

Transcript

On West Gray, Episode 3, August 2022 Special Election w/Kathryn Walker

Runtime: 27 minutes 05 seconds

Tiffany Vrska, Norman Chief Communications Officer 0:18

What's up, everybody? Welcome to On West Gray, the monthly podcast about all things local government in the City of Norman. I'm your host, Tiffany Vrska, Chief Communications Officer for the City of Norman. Thank you all for being with us. Today we're visited by city attorney Kathryn Walker, who leads the legal department at the City of Norman and works awfully hard trying to keep us all out of trouble. Kathryn, welcome to the show. So, we have you with us today to talk a little bit about the special election that's on the horizon on August 23. Voters in Norman will take to the polls to consider nine charter amendment propositions that you and your team have carefully crafted following the citizen led process of going to vote for something like this. So we're about to dive right into that. And let's start with, what exactly is a charter?

Kathryn Walker, Norman City Attorney 1:04

A charter is basically a city's constitution. So just like when you amend the state constitution, or the United States Constitution, that requires a vote of the people.

Tiffany Vrska 1:14

All right, so if cities don't have a charter, I know a lot of them in Oklahoma do, but if they don't, what do they go by?

Kathryn Walker 1:22

There are provisions in title 11 that apply to non charter cities, towns, and that is the law that they have to follow.

Tiffany Vrska 1:32

Okay, so going by a lot of like state law, instead of just local. Okay. So in 2019, the Norman City Council appointed a Charter Review Commission. Tell us a little bit about that, what were the responsibilities of this commission, and who made it up?

Kathryn Walker 1:49

The commission was made up of a representative from each ward. They were appointed in 2019, as you said, to consider very specific charter propositions. They were not asked to review the charter as a whole. They were given specific ideas to look at. And so that's what they did. Generally, they met monthly, but of course, like everything else, COVID kind of interfered with that. This was a group that felt like they got much better discussion with in person meetings. So we had a little break, and then came back in person, and were able to finish it.

Tiffany Vrska 2:22

Okay, and I know that we'll talk a little bit about the in depth video that you have done that's online at NormanOK.gov. It really dives into all of the details of all of the propositions that will be on the ballot in August. One of those first slides kind of goes over the timeline for this process. So I understand in 2019, the Commission was appointed. And then I'm understanding that in 2021, Council voted to have the recommendations go to a vote of the people. But the discussion in the work continued for a bit longer. The ordinance language was officially approved in May of this year, and the election was set. So that in between was that kind of what you were discussing as far as just kind of finessing the language or what did that look like?

Kathryn Walker 3:11

The charter Commission has essentially finished its work. So they had made recommendations on each proposal and there were some proposals council supported and they wanted to continue to study. So the study from August to May really was at a council level. And so we were finalizing language based on council feedback for a few of those propositions we had. I think four topics left after that August meeting to continue discussing. Then we added an additional topic, sort of as a cleanup item after going through the reapportionment process. And we can talk a little bit more about that later. But Council finally finalized, I think, sort of their position on these proposals in January. We set to draft the final language and then they met again, to discuss it one more time, did some tweaking, and then came back in May and voted on the ordinance. It was voted on in May because you have to vote on it 60 days before the election.

You mentioned the reapportionment process, and it's an exciting time in government lately, because you're going through that as well as the proposed charter. I know that you had also when you spoke to council and different residents about what we're going to be voting on in August, you talk a little bit about the charter language and there are certain rules, stipulations, guidelines that you have to craft the charter language after, so what are those limitations and requirements?

It's really all about the ballot language. I know people hate to read these types of questions. It's very challenging. It's full of legalese, but we are limited by word count. And some of these provisions are

quite complicated. So to summarize them within 250 words, or 200 words rather, can be really challenging. So that's why we do the podcasts. That's why we've done a more in depth presentation to help people really understand those propositions. So you're not just going in and reading that 200 word summary, and not really understanding the full depth of it.

Tiffany Vrska 5:22

And there's also an attempt to try to write that at an eighth grade reading level?

Kathryn Walker 5:28

Yes, at an eighth grade reading level, which again, is challenging when you're talking about things that people might not be familiar with. So it is a challenge, and education is a big piece of the process.

Tiffany Vrska 5:39

Absolutely. So you talked about the timing for the election when they voted on it. 60 days out at least. Tell me a little bit more about the work. I know that your office had been integral in working with citizens and with the council to get all of these propositions finalized and on a ballot. So what has that process been like? For you all working with all of these dedicated individuals, if you will?

Kathryn Walker 6:07

I would have to say this has been one of the best committees I've worked with, because it was a good mix of viewpoints. Some former council members, so they really understood the ideas being proposed in a different way. And then others, citizens who had been involved in local government or knew what we were about. And they were able to really come at these issues from multiple viewpoints and they were willing to do the work to hammer out some recommendation that they felt was the best solution. It wasn't unanimous every time but what is in our community? It was the perfect group, I think, to kind of work through these issues.

