

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

November 2, 2011

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 2nd day of November, 2011, 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:	Councilmembers Dillingham, Kovach, Spaulding and Chairman Griffith
ABSENT:	None
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Councilmember Linda Lockett, Ward Seven Mayor Cindy Rosenthal Mr. Ty Hardiman, Enforcement Authority Chairman
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Ms. Brenda Hall, City Clerk Mr. Steve Lewis, City Manager Ms. Syndi Runyon, Administrative Assistant IV

### CONTINUED DISCUSSION REGARDING CHAPTER 7.5, ELECTIONS.

Chairman Griffith said proposed amendments to Chapter 7.5 include eliminating the Monday report filing requirement; changing requirements for committees supporting or opposing a candidate to mirror State statutes, which would not require them to file reports until they have expended or received \$500; and changing the name of the Enforcement Authority. He asked the Committee for their comments.

Councilmember Kovach said Council had discussed being more in-line with State campaign report regulations. He said he wanted to keep the Friday before the election reporting requirement. He said final reports are due 30 days after the election and that could be changed to be more in-line with State requirements that call for final reports within 31 to 40 days after the election. Ms. Brenda Hall, City Clerk, said, in a previous amendment, the City's reporting period was changed to 30 days after the election, which would allow State and City reports to be filed on the same day. Councilmember Kovach said there is a State filing requirement for the 10th day before the runoff or general election. He said the City could require a report be filed on the 10th day before an election the same as the state and an amended filing by noon on the Friday preceding the election, if a candidate collects or expends any monies between the 10th day and that Friday. Councilmember Dillingham felt that requiring a report 10 days prior to the election would not give the public as much up-to-date information as the Friday reporting requirement. Councilmember Kovach said it would get information to the public a week before the election and if there are additional expenditures or contributions it would be reported on the Friday before the election so there would be no less reporting. Mayor Rosenthal suggested State reports be filed 10 days before the election, as required, and City reports be filed on the Friday before the election, which is effectively what is being proposed. Councilmember Kovach said his proposal was to have the Friday reporting only if there is additional activity and some candidates will not. Councilmember Kovach felt this would be more beneficial to get the information to the public earlier in order for them to review it versus giving them the information to review a couple of days before the election. Mr. Ty Hardiman, Enforcement Authority Chairman, said he did not have an objection to the proposal, but would like to keep the Monday reporting requirement. He said the Enforcement Authority's goal is to get information to the public in a timely manner not only through reporting, but also through other education methods. He said if Council thought this proposal advanced the dissemination of information then he would

not speak against it if it came before Council. Councilmember Dillingham said if the goal is public disclosure, she would not have a problem with the proposal and the rest of the Committee supported it as well.

Mayor Rosenthal said the State requires final reports be filed between the 31st and 40th day after the election and asked if City reports should be aligned with the State requirement. Councilmember Kovach asked Ms. Hall if that would cause any problems and Ms. Hall said she did not foresee problems with mirroring State requirements and the Committee agreed.

Councilmember Kovach said there had been previous discussions regarding changing the name of the Enforcement Authority and he supported that idea. He suggested the name "Election Information Committee" because the Enforcement Authority provides information to the public. Mr. Hardiman suggested "City Council Election Financial Compliance Committee" as that describes the Enforcement Authority's role as far as how finances come to play in the City elections. He felt there was more to the committee than election information, but not necessarily "enforcement." He said the name would also differentiate Council elections from issue or bond elections. Chairman Griffith asked if the Enforcement Authority had discussed that name and Mr. Hardiman said there had been some discussion and he would be glad to place that item on an Enforcement Authority agenda as soon as possible. Councilmember Kovach felt the name was a little wordy and said the ordinance describes the Enforcement Authority's duties in detail and although he appreciated the Enforcement Authority wanting to make the name specific to Council elections. Mr. Hardiman said beyond distributing information, the Enforcement Authority is charged with making sure campaign reports are accurate and proper and felt that is not reflected in the name "Election Information Committee." Councilmember Dillingham agreed and said the "oversight" concept may get closer to that charge. Mr. Hardiman said he could meet with the Enforcement Authority regarding the name "Election Oversight Committee" and explain why that might be a good name. Councilmember Kovach suggested inserting the word "citizens" in the name such as "Citizens Council Election Oversight Committee" because it is important for people to understand that it is the citizens that are reviewing the reports. Chairman Griffith said he would like the Enforcement Authority to come up with a name and Councilmember Kovach asked if that would come back to the Oversight Committee or Council as a whole.

