

CHARTER REVIEW COMMISSION

Municipal Building Conference Room
201 West Gray
Norman, Oklahoma

Thursday - April 4, 2013
5:30 p.m.

1. Call to order and Roll Call.
2. Consideration of approval of the Charter Review Commission minutes of March 7, 2013.
3. 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.
4. 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.
5. Begin review of Article XVII, Section 2 to consider whether employee compensation language needs to be modernized.
6. Discussion regarding comments received during the Public Hearing on April 3, 2013.
7. Adjournment.

CHARTER REVIEW COMMISSION

Thursday, April 4, 2013

Continued Discussion

Article III, Section 6 - Council requesting information regarding a specific City Departments

Background:

This issue was raised before the 2005 Charter Review Commission primarily because prior City Managers were not responsive to Council's concerns regarding particular Departments or employees. One suggestion from the Commission's discussions was for Council to directly supervise Department Heads. Concerns were raised that this would in effect, be a change in the form of government from Council-Manager to Strong Mayor. There were also concerns with changing Council's role from that of policy makers to daily supervisors. Finally, some felt that having Department Heads directly supervised by the City Council would infuse politics into day to day City operations. Eventually, the 2005 Commission settled on clarifying Council's authority to require the City Manager to answer questions or concerns about a specific City department.

In its March meeting, the CRC expressed a desire to incorporate some of the language from 11 O.S. §10-106 related to obtaining information about the conduct of City departments. The CRC recognized that such action should require a formal action (resolution) by Council as a whole and that generally such inquiries would go through the City Manager first. However, if Council was unable to get satisfactory cooperation from the City Manager, the CRC felt there should be an articulated avenue for obtaining the information with or without the City Manager.

Language Discussed during March Meeting:

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 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.

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Thursday – April 4, 2013

Continued Discussion

Article III, Section 7 - City employee's run for partisan political office.

Background:

After the 2005 CRC made its report to Council on whether to amend the Charter in the areas in which it was asked to review, four Councilmembers presented Council with additional Charter changes. One of the proposals would have required 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 proposed language and recommended that it not go forward.

Prior to 2005, the City had a provision in the Personnel Manual that mirrored the Charter language, but in August 2005, that provision was overhauled to set out requirements that ensured City resources or services would not be jeopardized by a run for partisan political office.

During the March CRC meeting, the Commission discussed whether such requirements were more appropriate for partisan or non-partisan offices, or both, and whether such requirements were suitable for placement in the Charter, the Code, and/or the Personnel Manual. Members did express a preference for language similar to that in Lawton's ordinance about employees and political office.

Language Based on March Discussion

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. An employee who runs as a partisan candidate for elective public office shall take a leave of absence from his or her official duties. The City Council may enact ordinances or adopt resolutions implementing this provision in a manner that is consistent with state and federal law. The City Manager shall issue work rules and regulations applicable to all City employees that implement this provision consistent with Council action, and state and federal law. 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.

*desiring to run for
county, state or federal
elective office*

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADDING CHAPTER 12, ARTICLE IV TO THE CODE OF THE CITY OF NORMAN, OKLAHOMA SETTING FORTH REQUIREMENTS FOR EMPLOYEES THAT RUN FOR POLITICAL OFFICE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 1. That Article IV of Chapter 12 of the Code of the City of Norman, Oklahoma, shall be added to read as follows:

ARTICLE IV. POLITICAL ACTIVITY BY CITY EMPLOYEES

- § 2. That Section 12-401 of Chapter 12 of the Code of the City of Norman, Oklahoma, shall be added to read as follows:

Sec. 12-401. General Regulations Governing City Elective Office and Political Activities by Employees.

- (a) Any employee of the City may actively engage in political activities in as provided in Article IV of this Chapter.
- (b) No employee of the City while on duty or in uniform may work for or against, or attempt to influence, the nomination, election, or defeat of any candidate for Mayor or City Council, the recall of the Mayor or any Councilmember, or municipal initiative or referendum elections.
- (c) Any federal statutes restricting or prohibiting the political activities of employees shall supersede the provisions of this Code and state law if applicable as to such employees; and
- (d) Any employee of the City desiring to seek municipal office shall resign from municipal service immediately following filing for the municipal elective office.

- § 3. That Section 12-402 of Chapter 12 of the Code of the City of Norman, Oklahoma, shall be added to read as follows:

Sec. 12-402. County, State Federal or Other Elective Office.

- (a) As to county, state, or federal office, the following apply:
- (1) 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;

- (2) After recommendation of the employee's department director, the City Manager may place employees on leave status in excess of the time periods indicated in subsection (1) above in circumstances where the employee's candidacy interferes with official job duties with the municipal service or where said additional leave time would be in the best interests of the municipal service and the City;
- (3) Paid leave status requested by the employee shall be recorded as vacation time or compensatory time as applicable up to and including the total amount of time accrued by the individual. All additional leave time required, and not requested as vacation time or compensatory time, shall be recorded as leave without pay; and
- (4) The City Manager or the City Manager's designated representative shall be the sole determiner of the individual's leave status consistent with the provisions of this section.

§ 4. That Section 12-403 of Chapter 12 of the Code of the City of Norman, Oklahoma shall be added to read as follows:

Sec. 12-403. Violations.

A violation of the provisions of this section may be grounds for immediate dismissal from the municipal service, at the discretion of the City Manager.

§ 5. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance, except, that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day
of _____, 2013.

NOT ADOPTED this _____ day
of _____, 2013.

Mayor

Mayor

ATTEST:

City Clerk

CHARTER REVIEW COMMISSION

Thursday, April 4, 2013

Article XVII, Section 2 – Modernization of employee compensation language

Background:

Changes were proposed by the 2005 Charter Review Committee because it was felt this section required modernization out of recognition that compensation often includes more than just salary.

Proposed Language from 2006:

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.