

CHARTER REVIEW COMMISSION
Municipal Building Multi-Purpose Room
201 West Gray
Norman, Oklahoma

Monday, November 4, 2019
5:30 p.m.

1. Call to Order and Roll Call
2. Consideration of approval of the Charter Review Commission meeting minutes of October 14, 2019.
3. Continued discussion and possible action of Article II, Sections 2, 5, 6, and 14 of the City Charter to consider whether the term of office for Councilmembers and the Mayor should be changed from two to three years.
4. Discussion of Article II, Section 11, to consider whether to allow partisan elections for municipal office.
5. Miscellaneous Discussion.
6. Adjournment.

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ITEM 2

MINUTES

CHARTER REVIEW COMMISSION MINUTES

October 14, 2019

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Multi-Purpose Room on the 14th day of September 2019, 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.

CALL TO ORDER AND ROLL CALL.

PRESENT:

Ms. Aisha Ali [arrived at 5:43p.m.]
Mr. Trey Bates
Mr. Doug Cubberley, Vice-Chairman
Mr. Jim Eller
Mr. Jim Griffith
Mr. Tom Hackelman
Mr. Kenneth McBride
Mr. Kevin Pipes [arrived at 5:45p.m.]
Mr. Bob Thompson, Chairman
Mr. Bryan Vinyard
Ms. Shon Williamson-Jennings

ABSENT:

Ms. Carol Dillingham
Mr. Greg Jungman
Mr. Richard Stawicki

STAFF PRESENT:

Ms. Kathryn Walker, Interim City Attorney

Item 2, being:

CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MEETING MINUTES OF SEPTEMBER 9, 2019.

Member Cubberley moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Member Eller;

Items submitted for the record

1. Charter Revision Committee minutes of September 9, 2019

and the question being upon approving the minutes and upon the subsequent directive, a vote was taken with the following result:

Item 2, continued:

YEAS:	Members Bates, Cubberley, Eller, Griffith, Hackelman, McBride, Vinyard, Williamson-Jennings and Chairman Thompson
NAYES:	None

The Chairman declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 3, being:

CONTINUED DISCUSSION AND POSSIBLE ACTION OF ARTICLE II, SECTION 1, OF THE CITY CHARTER TO CONSIDER INCREASING THE MONTHLY STIPEND PROVIDED FOR THE MAYOR AND COUNCILMEMBERS.

Committee members discussed the drafted language and found it to be consistent with direction given at a prior meeting. Member Cubberley asked if the language, as drafted, would require City Council to approve its own stipend increases. Interim City Attorney Kathryn Walker stated that the drafted language did not explicitly require Council approval, but that formal action from the Compensation Commission would be needed and Council approval would likely occur in the context of budget approval.

Member Cubberley moved that the draft language for Article II, Section 1, be approved, which motion was duly seconded by Member McBride;

Item submitted for the record

1. Article II, Section 1 – Stipend Increase for Mayor and Councilmembers including draft language for amendments

and the question being upon approving the draft language for Article II, Section 1, a vote was taken with the following result:

YEAS:	Members Ali, Bates, Cubberley, Eller, Griffith, Hackelman, McBride, Pipes, Vinyard, Williamson-Jennings and Chairman Thompson
NAYES:	None

The Chairman declared the motion carried and the draft language for Article II, Section 1, approved.

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Item 4, being:

CONTINUED DISCUSSION AND POSSIBLE ACTION OF ARTICLE VII, SECTION 2, TO CONSIDER WHETHER THE CITY ATTORNEY SHOULD BE APPOINTED AND SUBJECT TO REMOVAL BY THE CITY COUNCIL.

Member McBride reiterated his position that City Council should have authority to select and hire the City Attorney and the City Attorney should serve in an at-will capacity to ensure City Council is represented in the case of a City Manager at odds with the Council. Member Vinyard said that he could also see a similar situation where the Council is at odds with the City Manager and the City Attorney because the Council wants to do something illegal.

Chairman Thompson pointed out that in order for City Councilmembers to be shielded from individual legal liability, the Councilmembers have to follow the City Attorney's advice. Member Cubberley asked for clarification of whether the language in Option 1 still leaves the City Attorney representing the governmental entity. Ms. Walker directed the Commission members to Rule 1.13 of the Rules of Professional Conduct, as well as the Municipal Lawyer article, to confirm that yes, regardless of employment status or identification of the employer, the City Attorney represents the governing body as a whole, as expressed by majority action.

Member Bates asked what the draft language was trying to fix. Member McBride responded that the proposal is to ensure the City Attorney answers to the City Council and the language would constitute a fundamental change in employment status from "for cause" to "at will". Member Vinyard asked whether Council, under current Charter language, would be able to fire the City Manager if he/she is telling the City Attorney to do something contrary to Council's direction. Member Eller felt that Option 1 would create a more independent Council and would help address potential conflicts. Member Vinyard expressed concern that with Council elections every two years, it could lead to turnover instead of stability.

Member Cubberley stated that the current arrangement is an indirect solution and not always accessible to Councilmembers. Member McBride felt that Option 1 was really about accountability and that Council's hands would still be tied under Option 2. Member Ali agreed that the key is accountability, but it is also about transparency.

Member Eller moved that Option 1 of the draft language for Article VII, Section 2, be approved, which motion was duly seconded by Member McBride;

Item submitted for the record

1. Article VII, Section 2 – Appointment and Removal of City Attorney by Council
2. Oklahoma Rules of Professional Conduct, Rule 1.13, Organization as Client
3. Article from the Municipal Law, by John C. Gillespie, titled "The Professional and Ethical Obligations of Municipal Attorneys"

Item 4, continued:

and the question being upon approving Option 1 of the draft language for Article VII, Section 2, a vote was taken with the following result:

YEAS: Members Ali, Bates, Cubberley, Eller, Hackelman, McBride, Pipes, and Chairman Thompson

NAYES: Members Griffith, Williamson-Jennings, and Vinyard

The Chairman declared the motion carried and the draft language for Article VII, Section 2 approved.

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Item 5, being:

DISCUSSION OF WHETHER OR NOT THERE SHOULD BE CONSEQUENCES FOR VIOLATIONS OF THE CITY'S ETHICS ORDINANCE.

The Commission asked Ms. Walker what led to this issue being forwarded to the Commission for consideration. Ms. Walker relayed some concerns from the Councilmember who asked that this be included in the Commission's review regarding the lack of accountability for ethical violations. Ms. Walker reviewed the current Ethics Ordinance as well as the consequences under the Charter, the Ethics Ordinance and State law. The Commission expressed reservations about developing consequences for the Ethics Ordinance and placing them in the Charter instead of within the Ethics Ordinance itself.

Member Cubberley moved that the Commission recommend no changes to the Charter related to consequences for violations of the City's Ethics Ordinance, which motion was duly seconded by Member Bates;

Items submitted for the record

1. Consequences for Violations of the Ethics Ordinance
2. Norman Municipal Code, Section 2-103

Item 5, continued:

and the question being upon recommending no changes to the Charter related to consequences for violations of the Ethics Ordinance, a vote was taken with the following result:

YEAS:	Members Ali, Bates, Cubberley, Eller, Griffith, Hackelman, McBride, Pipes, Vinyard, Williamson-Jennings and Chairman Thompson
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NAYES:	None
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The Chairman declared the motion carried and no changes to the Charter related to consequences for violations of the Ethics Ordinance approved and no changes will be recommended.

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Item 6, being:

Miscellaneous Discussion.

Mr. Bates asked if the Commission would be willing to reconsider changes to Article II, Section 2, regarding the term of office for Councilmembers and the Mayor, specifically, to consider having three year terms for all elected officials. Commission consensus was to include the topic on the next meeting's agenda with Staff providing draft language for three year terms.

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Item 7, being:

ADJOURNMENT.

Chairman Thompson declared the meeting adjourned at 6:46 p.m.

