City Manager can be terminated why not require all nine councilmembers to be in attendance when voting on the termination of the City Manager. Mr. Bryant said Staff incorporated language currently in the Charter under Article VIII that requires five affirmative votes of Council to take any action regardless of the number of Councilmembers attending the meeting. He said this will make the language more consistent with current Charter language.

Member Ezzell moved that proposed language in Article III, Section 1, be submitted as a recommendation to Council, which motion was duly seconded by Member Dillingham;

Items submitted for the record

1. Memorandum dated March 4, 2013, to Members of the Charter Review Commission, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney
2. Proposed revisions to Article II, Section 1, City Manager removal process
3. Contract No. K-0708-32, Addendum No. 1 to Contract No. K-0708-32, Addendum No. 2 to Contract No. K-0708-32, and Addendum No. 3 to Contract K-0708-32

and the question being upon proposed language in Article III, Section 1, being submitted as a recommendation to Council, a vote was taken with the following result:

YEAS: Members Abraham, Bates, Cubberley, Kahoe, McBride, Roberts, Stawicki, and Chairman Heiple

NAYES: None

Chairman Heiple declared the motion carried and proposed language in Article III, Section 1, will be submitted as a recommendation to Council.

Item 4, being:

CONTINUE DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE III, SECTION 6, OF THE CITY CHARTER REGARDING CREATING A MECHANISM UNDER WHICH THE CITY COUNCIL COULD REQUEST INFORMATION REGARDING A SPECIFIC CITY DEPARTMENT.

Member Cubberley said this issue was raised during the 2005 CRC meetings because prior City Managers were not responsive to Council's concerns regarding particular departments or employees. One CRC suggestion at that time was for Council to directly supervise Department Heads, but there were concerns this would change the form of government from Council/Manager to Strong Mayor. There were also concerns with changing Council's role from that of policymakers to daily supervisors.

Member Cubberley said after reviewing State Statute, Article 11, Chapter 10-106, and reviewing proposed language, the proposed language seemed to fall short of what needs to happen. He said Council should have the ability to inquire into any office, department, or agency within the City and investigate municipal affairs and/or direct the City Manager to do so. He said Council may want to bring in an outside counsel or experts to assist in investigating a department, but there is no provision in the Charter that allows Council to be able to do that. He suggested language that states, "Provided, the Council may, by majority vote, inquire into the conduct of any office, department, or agency of the City and investigate Municipal affairs and hire any experts as required or direct the City Manager to investigate and report to Council." Chairman Heiple felt the statute language would leave no doubt as to Council's intent and Member Ezzell said he supported both thoughts. Ms. Kathryn Walker, Assistant City Attorney, asked if Staff will be striking the proposed language and replacing it with the statute language and Member Cubberley said no, statute language should be inserted after the sentence, "Provided, the Council may, by majority vote" then insert the statutory language. He felt Council will usually ask the City Manager for a report or investigation into a department. Member Dillingham agreed, but felt allowing Council to hire an outside expert is important and needed at times when there is not strong leadership from the Manager and Council.

Member Bates said language prior to the proposed language states, "the Council may direct the Manager by resolution, to investigate charges of misconduct or incompetence against any City employee and to report the result thereof." He asked if this language is more duplicitous because the proposed language is broader and more encompassing and Chairman Heiple felt that language is being deliberately ambiguous and the CRC is being deliberately over clear which does not hurt a thing. Member Roberts asked if there is a difference between a resolution and majority vote of the Council and Chairman Heiple said a majority vote is less intense, less informal, and less authoritarian than a resolution. Mr. Bryant said the word *resolution* may have been used to indicate the significance of the types of allegations that may need to come forward. Member Roberts asked if the Charter should require a resolution to direct the City Manager to inquire into the conduct of any department or employee and Chairman Heiple said he did not believe so because specific concerns or questions regarding performance can be less intense than misconduct or incompetence, but Member Roberts point is well taken.

Member Kahoe asked if the word *inquire* presumes Council can go directly to the department to inquire without going through the City Manager or must they go through the City Manager to inquire. Member Cubberley said the intent would be for Council to make inquiries directly into that department without the participation of the City Manager. Member Stawicki said it should still require a formal meeting with the City Manager. Chairman Heiple felt more discussion was needed to avoid conflict with other Charter provisions that restrict Council from dealing directly with City employees. He said councilmembers going directly to employees places the employee in the potential position of undermining the Manager. Member Cubberley suggested adding a provision that states "and hire outside experts to assist," but he felt Council should have the authority to investigate departments without the Manager's involvement. Member Dillingham felt that should require Council action through a resolution.

Item 4, continued:

Mr. Bryant said language that states, "Council may, by a majority vote" is in there because Council has to act as a body in making policies and they can only act by a majority vote. He would strongly recommend the CRC not empower a single Councilmember to go to any department or employee to make any type of inquiry. He said it is very important, in defending actions, to maintain the different roles of policy makers versus dealing in the administrative services primarily for the immunity of the policy makers if they end up in litigation.

Ms. Walker said proposed language would read, "Provided the Council may, by majority vote, inquire into the conduct of any office, department or agency of the City and authorize or provide for such inquiries to investigate Municipal affairs or direct the City Manager to investigate and report to the Council with respect to specific concerns or questions." Member Kahoe asked if that still gives Council the authority to inquire directly into the conduct of a department or employee. Member Dillingham said yes, except Council would inquire through an outside agency, not through a Councilmember. Chairman Heiple said Council can request an inquiry without hiring an outside expert depending on the depth of the inquiry. Mr. Bryant asked how that could be done mechanically. Chairman Heiple suggested adding the language "inquire into the conduct of any office, department, or agency of the City and, if necessary, authorize and provide for such inquiries." Member Dillingham said the CRC needs to distinguish between the ordinary Councilmember's inquiry to a department because they just do not understand how something works opposed to when a Councilmember thinks that something is not quite right and is trying to get to the bottom of it. Member Ezzell said the Council, by resolution, can clearly investigate any sort of inquiry, investigation, report, or direct the Manager to do so and that would not be a prohibitive type of interference because it is departmental wide. Mr. Bryant felt it would be safer to outline parameters.

Chairman Heiple suggested Legal Staff incorporate suggestions into the proposed language to bring back to the Committee in their next meeting.

Items submitted for the record

1. Proposed revisions to Article III, Section 6, Council requesting information regarding a specific City Department

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Item 5, being:

CONTINUE DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE III, SECTION 7, OF THE CITY CHARTER REGARDING CREATING A REQUIREMENT THAT A CITY EMPLOYEE TAKE A LEAVE OF ABSENCE TO RUN FOR PARTISAN POLITICAL OFFICE

In 2005, the CRC recommended that City employees running for partisan office be required to take a leave of absence upon filing for office, but after further discussion the proposal was not brought forward.

Chairman Heiple felt the CRC should address nonpartisan political offices as well as partisan offices because a Judge runs on a non-partisan ticket. Member Stawicki said discussions regarding nonpartisan offices delves into things such as not being able to serve on a school board. Chairman Heiple said there are some state statutes that prohibit citizens from serving on certain boards, a rural cooperative for example, but the Charter can designate specific non-partisan political offices and asked if the City wanted employees serving on a school board.

Item 5, continued:

Member Ezzell said he does not see why a leave of absence should be mandatory and enshrined in a Charter versus making a judgment call based on the circumstances since not all offices are the same. He said running for a school board is a different commitment than running for Governor and Chairman Heiple agreed, but said the school board is non-partisan as well as Judges, Appellate Judges, and City Council.

Member Bates asked how a partisan political office is incompatible with the nonpartisan nature of city employment and Member Dillingham said it is generally the goal of the public servant as opposed to the elected person that may hold the office. She said a public servant is supposed to treat everyone the same and that is the nonpartisan aspiration.

Chairman Heiple said he is impressed with the City of Lawton's Code of Ordinances regarding political activity. Mr. Bryant said the City of Lawton's rules are not in their Charter, it is an ordinance. He said the City of Norman has detailed language in their Personnel Manual. Member Cubberley said there are certain positions that are more visible than other positions where people look upon an employee as a representative of the City so when politics become involved not everyone sees the difference between the role of the candidate versus the role of a representative of the City. Member Ezzell said not all offices being sought are the same. He said there is a huge distinction between a school board and County Commissioner, Judge, District Attorney, etc., where the office sought is equivalent to full time employment and you will leave your job at the City if you obtain that office.

Chairman Heiple said an employee of the City of Lawton cannot be a candidate for any elective office which has a jurisdiction within the geographical city limits of Lawton without complying with the leave provisions for the City of Lawton. Member Bates said although the school board may not be as galvanizing as a race for Governor, if you are going to be out in the public and the public has a hard time delineating you from your employment position then that becomes a problem. He said guidelines are needed to separate the role of candidate and City representative, which should apply to partisan and nonpartisan offices. Member Dillingham said the trigger is how big a voice the candidate has as a representative of the City and how difficult it will be for the voter to separate that voice from the work place.

Member McBride said he likes Lawton's criteria that appear to focus on whether the candidacy of the employee interferes with their official job duties or there is time commitment of being away from the job. He suggested the CRC focus on what is in the best interest of the City rather than how the voter will perceive a candidate who works for the City. CRC should ask if the candidacy interferes with the employee's job performance or takes too much for them to be able to serve the City. He felt this criteria would be very defensible from the City's standpoint. Chairman Heiple said the City of Norman's Personnel Manual requires the City Manager's approval for employees running for political office based on time needed away from regular job duties and the ability to perform job duties. He said he would like the Charter to be consistent with the Personnel Manual. Member Ezzell said he prefers the 2006 proposed Charter language because it is simple, clear, and not subject to interpretation. He felt that being too detailed like what Lawton's done could open the City to allegations of favoritism. Member Stawicki felt that running for partisan office should be in the Charter and any nonpartisan candidacy should be in the Personnel Manual, Code of Ordinances, or both and Committee members agreed. Member Dillingham said the Charter is supposed to be a principle and the biggest principle is that partisan is inconsistent with being employed by the City. She said in nonpartisan offices so much depends upon who you are at the City, how much time the job is going to take, what kind of job it is, do you live in Norman and want to serve on the City of Moore School Board. She said so much is dealt with on an independent basis and the most important pronouncement is that partisan elections are incompatible with working at the City.

Item 5, continued:

Mr. Bryant said the Committee is fooling themselves if they believe nonpartisan elections are not partisan. He said focusing on partisan or nonpartisan is missing the mark. Criteria should focus on the impact to the employees ability to do their job, their ability to represent the office, and if they are working on city time or using their own time, etc.

Chairman Heiple said he would like Staff to incorporate portions of Lawton's language as well as suggestions made during this meeting. Member Cubberley said he did not know how the spirit of Lawton's ordinance could be incorporated into a Charter directive. Member Dillingham suggested the proposed language be presented at a public hearing to gauge the public's reaction. Chairman Heiple said he would like to schedule a public hearing before the CRC's next meeting in April. Ms. Brenda Hall, City Clerk, said a public hearing could be held in late March and she would check the meeting room schedule and e-mail available dates to the Committee.

Items submitted for the record

1. Proposed revisions to Article III, Section 7, City employee's run for partisan political office
2. Oklahoma State Statutes Citationized, Title 11, Cities and Towns, Chapter 1, Oklahoma Municipal Code, Article XXII, General Powers of Municipalities, Section 22-101.1, Political Activities by Municipal Employees – Restrictions
3. City of Lawton, Code of Ordinances, Chapter 17 – Personnel Policies and Procedures, Article 17-2 – Personnel Regulations, Division 178-2-10 – Political Activity

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Item 6, being:

BEGIN REVIEW OF 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.

Chairman Heiple said discussion on a rate increase will be deferred until May.

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Item 7, being:

BEGIN REVIEW OF ARTICLE XVII, SECTION 2, TO CONSIDER WHETHER EMPLOYEE COMPENSATION LANGUAGE NEEDS TO BE MODERNIZED.

Due to time constraints, Chairman Heiple said Article XVII, Section 2, will be discussed at the next meeting.

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Item 8, being:

REVIEW ARTICLE XX TO CONSIDER AMENDING OR UPDATING THE REAPPORTIONMENT COMMISSION PROCESS OR PROCEDURE.

Due to time constraints, Chairman Heiple said Article XX will be discussed at the next meeting.

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Item 9, being:

REVIEW WHETHER OR NOT THERE SHOULD BE A SCHEDULED REVIEW OF THE CHARTER WITHIN THE CHARTER ITSELF.

Due to time constraints, Chairman Heiple said this topic will be discussed at the next meeting.

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Item 10, being:

ADJOURNMENT.

Chairman Heiple declared the meeting adjourned at 6:35 p.m.

