

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

**Monday, January 13, 2020**  
**5:30 p.m.**

1. Call to Order and Roll Call
2. Consideration of approval of the Charter Review Commission meeting minutes of December 2, 2019, and the Charter Review Commission Public Hearing minutes of January 6, 2020.
3. Discussion and possible action regarding comments received in January 6, 2020, Public Hearing concerning the Commission's recommendations to date.
4. Continued discussion and possible action regarding adding language to the Charter to establish a Resident or Community Bill of Rights.
5. Continued discussion and possible action regarding adding language to the Charter related to requiring a vote of the electorate for approval of a Tax Increment Finance District over \$5,000,000.
6. Discussion regarding reviewing potential loopholes used to skirt the Open Meeting Act.
7. Discussion regarding reviewing executive session restrictions and appropriate limits of use versus overly expansive such that it provides cover to skirt the Open Meeting Act.
8. Miscellaneous Discussion.
9. Adjournment.

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

**ITEM 2**

**MINUTES**

## CHARTER REVIEW COMMISSION MINUTES

December 2, 2019

The Charter Review Commission met at 5:35 p.m. in the Municipal Building Multi-Purpose Room on the 2nd day of December 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:

Mr. Trey Bates  
Mr. Doug Cubberley, Vice-Chairman  
Ms. Carol Dillingham  
Mr. Tom Hackelman  
Mr. Greg Jungman  
Mr. Kevin Pipes  
Mr. Richard Stawicki  
Mr. Bob Thompson, Chairman  
Mr. Bryan Vinyard  
Ms. Shon Williamson-Jennings

#### ABSENT:

Ms. Aisha Ali  
Mr. Jim Eller  
Mr. Jim Griffith  
Mr. Kenneth McBride

#### STAFF PRESENT:

Ms. Kathryn Walker, City Attorney  
Ms. Brenda Hall, City Clerk

Item 2, being:

### CONSIDERATION OF APPROVAL OF THE CHARTER REVIEW COMMISSION MEETING MINUTES OF NOVEMBER 4, 2019.

Member Stawicki moved that the minutes from November 4, 2019, be approved, which motion was duly seconded by Vice-Chairman Cubberley, and the minutes were approved.

Items submitted for the record

1. Charter Revision Ad Hoc Committee minutes of November 4, 2019

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

Item 2, continued:

YEAS: Members Bates, Cubberley, Dillingham, Hackelman, Jungman, Pipes, Stawicki, Vinyard, Williamson-Jennings, Chairman Thompson

NAYES: None

Chairman Thompson declared the motion carried and the minutes of November 4, 2019, approved; and the filing thereof was directed.

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Item 3, being:

**DISCUSSION REGARDING ADDING LANGUAGE TO THE CHARTER TO ESTABLISH A RESIDENT OR COMMUNITY BILL OF RIGHTS.**

Ms. Kathryn Walker, City Attorney, said the Citizen's Bill of Rights (CBOR) is generally related to anything affecting the environment and is led by the Community Environmental Legal Defense Fund (CELDF) and the whole idea behind the CBOR is to push back against State preemption. She said a CBOR does not necessarily give the City more rights or help with State preemption, but cities are allowed to have a Charter and be a Home Rule City, which Norman is. She said that should mean that whatever powers the City chooses to exercise related public health, safety, and welfare can be exercised; however, in reality that is not true. She said cities regularly get preempted by the State on a wide variety of issues.

Member Stawicki said he originally thought the CBOR was not a good idea, but citizens believe their rights are not being taken care of and understands why citizens would want to make sure they are being heard through some type of back-up, such as language in the Charter.

Vice-Chairman Cubberley said adding language to the Charter could potentially leave the City open to lawsuits from citizens because once the City puts that language in the Charter it becomes a requirement, not just a matter of policy. He said policies are different and the City could have language through a policy resolution.

Member Dillingham said the concept is worthy, but is best done outside of the Charter as more of an aspirational piece that would help citizens sort out tentative issues for Council. She said the structure of Oklahoma statutes would make the door wider for lawsuits. She felt there would need to be a CBOR Commission to sort out all the issues, which could take a year or more.

Member Pipes asked if there are other cities in Oklahoma that have a CBOR and Ms. Walker said no. Member Pipes said cities in Oklahoma are preempted in so many areas that it would be easy for big industries to block cities from enacting laws.

Item 3, continued:

Chairman Thompson said it seems if cities do not push back at some point, they simply acquiesce to the whole idea of preemption. He wondered if there is a way to approach this that would lessen the City's liability.

Member Stawicki felt this was not something the Charter Review Commission could address because it would take too much time and this is not the right body to address the issue. He could recommend Council look into this issue further through a CBOR Committee.

Chairman Thompson said there seems to be consensus not to place language in the Charter at this time, but to recommend Council appoint a CBOR Committee to further review the subject. He asked if the Commission wanted to vote on the recommendation and Ms. Brenda Hall, City Clerk, said this item can be placed on next month's agenda for a vote and members agreed.