Tiffany Vrska 6:49

Well, that's great to know. They seem very committed from all of the public meetings that I've seen. So let's get into the actual propositions. So nine questions, as you said, might require a bit of homework for voters, lots of education. We did do the nitty gritty online, we have I think it's 31 minutes and 16 seconds of a video on the city's Vimeo page that folks can do some some in depth research on what each of those questions look like and what they mean. If folks go to NormanOK.gov and search "August special election," they should be able to review the exact ballot language, ordinance language, and then see that in depth presentation by Miss Walker. In a nutshell, though, we can give an overview to what the voters will be deciding on through each of these propositions. But that additional research and

review on the special election is definitely encouraged. So Proposition One pertains to increasing annual stipends for municipal officials. Why was this considered?

Kathryn Walker 7:55

I think there's been a general recognition over the years that for the amount of work that council members have to put in to do the job right, they're really underpaid. They currently make \$50 a month, plus \$10, for each meeting, they attend, but it cannot exceed \$100 a month. So that, you know can be a barrier to participation because of the number of hours that they have to spend doing this job function. So the commission discussed a modest stipend increase. They looked at what other cities do and every question that they considered to try and get an idea of what was typical, or what was seen across the state. They're proposing the mayor stipend would increase from \$100 a month, or \$1,200 annually, to \$8,100 annually, and Councilmember stipends would increase to \$5,400 annually. Additional reviews can be considered later based on input from a five member Compensation Commission. We want to make sure we were very careful with the language here, that we weren't asking the council members to vote on a raise for themselves. So all of these provisions that impact the council members will go into effect at the conclusion of their term. So you'll see that language throughout the various ballot questions.

Tiffany Vrska 9:18

So they're not voting to give themselves a raise. And I think it is worth noting that the city manager spoke to a group the other night about the upcoming election. We have regularly scheduled council meetings and you know, usually twice a month, the second and fourth Tuesday of the month. But in the in between their committee meetings and their study sessions. And there's all kinds of, I mean, when you talk about the work that council members do put in at the city of Norman, it is way more than two meetings a month.

Kathryn Walker 9:54

Yes. If you saw the agenda just for those two meetings a month, you know, I think the city manager refers to it as a phonebook because of its size. Just that alone is a lot of work. But yes, all the committee meetings, study sessions, council conferences, meetings with constituents, Ward meetings, all of that adds up. And it takes a lot of time.

Tiffany Vrska 9:54

So let's jump into Proposition Two. So this one pertains to extending councilmember terms, changing the starting date of the term of office for elected officials, and changing residency requirements for those seeking city of Norman offices with a couple exceptions. So can you tell us a little bit about this one?

Kathyrn Walker 10:35

Yes, this start date piece really goes back to a previous charter provision. We used to require that you take office fairly quickly after being elected. But it put council members coming into office in the middle of the budget process. And so several, a number of years ago, we switched that to beginning your term the first Tuesday of July. Well, now with the changes in state election laws, we know our elections generally are going to be in February. And if you don't have a runoff, that is a really long lead time before you take office. And it leads to confusion among the constituents. And it also puts the council member in a position where they're taking office with a budget that they had no role in making. And so this was suggested for the commission to consider. And they they agreed to recommend that the terms would begin the Tuesday following certification of the runoff election results. So at the latest, that's going to be April. And so council members would be taking office much more quickly. We think that constituents will be less confused about who's my councilmember? And it gets them involved in the budget process.

Tiffany Vrska 11:52

And the budget is typically voted on in May or first part of June, is that correct?

Kathyrn Walker 11:58

It's usually June. We have public hearings in May. And in April, we're pretty deep into the budget process. But of course, ideally, council members, people running for council are going to be paying attention to those things. The other part of this was to move to three year terms for council members. I think there's a general feeling that your first year as a council member, that year you kind of learn how to do the job. And currently you have a two year term. And so the second year, you're already running for re election. So the commission agreed that this should be moved to a three year term. And so that's what's been recommended with the language here. You'll see again, this funky timing issue in the ballot language. And that's because we didn't want council members voting on something that impacted them. We can't impact current terms. The last piece, I think was the residency. Our charter language currently says you have to be a resident of Norman for six months prior to running. But it doesn't say you have to be a resident of the ward you're running for. And so that language change would would require you now to be a resident of the ward you are running for six months prior to the election.

Tiffany Vrska 13:07

Gotcha. Now, Proposition Three pertains to clarifying the way that city council vacancies are filled and the serving commitment of those filling such vacancies? What can you tell us about Proposition Three?