CHARTER REVIEW COMMISSION MINUTES

April 4, 2013

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Conference Room on the 4th day of April, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:

Ms. Jane Abraham
Mr. Doug Cubberley, Vice-Chairman
Ms. Carol Dillingham
Mr. Hal Ezzell
Mr. Harold Heiple, Chairman
Ms. Samantha Kahoe
Mr. Ken McBride
Mr. Kevin Pipes
Mr. Barry Roberts
Mr. Richard Stawicki

ABSENT:

Mr. Thad Balkman
Mr. Trey Bates
Mr. Bob Thompson

STAFF PRESENT:

Mr. Jeff Bryant, City Attorney
Ms. Brenda Hall, City Clerk
Ms. Kathryn Walker, Assistant City Attorney

Item 1, being:

CALL TO ORDER AND ROLL CALL.

Item 2, being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MINUTES OF March 7, 2013.

Member Abraham moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Member Kahoe;

Items submitted for the record

1. Charter Revision Committee minutes of March 7, 2013

and the question being upon approval of the minutes and upon the subsequent directive, a vote was taken with the following result:

Item 2, continued:

YEAS: Members Abraham, Cubberley, Dillingham, Ezzell, Kahoe, McBride, Pipes, Roberts, Stawicki, and Chairman Heiple

NAYES: None

Chairman Heiple declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 3, being:

CONTINUE DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE III, SECTION 6, OF THE CITY CHARTER REGARDING CREATING A MECHANISM UNDER WHICH THE CITY COUNCIL COULD REQUEST INFORMATION REGARDING A SPECIFIC CITY DEPARTMENT.

Chairman Heiple said in its meeting of March 7, 2013, the Charter Review Commission (CRC) requested Staff prepare language regarding requests from Council for information from or about departments based on CRC feedback at that meeting. The issue was first raised in 2005 with a prior Charter Committee because prior City Managers were not responsive to Council's concerns regarding particular departments or employees. Concerns were raised at that time that changes would constitute a change in government from Council-Manager to Strong Mayor/Council. There were also concerns with changing Council's role from that of policy makers to daily supervisors. Some members felt having Department Heads directly supervised by Council would infuse politics into day to day City operations. The 2005 Charter Committee settled on clarifying Council's authority to require the City Manager to answer questions or concerns about a specific City department.

Chairman Heiple said the current CRC expressed a desire to incorporate some of the language from State statute related to obtaining information about the conduct of City departments. The CRC realized that such action should require a formal action by Council such as a resolution, and such inquiries would go through the City Manager. However, if Council is unable to get satisfactory cooperation from the City Manager, the CRC felt there should be an avenue for obtaining the information with or without the City Manager by hiring an outside investigator. He said the current language incorporates that language.

Member Roberts moved that the proposed amendments be approved as drafted, which motion was duly seconded by Member McBride;

Items submitted for the record

1. Memorandum dated April 2, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Charter Review Commission Members
2. Proposed amendments to Article III, Section 6 – Council requesting information regarding specific City Departments

and the question being upon approving the proposed amendments as drafted, a vote was taken with the following result:

Item 3, continued:

YEAS: Members Abraham, Cubberley, Dillingham, Ezzell, Kahoe, McBride, Pipes, Roberts, Stawicki, and Chairman Heiple

NAYES: None

Chairman Heiple declared the motion carried and the proposed amendments as drafted were approved.

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Item 4, being:

CONTINUE DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE III, SECTION 7, OF THE CITY CHARTER REGARDING CREATING A REQUIREMENT THAT A CITY EMPLOYEE TAKE A LEAVE OF ABSENCE TO RUN FOR PARTISAN POLITICAL OFFICE.

Chairman Heiple said after the 2005 CRC submitted their recommendations and final report to Council, four Councilmembers requested additional Charter changes be reviewed. One of the proposals would require City employees running for partisan political office to take a leave of absence upon filing for office with the Oklahoma Ethics Commission. The CRC discussed the language, but recommended no changes be made. Prior to 2005 the City had a provision in the Personnel Manual that mirrored Charter language, but in August 2005 the provision was changed to set requirements that ensured City resources and services would not be jeopardized by an employee running for partisan political office.

Chairman Heiple said the current CRC discussed whether such requirements were more appropriate for partisan or non-partisan offices or both. They also discussed whether such requirements were suitable for placement in the Charter, Code, or Personnel Manual. Members expressed a preference for language similar to the City of Lawton's ordinance regarding employees and political office.

Chairman Heiple read the proposed amendments and asked for comments, changes, or additions. Member Roberts asked if the language should read, "An employee who runs as a partisan candidate" or "An employee who filed as a partisan candidate?" Chairman Heiple asked if the word *partisan* should be in the language. Members felt that "*runs*" was too ambiguous and Mr. Jeff Bryant, City Attorney, said Staff drafted the language that way deliberately. He said it will be optional for Council to adopt an ordinance or resolution implementing the provision in a manner consistent with State and Federal law, but it will be mandatory for the City Manager to implement work rules and regulations. Mr. Bryant said previous discussions included the differences between running for School Board, District Attorney, District Judge, House Legislative or Senate seat, etc., and all have differences on when you file for office and when you file your reports. He said language can be more specific in the Personnel Manual or in an ordinance, which would be similar to the City of Lawton.

Chairman Heiple asked if someone starts running for office three or four months before the filing period, would this open the door for taking a leave of absence from official duties? Member Pipes said it is common for someone to put their name out there three or four months ahead of time. Chairman Heiple said suppose the City Manager walks by and hears the employee talking about running and tells the employee he/she is now on leave of absence because it is mandatory. Member McBride said it leaves the door open for a determination of when that running process actually begins because it could then come down to being a determination with regard to time spent away from the office or when public announcements are made. He did not believe there is any language that would anticipate all the circumstances that

Item 4, continued:

could come about and he would rather leave the Charter language general and intentionally vague with more specific regulation in the Personnel Manual or an ordinance.

Chairman Heiple said proposed ordinance language states, "Each paid employee of the City who desires to seek any county, state, or federal elective office with an agency which has a jurisdiction which includes the geographical city limits of Norman, Oklahoma, shall be placed on leave status a minimum of fourteen (14) calendar days prior to any primary, primary runoff, or general election" and "After recommendation of the employee's department director, the City Manager may place employees on leave status *in excess* of the time periods indicated where the candidacy interferes with office job duties or additional leave time would be in the best interest of the municipal service and the City." Chairman Heiple said the ordinance does give flexibility to the City Manager, while establishing a minimum of 14 days so if the word "*runs*" is in the Charter then hasn't that covered actual problems that may arise with the language of the ordinance?

Member McBride felt the language was general enough to express the policy intent and he liked the approach of the proposed Charter language. Chairman Heiple suggested changing the language from "An employee who runs as a partisan candidate" to "An employee who seeks elective public office." Mr. Bryant said at the last meeting, the Committee was split on whether or not to use partisan or non-partisan in the language.

Mr. Bryant said it might be helpful to reverse the discussion and look at the Personnel Manual and ordinance provisions first since those are fairly detailed. He reminded members that the Charter provision makes it mandatory that the City Manager have a Personnel Manual provision that covers Charter language. Chairman Heiple said Section 12-402(a) of the Personnel Manual provides language regarding jurisdiction, types of office, and leave requirements seems to cover everything being discussed and Mr. Bryant agreed. Member Roberts said the Personnel Manual does not mention partisan or non-partisan, it only mentions county, state, or federal and asked if language needed to be consistent and Chairman Heiple said yes. Chairman Heiple said the Charter can state, "Any paid employee desiring to run for county, state, or federal elective office shall take a leave of absence from his official duties. The Council may enact ordinances or adopt resolutions implementing that and the City Manager shall do the same."

Member Kahoe said there was concern at the last meeting regarding partisan versus non-partisan because any office is really partisan behind the scene. There was also concern that a City employee would carry the brand of the City while campaigning. Chairman Heiple said District Judge positions are the only elective county, state, or federal offices that is non-partisan under Oklahoma law. Member Pipes suggested leaving out partisan and non-partisan. Member Dillingham said if the City Manager is going to be specifically directed to promulgate policy and procedures consistent with state, federal, and local law, then maybe language should just state, "Any employee seeking elected office may be required to take a leave of absence and shall comply with all federal, state, and local laws, policies, and procedures including the City of Norman Personnel Manual." Then the City Manager shall issue work, rules, and regulation. Member Roberts said county, state, and federal limitation may take care of the intent of the language to leave regulations up to Council and the Personnel Manual.

Chairman Heiple suggested combining the first two sentences of the proposed Charter language to read, "An employee shall take a leave of absence as prescribed by the City Council and ordinances or resolutions implementing this Charter provision" and let the third sentence stand as is. Mr. Bryant said if the CRC combined the first two sentences, the third sentence should be removed. Member Roberts said another conflict could be that the responsibilities of the elected office may take employees away from the day to day duties regardless of whether the office is county, state, or federal.

Item 4, continued:

Chairman Heiple suggested Staff combine the first sentences in the proposed Charter language and draft additional language keeping in mind concerns voiced today. Mr. Bryant said there is consensus the ordinance is good, but Charter language needs to be redrafted and Chairman Heiple said that is correct, tie those two together and bring back for further discussion.

Items submitted for the record

1. Memorandum dated April 2, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Charter Review Commission Members
2. Proposed amendments to Article III, Section 7 – City employee’s run for partisan political office
3. Draft ordinance
4. Lawton, Oklahoma, Code of Ordinances – Chapter 17 – Personnel and Procedures – Article 17-2 – Personnel Regulations
5. Pertinent excerpts from the City of Norman Personnel Manual
6. Potential Changes to the City of Norman Personnel Manual

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Item 5, being:

BEGIN REVIEW OF ARTICLE XVII, SECTION 2, TO CONSIDER WHETHER EMPLOYEE COMPENSATION LANGUAGE NEEDS TO BE MODERNIZED.

Chairman Heiple said proposed changes are basically clarification and housekeeping changes and asked members if they had any changes or suggestions regarding the proposed language.

Member Ezzell moved that the proposed amendments as drafted be approved, which motion was duly seconded by Member Dillingham;

Items submitted for the record

1. Memorandum dated April 2, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Charter Review Commission Members
2. Proposed amendments to Article XVII, Section 2 – Modernization of employee compensation language

and the question being upon approving the proposed amendments as drafted, a vote was taken with the following result:

YEAS: Members Abraham, Cubberley, Dillingham, Ezzell, Kahoe, McBride, Pipes, Roberts, Stawicki, and Chairman Heiple

NAYES: None

Chairman Heiple declared the motion carried and the proposed amendments as drafted were approved.

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Item 6, being:

DISCUSSION REGARDING COMMENTS RECEIVED DURING THE PUBLIC HEARING ON APRIL 3, 2013.

Chairman Heiple said no one attended the public meeting except five members of the CRC and three Staff personnel. He hoped the next public hearing would be better attended since the CRC will have more of the process completed.

Chairman Heiple said next month the CRC will discuss the provision regarding utility rates requiring a vote of the people.

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Item 7, being:

ADJOURNMENT.

Chairman Heiple declared the meeting adjourned at 6:23 p.m.

CHARTER REVIEW COMMISSION MINUTES

May 2, 2013

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Conference Room on the 2nd day of May, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

Item 1, being:

CALL TO ORDER AND ROLL CALL.

PRESENT:

Ms. Jane Abraham
Mr. Trey Bates
Ms. Carol Dillingham
Mr. Harold Heiple, Chairman
Ms. Samantha Kahoe
Mr. Ken McBride
Mr. Richard Stawicki

TARDY:

Mr. Thad Balkman
Mr. Kevin Pipes

ABSENT:

Mr. Doug Cubberley, Vice-Chairman
Mr. Hal Ezzell
Mr. Barry Roberts
Mr. Bob Thompson

STAFF PRESENT:

Mr. Jeff Bryant, City Attorney
Ms. Brenda Hall, City Clerk
Ms. Kathryn Walker, Assistant City Attorney

Item 2, being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MINUTES OF April 4, 2013.

Member Stawicki moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Member Dillingham;

Items submitted for the record

1. Charter Revision Committee minutes of April 4, 2013

and the question being upon approval of the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Members Abraham, Bates, Dillingham, Kahoe,
McBride, Stawicki, and Chairman Heiple

NAYES:

None

Chairman Heiple declared the motion carried and the minutes approved; and the filing thereof was directed.

Item 3, being:

CONTINUE DISCUSSION AND POSSIBLE ACTION REGARDING ARTICLE III, SECTION 7, OF THE CITY CHARTER REGARDING CREATING A REQUIREMENT THAT A CITY EMPLOYEE TAKE A LEAVE OF ABSENCE TO RUN FOR PARTISAN POLITICAL OFFICE.

Chairman Heiple said in the April 4, 2013, meeting there was consensus that the ordinance language was good, but Charter language needed to be redrafted and the Charter Review Commission (CRC) asked Staff to tie the two together and bring back for further discussion. Members reviewed the drafted language.