Ms. Hall said time is of the essence for any ordinance amendments to be adopted and become effective prior to the candidate filing cycle in January and encouraged the Committee to select a name tonight. She said Council will review a resolution in December setting the election dates so proposals made tonight should be reviewed and accepted at the same time to meet that cycle. She felt that everything needed to be in place by the time candidates file. Mayor Rosenthal said she supported a previously proposal of "Norman Election Commission" from Councilmember Gallagher. She felt the name was simple and straightforward and Mr. Hardiman and the Committee agreed.

Councilmember Gallagher said he had asked the Legal Department to research other cities to see if there had been any problems with reporting dates or candidates' reports and asked for an update. Mr. Jeff Bryant, City Attorney, said the City of Norman is the only city that has a separate reporting requirement so there is no comparison to other cities, but he was not aware of any problems with State reporting requirements within other cities. Councilmember Gallagher asked Ms. Hall if there had been any chronic problems with violations. Ms. Hall said there have not been issues with candidate reports, but there have been some issues regarding committees that form to support or oppose a candidate in that they do not always file a report in a timely manner.

Mayor Rosenthal said Oklahoma City is in the middle of a huge controversy regarding municipal election finance reporting. She said there is no one at the State level to monitor election finance reports and felt that

Norman is well served by having an Enforcement Authority. Chairman Griffith agreed and said citizens need to know what expenditures and contributions candidates are generating even though they may not be as extreme as Oklahoma City or Tulsa elections. Councilmember Dillingham agreed and said the reports do not provide the level of disclosure that Norman citizens deserve and have come to expect. She said City Council has a higher desire, on the part of elected officials, to communicate openly and honestly. Chairman Griffith agreed and felt other cities and the State would be better served by following Norman's example.

Councilmember Kovach said the whole genesis of these discussions is based on a court case in Colorado and Norman has done some tweaking based on the idea that the City has to balance free speech without overburdening someone with disclosure to the public. He asked Mr. Bryant if the City's reporting disclosure threshold is too low or could someone say it is overly burdensome. Mr. Bryant said the Colorado case was about an issue committee not a candidate committee and he would have to do further study in order to answer that question. Councilmember Kovach said he would like to know if there is a red flag before voting on changes. Chairman Griffith felt City thresholds were not unreasonable. Ms. Hall reminded the Committee their current proposal for a \$500 threshold only applies to committees that support or oppose a candidate and candidates will still have to report everything. Councilmember Kovach felt there should be a higher burden of disclosure on a candidate running for office.

Chairman Griffith asked when the amendments would move forward to Council. Ms. Hall said she could schedule the item on a Conference or Study Session agenda by the end of the month in order to have proposed amendments on First Reading no later than the first meeting in December.

Items submitted for the record

1. Memorandum dated October 24, 2011, from Brenda Hall, City Clerk, to City Council Oversight Committee; Councilmember Griffith, Chair; Councilmember Dillingham; Councilmember Kovach; and Councilmember Spaulding
2. Ordinance No. O-1112-15
3. Comparison of State and City Campaign Reporting Requirements
4. City Council Oversight Committee minutes of September 7, 2011
5. Pertinent excerpts from City Council Special Session minutes of September 11, 2011

MISCELLANEOUS DISCUSSION.

Councilmember Kovach asked what future topics were being scheduled for the Oversight Committee's review and Ms. Hall said she did not have her schedule for December. She said some future topics are on hold waiting on data such as traffic enforcement using the speed feedback signs and changing alley solid waste pick up to street pick up. She said she believed proactive code enforcement is the topic is that to be discussed in December. Councilmember Kovach said he wanted to make sure the bullying topic did not get overlooked.

The meeting adjourned at 6:17 p.m.

ATTEST: