

CITY COUNCIL STUDY SESSION MINUTES

May 18, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:30 p.m. in the Municipal Building Conference Room on the 18th day of May, 2010, 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 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT: Councilmember Ezzell

DISCUSSION REGARDING A PROPOSED RESOLUTION ESTABLISHING THE CHARTER REVIEW COMMISSION.

Councilmember Dillingham said in November, 2004, an Ad Hoc Charter Review Committee reviewed several issues concerning the City Charter but none ever came to fruition and Councilmember Kovach and she felt these issues should be revisited and addressed. She said one issue is whether the City would benefit from establishing a citizen Charter Review Commission (CRC) to look at the entire charter. Councilmember Dillingham said the Oversight Committee (OC) held multiple public meetings and researched the procedures for establishing a charter review process to create a standard comprehensive review of the City's Charter.

Ms. Rebecca Frazier, Assistant City Attorney, highlighted the CRC development process and said the OC discussed the creation of a CRC; the Charter amendment process and any legal restrictions regarding charter amendments under the City Charter, as well as the Oklahoma State Constitution; and researched CRCs created by other cities. She said the OC developed a proposed resolution, a CR application, and the selection process for CRC members for Council.

Ms. Frazier said the legal standard for amending a municipal charter is codified in the Oklahoma State Statutes, Article 18, Section 3, which states a municipal charter may only be amended by registered voters. The City's Charter Article XVII, Section 12, is more detailed stating amendments may be submitted to voters two ways, by either an initiative petition or by Council referral, but either approach must be at a general or special election that Council decides upon.

The OC looked at past City processes regarding charter amendments. Ms. Frazier said since April 1902, the Charter has had fourteen amendments; seven occasions Charter Committees were used, one occasion a Council Committee was utilized, and all eight Committees were established as ad hoc committees. She said most recently an ad hoc committee was appointed in November 2004, and submitted proposed charter revisions to Council in December 2005. The charter amendments were approved in a city wide vote; however, the ad hoc committee recommended additional charter amendments to Council in June 2005, which were not taken to a city wide vote.

The OC also looked at charter amendment processes used in Oklahoma City, Lawton, and Tulsa. Tulsa has additional requirements that required Council to create an ordinance that allows for "periodic review" of the charter and any amendments coming from a charter review must be submitted to voters every other year.

The OC looked at the legal standard for creating a CRC. There are no restrictions at the State level but at the City level there are requirements to serve on City boards and commissions. Members must reside in the City; be appointed only based on their fitness and ability to perform the duties of their position; not be members of the immediate family of an elected City official; not be a full-time City employee; not be a member of any other appointive board or commission; and not be confirmed by Council in the same meeting in which that member is nominated unless the presiding officer otherwise obtains unanimous consent. She said the OC had a lot of flexibility when considering the creation of the CRC and researched approximately 15 to 20 cities nationwide. It was the consensus of the OC to create the CRC by a resolution that would cover five areas: purpose; appointment, composition, and timetable; duties; removal of members; and reporting and recommendations.

Councilmember Butler asked how much Staff support will be needed for the CRC and Mr. Steve Lewis, City Manager, said it will take a great deal of Staff support, with most emphasis placed on the City Attorney's Office. He said an active CRC may ask the City Attorney's Office a lot of questions concerning charter language and request information be researched in order to look at different approaches and solve problems. He said the

City Clerk's Office will also play a large role in Staff support, as they will be tasked with completing and distributing agendas and minutes of the CRC meeting(s). Councilmember Dillingham said the OC recognized the initial CRC may require more Staff support during the first year as they undertake the policies and procedures on exactly how to operate a CRC in the City, but Staff mentioned they are willingly and ready to assist with the process.