Member McBride moved that the proposed language amendments to Article III, Section 7, as outlined below be approved, which motion was duly seconded by Member Abraham;

Any employee seeking elected office may be required to take a leave of absence as prescribed by the Norman Code of Ordinances and/or the City Personnel Manual. Such requirements shall be consistent with applicable state and federal laws.

Items submitted for the record

1. Memorandum dated April 29, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Members of the Charter Review Commission
2. Proposed amendments to Article III, Section 7 – City employee’s run for partisan political office
3. Draft ordinance
4. Potential Changes to the City of Norman Personal Manual
5. Amended Charter Revision Ad Hoc Committee minutes of May 25, 2005
6. Charter Revision Ad Hoc Committee minutes of June 15, 2005

and the question being upon approving the proposed language amendments to Article III, Section 7, as outlined above, a vote was taken with the following result:

YEAS: Members Abraham, Bates, Dillingham, Kahoe, McBride, Stawicki, and Chairman Heiple

NAYES: None

Chairman Heiple declared the motion carried and the proposed language amendments to Article III, Section 7, as outlined above were approved.

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Item 4, being:

BEGIN REVIEW OF 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.

Member Stawicki said the reason the Charter language was adopted in 1975 requiring utility rate increases be voted on by the public is because the City of Norman raised utility rates, basically doubling them. He said there was huge dissention among citizens who lobbied for a way to prevent this from happening in the future.

Item 4, continued:

Chairman Heiple said the rates did double, but they doubled because the Mayor decided the only way to continue paying additional police officers after a grant expired was to raise utility rates. He said in the 1970's utility revenues represented a larger portion of revenue than sales tax in the City of Norman's budget. He said the decision to double rates alienated many citizens and resulted in the Charter change as well as the formation of the Ward System. He said up to that time there were no Council Wards and when someone ran for Council they were elected city wide and did not represent a specified area. He said the Charter provision and the proposed Ward System went to a vote of the people and passed; however, the City litigated to appeal the votes, but the Supreme Court upheld the votes. He believed Norman is the only governing body in the United States with this Charter provision and it has resulted in

Item 4, continued:

the City being reactive instead of proactive as Council does not want to call for a utility rate vote every year so they wait until a 30% to 40% increase is needed before going to a vote of the people. He said he has always been opposed to taking control of the budget away from the governing body, but citizens are not willing to give up this right.

Chairman Heiple said this Charter provision has affected the City's ability to partner with other cities in regional water right discussions. Oklahoma City (OKC) said Norman will not have the funds needed to secure water rights from another region. Chairman Heiple said he fully agrees the public has the right to vote on water rate increases. He asked if the 2005 Charter Commission recommend maximizing the rate increase up to 3% annually and requiring a vote of the people for anything higher. He said the 2005 Committee discussed a rate as high as 5%.

Member Bates said he was ten years old when this took place and it is one of his earliest memories of government policy causing a stir among citizens. He said over the last few years he has seen the City's inability to plan and the swing of being in an underfunded state to having to propose an increase that has an added buffer in place for fear of having to come back and ask for an increase later. He said the process has created a burden for the City over the years. He said the current overall water issue the City is facing is unlike anything they have faced in the past. He said the necessity of a regional or local solution changes the dynamics. He said the City must have the funding sources to provide adequate services to the citizens and his biggest concern is that 3% will not really provide the tool to ensure the City can meet the needs of its citizens. He said the City of Norman is the only City that has this type of Charter provision and it would be great to move forward with a recommendation..

Chairman Heiple asked members if they felt 3% was adequate and Member Abraham said she did not. She said OKC has a utility trust authority and utilities rates are structured to be increased slowly over time and rate increases are spread out over a five year period so it is not a huge burden to citizens. She said this allows the City and citizens to plan for the increases. Chairman Heiple asked if the OKC City Council is the utility trust authority and Ms. Abraham said no two Trust members are Councilmembers and the remaining are private citizens. The Trust votes with concurrence from Council.

Member Dillingham said she would like to know if 3% was be adequate to allow utilities to plan for the future. She said in the past, Mr. Ken Komiske, Director of Utilities, presented graphs and charts to Council that depict exactly how quickly the City falls behind over time. She would like the Commission to review information and have input from the public before making a recommendation to Council. She thought a 5% increase was a closer percentage to what is actually needed.

Item 4, continued:

Councilmember Castleberry said, typically, the biggest cost to City utilities is salaries and every time the City goes through arbitration, salaries increase 3% to 4% so a 3% rate increase will not keep up with inflation, it will just keep up with salaries, not infrastructure or additional water supplies. He said in the 1970's 18% was a typical interest rate and currently people are used to a low interest environment so that 3% seems like a lot, but it is not that high historically. He said most people believe that ten years from now interest rates will be close to 10%. He felt that having a cap would be problematic and said in theory, voters do get to vote on every rate increase because half of the Councilmembers are up for election every year so if they were to raise the rates too much they would be voted out of office. He said the FYE 2014 Budget is anticipating a 35% rate increase and that is just to maintain status quo. Mr. Jeff Bryant, City Attorney, said the 35% rate increase in the budget is a sewer rate increase in anticipation of an expansion of the south plant, which will require a vote of the people. He said utility funds are capital intensive and what arbitrators do in labor negotiations are not as determinative on utility funds as it would be for police, fire, or the General Fund. He said rates are funding intense capital improvements, not salaries.

Member Kahoe asked if there is an option to adjust the language so that it leaves the decision up to Council to determine the rate increase percentage and Chairman Heiple said the Commission can recommend anything they want. He said the suggestion is to give Council the authority to raise rates up to maximum percentage to be determined by the Council and submitted to the voters. Member Stawicki said the CRC could suggest language, but it could be ignored like it was in 2005. Ms. Brenda Hall, City Clerk, said the resolution creating the CRC states Council will vote on each recommendation separately and all recommendations will get discussed in a public meeting.

Member Bates said he would like to know the range of other community's regulations. He said the concern seems to be that if the City did not have this Charter provision, the Utilities Department would just go crazy raising rates every other week. He wanted to know what other communities have done over the past ten years and what kind of rate increases have they had versus what the City of Norman has had, with or without caps. Chairman Heiple said he would be more comfortable with twenty years and Member Dillingham agreed.

Member Kahoe asked if there is any indication that a cap would allow the City of Norman to join OKC in the water consortium and Chairman Heiple that is what the CRC is trying to determine.

Member McBride said no one knows what a capital interest rate will be one year from now much less five years from now and no one is certain what the water situation will be as far as availability or cost. He thinks whatever percentage is used means that in some period of time this whole process will have to be done again. He is concerned that the history that prompted the Charter provision was the use of the utility rates to raise money for other purposes. He said as a citizen he expects his utility rate to bear some relationship to the cost of providing those services and he would not like to be told that an increase of 10% was needed, but Council could only increase rates a maximum of 5% so he could not have service. Member McBride asked if language could indicate that any increase in rates must bear a relationship to the cost of the service and Chairman Heiple said yes, but the CRC needs to be realistic and recommend something the Council will move forward with because anything moved forward must have the support of the voters.

Member McBride said his concern about recommending a percentage is that he has seen maximum percentages become minimum percentages too many times over the years. Chairman Heiple agreed and said that is why the CRC must make a recommendation that is supported by the voters and has a reasonable chance of passing. He said in Norman today, there is not a lot of confidence in the City Council, not the nine currently serving, but the Council in general and that is a factor in these discussions. Member Dillingham said citizens have not lost confidence in government as a whole and it is just beginning to trickle down to the local government level. It is a

Item 4, continued:

fact that Enterprise Funds have to stand on their own, but getting that into the minds of the voters so they believe it will be difficult. She hates the idea of percentage as well, but believes CRC does not have the ability or the credibility to do the type of public education necessary to get voter's approval and this is crucial to the fiscal stability to fix the problem. She said Norman cannot play in a regional economy unless we remove this Charter provision and that will have to be done in two steps. Member Bates agreed and said part of that atmosphere is a result of politicizing basic services and basically holding a sword over the heads of government in their ability to do their job. He said at the end of the day if voters can be convinced that the effect of this recommendation has saved the rate payers tremendous amount of money and couple that with the reasonable argument that if this provision should go away the world will not end then wrap it up with the reality of the problems the City will be facing in the future then maybe citizens will listen and understand.

Chairman Heiple said this is a three prong situation, 1) leave the provision in, 2) take it out completely, or 3) suggest an alternative. He felt the CRC has an obligation to send a recommendation to Council and hopefully Council will move forward in some way and not just leave it on the shelf as they have done before.

Member Stawicki said if the CRC is looking at percentages and is worried about whether 3% or 5% is enough, the percentage could be based on the Consumer Price Index (CPI). Language could state that any rate increase cannot exceed the previous year's CPI. Chairman Heiple asked if the CPI even still exists and Councilmember Castleberry said yes, but the current Administration changed the way it is calculated twice. He said if you use the CPI as calculated in 1980 the percentage is 6.2% and if you use the CPI as calculated in 2013 the percentage is 4.4%.

Member McBride said he is intrigued by the thought of some type of floating rate but is not familiar with that. He said if CRC is going to talk about capital markets then they might tie it to some rate that is easily determined in the capital market. He said there needs to be some publicly transparent benchmark that is market driven rather than determined by a group of people.

Chairman Heiple said this discussion will continue in the next meeting as well as beginning discussion on updating language for the Reapportionment Commission.

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Item 5, being:

ADJOURNMENT.

Chairman Heiple declared the meeting adjourned at 6:30 p.m.

CHARTER REVIEW COMMISSION MINUTES

June 6, 2013

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Conference Room on the 6th day of June, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

Item 1, being:

CALL TO ORDER AND ROLL CALL.

PRESENT:

Ms. Jane Abraham
Mr. Trey Bates
Mr. Doug Cubberley, Vice-Chairman
Ms. Carol Dillingham
Mr. Harold Heiple, Chairman
Mr. Hal Ezzell
Ms. Samantha Kahoe
Mr. Ken McBride
Mr. Kevin Pipes
Mr. Richard Stawicki
Mr. Bob Thompson

ABSENT:

Mr. Thad Balkman

TARDY:

Mr. Barry Roberts

STAFF PRESENT:

Mr. Jeff Bryant, City Attorney
Mr. Anthony Francisco, Director of Finance
Ms. Brenda Hall, City Clerk
Mr. Ken Komiske, Director of Utilities
Ms. Kathryn Walker, Assistant City Attorney

Item 2, being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MINUTES OF MAY 2, 2013.

Member McBride moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Member Dillingham;

Items submitted for the record

1. Charter Revision Committee minutes of May 2, 2013

and the question being upon approval of the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Members Abraham, Bates, Cubberley, Dillingham, Ezzell, Kahoe, McBride, Pipes, Stawicki, Thompson, and Chairman Heiple

NAYES:

None

Chairman Heiple declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 3, being:

CONTINUED DISCUSSION OF ARTICLE XVI, SECTION 2, TO CONSIDER WHETHER THE CITY COUNCIL SHOULD BE EMPOWERED TO INCREASE UTILITY RATES NOT MORE THAN THREE PERCENT (3%) ANNUALLY WITHOUT REQUIRING A CITY WIDE VOTE AND POSSIBLE ACTION.

Chairman Heiple said during the meeting in May, the Charter Review Commission (CRC) began discussion regarding the Charter requirement that utility rates could only be increased by a vote of the people. He said the CRC can leave the provision in, take the provision out completely, or suggest an alternative. He said CRC members requested additional information regarding historical utility rates in Norman and a comparison of rates to other benchmark communities.

Mr. Ken Komiske, Director of Utilities, highlighted the historical utility rates. He said if the City had the ability to raise rates incrementally, as needed, over \$5 million dollars in revenue would have been generated for residential water usage, \$12 million for water reclamation, and \$12.5 million for sanitation services. He said Norman has one of the lowest utility rates when compared to other communities in Oklahoma. Chairman Heiple said a gradual increase of rates would have allowed rates to level off over the years and would not be as high as they are today.

Member Dillingham asked if there is anyone in the community the CRC should have testimony from because this issue will garner politically charged discussions. Chairman Heiple asked if she had someone specific in mind and Ms. Brenda Hall, City Clerk, said a public hearing will be held at the end of June for public input and the CRC may choose to discuss this issue further after the public hearing prior to making its final recommendations to Council.

Member Dillingham asked Mr. Anthony Francisco, Director of Finance, if Council changed the Charter to some theoretical percentage did he have any idea what that percentage would need to be. Would three percent (3%) be enough and would six percent (6%) be too much? Mr. Komiske said there is no crystal ball, but as an example, Oklahoma City (OKC) establishes their rates for a three year period and recently raised their water rates by four percent (4%). He said OKC also publishes their rates so businesses or anyone interested in moving to OKC will know what the rates are for the next three years. Member Dillingham said she did not know whether the business or development community that changing the Charter provision by itself would so negatively impact businesses that someone may not want to open a business in Norman.