Kathyrn Walker 13:22

Proposition Three is really kind of a cleanup item to make sure the language adequately matches our practice. Our practice when we've had vacancies come up on council is to fill that position for the remainder of the term. And then, of course, with the election, the new councilmember would take the seat. So just to clean up to make sure that that's clear, that's our intention.

Tiffany Vrska 13:45

Gotcha. Okay, and we'll go into Four here. Now, this one pertains to the creation of the position of a municipal auditor. Now, many people I think they they think of numbers or money when it comes to hearing audit, and the city does in fact have a financial audit that's carried out each year. And that's made available to the public online. So could you tell us a little bit about this position and what might be expected of what we first see their duties being?

Kathryn Walker 14:19

Sure. So this position would be sort of a what an outside auditor might do. But they'll be working for the city. They will report directly to Council so they can audit freely city departments and internal processes, and then provide those reports to Council. This is one that was discussed. I think it was added to the initial resolution back in 2019. And council had talked about bringing it forward earlier. And then in May, they decided let's go ahead and add this to the ballot now. So this language that you'll see for the city auditor mirrors the language for their other employee, the city manager. it would be someone that reports to council that could be hired at-will by Council, and fired with or without cause at Council's discretion.

Tiffany Vrska 15:04

Gotcha. So a contract employee. And Proposition Five is similar in that if this were to pass, the council would have another employee reporting to them. So this one pertains to changing the hiring and managing authority of the city attorney from the city manager to the city council and details those associated procedures. So essentially, this would change the managing authority for you or whomever serving as Norman city attorney, is that correct?

Kathryn Walker 15:38

Yes, that would make this position hireable and fireable by City Council. It would again be modeled after the city manager process in the city auditor process, if that is indeed adopted, and would change the position from a for-cause position, meaning all city employees that are managed by the city manager can only be fired or let go for a valid reason. And it would change that to an at-will position, and that person would have to be appointed by a majority of Council and could be removed with the majority of Council.

Tiffany Vrska 16:13

So at this time, our current city charter reads that there's only one employee of City Council and that is the city manager. Okay, so Proposition Six pertains to additions and new stipulations for board members of the Norman Regional Hospital Authority Board. Can you shed some light on how this board is connected to the city? Or why this type of question might appear on a ballot?

Kathryn Walker 16:40

Sure, a lot of people don't know this, but the Norman Regional Hospital Authority is a public trust having the city as its sole beneficiary. And what that means is the city has to approve the issuance of debt by the hospital and we also appoint their board. That provision for board appointment is contained in our charter. And this came from that request from the hospital to increase the number of board members from 9 to 11. They are growing, and with the closure of rural hospitals that are providing services to other surrounding communities as well. So they wanted to be able to have a couple of representatives that represent those other communities. The language is specific that we will continue with nine Norman residents on the board. These other two may be appointed from other communities that have a Norman Regional Hospital facility.

Tiffany Vrska 17:27

Gotcha. Okay. And it looks like we have a couple more here. So Proposition Seven pertains to amending the recall process and associated items for municipal officials. Why was there interest to get this on the ballot?

Kathryn Walker 17:42

Well, many people have probably heard, we went through a recall process within the last couple of years, several recall processes. And it was really the first time to use this language. It was certainly the first time we ever contemplated having more than one petition out there for more than one elected official. So it created some challenges. But within that, that process and several other cities, I think with the pandemic and all that came with it, were also going through recalls at the same time. So within our process, Enid had a case that went up to the Supreme Court challenging their process for recall petitions. And the state Supreme Court issued an opinion that said no, no, no, you shouldn't follow these charter provisions, you really need to follow some of the state provisions for some of these aspects of the process. And it's a complicated process. We're trying to clean up our language. So we're referencing state law where we need to, that way every time state law changes the charter doesn't have to change. And just to make it a clearer process and to give us adequate time to review petitions, because that was a really big challenge. The other really interesting thing about this one is the city clerk and I's probably biggest nightmare through that whole process was what happens if we have five council members recalled at one point? That was discussed, and our charter requires five votes to get anything done. So how would we even fill a vacancy or call an election to fill those spots? So this cleans up some

of that. Definitely contingency planning. We just hadn't imagined when the charter was originally adopted. But it's good to have that provision in there, just in case.

Tiffany Vrska 19:23

All right, so Proposition Eight pertains to amending the process to set utility rates in Norman and the appointment of a utility rate commission. So what is the history on this proposition?

Kathryn Walker 19:38

This has been a part of several charter review commissions, and this has always been a question considered. This is the first time that I can think of that we've actually taken something forward as a proposal for the voters to weigh in on, though. Our charter was amended back in the 70s to require a vote of the citizenry before any utility rate increase could be adopted. This was done back then because the council at that time raised utility rates to fund some general fund expenditures. So people were angry about that and proposed this as an initiative petition, and it was added to the charter. It's a challenge for the utility to keep up with costs. And every election costs money. You know, there's a large education component. No one wants to increase their rates, you know, so it's always a challenge. And the thought here, I think, was let's allow the city to impose a rate increase up to 3%, a reasonable, somewhat low amount, to allow us to at least keep up with the cost of increases in supplies and equipment and salaries and things like that. And so that's what this proposal would do. It would still empower the voters to approve any rate increase over 3%. But any rate increase under 3%, could be approved by Council, only if a rate study had been conducted and it had been reviewed by an appointed utility rate commission, which would have eight Board Representatives and one at large representative like Council does.

