

## CITY COUNCIL SPECIAL SESSION MINUTES

November 1, 2011

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 1st day of November, 2011, 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 Dillingham, Gallagher,  
Griffith, Kovach, Lockett, Spaulding, Quinn,  
Mayor Rosenthal

ABSENT: Councilmember Ezzell

Item 1, being:

### DISCUSSION REGARDING A RESOLUTION ESTABLISHING A CHARTER REVIEW COMMISSION FOR THE PURPOSE OF REVIEWING THE NORMAN CITY CHARTER IN ITS ENTIRETY AND TO REPORT ITS FINDINGS TO THE CITY COUNCIL.

Mr. Jeff Bryant, City Attorney, said the City Council Oversight Committee had discussed the establishment of a Charter Review process in May 2010. The Committee wanted a standard, comprehensive review process of the City's Charter for the purpose of determining whether it is sufficient in its current form or if it might be revised for the benefit of the citizens of Norman. He said Resolution No. R-0910-123 would establish a Charter Review Commission (CRC) and was referred by the Oversight Committee prior to the full discussion by Council. During a Study Session on May 18, 2010, Council discussed the resolution and recommended several changes; however, it was noted that moving forward with the CRC would require additional Staff support during a time when the FYE 2011 Budget was being considered that included potential layoffs. It was also noted that there would be a reapportionment and decennial census in 2011, so Council opted not to move forward with the resolution at that time. Mr. Bryant said that in a Council Retreat on September 17, 2011, Council asked Staff to bring the resolution back for Council discussion in a future Study Session.

Mr. Bryant provided a brief history of the Charter amendment process and said any amendments to the Charter must be approved by voters. He said there had been 14 amendments to the Charter since April 1902, six Charter Committees, and one Council Committee. He said the last Committee was appointed in 2004 and some of their recommendations were approved in a citywide election in 2005.

Mr. Bryant said requirements to serve on City of Norman Boards and Commission consisted of the following:

- 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
- Not be confirmed by Council in the same meeting in which that member is nominated unless the presiding officer otherwise obtains unanimous consent

Mr. Bryant said the three requirements would be considered when formulating requirements for CRC appointees. He said the CRC would be created by resolution instead of ordinance and deferred to Councilmember Dillingham to explain why the Oversight Committee wanted it done that way. Councilmember Dillingham, who was Chair of the Oversight Committee when the resolution was created, said the Oversight Committee envisioned the first CRC being created by resolution so that the CRC itself could decide what the best process would be for review of the Charter. She said the Oversight Committee wanted the process to be as citizen driven as possible and to allow as much citizen input as possible so the CRC would not work for a year on recommendations only to have those recommendations not placed on a ballot.

Mr. Bryant discussed appointment of the members and said Councilmembers and the Mayor would each appoint a member from their Ward and four at-large members selected by Council from a pool of applicants. Councilmember Kovach said the Mayor's appointment would be at-large and not a Ward appointment as the Mayor is an at-large position but felt that the language was not clear on that. Mr. Bryant said the CRC would be comprised of 13 members with no more than three members from the same Ward and the CRC would select their own Chair and Vice-Chair. He said the CRC would meet for a one year period and be staffed with three City employees consisting of the City Manager, City Clerk, and City Attorney or their representatives.

Mr. Bryant said CRC duties would include reviewing the Charter; determining if it should be amended; establishing a standardized review process; educating the public about proposed amendments and the Charter review process; performing such other duties as Council directs by motion or resolution; and creating policies and procedures as guidelines for the functioning of the CRC.

Mr. Bryant said members must attend all meetings with limited absences of three total absences. He said removal of any member can be done by majority vote of Council without cause and if removal occurs, the CRC must remain no less than 11 members.

Mr. Bryant said all meetings will be open to the public with public hearings held at least once each quarter, all meeting minutes will be available to Council, and the CRC Chair will report findings to Council once a quarter. He said the CRC will create a final report that includes proposed amendments approved by majority vote of quorum (2/3 of active members) of the CRC. He said City Council would vote to accept the Final Report during a special meeting with each Councilmember voting on each recommendation individually.