Chairman Heiple asked Member Abraham, who is employed by the City of OKC, if there has been any reaction from people of minimal income in OKC complaining about a four (4%) percent increase and she said there has been no significant, negative public outcry. She said OKC's rationale is that an incremental change over time that is well published and backed up by infrastructure needs is appropriate. She said the water utility in OKC is supported by rate payers and is a self-contained public utility so rate increases are not going to fund anything other than that utility's needs. Member Dillingham asked if OKC has a hardship exception and Member Abraham said yes, rate payers can round-up their utility bill and that overage funds hardship cases.

Chairman Heiple said if the CRC is going to recommend a percentage, language should be included that allows the City Council to set planned future programmed increases. He said Member Thompson has expressed that he does not want to change the provision and asked Members their opinion on whether to eliminate the provision or set a percentage.

Member Thompson said for his own clarification, if the Charter provision was eliminated completely would the rate increase be subject to a vote of City Council only, and if the percentage option were to be used, what would happen if the percentage did not meet the costs. He said if the City has a very large project on the horizon, that would need to be calculated into the percentage.

Item 3, continued:

Member Pipes said what he is hearing is Norman cannot participate in regional water discussions or pay for future utility needs with a percentage cap because there will continue to be major capital improvement projects.

Member Ezzell said to say the principle driver behind changing the provision is participation in a Regional Water Trust Authority is an oversimplification. He said there are a lot more moving parts that impact the decision than whether or not Norman can participate in regional water discussions. He said that is just one consideration of many and it is the CRC's duty to make a recommendation and if Council chooses to moderate or compromise that then that is their choice to do when they are hearing input at that time. He felt the CRC should push forward a clear recommendation with language and a basis for that language, but not push forth multiple alternatives.

Member Bates said there are three reasons he supports eliminating the provision altogether. 1) It would resolve a number of problems such as the regional water solution, problems with the way the rates are managed, and the difficulty of planning for the future due to the restrictive provision. 2) Members need to be sure they are comfortable that they are not opening a Pandora's Box or being accused of that; however, the easiest way to prove it is not true is to look at other communities who do not have such a restriction and have not allowed their rates to get so out of control that their citizens are not protected. He said look at other communities and say, "Ok, well those communities have not gone crazy with their rates, why do you expect Norman to go nuts?" That would not make sense because there is no foundation for it. 3) The basis for this Charter provision and the reason Norman is the only community to have this provision in the first place is not applicable anymore. At the time this provision was enacted, the City was actually trying to generate revenue for the general operation of the city on the back of water rates. That circumstance and environment provided for that situation no longer exists. He said the ability to play well with other communities, address long term water needs, and be in control of our own destiny is definitely limited when the City cannot even control their own rate structure. He said at the end of the day there is a bunch of scariness out there, but no other community that allows their Utility Department to raise and manage their rate structure has gone amuck. He said you can point to every other community and say there are sufficient checks and balances and oversight to ensure such thing would not happen.

Member Cubberley said a fourth reason is that it is expensive. He said it costs the City money to keep this Charter provision and the cost is in deferred maintenance, in selling bonds, in insurance paid on the bonds, and the higher rate the City has to pay on bonds. He said there is a cost attached to this provision and that is the reason he has concluded the provision does not make sense. He said Member Bates pointed out some very good reasons for eliminating this Charter provision and felt the CRC should forward that recommendation to Council. Member Stawicki pointed out it also costs money for the elections themselves.

Member Roberts said it sounds like an all or nothing scenario. If the CRC recommended a percentage that was not functional in terms of the water utility it would be self-defeating and there would be no point in making that change. He said if the CRC forwards that recommendation to City Council then they have not helped much at all. Member Dillingham agreed and said setting some percentage does not solve the problem of making sure the City can meet additional costs of capital projects as capital projects can be very costly. She said if the City encountered some type of cataclysmic event such as a tornado that destroys one of the treatment plants and the City could only raise rates up to four percent (4%) the City will still be in the same shape of having to sell bonds and defer maintenance so she would like to eliminate the provision entirely. She said Enterprise Funds by themselves have solved the initial problem of using the monies for anything other than what they are meant to be used for.

Member McBride agreed and said if Council is not responsive to the needs of the citizens, the citizens have recourse. He said citizens trust Council with so many other important financial decisions for the City. He said there are a lot of moving parts and it is difficult to anticipate how complex future water needs may be and what future water decisions will need to be made. He said sometimes the City may not have the luxury of time to hold

Item 3, continued:

Member Roberts wanted clarification on the vote. He asked if this recommendation means the ultimate result for the removal of this provision would place the rate increase decisions strictly within the vote of the City Council and Chairman Heiple said that is correct. Member McBride said removing this provision would make the Charter more consistent with every other City in the State. Member Pipes said there is one other town in Oklahoma that has some type of provision similar to Norman's and Mr. Jeff Bryant, City Attorney, said that was Chickasha, but they repealed that provision.

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Item 4, being:

BEGIN REVIEW OF ARTICLE XX TO CONSIDER AMENDING OR UPDATING THE REAPPORTIONMENT COMMISSION PROCESS OR PROCEDURE.

Ms. Hall said Council requested Article XX be reviewed because the Charter currently states the Reapportionment Commission has to meet every year to review Ward boundaries to determine if population has changed such that the boundaries need to be adjusted. She said the Charter states a specific time and date when the Commission must meet. She said there are many years in which the Reapportionment Commission makes no recommendation so it was suggested the Commission meet during Census years only. Chairman Heiple asked former Councilmembers their thoughts on the matter and Member Cubberley said when he was on Council he represented an area that had three different Councilmembers in three different Wards over a ten year period. He said citizens have no chance to get to know their Councilmember and there is tremendous confusion on behalf of the voters when they get ping ponged around. He said there is a good reason to review the population every census year, but the constant yearly threat of changes just because there may be a population increase in a Ward is not really good. He said the changes usually occur in small areas that are contiguous to other Wards. He felt every ten years would be adequate for review of Ward boundaries.

Member Thompson said another problem is the Reapportionment Commission makes a recommendation and Council decides not to follow that recommendation and makes no changes. Members of the Reapportionment Commission were insulted they had spent so much time working on changes and Council did not follow the recommendation.

Chairman Heiple said Charter language is conflictive and should have been changed years ago. He suggested deleting the second paragraph of Article XX, Section 2, and asked Staff to provide language for review at the next meeting. Mr. Bryant said Staff would draft language to follow Federal law.

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Ms. Hall said the next public hearing needs to be held in late June and Chairman Heiple suggested Thursday, June 27, 2013, at 6:30 p.m. He said there will be no meeting in July and meetings will resume August 1, 2013.

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Item 5, being:

ADJOURNMENT.

Chairman Heiple declared the meeting adjourned at 6:27 p.m.

CHARTER REVIEW COMMISSION MINUTES

August 1, 2013

The Charter Review Commission met at 5:35 p.m. in the Municipal Building Conference Room on the 1st day of August, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

Item 1, being:

CALL TO ORDER AND ROLL CALL.

PRESENT:

Ms. Jane Abraham
Mr. Thad Balkman
Mr. Trey Bates
Mr. Harold Heiple, Chairman
Mr. Kevin Pipes
Mr. Barry Roberts
Mr. Richard Stawicki

ABSENT:

Mr. Doug Cubberley
Ms. Carol Dillingham
Mr. Hal Ezzell
Ms. Samantha Kahoe
Mr. Ken McBride
Mr. Bob Thompson

STAFF PRESENT:

Mr. Jeff Bryant, City Attorney
Ms. Joyce Green, GIS Services Manager
Ms. Brenda Hall, City Clerk
Ms. Kathryn Walker, Assistant City Attorney

Item 2, being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MINUTES OF JUNE 6, 2013, AND THE PUBLIC HEARING MINUTES OF JUNE 27, 2013.

Member Pipes moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Member Stawicki;

Items submitted for the record

1. Charter Revision Commission minutes of June 6, 2013
2. Charter Revision Commission Public Hearing minutes of June 27, 2013.

and the question being upon approval of the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Members Abraham, Balkman, Bates, McBride, Pipes, Stawicki, and Chairman Heiple

NAYES:

None

Chairman Heiple declared the motion carried and the minutes approved; and the filing thereof was directed.

Item 3, being:

CONTINUED DISCUSSION OF ARTICLE XVI, SECTION 2, TO CONSIDER WHETHER THE CITY COUNCIL SHOULD BE EMPOWERED TO INCREASE UTILITY RATES NOT MORE THAN THREE PERCENT (3%) ANNUALLY WITHOUT REQUIRING A CITY WIDE VOTE AND POSSIBLE ACTION.

Chairman Heiple said in May and June, the Charter Review Commission (CRC) discussed the Charter requirement that utility rates could only be increased by a vote of the people. He said the CRC had the choice of leaving the provision in, removing the provision completely, or suggesting an alternative. He said in May, CRC members requested additional information regarding historical utility rates in Norman and a comparison of rates to other benchmark communities. In its June meeting, CRC members voted to approve a recommendation that Council submit to the voters the question of removing Article XVI, Section 2, from the Charter in its entirety. He said Staff has drafted changes to Article XVI, Section 2, for CRC's review. The CRC reviewed the language and concurred it complied with the Committee's prior recommendation.

Items submitted for the record

1. Memorandum dated July 29, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Members of the Charter Review Commission
2. Charter Review Committee minutes of June 27, 2013

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Item 4, being:

BEGIN REVIEW OF ARTICLE XX TO CONSIDER AMENDING OR UPDATING THE REAPPORTIONMENT COMMISSION PROCESS OR PROCEDURE.

Chairman Heiple said Article XX of the Charter currently states the Reapportionment Commission must meet every year to review ward boundaries to determine if population has changed such that the ward boundaries need to be adjusted. The Charter also states a specific time and date when the Commission must meet. He said there are many years in which the Reapportionment Commission makes no recommendation so it was suggested the Commission meet when the decennial census is held every ten years.

Member Balkman asked what occurs at the annual meetings and Ms. Joyce Green, Geographical Information Systems (GIS) Services Manager, said the GIS Division looks at areas of new construction and uses census numbers to estimate population to provide the Reapportionment Commission with information based on those population changes in each ward. She said the Reapportionment Commission also elects presiding officers at their annual meetings.

Member Pipes said he has never understood why the Reapportionment Commission would need to meet every year and asked about the history of the requirement. Ms. Brenda Hall, City Clerk, said language was added to the Charter in 1975 when the City created the ward system. The Reapportionment Commission was initially charged with setting the ward boundaries, holding public hearings for input on those boundaries, and submitting the boundaries to Council for approval. Ms. Kathryn Walker, Assistant City Attorney, said there are reasons for the Commission to meet more often than just the census years such as if the City annexed property or there was a large shift of population in an area. She said the Reapportionment Commission's main duty is to make sure each ward has as much of an equal distribution of population as possible.

Chairman Heiple suggested eliminating the annual meetings and schedule meetings 180 days before each census or such other times where the City may have annexed property, de-annexed property, or at Council's request. Member Balkman asked how long after Hall Park was annexed did the Reapportionment Committee meet and Ms. Hall said at their next regularly scheduled meeting at which time they made recommendations to Council to redistribute the boundaries.

Member Roberts asked if anyone on the Charter Revision Commission has attended a Reapportionment Commission meeting and Ms. Green said she attends the meetings. Member Roberts asked Ms. Green if the Reapportionment Commission conducts any business during their annual meeting that contributes to the efficiency of their meeting that follows the ten year census and Ms. Greene said typically the Commission reviews updated population statistics prepared by staff. The data could be prepared by staff regardless of whether the Commission meets or not.

Member Roberts asked if it would be practical or advisable to place a requirement in the Charter that some type of organizational meeting of the Reapportionment Commission be held at a certain period of time, such as 120 days, before the census results. He said that way the Reapportionment Commission can elect officers and decide what type of work needs to be done to prepare for the post-census meeting where the actual work of reviewing the redistribution of boundaries is accomplished. Chairman Heiple felt that would be worth discussing if the annual meeting requirement is removed.

Member Pipes asked if Reapportionment Commission members would be upset over these changes and Ms. Walker said she did not know, but there are some long standing members on the Committee. Chairman Heiple said if meetings were changed to every ten years with a required organizational meeting 120 days prior to the census results, City Council could appoint members in the last half of the calendar year prior to census results. Ms. Walker suggested adding language to allow for appointments if property is annexed or de-annexed as well. Member Stawicki asked if this would make the Reapportionment Commission an Ad-hoc Committee and Chairman Heiple said yes.

Member Pipes asked when the City receives census data to begin gathering information for the Reapportionment Commission and Ms. Green said data is received around March or April. She said the Cleveland County Election Board receives the data at the same time as the City. She said the State has to reconfigure their boundaries, then the County reconfigures their boundaries to realign precincts so until all of that is completed, the City cannot begin to realign ward boundaries. Chairman Heiple suggested the Reapportionment Commission not begin their work until the legislature and County have drawn their lines. Ms. Green said the County did not finish drawing their lines from the last census until December and if that happens again the City may not be able to realign boundaries in time for the Council filing deadline in January. Member Abraham suggested language state meetings will be held "as soon as practicable after information is available." She said that way the Reapportionment Commission members could be appointed and begin their work without changes until information from the County has been received. Chairman Heiple felt that language would not be sufficient. Member Stawicki asked what would happen if boundaries were changed during the election and Ms. Hall said that has not happened; however, Wards have changed during a Councilmember's tenure and that Councilmember continued to serve that area for the remainder of their term. The Committee agreed at the conclusion of the census every ten years, there will be a lot of work to be done by the Reapportionment Commission, but meeting annually is not working or aligning with what is happening with the legislature.

Chairman Heiple reiterated changes for clarification to Staff. He said the CRC wants to eliminate a fixed committee that meets annually and go to an Ad-hoc Committee; the Committee would meet every ten years prior to the census unless property is annexed or de-annexed or at Council's request; members will consist of nine citizens appointed from each Ward; the Committee will be required to meet 180 days prior to the issuance of census results; and the committee will be appointed six months prior to the census year. Chairman Heiple asked Staff to draft amended language and e-mail it to members for input prior to review at the next meeting.

Charter Review Commission Minutes

August 1, 2013

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Item 5, being:

DISCUSSION REGARDING THE CHARTER REVIEW COMMISSION'S QUARTERLY REPORT TO COUNCIL ON AUGUST 6, 2013.

Chairman Heiple said he would give Council a quarterly report update on Tuesday, August 6, 2013.

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Item 6, being:

ADJOURNMENT.

Chairman Heiple declared the meeting adjourned at 6:15 p.m.

CHARTER REVIEW COMMISSION MINUTES

September 5, 2013

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Conference Room on the 5th day of September, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

Item 1, being:

CALL TO ORDER AND ROLL CALL.

PRESENT:

Ms. Jane Abraham
Mr. Doug Cubberley
Mr. Hal Ezzell
Mr. Harold Heiple, Chairman
Ms. Samantha Kahoe
Mr. Kenneth McBride
Mr. Kevin Pipes
Mr. Richard Stawicki

ABSENT:

Ms. Carol Dillingham
Mr. Barry Roberts
Mr. Bob Thompson

TARDY:

Mr. Thad Balkman
Mr. Trey Bates

STAFF PRESENT:

Mr. Jeff Bryant, City Attorney
Ms. Brenda Hall, City Clerk
Ms. Kathryn Walker, Assistant City Attorney

Item 2, being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MINUTES OF AUGUST 1, 2013.

Member McBride moved that the minutes be approved and the filing thereof be directed, which motion was August 1, 2013, seconded by Member Cubberley;

Items submitted for the record

1. Charter Revision Commission minutes of August 1, 2013

and the question being upon approval of the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Members Abraham, Cubberley, Ezzell, Kahoe, McBride, Pipes, Stawicki, and Chairman Heiple

NAYES:

None

Chairman Heiple declared the motion carried and the minutes approved; and the filing thereof was directed.

Item 3, being:

CONTINUED DISCUSSION OF ARTICLE XX TO CONSIDER AMENDING OR UPDATING THE REAPPORTIONMENT COMMISSION PROCESS OR PROCEDURE.

Member Trey Bates arrived at 5:35 p.m. and Member Thad Balkman arrived at 5:36 p.m.

Chairman Heiple said in its meeting of August 1, 2013, the CRC made recommendations to eliminate a Reapportionment Commission that meets annually and create an Ad-hoc Committee that would meet every ten years prior to the census unless Council proposed to annex or de-annex property, during the last quarter of the calendar year prior to the release of the Federal Decennial Census and continuing through the release of the final Census, or upon the recommendation of City Council. The CRC also recommends that the nine member committee be appointed within 90 days of a proposed annexation or deannexation and six months prior to the year of the issuance of the Census. Other recommendations include the Reapportionment Committee issue of a resolution to establish and readjust the wards and their boundaries no later than 180 days after each Federal Decennial Census. The resolution would be submitted to Council who will, within 30 days, conduct a public hearing on the proposed resolution and adopt the resolution without modifications, reject the resolution, or adopt the resolution with such modification as the Council deems necessary. If any changes in ward boundaries are adopted by Council, such changes shall also be adopted by ordinance and codified in the City of Norman Code of Ordinances.

Member Cubberley asked is Staff has ever compared the decennial numbers to the City's projections to see if the City's projections are relatively accurate and Mr. Jeff Bryant, City Attorney, said he would check with Ms. Joyce Green, Geographical Information Systems (GIS) Services Manager, but felt that some type of analysis would have been done.

Member Cubberley said he was not comfortable giving City Council the power to appoint a Reapportionment Committee for anything other than annexing/deannexing or prior to the decennial census. He said there are no criteria established for when Council can direct a review of ward boundaries. Chairman Heiple asked if Member Cubberley would be more comfortable requiring a unanimous vote of Council to call for a review by the Reapportionment Committee and Mr. Bryant suggested the following language:

Section 2 – Appointment and Meetings of the Reapportionment Commission

- c. Upon the unanimous recommendation of the City Council to review population shifts within current ward boundaries based upon verifiable data sources that can be utilized to supplement Federal Decennial Census data.

Member McBride felt no further language was needed after “unanimous recommendation of the City Council.” Member Bates agreed and said it would be difficult to craft language to fit every scenario, but some mechanism for calling for a review is a good idea. A majority of the members felt “unanimous recommendation of the Council” would be acceptable language without adding the other parameters. Member Cubberley asked Staff to ensure language added to Section 3, Criteria for Ward Boundaries, makes it clear what criteria Council has to follow no matter what the reason for calling for the review. Chairman Heiple asked Staff to draft language for the CRC to review at the next meeting.

Members discussed the timeframe for the Reapportionment Committee to submit a resolution to Council regarding ward boundary changes and asked if recommended 180 days was too much time to review the census data and make a recommendation to Council. He asked if the “issuance” of the Decennial Census is date specific because that could affect the time needed for the review and Ms. Brenda Hall, City Clerk, said the issuance of the census is date specific.

Ms. Hall said another timing issue is that Council sets election dates, by Charter, in December for Spring elections and the filing dates are set by Charter specific to the second Monday, Tuesday, and Wednesday in January and those dates would need to be considered. She said if the Reapportionment Committee is not finished reviewing the ward boundaries by the filing dates there is a good chance a candidate may not know what ward they are filing for. Chairman Heiple asked if the CRC should ask Council for permission to review the Council's filing period timeline. Member Stawicki asked what would happen if someone filed for a Ward and just before the election, because of reapportionment, they were no longer in that Ward and Ms. Hall said she did not know, but once the filing period and the protest period is over the ballot is set so that person would be on the ballot for the Ward they filed for. She said it would be important for the Reapportionment Committee to be finished with their review before the filing period. Chairman Heiple wondered if language should be included that stated no ward boundaries could be changed between the filing period dates and election date, but members were concerned that boundaries could change after the election which could be just as detrimental to a candidate.

Items submitted for the record

1. Annotated version of Article XX. Reapportionment

Item 4, being:

DISCUSSION OF WHETHER OR NOT THERE SHOULD BE A SCHEDULED REVIEW OF THE CHARTER WITHIN THE CHARTER ITSELF AND POSSIBLE ACTION.

Chairman Heiple said there are currently no criteria for a regularly scheduled review of the Charter and asked Mr. Bryant what precipitated this topic. Mr. Bryant said when Member Dillingham was on Council, she felt a regularly scheduled review of the Charter, e.g., every ten years, would be beneficial in many ways. Chairman Heiple suggested this topic be discussed in October when Member Dillingham was present to express her thoughts on this subject

Member Cubberley said he would like to know how many review committee meetings have been held around election times over the past 20 years.

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Item 5, being:

ADJOURNMENT.

Chairman Heiple declared the meeting adjourned at 6:22 p.m.

CHARTER REVIEW COMMISSION MINUTES

November 7, 2013

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Conference Room on the 7th day of November, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

Item 1, being:

CALL TO ORDER AND ROLL CALL.

PRESENT:

Mr. Doug Cubberley
Ms. Carol Dillingham
Mr. Harold Heiple, Chairman
Mr. Kenneth McBride
Mr. Barry Roberts
Mr. Richard Stawicki
Mr. Bob Thompson

TARDY:

Ms. Jane Abraham

ABSENT:

Mr. Trey Bates
Mr. Hal Ezzell
Ms. Samantha Kahoe
Mr. Kevin Pipes

STAFF PRESENT:

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

Mr. Thad Balkman resigned his position on the Commission due to his recent appointment to District Judge.

Item 2, being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MINUTES OF SEPTEMBER 5, 2013.

Member Cubberley moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Member Stawicki;

Items submitted for the record

1. Charter Revision Commission minutes of September 5, 2013

and the question being upon approval of the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Members Cubberley, Dillingham, McBride, Roberts, Stawicki, Thompson, and Chairman Heiple

NAYES:

None

Chairman Heiple declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 3, being:

CONTINUED DISCUSSION OF ARTICLE XX TO CONSIDER AMENDING OR UPDATING THE REAPPORTIONMENT COMMISSION PROCESS OR PROCEDURE.

Chairman Heiple said at the September 5, 2013, meeting, the Charter Review Commission (CRC) continued its discussion of potential amendments to Article XX of the Charter dealing with the Reapportionment Commission. During that meeting the CRC discussed the timing of ward boundary changes with municipal elections and asked Staff to research the effect of changing ward boundaries prior to said election, but after candidates have filed for election

Chairman Heiple summarized Staff's findings. According to Staff research, the current Charter states that candidates for City Council shall "reside in the ward from which they seek election, on the date of their filing" to be eligible for service on City Council. Although the Charter does not specifically address residency on the date of election, Article II, Section 22, explicitly states that ceasing to reside in the ward for which one is elected due to reapportionment *does not* create a vacancy of office. Staff believes that based upon that Charter language, it appears a candidate would not cease to be eligible for ward specific representation if the reason the candidate no longer lives in the ward is due to reapportionment.

State law is more specific than the Charter. Title 11, Section 10-103 states the following:

The councilmembers shall be residents and registered voters of the city. The councilmembers from wards shall be actual residents of their respective wards at the time of their candidacy and election; but removal of a councilmember from one ward to another within the city after his election, or a change in ward boundaries, shall not disqualify him from completing the term for which he was elected.

Under the statutory provision, candidates for ward specific representation must be residents of their respective wards at the time of candidacy and election. A candidate does not become disqualified if he or she ceases to live in the ward for which he was elected to represent due to reapportionment. The City of Norman is a home-rule chartered city under Oklahoma law and is accorded full power of local self-government and has the power to enact and enforce; however, Staff found that in a case involving Norman in the early 1990's, the Cleveland County District Court ruled the state election provisions in Title 11 do not apply to Norman and required the City to seat an elected Councilmember who did not meet the residency requirements set forth in the Charter, but did meet the residency requirements provided in Title 11, Section 16-110.

In the September 5, 2013, meeting Member Cubberley asked if Staff compared the decennial census with Staff projections when the new census is released. Staff does compare projections to actual census data with the release of each census and several changes were made in 2011 as to how Staff calculates population estimates to improve accuracy. Estimates are now based on occupancy permits instead of building permits to account for any units that do not actually get built. Multi-family development estimates are now based on the number of units in the structure instead of an average of all types of multi-family development. Finally, the Census Bureau now publishes the American Community Survey annually, which provides Staff with information to update parameters to catch any mid-decade development shifts.

Item 3, continued:

Chairman Heiple distributed a summary of amendments he prepared that changes the name of the Reapportionment Commission to Reapportionment Ad Hoc Committee throughout the Charter. He also proposed Article XX, Section 2. Composition of the Reapportionment Commission, be changed to read Article XX, Section 2. Appointment and Meetings of the Reapportionment Committee. Another proposal is to change Section 3.- Criteria for Ward Boundaries, as follows:

~~Subsequent to the issuance of each Federal Decennial Census and within ninety (90) No later than one hundred and eighty (180) days after the appointment of the Reapportionment Committee Commission or after the issuance of the Federal Decennial Census when the Committee Commission is appointed pursuant to Section 2(b) herein, the Committee Commission shall pass and refer to the City Council a resolution to establish and retain or readjust the wards and their boundaries to comply with the requirements standards set out herein. Wards shall should be formed so as to equalize, as nearly as practicable, the population of the several wards. In addition, each ward shall should be 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. Ward lines shall not create artificial corridors which in effect separates voters from the ward to which they most naturally belong.~~

Chairman Heiple suggested the following language be removed from Article XX, Section 6.-Annexed territory; reapportionment between census report.