Tiffany Vrska 21:18

And it's my understanding that Norman is the only municipality in Oklahoma that kind of functions this way, in that, you know, utility rates are set by a vote of the people and not the council. I think that that's really unique, and that we're the only city that does it that way. And these other utility companies that we work alongside, and we do think about gas, electric, that sort of thing. It's kind of the same thing. They may not have a city council, but they have a commission that they make recommendations to, what have you, and they say yea, or nay. So definitely hard, I think, to keep up with the cost of doing business when you don't know for sure if you'll be able to to get those proper increases to pay for what needs to be paid for.

Kathryn Walker 22:06

Right. And one thing that's changed since the 70s is we do enterprise fund accounting for these. So the money from the utility funds do not go to the general fund, other than to cover the cost of the staff for the utilities. They don't go to the general fund to cover police or fire or any other general fund

requirement or expense. So we are very, very careful, we account for all of those funds separately, and we make sure they go back into the utilities. And that just wasn't around in the 70s. But it is in practice now.

Tiffany Vrska 22:40

And it may be worth noting too, that we have the same number of staff in our utilities department that we did 10 years ago.

Kathryn Walker 22:46

We are not growing.

Tiffany Vrska 22:49

All right. So our last proposition here is Proposition Nine. And if you could educate us a bit on this last one, it pertains to modifying deadline and processes for the reapportionment ad hoc committee and limits associated Council action concerning the committee's recommendations.

Kathryn Walker 23:11

Sure. This language that we currently have in our charter was adopted with the charter review commission in the early, I want to say 2010, 2012, 2013, somewhere around there. This was our first opportunity to test out the language. COVID, of course, made it even more challenging because the census data did not come out when it typically would have, but what we found was we were appointing the committee so far in advance of the release of the data that they were literally calling and saying, When do we meet? We didn't know because COVID was even making that more delayed. We also know that state law says that when we redraw our boundaries, and that's really what reapportionment is, is taking the new census data and redrawing the ward boundaries so that they're balanced in terms of population. We know that state law says we should attempt to not split precincts when we go through that process. But our charter process was putting our timeline ahead of the county's process to redraw the precincts. So how can we say we're trying our best not to split precincts when we're using old data, right? So this is a cleanup item that fixes some of that. We did go through the reapportionment process this year. And Council opted not to adopt any of the changes and instead appointed a new reapportionment commission that could look at the data after the new precinct data came out. And that process is an ongoing right now. I think it'll be coming forward to council here pretty soon. We had a public hearing last week, or a couple weeks ago. It was amazing with the new precinct data how much easier it was to redraw the ward boundaries and the boundaries are cleaner looking, I'm sure it's a complicated process and there's no one right answer. So it's challenging, but it's important to get it right. And it's important that we look at all the data we can have access to. And that's really what this proposition will help us do.

Tiffany Vrska 25:14

Understood. All right, so we've covered the ins and outs for the next city of Norman election happening August 23. I'd also like to take this time to remind folks that you may be handed another ballot that day to decide on who heads to the general election for certain state or county offices. August 23 is also the runoff for the primary election that was held on June 28. The best way to see what's lined up for you to vote on and to check out your precinct location is to log on to the Oklahoma voter portal at OKVoterPortal.OK.elections.us. Anyone wishing to vote in August must be registered by July 29th, 2022. The voter portal should also have valuable information for those wishing to request an absentee ballot change political affiliation and more. This is a definite go to when you've got an election coming up. Kathryn, thank you so much for joining us today.

Kathryn Walker 26:06

Thank you for having me. And like you said earlier the the presentation on the website really provides a lot more detail and we are always happy to take questions if anyone has a question. They're welcome to give me a call.

Tiffany Vrska 26:17

Absolutely. Well thanks again, and we want to encourage everyone to head over to NormanOK.gov to see the latest city events, happenings, and initiatives. A reminder this month to conserve water and peak water demand this season with temperatures blazing. Practice odd/even watering and avoid outdoor irrigation any day between 9am and 6pm. Questions or commentary about On West Gray can be sent into PublicAffairs@NormanOK.gov. Shoutout to our producer and editor, Mr. Bryce Holland, of the City of Norman communications office. Until next time, stay engaged, stay informed and always remember to vote. I'm Tiffany Vrska. Thank you for tuning in to On West Gray.