ITEM 3

**ARTICLE II, SECTION 2,
5, 6, and 14
Increasing length of terms**

CHARTER REVIEW COMMISSION

November 4, 2019

Article II, Section 2 – Mayor and Councilmember’s Term Expiration.

Background:

Prior to 2003, the terms of the Mayor and Councilmembers expired “at the time fixed for the last regular meeting of the Council in April”. In 2003, voters approved the current language that sets the expiration of mayoral and councilmember terms on the first Tuesday of July.

A chart comparing Norman’s current term expiration date with other cities’ term expiration date was provided to the CRC at its August 12, 2019 meeting. The Committee discussed the potential for a lengthy period of time between election and officially seating the newly elected member and expressed a desire to reduce this time. The Committee liked the approach used in Stillwater, where seating newly elected officials is tied to the certification of the election results.

During the September meeting, the CRC reviewed proposed language and expressed concerns about the term of office not being exactly two years as set forth in the existing Charter language. Option 1 below has been modified to reflect a two-year cycle for Councilmember elections and a three-year cycle for Mayoral elections.

During the October meeting, Member Bates requested that this issue be revisited in order for Staff to prepare language for three year terms for all elected officials, with odd-number ward elections continuing to occur together in the same year, even-numbered ward elections occurring the next year year together, and the Mayoral election occurring every third year as a standalone election. To achieve this without affecting current terms, the language is drafted to begin in 2023 as shown on the chart below. Option 2 below reflects the recommended Charter amendments to achieve such a change in election cycle.

	Current Term	New Term
Odd Wards	July 2, 2019 – July 7, 2021 July 7, 2021 – 2023 (Tuesday following election results)	2023 – 2026 (Tuesday following election results)
Even Wards	July 3, 2018 - July 7, 2020 July 7, 2020 – July 5, 2022 July 5, 2022 – 2024 (Tuesday following election results)	2024 – 2027 (Tuesday following election results)

Mayor	July 2, 2019 – July 5, 2022	July 5, 2022 – 2025 (Tuesday following election results)
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Proposed Change:

Option 1

Section 2. - Term of office.

~~The term of Councilmembers shall be for a period of two years. Elections for Councilmembers shall occur every two years, with the odd-numbered ward elections occurring in odd years and the even-numbered ward elections occurring in even years. The terms of Councilmembers chosen to represent Council wards two (2), four (4), six (6), and eight (8) shall, expire~~begin on the first Tuesday of July of the next even numbered year after their election. Beginning in 2024 and during even-numbered years thereafter, the terms of Councilmembers chosen to represent such wards shall begin at six-thirty in the evening (6:30pm) on the first Tuesday following certification of the election results by the election board secretary.

The term of Councilmembers chosen to represent Council wards one (1), three (3), five (5), and seven (7) shall ~~expire~~begin on the first Tuesday of July of the next odd numbered year after their election. Beginning in 2023 and during odd-numbered years thereafter, the terms of Councilmembers chosen to represent such wards shall begin at six-thirty in the evening (6:30pm) on the first Tuesday following certification of the election results by the election board secretary.

Each elected officer shall continue to hold and to perform the duties of his office until his successor is elected and qualified, unless he is removed or forfeits his office under other provisions of this Charter.

~~The term of office of the Mayor elected at regular elections, Elections for Mayor shall be~~occur every three (3) years. The term of the Mayor shall expirebegin on the first Tuesday of July and each three (3) years thereafter. Beginning in 2025, the term of the Mayor shall begin at six-thirty in the evening (6:30pm) on the first Tuesday following certification of the election results by the election board secretary

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Option 2

Section 2. - Term of office.

~~The term of Councilmembers shall be for a period of two years. Beginning with the 2023 elections, elections for Councilmembers shall occur every three years, with the odd-numbered ward elections occurring in 2023 and every three years thereafter, the even-~~

numbered ward elections occurring in 2024 and every three years thereafter. The terms of Councilmembers chosen to represent Council wards two (2), four (4), six (6), and eight (8) shall ~~expire~~begin on the first Tuesday of July of the next even numbered year after their election. Beginning in 2024 and every third year thereafter, the terms of Councilmembers chosen to represent such wards shall begin at six-thirty in the evening (6:30pm) on the first Tuesday following certification of the election results by the election board secretary.