~~Further the Commission may, at other periods than those set out above, in the manner and upon the basis stated and provided for herein, alter the boundaries of the wards when an increase, decrease, or shift in residence of the population of the City or other substantial change in the criteria set out above.~~

Members Dillingham, Cubberley, and McBride concurred with the proposed amendments.

Member Dillingham moved that the proposed amendments to Article XX as prepared by Staff and further amended by Chairman Heiple be recommended to City Council, which motion was seconded by Member McBride;

Items submitted for the record

1. Memorandum dated October 30, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Members of the Charter Review Commission
2. Annotated version of Article XX. Reapportionment
3. Summary of amendments suggested by Chairman Heiple based on September 2013, Charter Review Commission discussion

and the question being upon the proposed amendments to Article XX as prepared by Staff and further amended by Chairman Heiple being recommended to City Council, a vote was taken with the following result:

Item 3, continued:

YEAS: Members Cubberley, Dillingham, McBride, Roberts, Stawicki, Thompson, and Chairman Heiple

NAYES: None

Chairman Heiple declared the motion carried and the proposed amendments to Article XX as prepared by Staff and further amended by Chairman Heiple will be recommended to City Council.

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Item 4, being:

DISCUSSION OF WHETHER OR NOT THERE SHOULD BE A SCHEDULED REVIEW OF THE CHARTER WITHIN THE CHARTER ITSELF AND POSSIBLE ACTION.

In its meeting of September 5, 2013, the CRC began discussion of this topic and expressed a desire for some background information regarding what precipitated the inclusion of this topic. In answer to that, the topic was discussed for inclusion for review in a City Council Conference of December 14, 2011. At that time, there was much debate among Councilmembers about whether or not a scheduled review of the Charter would be imposing current Council desires onto future Council(s). Some Councilmembers felt that the same Charter review topics kept coming back up and while the *easy* issues would be taken care of, the important issues were never resolved because they were considered too controversial. Councilmember Kovach felt it was always difficult for a politician to have a controversial issue on the ballot while running for office at the same time and every year half of the Council is up for election. He felt that by adopting an ordinance to review the Charter periodically, Council would have a mechanism to minimize that problem. He also felt this would not be imposing his will on any future Council, but rather allowing the people to look at the founding document and decide whether or not to make any necessary changes at that time. Member Dillingham was on Council at that time and also believed such an ordinance would not impose current Council's will on future Council(s) any more than any other ordinance.

In the September meeting, the CRC also asked how many Charter review committees have been established during the last twenty years and Staff found the Charter has been reviewed for potential amendments fifteen times since 1902. Ad Hoc Committees were established on nine of the fifteen occasions, five of the nine committees were citizen review committees, and four were sub-committees of Council.

Member Dillingham felt that review of the Charter every ten years would be convenient and Chairman Heiple agreed. Member Stawicki said he is not convinced that the Charter needs a regularly scheduled review and Member Dillingham said the reason she recommends *just taking a look* at the Charter every ten years is because there are so many things that change over time that people forget they are the City's foundational document. She said the Charter needs to be reviewed every once in a while for housekeeping reasons and Chairman Heiple agreed. Member Thompson said Mr. Steve Lewis, City Manager, was the first person to make the suggestion of having a regular review of the Charter. Mr. Lewis stated the Charter needed simple housekeeping changes, but for a few years the Mayor(s) in charge did not want to open Pandora's Box by having a review of the Charter and there was no mechanism in place for anyone to insist that the changes be addressed.

Charter Review Commission Minutes

November 7, 2013

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Item 4, continued:

Chairman Heiple suggested the Charter be reviewed “at least once each ten years” with Council appointing an ad hoc committee to review the Charter for possible amendments. Member Barry felt a time prompt would foreclose the necessity to rely on anyone’s collective memory about the last time a review was done and felt the maximum time should be “no more than ten years” and members agreed. Member Cubberley asked who would be responsible for ensuring the review happened as scheduled and members felt the City Attorney or City Manager should be responsible.

Member Jane Abraham arrived at 5:50 p.m.

Chairman Heiple asked the City Clerk to prepare a list of the eight recommendations to Council for the CRC to review in the December meeting to make sure everyone was in agreement on each recommendation. He said another item to discuss in December is whether or not the CRC wants to propose additional topics to discuss and ask Council’s permission to discuss those topics. He suggested the next public meeting be held the week following the December meeting for public input on the eight recommendations.

Items submitted for the record

1. Scheduled Review of Charter – Pertinent excerpts from City Council Conference discussion of December 13, 2011
2. Summary of Charter amendments

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Item 5, being:

ADJOURNMENT.

Chairman Heiple declared the meeting adjourned at 5:50 p.m.

CHARTER REVIEW COMMISSION MINUTES

January 2, 2014

The Charter Review Commission met at 5:35 p.m. in the Municipal Building Conference Room on the 2nd day of January, 2014, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

Item 1, being:

CALL TO ORDER AND ROLL CALL.

PRESENT:

Ms. Jane Abraham
Mr. Doug Cubberley
Ms. Carol Dillingham
Mr. Harold Heiple, Chairman
Mr. Kenneth McBride
Mr. Kevin Pipes
Mr. Barry Roberts

TARDY:

Mr. Richard Stawicki

ABSENT:

Mr. Trey Bates
Mr. Hal Ezzell
Ms. Samantha Kahoe
Mr. Bob Thompson

STAFF PRESENT:

Ms. Brenda Hall, City Clerk
Mr. Jeff Bryant, City Attorney

Item 2, being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MINUTES OF NOVEMBER 7, 2014.

Member Roberts moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Member Pipes;

Items submitted for the record

1. Charter Revision Commission minutes of November 7, 2014

and the question being upon approval of the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Members Abraham, Cubberley, Dillingham, McBride, Roberts, Pipes, and Chairman Heiple

NAYES:

None

Chairman Heiple declared the motion carried and the minutes approved; and the filing thereof was directed.

Item 3, being:

CONTINUED DISCUSSION OF WHETHER OR NOT THERE SHOULD BE A SCHEDULED REVIEW OF THE CHARTER WITHIN THE CHARTER ITSELF AND POSSIBLE ACTION.

Member Cubberley moved to a recommendation to add language to the Charter to require Council to consider whether to appoint a Charter Review Committee if such review had not occurred within the prior 10 years be approved, which motion was duly seconded by Member McBride; and the question being upon approving the recommendation to add language to the Charter to require Council to consider whether to appoint a Charter Review Committee if such review had not occurred within the prior 10 years, vote was taken with the following result:

YEAS: Members Abraham, Cubberley, Dillingham, McBride, Roberts, Pipes, and Chairman Heiple

NAYES: None

Chairman Heiple declared the motion carried and the recommendation to add language to the Charter to require Council to consider whether to appoint a Charter Review Committee if such review had not occurred within the prior 10 years was approved.

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Item 4, being:

REVIEW OF CHARTER REVIEW COMMISSION RECOMMENDATIONS REGARDING POSSIBLE AMENDMENTS TO ARTICLE III, SECTIONS 1, 6, AND 7; ARTICLE XVI, SECTION 2; ARTICLE XVII, SECTOIN 2; AND ARTICLE XX.

Commission members reviewed recommendations previously approved by the Commission regarding the above referenced sections of the Charter and made no further recommendations or modifications.

Items submitted for the record

1. Charter Review Commission Recommendations dated December 4, 2013

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Item 5, being:

ADJOURNMENT.

Chairman Heiple declared the meeting adjourned at 5:53 p.m.

CHARTER REVIEW COMMISSION

PUBLIC HEARING MINUTES

CHARTER REVIEW COMMISSION
PUBLIC HEARING MINUTES

April 3, 2013

The Charter Review Commission held a public hearing at 6:30 p.m. in the Municipal Building Council Chambers on the 3rd day of April, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting. No persons attended the hearing and a quorum of the Charter Commission was not present; therefore, minutes of the meeting are not required.

CHARTER REVIEW COMMISSION PUBLIC HEARING MINUTES

June 27, 2013

The Charter Review Commission met at 6:30 p.m. in the Municipal Building Council Chambers on the 27th day of June, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

CALL TO ORDER AND ROLL CALL.

PRESENT:

Ms. Jane Abraham
Mr. Trey Bates
Mr. Doug Cubberley, Vice-Chairman
Ms. Carol Dillingham
Mr. Harold Heiple, Chairman
Ms. Samantha Kahoe
Mr. Ken McBride
Mr. Kevin Pipes
Mr. Barry Roberts
Mr. Richard Stawicki

ABSENT:

Mr. Thad Balkman
Mr. Hal Ezzell
Mr. Bob Thompson

STAFF PRESENT:

Mr. Jeff Bryant, City Attorney
Ms. Brenda Hall, City Clerk
Ms. Kathryn Walker, Assistant City Attorney

Chairman Heiple said on February 14, 2013, City Council adopted Resolution No. R-1112-109 creating a Charter Review Commission (CRC) to complete a targeted review of the City of Norman Charter and highlighted those items as follows:

- Review Article II, Section 1, of the City Charter to consider changing verbiage from “compensation” to “stipend” in regards to compensation of City Councilmembers
- Review Article III, Section 1, of the City Charter to consider simplifying the process for removal of the City Manager
- Review Article III, Section 6, of the City Charter to consider creating a mechanism under which the City Council could request information regarding a specific City Department from the City Manager
- Review Article III, Section 7, to consider requiring a City employee to take a leave of absence to run for partisan political office
- 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
- Review of Article XVII, Section 2, to consider whether employee compensation language needs to be modernized
- Review Article XX, Section 2, to consider amending or updating the Reapportionment Commission process or procedure
- Review whether or not there should be a required periodic review of the Charter within the Charter itself

Chairman Heiple said the resolution charged the Commission with reviewing the sections of the Charter stipulated above and consider whether or not those sections meet the current needs of the City or should be amended to meet current needs. The Commission was also charged with educating the community about the proposed amendments by holding one public hearing each quarter to discuss topics and receive public input. He said this is the second public meeting held.

Chairman Heiple explained why the CRC is recommending removal of Article XVI, Section 2, requiring a vote of the people to raise utility rates. He said the mandate from City Council was to consider whether or not the City Council should be empowered to increase utility rates no more than three percent (3%) annually without requiring a vote of the people. He said CRC members are very diverse and have an intimate knowledge of the workings of the City of Norman and they had three choices, 1) leave the Charter as is 2) recommend a percentage increase or 3) remove it completely. He said the reason the CRC chose not to address a percentage increase is because in order to accommodate a town of 140,000 or more in population, Norman is going to have to get water from somewhere outside the boundaries of Norman and it is a fact that at least part of that water is going to have to come from southeast Oklahoma. He said bringing water from southeast Oklahoma to central Oklahoma will cost hundreds of millions of dollars and Norman is not big enough to do that alone. He said years ago Oklahoma City (OKC) put themselves in the position to have a water supply and contacted surrounding communities to join in a consortium to share costs; however, Norman was told they could not join the consortium because the City Council does not have the power to increase utility rates that might be needed in order to service the debt that might be incurred to construct a pipeline. The CRC also felt a three percent (3%) annual increase would not be sufficient in that regard. He said Norman is the only city in the state and probably the nation to have this Charter provision and that being the case it is not realistic to waste time on a percentage increase that will not achieve the long term goals of obtaining water. He said that is why the CRC is recommending removal of the provision entirely and it is up to the Council whether or not they choose to submit that option to the voters.

Chairman Heiple highlighted CRC recommendations on the remaining items that include changing the word "compensation" to "stipend," creating a mechanism to simplify the process of removal of the City Manager; creating a mechanism for requesting information regarding specific departments; and requiring City employees to take a leave of absence when running for political partisan office.

Chairman Heiple said modernizing employee compensation language, updating the Reapportionment Commission provision, and periodic review of the Charter within the Charter has not been discussed yet. He said the CRC discusses each item and votes on a recommendation. He said at the end of the process the CRC will look at each item again as a package and vote on finalized recommendations prior to forwarding to Council.

Chairman Heiple opened to floor to public comments.

Ms. Jayne Crumpley, 423 Elm Avenue, said she could not take a position on some of the items because she did not know what was behind Council wanting them reviewed or what the CRC hoped to accomplish. For instance she does not know the current process for removal of the City Manager or what the CRC is proposing that would simplify that. Chairman Heiple said minutes from CRC meetings detailing what has been discussed to date is available from the City Clerk's Office and encouraged everyone to avail themselves of that information.