Councilmember Kovach said OC discussions pertaining to the CRC have been ongoing for over a year and in the beginning he was asked to speak individually with Councilmembers about what they desired to see in regards to the Charter. He said in do so, suggestions were made and a mechanism was formed that would address the questions that would assist Council with controversial issues. He said the emphasis on public input was a large part of the OC consideration and requesting the CRC to submit a final report at a special Council meeting is significant to ensure any charter review work done would not be abandoned because of timing or controversy. Mayor Rosenthal said the qualifications start out very broad for the four at-large CRC members, which she is comfortable with, but then finish off stating the applicants "have education, experience or training in the fields of law...", and she felt that would disqualify a lot of people who may be interested in serving on a CRC. She felt the qualifications were too narrow. Councilmember Kovach said the idea was the nine CRC members appointed by the Mayor and Council would then choose the four at-large members, augmenting the CRC with members they felt would best serve the CRC. He said the OC wanted to charge the CRC to choose people who were experts and would possibly be more helpful in charter deliberations and he welcomed any Council suggestions to change, add, or delete any qualifications. He said this was an effort to limit the four at-large CRC members, not the CRC members appointed by the Mayor and Council. Councilmember Cubberley said as a whole, Council has been very successful in appointing members to boards and commissions and was uncomfortable with this idea. Councilmember Dillingham understood his concern and said this suggestion was largely on Staff's recommendation. She said after looking at a broad range of issues, some of the reported successes from commissions were for them to be able to make some choices and giving them a feeling of ownership in the process. She said it was absolutely OC's intent to determine a way the CRC would have ownership as representatives of the public, instead of the political assumption of what is, and what is not, going to happen in a charter review commission. She said if it is Council's desire to appoint all 13 CRC members that can be done as well. Councilmember Cubberley felt the political assumption would be present whether the CRC appoints the at-large members or not and felt Council should make all the CRC appointments. Mayor Rosenthal said she sees the virtue of allowing the CRC to select the at-large members, but felt in order to get the best balance of all applicants and their talents it would be best for Council to choose the at-large members. She suggested adding the clause "or other areas of special expertise," and Council agreed.

Councilmember Cubberley questioned the reference to Council voting on the CRC final report, specifically "each Councilmember votes on each recommendation individually," and wondered if the intent was to send the recommendations to the voters or simply approve the CRC report as a whole. He felt the CRC resolution should be more precise, because there could be a time when a Councilmember may not agree with all the CRC's recommendations, but at the same time feel the recommendations should be considered by the voters. Councilmember Dillingham said OC's objective was for Council to decide whether or not each individual CRC recommendation, not the entire report as a whole, should go to the voters and agreed the language should be clearer.

Councilmember Cubberley said it is obvious the CRC will be a tremendous effort requiring more support Staff to assist with the workload and suggested holding off adopting a resolution and appointing a CRC until after the budget process is complete, since Council is considering lay-offs. Councilmember Dillingham agreed and said the OC's thought was to wait until after the FYE 2011 budget process was complete and felt this would fit well, from a calendar and budget standpoint, with the fact there will be a decennial census and reapportionment next year.

Councilmember Atkins said the OC also considered any proposed amendments be phased into regularly scheduled elections so the voters could vote on an recommended charter changes without having to call a special election and bear those additional costs.

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Mayor Rosenthal suggested giving Staff a more clear direction on the four at-large members and Councilmember Quinn asked why 13 members were needed. Council discussed and decided there should be 13 members total because of the amount of work to be done, to ensure quorums, and have an odd number for voting purposes. Councilmember Griffith said if Council were to appoint all 13 CRC members they could probably begin work more quickly than if the CRC appointed the four at-large members. He felt the process would be smoother and swifter if Council appointed all CRC members. Council agreed and requested Staff to amend section 19(d) of the proposed resolution to reflect the Councilmembers will appoint an applicant from their respective Ward and then give the Mayor a pool of applicants and the Mayor will recommend four additional at-large members for Council to appoint. Council also suggested the verbiage "shall by education..." be amended to "may by education," and add "...or other areas of special expertise." Councilmember Cubberley also suggested Staff add verbiage in Section 12(h), Reporting and Recommendations, "whether to submit each recommendation to the voters."

Items submitted for the record

1. Memorandum dated May 13, 2010, from Oversight Committee, to Honorable Mayor and Councilmembers
2. Proposed Resolution No. R-0910-123
3. Charter Review Commission City of Norman Application
4. City of Norman Ethics Policy for City Council, Boards, Commissions, and Committees of the City of Norman
5. PowerPoint presentation entitled, "Creation of a Charter Review Commission," dated May 18, 2010
6. Excerpts from City Council Oversight Committee minutes of March 4, 2009; April 15, 2009; April 29, 2009; May 27, 2009; June 3, 2009; February 10, 2010; and April 7, 2010

The meeting adjourned at 6:30 p.m.

ATTEST:

City Clerk

Mayor