The term of Councilmembers chosen to represent Council wards one (1), three (3), five (5), and seven (7) shall ~~expire~~begin on the first Tuesday of July of the next odd numbered year after their election. Beginning in 2023 and every third year thereafter, the terms of Councilmembers chosen to represent such wards shall begin at six-thirty in the evening (6:30pm) on the first Tuesday following certification of the election results by the election board secretary.

Each elected officer shall continue to hold and to perform the duties of his office until his successor is elected and qualified, unless he is removed or forfeits his office under other provisions of this Charter.

~~The term of office of the Mayor elected at regular elections,~~ Elections for Mayor shall ~~be~~ occur every three (3) years. The term of the Mayor shall ~~expire~~begin on the first Tuesday of July and each three (3) years thereafter. Beginning with the 2025 election, and every third year thereafter, the term of the Mayor shall begin at six-thirty in the evening (6:30pm) on the first Tuesday following certification of the election results by the election board secretary.

ITEM 4

**ARTICLE II, SECTION 11
PARTISAN ELECTIONS**

CHARTER REVIEW COMMISSION

November 4, 2019

Article II, Section 11 – Partisan Elections.

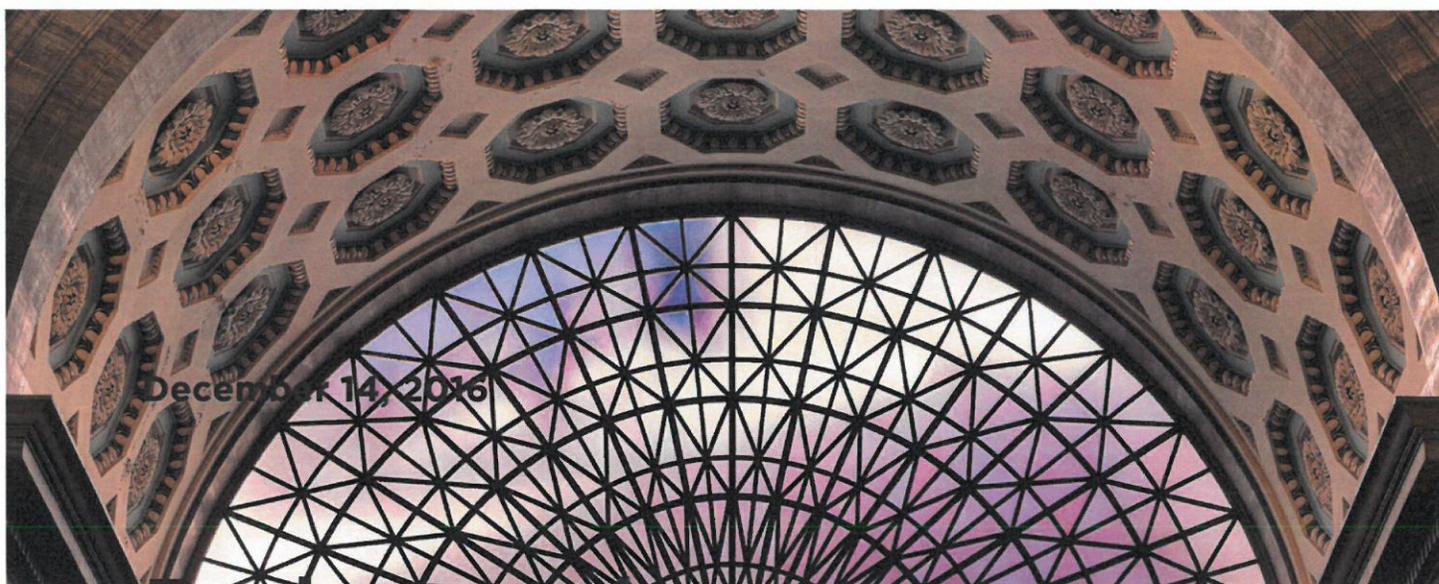
Background:

Since its initial adoption, the City’s Charter has included a provision forbidding a person from designating his or her political party affiliation in connection with a run for municipal office. Resolution R-1819-66 (as amended), asked that the CRC review Article II, Section 11 to consider whether to allow partisan elections. According to the National League of Cities (“NLC”), over 75% of all municipalities have nonpartisan elections. The NLC cites the arguments of proponents of nonpartisan ballots as: political parties are irrelevant to providing services and cooperation between elected officials belonging to different political parties is more likely in a partisan setting. Proponents for partisan election argue that the absence of party labels can be confusing to a voter and that without a partisan label, the voters will turn to whatever cue is available, such as ethnicity, incumbent status, or single-issue identification. Additionally, proponents for partisan elections say that non-partisanship tends to produce elected officials more representative of the upper socioeconomic strata than the general populace, aggravating class bias in voter turnout. The NLC article is attached.

Proposed Change:

This item is for discussion purposes only. No changes have been suggested or discussed at this time.

Cities 101 -- Partisan and Non-Partisan Elections



Background

Municipal election systems are determined by the nature of the council members' constituency and by the presence or absence of party labels on the ballot. With regard to the latter feature, there are two types of ballots for city council members. In partisan elections, the party affiliation of the candidate is indicated on the ballot, whereas in nonpartisan elections it is not. Over three-quarters of all municipalities have nonpartisan elections.

Proponents of nonpartisan ballots suggest that:

- ▶ Political parties are irrelevant to providing services; and
- ▶ Cooperation between elected officials belonging to different parties is more likely.

Proponents for partisan elections argue that:

- ▶ The absence of party labels confuses voters; a voter who must choose from among a group of candidates whom he or she knows nothing about will have no meaningful basis in casting a ballot;
- ▶ In the absence of a party ballot, voters will turn to whatever cue is available, which often turns out to be the ethnicity of a candidate's name, incumbent status, or single-issue identification; and
- ▶ Non-partisanship tends to produce elected officials more representative of the upper socioeconomic strata than of the general populace and aggravates the class bias in voting turnout, because in true non-partisan systems there are no organizations of local party workers to bring working-class citizens to the polls on Election Day.

Listed below is the election format for a selection of large cities in the United States.

New York, NY, Partisan

Los Angeles, CA, Non-Partisan

Chicago, IL, Non-Partisan

Houston, TX, Partisan

Phoenix, AZ, Non-Partisan

Philadelphia, PA, Partisan

San Antonio, TX, Non-Partisan

Dallas, TX, Non-Partisan

San Diego, CA, Non-Partisan

San Jose, CA, Non-Partisan

Detroit, MI, Non-Partisan

San Francisco, CA, Non-Partisan

Jacksonville, FL, Non-Partisan

Indianapolis, IN, Partisan

Austin, TX, Non-Partisan

Columbus, OH, Non-Partisan

Fort Worth, TX, Non-Partisan

Charlotte, NC, Partisan

Memphis, TN, Non-Partisan

Baltimore, MD, Partisan

Boston, MA, Non-Partisan

El Paso, TX, Non-Partisan

Milwaukee, WI, Non-Partisan

Denver, CO, Non-Partisan

Seattle, WA, Non-Partisan

Nashville, TN, Non-Partisan

Washington, DC, Partisan

Las Vegas, NV, Non-Partisan

Portland, OR, Non-Partisan

Louisville, KY, Partisan

Sources

Ross, Bernard and Myron A. Levine. *Urban Politics: Power in Metropolitan America, 6th edition*. Florence, KY: Wadsworth Publishing, 2000.

MacManus, Susan A. and Charles S. Bullock, III. "The Form, Structure, and Composition of America's Municipalities in the New Millennium." In *The Municipal Year Book 2003*. Washington, DC: International City/County Management Association 2003.

Svara, James H. *Two Decades of Continuity and Change in American City Councils*

(<http://www.skidmore.edu/~bturner/Svara%20citycouncilrpt.pdf>).

Washington, D.C.: National League of Cities, September, 2003.

Tags

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