Ms. Cindy Rogers, 633 Reed Avenue, said she understands the need to raise utility rates, but is concerned that growth causes costs to rise and she does not see how increasing rates will address the drivers of why the cost increases are occurring. She said the demand side is an essential factor and she does not know how one side of the market can be addressed without addressing the other side and how increasing rates would address that. Member McBride said he would not want CRC's proposal to be interpreted by anyone as encouraging or hoping rates will go up and nothing in the proposal increases rates. He said the recommendation only places responsibility for setting those rates onto the City's elected officials and gives them the right and responsibility to do that. Mr. Ken Komiske, Director of Utilities, said currently the City's rates are stair stepped in large increments because increases have to be voted on by the people and raising rates requires the education of 100,000 plus citizens to get them to approve an increase. He said if the City could make smaller incremental increases to that stair step of rates without having to go to a vote the increases would be smaller and the City would be collecting more revenue during the interim. He feels it is better for customers and businesses to anticipate rate increases. He said OKC sets their rates for a four year period and publishes those rates so customers can plan for the increases. He said that is the thought behind this issue.

Chairman Heiple said Mr. Komiske's graph depicting current rate increases as opposed to what gradual increases would be is very educational and eye opening. He asked Staff to place the information on the City's website with other utility information. He said historically, Council has been reluctant to ask the public to raise rates until the City is in a position of crisis and the City has to raise rates 30% or more at one time, which is a huge increase especially to those on fixed incomes. He said a gradual increase of three percent (3%) annually would be a much better way of stabilizing the impact to the public. He said all utilities are Enterprise Funds and have to generate enough income to pay for the operation that includes replacing aging equipment and infrastructure, which can be a costly proposition.

Member Stawicki said Ms. Rogers is talking about the cost of taking on the next new customer, growth paying its own way. He said no one has talked about the huge step that needs to be taken to be involved in the consortium and the hundreds of millions of dollars Norman would be responsible for in building that infrastructure. He personally went along with eliminating the Charter provision and believes voters have the right to decide if they want to continue having that control or allowing Norman to grow.

Ms. Joy Hampton, The Norman Transcript, asked when the Charter recommendations will come to a vote and Chairman Heiple said the CRC's report will be submitted to Council by the end of the year, but Council will determine what recommendations they want to move forward with. Ms. Hampton said she came to report on what the public had to say tonight and all she is hearing is the CRC talking and explaining why they are making these recommendations.

Mr. Charles Wesner, 616 Tulsa Street, said the CRC wants to eliminate the provision in order to give developers an opportunity to dump a million dollars on another contentious issue that will continue to split the City wide open. He said the recent high density discussions should have made it clear as to why the public does not trust City Council. He said the high density issue should have been dismissed months ago. He said the City will be making a big mistake if they eliminate this Charter provision.

Mr. Shawn Hook, 3923 Durango Circle, said City Council is afraid to take a utility rate increase to the public because the people have not been voting the way Council wants them to vote. He said if you are going to take something to a vote of the people, make sure you do your due diligence by putting a plan together and explaining to the public why the City needs this money and needs to be in the consortium for future water needs. He said the City has the opportunity to educate the public on these needs before it ever goes to a vote. He said do not tell people you are taking away their right to vote. He said it is the elected officials jobs to put together plans and bring those plans back to the people that elect them to make sure everyone is doing their job and it appears to him that this is not happening.

Member Pipes said the CRC had lengthy discussions regarding the utility rate issue, but he still has lot of questions about it and the only reason he voted to send the recommendation forward is because it does require a vote of the public if they want to allow the City Council the authority to set rates. He said there will be more opportunities to ask questions and it is not a done deal.

Ms. Lyntha Wesner, 616 Tulsa Street, said she likes that OKC forms a four year plan and explains to citizens what the money is needed for and she did not see any reason why Norman could not do that. She said citizens could vote on an incremental utility rate increase every year when they vote for Council and felt increases would pass as long as the City has justified their plans and long range commitments.

Ms. Cindy Rogers said one of the few ways citizens have some control in the demand is through their votes on water rate increases and that plays an important role in why the City needs to justify the bigger picture as to why the City is in this position. If the City is in this position because old pipes broke down then explain that to the people. She would vote for a water rate increase because she knows it is needed, but wants to make sure the right marginal and average costs are being charged and increases are not being requested because the City is growing so fast it cannot keep up with demand. She said citizens will vote for an increase if the City argues as to why it is needed and it puts oversight in the hands of citizens, which is the only mechanism citizens have.

Chairman Heiple said it is clear that justification needs to be thought out and presented well. He said comments from the public are helpful to the CRC as well as Council.

Councilmember Gallagher said he researched the 1974 debacle that preceded the utility rate increase provision being placed in the Charter. He said the Mayor and City Manager quit and the Council adopted the Ward System.

Mr. Steve Avis said he is concerned about taking away the people's right to vote on rate increases. He asked if Council will vote on each recommendation as a whole or individually and Chairman Heiple said, historically, each Charter change is an individual vote, but the decision of how it is packaged and presented to voters is up to Council.

Ms. Lyntha Wesner asked the intent of a periodic review of the Charter and asked if it would just be easier to have Council bring up changes as needed instead of having a committee review it periodically. Chairman Heiple said a standing commission would be appointed to meet as needed. Member Cubberley said he did not know what the motivation was for a periodic review, but some cities, by Charter, review their Charter every ten or twenty years to make sure it is updated and fits current situations. Member Dillingham said periodic review is simply an option and Council wanted that discussion to determine whether there is enough value in changing the Charter to include a periodic review perhaps in conjunction with the decennial census.

Councilmember Gallagher said the last Reapportionment Commission boundary changes took away one of the largest subdivisions in his Ward and Council questioned the seemingly haphazard formation of some of the Ward divisions. He said it is a vital aspect of the Charter to make boundaries more equitable and to keep one portion pulling from a very small, condensed portion of the City versus a Ward being given an entirely new portion of voters that the seated Councilmember has not had contact with because they were never in their Ward. He asked what the CRC is considering in the Reapportionment Commission item. Chairman Heiple said the CRC has not discussed that or seen the background on that item so there has been no action or comments by CRC at this time. Councilmember Gallagher said reapportionment is a volatile situation and asked why the Reapportionment Commission would randomly change Ward boundaries under the aspect of equalizing voters when in fact the numbers did not equalize in some instances. Chairman Heiple said he was surprised to discover the Charter provision requires the Commission meet every year and felt it was unnecessary.

Councilmember Gallagher said when he asks about water reuse he keeps hearing the City is waiting on legislation. He asked if the CRC had information regarding reuse. Chairman Heiple said the CRC was specifically told to address the eight items charged to them by Council, but if the CRC wanted to get into other topics they could and they may do that. He said in answer to the question, citizens need to contact their legislators to pass a law telling Oklahoma Department of Environmental Quality (ODEQ) that municipalities are going to be able to reuse water treated at their Wastewater Treatment Plants. He said if that law was passed the City could discharge treated gray water into Lake Thunderbird, which would increase what the City is allowed to take out of the Lake Thunderbird. He said ODEQ is the slowest, bureaucratic agency in the history of the world and until the legislature enacts a law, ODEQ will continue to stall on reuse. Councilmember Gallagher felt the City should be pushing legislation on reuse to cut costs.

Councilmember Gallagher asked how the process for removal of the City Manager would be changed as the current process seems to be somewhat simple. Chairman Heiple said the CRC tried to clean up language so it is clear that the process would be taking into account multi-year contracts with the City Manager. He said there are a lot of overlying factors and the CRC has specified what they believe will be cleaner language to let everyone know exactly what the ground rules and procedures are for that situation.

Ms. Jeanette Coker, 620 E. Main Street, said it would be helpful to have a copy of the current Charter provisions as well as what the CRC is recommending for each provision. She said she has no idea whether or not "stipend" would be a good replacement for "compensation" since she does not know what that provision says in the first place so it is hard for her to comment or question the recommendation. Chairman Heiple said the City will try to provide a list of what the CRC is charged with as well as the list of provisions they have voted on at the next public meeting.

Mr. Larry Dillingham, 1711 S. Pickard Avenue, said in regards to periodic review of the Charter, when he heard there might be a standing committee he saw visions of a “shadow City Council” and people going through all sorts of mechanisms to get on that standing committee. He said if the City wants to review the Charter, the City should appoint a different set of people for each review, not have a standing committee of people with an agenda. Chairman Heiple said the CRC would keep that in mind when they discuss that item.

Councilmember Gallagher asked if the list of items for CRC review was generated by Staff, City Manager, and Council or if the public was given an opportunity to suggest anything to be considered. Member Dillingham said when she chaired the Planning and Transportation Committee meetings some of these items were discussed and anyone who attended those meetings could comment. She said the reason the CRC is holding public meetings is to get public input and to see if there are additional issues. She said the CRC wants to know what other issues this body should consider so if there is anything the public wants the CRC to review, tell CRC members or City Council. Member Cubberley said whatever item(s) the public wants reviewed, Council will have to give CRC that charge so he suggested contacting Councilmembers.

Ms. Jayne Crumpley said she attended the prior Charter Review Ad Hoc Committee’s meetings and tried to stay informed. She said, at those meetings, the public was informed as to why Council wanted the issues reviewed and she was not aware the current CRC had already held one public meeting so far. Chairman Heiple said the first public meeting was held on short notice and no one attended, but it was not because the City was trying to hide anything. He said this meeting was better advertised through newspaper articles regarding water rates written by Joy Hampton.

Member Roberts said at their first regular meeting, the CRC discussed general ground rules and one of the things they talked about was not wanting to be considered a “shadow City Council.” They did not believe they had free reign to consider any item that concerned the City of Norman and to act on it. The CRC had specific marching orders and agreed to stick with what they were asked to do.

Ms. Joy Hampton thanked the members of the CRC for giving their personal time to serve on the Commission.

Mr. Shawn Hook asked for a quick synopsis on how the CRC, as a group, decided on the recommendation that people should allow the City Council take care of utility rate increases instead of having the people vote on those increases. Member Dillingham said the CRC is recommending Council submit a change in the Charter with respect to the utility rates to the vote of the people. She said the people will vote on whether they want that or not. She said the CRC is not making a recommendation on utility rates, they are making a recommendation that the people need to be asked that question. She said the CRC is hoping City Council has the courage to let the people vote on that.

Member Roberts said if Council decides to move forward with the recommendation and there is a campaign, all the pros and cons will get discussed. He said the only rate recommendation the CRC is sending forward is this should be a straight up or down question of should the City Council have the authority or should it not have the authority to raise rates. The CRC decided not to recommend a percentage as a cap or condition of the provision. The CRC wanted to send the question out there and whether or not the Charter is amended will be decided by a public vote. He said let us have the debate and let us have the campaign. Mr. Shawn Hook said he is concerned about low voter turnout and if no one votes, then that means a few people could actually take that capability away from citizens.

Mr. Trey Bates said his fear is that when something is said over and over again it starts sounding true and what he has heard over and over again from a number of people is that somebody is going to take away somebody’s right. He said the fact of the issue is does this go to a vote of the people? Do the people want the utility rates to be set by their representative or do they want to go through the process of voting each and every time on each and every utility rate increase like no other city in the state or maybe like no other city in the nation? He said no one is suggesting that someone’s right to vote be taken away. The issue is simply whether or not we are going to vote on how utility increases will be administered in the future and that is a reasonable thing to ask.

Charter Review Commission Public Hearing Minutes

June 27, 2013

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Items submitted for the record

1. PowerPoint presentation entitled, "Charter Review Commission Public Hearing," dated June 27, 2013

The public meeting adjourned at 7:55 p.m.

CHARTER REVIEW COMMISSION
PUBLIC HEARING MINUTES

January 8, 2014

The Charter Review Commission held a public hearing at 6:30 p.m. in the Municipal Building Council Chambers on the 8th day of January, 2014, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting. No persons attended the hearing and a quorum of the Charter Commission was not present; therefore, minutes of the meeting are not required.

CHARTER REVIEW COMMISSION

COUNCIL QUARTERLY UPDATE MINUTES

CITY COUNCIL CONFERENCE MINUTES

April 9, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 9th day of April, 2013, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal

ABSENT: None

QUARTERLY UPDATE FROM HAROLD HEIPLE, CHAIRMAN OF THE CHARTER REVIEW COMMISSION, REGARDING ACTIVITIES OF THE CHARTER REVIEW COMMISSION.

Mr. Jeff Bryant, City Attorney, highlighted Resolution No. R-1112-109, establishing the Charter Review Commission (CRC) and adopted by Council on February 14, 2012. He said the resolution requested the CRC to conduct a targeted review of the Norman City Charter and report its recommendations to City Council. Mr. Bryant said the following City Charter items were identified for targeted review to include:

- Article II, Section 1, to consider changing verbiage from “compensation” to “stipend” in regards to compensation of City Councilmembers;
- Article III, Section 1, to consider simplifying the process for removal of the City Manager;
- Article III, Section 6, to consider creating a mechanism under which the City Council could request information regarding a specific City Department from the City Manager;
- Article III, Section 7, to consider requiring a City employee to take a leave of absence to run for partisan political office;
- 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;
- Article XVII, Section 2, to consider whether employee compensation language needs to be modernized;
- Article XX, to consider amending or updating the Reapportionment Commission process or procedure; and
- Review whether or not there should be a scheduled review of the Charter within the Charter itself.