Mayor Rosenthal said she would like clarification on voting on each recommendation individually as she envisioned some recommendations affecting multiple sections or recommendations being non-controversial and of a minor nature. Councilmember Kovach said the goal the Oversight Committee was trying to achieve was that all recommendations the CRC worked on for a year would actually get heard in public. He said he did not know how to do that more expeditiously and suggested "by section" instead of individually. Councilmember Dillingham agreed as long as every idea that comes forth from the CRC as a proposal for a Charter change gets reviewed in public and voted on by Council. Councilmember Kovach said it was expected that Council could weigh in on the quarterly reports to see if items could be bundled together. Councilmember Gallagher said even if there are a lot of recommendations, there should not be any reason to hurry. Ms. Brenda Hall, City Clerk, said she had reviewed previous recommendations and most of the recommendations came forward in the form of a report and, usually, if recommendations regarded cleanup of language, they were placed by related subject matter. Mr. Bryant asked if Council wanted to change the language and Mayor Rosenthal felt "section by section" would be more expeditious. Councilmembers discussed various alternatives and Mayor Rosenthal suggested language read, "the Commission presents its recommendations with Council voting on whether to submit each recommendation to the voters" and Councilmembers agreed with that suggestion.

Mayor Rosenthal said the reason Council postponed forming a CRC in May 2010, was due to staffing considerations and while the City does not currently face the problem of potential layoffs, Staff is working on some major, labor intensive projects. She said she is concerned about adding another major project when there is still low staffing in some departments and asked Councilmembers to consider the needs and timing of Staff. She asked if there was something that needed immediate attention and Councilmember Kovach said the Oversight Committee reviewed the Charter changes over a year before deciding to create the CRC. He said there were several items that were left on the table because the Committee only wanted to look at non-controversial items and there are items that have been pushed aside for years. He felt that there would be no need for legal staff to be at every meeting so it would not be overly burdensome to move forward. Councilmember Dillingham disagreed and said she felt it would be important for legal staff to attend each meeting. She said the work will be difficult and the CRC will need legal advice and staff support, but if staff is not available then the CRC should not be formed. Mr. Steve Lewis, City Manager, said the CRC would be research intensive and staff can do the job, but said with consideration to other ongoing projects he would ask Council's indulgence in assigning any new projects during the year the CRC is reviewing the Charter.

Mayor Rosenthal said she would feel more comfortable if the CRC was not restricted to a one year reporting requirement and suggested giving them additional time. Councilmember Lockett agreed and said Council has no idea how long it will take the CRC to get through the process and setting a time limit could impede their process. Councilmember Dillingham said the City Manager had recommended not leaving an open ended timeline so that there is completion and asked him how Council could deal with time concerns. Mr. Lewis said the Council could place language in the requirements for an extension and felt with quarterly reports, Council would have a better idea of how long an extension was needed. Councilmember Dillingham said the CRC's initial term could be one year provided however that time can be extended upon request of the Commissioners and approval of Council. Councilmember Kovach suggested quarterly extensions and Councilmembers agreed.

Mayor Rosenthal said in consideration of the impact on staff she would suggest that Section 9(g) be changed to read, "The Commission's term will last no more than one year with the Commission as a whole holding no more than one meeting each month." Councilmember Kovach asked how that would affect sub-committees and Mr. Bryant said that would depend of if the sub-committees would be staffed. Mr. Lewis said it was an assumption on his part that there would be a sub-committee. Councilmember Dillingham said having a sub-committee(s) could extend the process especially if legislative personnel were needed for meetings. She said she did not want to rush the process or overburden staff.

Councilmember Gallagher asked Mr. Harold Heiple, Attorney at Law, for input since he Chaired some of the previous commissions. Mr. Heiple felt the CRC is not needed because the Charter is the fundamental governing document of the City and needs to have continuity and not be changed constantly. He suggested appointing a standing Ad Hoc Committee to serve as needed. He said the Charter has been reviewed several times over the years and nothing magnanimous has ever been changed. He said the most controversial issue with the Charter is the proposal that utility rates be increased up to 5% without having to go to a vote of the people. He said citizens have referendum and initiative authority to change the Charter if they so choose.