Mr. Bryant said if Council desires they can request the CRC to review additional charter items and the CRC can also ask Council permission to look at additional charter items. Ultimately the process should conclude in a CRC vote on each item and voted by each individual Councilmember to decide if the item(s) should be moved forward to a City-wide public vote.

Mr. Harold Heiple, CRC Chairman, said the CRC held its first meeting on December 20, 2012, and served as an opportunity for the CRC members to meet one another, as well as City Staff.

At the January 3, 2013, CRC meeting, Staff provided the Committee with an overview of the Open Meetings Act and the areas identified by Council for target review. The CRC discussed the language in Article II, Section 1, related to Council compensation and voted to substitute the word “stipend” for “compensation”. The CRC also began discussion of the City Manager removal process.

At the February 7, 2013, CRC meeting the CRC continued discussion regarding Article III, Section 1, City Manager removal process; began discussing Article III, Section 6, regarding creating a mechanism under which Council could request information regarding a specific City department; and began discussing Article III, Section 7, regarding creating a requirement that a City employee take a leave of absence to run for partisan political office. Chairman Heiple said the CRC *formerly* adopted the language in Article II, Section 1, related to Council compensation for the substitution of the word “stipend” for “compensation”.

City Council Conference Minutes

April 9, 2013

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The CRC met on March 7, 2013 and voted to recommend language amendments in Article II, Section 1, City Manager removal process. The CRC continued discussing Article III, Section 6, regarding creating a mechanism under which Council could request information regarding a specific City department and Section III, Section 7, regarding a City employee to take a leave of absence to run for partisan political office. The CRC also voted to recommend language recommended by the 2005-2006 CRC related to modernizing employment compensation language in Article XVII, Section 2.

Chairman Heiple said the CRC held its first public hearing on April 3, 2013, and there were no attendees; however, it may have been due to the wet weather that evening.

The CRC met on April 4, 2013, and continued discussion regarding employees that choose to run for political office. The CRC voted to recommend language amendments to Article III, Section 6, to create a mechanism under which the City Council could request information regarding a specific City department. The CRC also voted to recommend language recommended by the 2005-2006 CRC related to modernizing employment compensation language in Article XVII, Section 2.

Councilmember Kovach said currently the City Manager designates an individual from the Management Team to be acting City Manager while he/she is on vacation and asked whether or not the proposed Charter language requires Council to appoint someone to serve as City Manager while he/she is on vacation. Chairman Heiple said no; the CRC's thoughts were that Council would designate someone in case of the City Manager's absence or disability, but not if he/she were on vacation. He felt additional language could be added stating that Council requests the City Manager to select a particular designee while he/she is on vacation. Mr. Bryant noted the proposed language regarding the City Manager's absence and/or disability is not new to the Charter; however, Staff felt it needed to be more appropriately repositioned within the Charter section.

Councilmember Jungman requested clarification on the proposed language for Article III, Section 6, regarding Council inquiring into the conduct of any office, department, or agency of the City by resolution and direct the City Manager to investigate such affairs and/or authorize such inquiries through an outside agency and Chairman Heiple said the proposed language was added for emphasis to the preceding sentence that currently exists. Chairman Heiple said the proposed language gives clarity that Council has the opportunity to request such information, as well as, hire an outside agency if the City Manager is unwillingly or ineffectively not providing information regarding a particular department. Mr. Bryant said the proposed language also very closely mirrors language in state statute that outlines powers of Councilmembers. Councilmember Kovach asked how the CRC envisioned the process, should a request for this resolution come forward and Mr. Bryant said a request to place an item on the agenda for Council discussion can be utilized with the "rule of three (3)" that is currently in the City Code.

Councilmember Castleberry asked the difference between a Councilmember requesting something from a subordinate and directing (ordering) something to a subordinate and Chairman Heiple said it really depends on the individual making the request or comment, the individual receiving the request or comment, and the subjective intent. Chairman Heiple said Councilmembers should not get into the minutia of management and/or personnel without going through the City Manager. He felt the chain of command needed to be respected because the City Council/City Manager form of government depends on the preservation of this separation. Chairman Heiple said what may sound like an innocuous request could involve a lot of Staff time and resources, especially when the City may be experiencing a shortage of personnel and/or money.

Councilmember Jungman asked how the utility rate discussion got added to the review list and Mayor Rosenthal said the CRC did not add the utility rate discussion to the list of Charter review items. She said the request was in the resolution that went to the CRC and explained that several review items were from *prior* CRCs and had a sharply divided vote; therefore, *prior* Councils chose not to move the items forward. Councilmember Kovach agreed and said when this subject came out of the Oversight Committee and items were identified for targeted review; the rationale was that the prior Charter Commission had met for over a year, including citizen input, and for lack of a better term these issues/items were left lying on the table. He said the Oversight Committee felt the issues/items deserved some discussion with the current CRC.

City Council Conference Minutes

April 9, 2013

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Items submitted for the record

1. Memorandum dated April 8, 2013, from Harold Heiple, Chairman, Charter Review Commission, to Honorable Mayor and Councilmembers
2. Charter Review Commission recommendations dated April 8, 2013

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Community Development
2. Mr. Steve Lewis, City Manager
3. Mr. Anthony Francisco, Director of Finance
4. Ms. Joy Hampton, The Norman Transcript

The meeting adjourned at 6:10 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL SPECIAL SESSION MINUTES

August 6, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:30 p.m. in the Municipal Building Conference Room on the 6th day of August, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Castleberry, Heiple, Holman, Kovach, Miller, Williams, Mayor Pro Tem Griffith

ABSENT: Mayor Rosenthal

Item 1, being:

QUARTERLY UPDATE FROM HAROLD HEIPLE, CHAIRMAN OF THE CHARTER REVIEW COMMISSION, REGARDING ACTIVITIES OF THE CHARTER REVIEW COMMISSION.

Mr. Harold Heiple, Chairman of the Charter Review Commission, said at the last Charter Review Commission meeting on June 6, 2013, the Commission voted, by a vote of 11 to 1, to approve a recommendation with respect to eliminating the provision in the Charter which requires a vote of the people in order to change the utility rates. He said the second public hearing was Thursday, June 27, 2013, and thanks to some publicity from The Norman Transcript, there was a turnout. He said the main topic was the Charter requirements for the Reapportionment Commission and it was the unanimous recommendation of the Commission that this section of the Charter be totally rewritten. He said the requirement that the Reapportionment Commission meet once a year would be changed to once every ten years with the provision that a meeting be held if there is annexation or deannexation of land or if something significant is changed by the City Council, then an ad hoc committee could be appointed to look at ward distribution. He said these provision were added in the mid-1970's, when the Ward System was adopted and the utility rate provisions were inserted, because in those days, one man, one vote was a very prominent sentiment. He said the language was far overreaching and the results are that over the last ten years the Reapportionment Commission has been required to file an annual report by a specified date and time when it is never known when the census figures will be received. Mr. Heiple said in the public meeting on June 27th, he expressed personal comments and not the comments of the committee. He said regarding the vote on the utility rate situation, he said the Commission chose not to address a percentage increase because to accommodate a city of 140,000 or more in population, Norman is going to have to get water from somewhere outside the boundaries of Norman and part of that water is going to have to come from Southeast Oklahoma which will cost hundreds of millions of dollars and Norman is not big enough to do it by themselves and years ago the City of Oklahoma City put itself in the position to supply but now they insist that any consortium have governing bodies that are free to step up to the plate with whatever financially is needed. He emphasized that these are his own words and not those of the Commission and it was not voted on by the Commission.

He listed those who attended the Public Meeting and asked questions and said virtually everyone who was present is opposed to removing the rate vote requirement from the City Charter. He said this is understandable because it has been a popular topic in the 25 years that it has been on the books. He said people who might be persuaded to vote to remove the stipulation from the Charter have not been asked to even consider it. He said it is certainly possible that a majority of the voters would vote to remove it but it will take an educational process. .

He said Staff is coming back to the Charter Commission meeting in September with specific language to cover the Reapportionment Commission section. He said all eight items have been discussed and now the Charter Commission needs to go back through and take a final vote on each item and bring those recommendations to Council.

Mr. Jeff Bryant, City Attorney, said there was one more item to be discussed and that would be whether language should be added to include a scheduled review of the Charter.

Councilmember Kovach said when Council created the Commission, one of the items discussed was that if the Commission had items that had not be resolved or discussed that they would get approval from Council to continue. He asked would the Commission continue to meet to discuss these items before a recommendation was brought forward to Council. Mr. Bryant said the Commission would bring a report back to Council and if there was anything further to be discussed or if additional items came up that the Commission wanted to discuss, they would ask Council for additional time by amending the resolution.

Mr. Heiple said at the organizational meeting, the Commission was directed to go through all eight items, bring them back and after that if there were additional items to be discussed, the Commission could ask Council for additional time to discuss them. Councilmember Kovach asked if the final report only include the items that were voted on or would it also include the items that needed further discussion.

Councilmember Jungman asked what the timeline was. Mr. Heiple said the Commission would meet in September and he expected to have the results by October. He said the Commission was asked to have their report done in a year, which is December. He said the Commission meetings were one hour long and this Commission had been

Item 1, continued:

able to get quite a bit done during that time. Councilmember Jungman asked if there are any requirements that state when the Commission ends. Mr. Bryant said there is a provision in the resolution, Section 8G, that the Commission's term will last no longer than one year with the Commission holding only no more than one meeting each month, provided that the term can be extended on a quarterly basis at the request of the Commission and upon approval of Council.

Mayor Pro Tem Griffith asked if there was any discussion regarding the possibility a minimal rate increase without a vote of the people versus an unlimited rate increase. Mr. Heiple said the mandate the Commission was given was to come back with a recommendation as to the question "should the Charter be amended to allow the City Council to increase up to 3% in a year without a vote of the people." He said it was an almost unanimous consensus that the percentage option would not work because there is no way to know what is adequate or not, not if you are looking at a long-range plan. He said the Commission had three options, (1) Do nothing, (2) Take it completely out of the charter, and (3) Should the people authorize the Council to do it. He said Council suggested 3% and no one could pin down a precise figure to solve the long-range problem. Councilmember Kovach added for a point of clarification, this option originated from another Citizens Committee even though it was sent by Council. Mr. Heiple said he had been a member of a group that is in favor of giving City Council that authority and that was before the City got into the problem with a long range water plan. He said to run an operation, the governing body at least needs the ability to raise cost of living expenses. The Commission made the decision to take the whole thing out based on the situation. He said that does not take Council's power to come right back and say we will submit to the people the question of should it be done.

Mr. Joy Hampton, The Norman Transcript, said she attended the meetings and wanted to affirm that the Commission had looked at 4% and 5%, they crunched numbers and there had been much discussion. She said the Commission had been in unanimous agreement except for one person but that person thought voters could vote on it. She said it was important that everyone know it was not just the developers pushing that idea.

Mayor Pro Tem expressed his gratitude for the effort the Commission has been making and the progress that has come forward.

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Item 2, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING:

AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 §307(B)(4) TO DISCUSS POSSIBLE AND PENDING LITIGATION IN THE CASE *HODGE V. KEENE, WESTERN DISTRICT OF OKLAHOMA CIV-2010-1283D; TENTH CIRCUIT CASE 2013-6047.*

AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 §307(B)(4) TO DISCUSS POSSIBLE LITIGATION AND TO DISCUSS THE ACQUISITION OF REAL PROPERTY AS AUTHORIZED BY TITLE 25 §307(B)(3) OF RIGHT-OF-WAY IN CONNECTION WITH THE CEDAR LANE WIDENING PROJECT BETWEEN 12TH AVENUE S.E. AND ONE-EIGHTH MILE EAST OF 24TH AVENUE S.E. AND THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT:

- CITY OF NORMAN VS. TIETSORT REVOCABLE TRUST (CJ-2013-775)*
- CITY OF NORMAN VS. III MOORE, LTD. (CJ-2013-776)*
- CITY OF NORMAN VS. CHRISTOPHER ARMSTRONG (CJ-2013-777)*
- CITY OF NORMAN VS. JAMES AND DOROTHY ARMSTRONG (CJ-2013-778)*
- CITY OF NORMAN VS. WILEY AND BARBARA MADOLE (CJ-2013-779)*

Councilmember Kovach moved that the Special Session be adjourned out of and an Executive Session be convened in order to discuss potential and pending litigation in the cases as stated above and to discuss the acquisition of real property of right-of-way in connection with the Cedar Lane Widening Project between 12th Avenue S.E. and one-eighth mile east of 24th Avenue S.E., which motion was duly seconded by Councilmember Williams; and the question being upon adjourning out of the Special Session and convening an Executive Session, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Heiple, Holman, Kovach, Miller, Williams, Mayor Pro Tem Griffith
NAYES:	None