Councilmember Dillingham said a standing committee is one of the options for the CRC; however, she believes this is a worthy project to allow citizens to decide how they want City to be governed. Councilmember Kovach said there have been issues brought up at various committee meetings that have to do with the Charter. He said if the CRC meets and decides to make no recommendations that is fine; however, there have been several Charter Commissions where citizens have spent time and effort to make recommendations that were never acted upon. He felt Council needed to give citizens the opportunity for input and not ignore the work and effort of previous committees.

Mayor Rosenthal asked the Council Oversight Committee to review the items "left on the table" that might be a more targeted charge so Council can review the broader charges in contrast to the narrower targeted charge to help them make a decision on whether or not a CRC should be formed. Councilmember Kovach asked if that information could be reviewed at a Study Session instead and Mayor Rosenthal said yes.

Items submitted for the record

1. Memorandum dated October 25, 2011, from Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers with amended draft Resolution No. R-0910-123
2. City Council Study Session minutes of May 18, 2010
3. Memorandum dated May 13, 2010, from Oversight Committee to Honorable Mayor and Councilmembers
4. Draft Resolution No. R-0910-123
5. PowerPoint presentation entitled, "Creation of a Charter Review Commission," Council Study Session, dated May 18, 2010

Item 2, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(3) TO DISCUSS THE POSSIBLE PURCHASE OF REAL PROPERTY LOCATED SOUTH AND WEST OF THE CANADIAN TRAILS PARK BETWEEN THE CANADIAN TRAILS ADDITION AND THE SOUTH CANADIAN RIVER, PRIMARILY IN THE SW QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 2 WEST, AND INCLUDES A SMALL PARCEL IN SECTION 12, TOWNSHIP 8 NORTH, RANGE 2 WEST, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA.

Councilmember Quinn moved that the Special Session be adjourned out of and an Executive Session be convened into as authorized by Oklahoma Statutes Title 25 § 307(B)(3) to discuss the possible purchase of real property located south and west of the Canadian Trails Park between the Canadian Trails Addition and the South Canadian River, primarily in the SW Quarter of Section 7, Township 8 North, Range 2 West, and includes a small parcel in Section 12, Township 8 North, Range 2 West, City of Norman, Cleveland County, Oklahoma, which motion was duly seconded by Councilmember Kovach; and the question being upon adjourning out of the Special Session and convening, the subsequent vote was taken with the following result:

YEAS: Councilmembers Dillingham, Gallagher,  
Griffith, Kovach, Lockett, Spaulding, Quinn,  
Mayor Rosenthal

NAYES: None

Item 2, continued;

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into as authorized by Oklahoma Statutes Title 25 § 307(B)(3) in order to discuss the possible purchase of real property located south and west of the Canadian Trails Park between the Canadian Trails Addition and the South Canadian River, primarily in the SW Quarter of Section 7, Township 8 North, Range 2 West, and includes a small parcel in Section 12, Township 8 North, Range 2 West, City of Norman, Cleveland County, Oklahoma..

The City Council adjourned into Executive Session at 6:23 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Ms. Susan Connors, Director of Planning and Community Development; Mr. Shawn O'Leary, Director of Public Works; and Mr. Jud Foster, Director of Parks and Recreation, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

Thereupon, Councilmember Quinn moved that the Special Session be reconvened, which motion was duly seconded by Councilmember Dillingham; and the question being upon reconvening the Special Session, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Gallagher, Griffith, Kovach, Lockett, Spaulding, Quinn, Mayor Rosenthal
NAYES	None

The Mayor declared the motion carried and the Special Session was reconvened at 6:55 p.m.

The Mayor said the possible purchase of real property located south and west of the Canadian Trails Park between the Canadian Trails Addition and the South Canadian River, primarily in the SW Quarter of Section 7, Township 8 North, Range 2 West, and includes a small parcel in Section 12, Township 8 North, Range 2 West, City of Norman, Cleveland County, Oklahoma, was discussed in Executive Session. No action was taken and no votes were cast.

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Item 3, being:

#### ADJOURNMENT

There being no further business, Councilmember Quinn moved that the meeting be adjourned, which motion was duly seconded by Councilmember Dillingham; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Gallagher, Griffith, Kovach, Lockett, Spaulding, Quinn, Mayor Rosenthal
NAYES	None

The Mayor declared the motion carried and the meeting was adjourned at 6:56 p.m.

ATTEST:

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City Clerk

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Mayor