Items submitted for the record

1. Draft Charter Article for City of Norman Bill of Rights
2. Article from The Colleges of Law Blog entitled, "The Community Rights Movement," by James Paulding

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Item 4, being:

**DISCUSSION REGARDING ADDING LANGUAGE TO THE CHARTER RELATED TO REQUIRING A VOTE OF THE ELECTORATE FOR APPROVAL OF A TAX INCREMENT FINANCE DISTRICT OVER \$5,000,000.**

Ms. Walker said no past Charter Review Commission has considered requiring voter approval of Tax Increment Finance (TIF) Districts. She said Councilmember Wilson requested consideration of setting a threshold of \$5 million for TIF's to be approved by voters. She said cities are authorized to create TIF Districts by the Local Development Act (LDA) to allow cities to use revenue growth generated in a district to fund certain improvements. Over the years, Norman has approved three TIF Districts, 1) Campus Corner TIF - \$1.25 million, 2) University North Park TIF - \$54.725 million, and 3) Center City TIF - \$44.5 million. She said in order to create a TIF District under the LDA, the area proposed for inclusion must first be eligible under the Act. Then a Project Plan must be developed which is required to be reviewed by a committee made up of representatives of the taxing jurisdictions and three community members. Once the review committee makes a recommendation on the Project Plan, the Planning Commission must review and make a recommendation. Finally, the City Council must hold two public meetings prior to adoption of the Project Plan.

Item 4, continued:

Ms. Walker said the proposal for the Charter Review Commission is to consider whether a vote of the public must also be required prior to creating a TIF District with authorized project costs exceeding \$5 million. She said the most controversial issue is the idea that the City would be spending tax dollars to incentivize retail, although the Center City TIF is all public infrastructure.

Member Hackelman said he understands when Council votes on a TIF, there needs to be an extra vote and asked Ms. Walker to explain that. Ms. Walker said a TIF has to go before the Statutory Review Committee, which is made up of all the representatives of the taxing jurisdictions, sales tax and ad valorem, and three at-large members. The Statutory Review Commission will make a recommendation on the Project Plan that goes forward to Council. If Council wants to adopt something different from what was approved and recommended, they must have a simple majority (six members instead of five in favor). Member Hackelman said the Statutory Review Committee has not met regularly, correct? Ms. Walker said they meet when amendments to the Project Plan are made and a quorum was not available until the end August 2019, so it can be difficult to schedule meetings quickly. Member Hackelman asked if there are members of the Statutory Review Committee that are not willing to meet and Ms. Walker said that is possible, but not typical and it was not from lack of effort. Member Hackelman said that particular situation lends itself strongly to a public vote. He said the position it put the Council in was perhaps not as transparent as the public would have preferred that particular process to be and a public vote would be appropriate similar to the MAPS Projects in Oklahoma City that have a public vote.

Member Vinyard was concerned about setting an actual dollar amount threshold and if that would become obsolete in the future.

Vice-Chairman Cubberley felt it would be a mistake to tie the hands of economic development. He said the City operates on sales tax and there are times when incentives are needed for economic development so cities need to be able to incentivize its main form of income. He said in today's environment, a TIF sales tax may not pass and felt placing a threshold of \$5 million is foolish because it is an arbitrary figure. He said at the end of the day the UNPTIF was a very public process, but did not turn out as everyone expected for a variety of reasons. He said things happened over time that were not anticipated at the time of approval. He said having a threshold ties the hands of the people elected to make these decisions.

Member Dillingham said even if a TIF is approved by voters, Council could still amend the Project Plan via the LDA and it could be completely different. She said it is very likely the vote could intensify the stress between the voters and Council. She said the process is a tool in a toolbox that the legislature has defined how it is to be used so to mess with that does tie the hands of Council to make appropriate decisions.

Member Hackelman said he agrees with incentivizing economic development, but when the City receives no ad valorem tax and a TIF is based on an incremental sales tax increase then a floor of \$5 million is not too much to ask. He would be willing to look at a higher threshold if needed, but felt there needs to be a set standard.

Item 4, continued:

Member Dillingham suggested a public vote for TIF's over a certain amount using sales tax only and funding of public infrastructure only. She wondered if that would adequately provide incentives for the quality of development the City wants and deserves.

Member Stawicki said if the public is required to vote to increase sales tax, then the public should be required to authorize diversion of that sales tax. He said the City should go through the same process it currently follows, instead of Council adopting the Project Plan Council would send a specific Project Plan to a vote of the electorate.

Vice-Chairman Cubberley said if the public is going to be asked to vote on one TIF, they should vote on all TIF's no matter what the amount of the project costs. He said it does not make sense to say only those projects \$5 million or above should be voted on by the public.

Member Bates said he takes issue with the concept of "diversion" of tax funds because people immediately start thinking there is a real case of equity in terms of voters rights if money can be diverted. He said the concept behind a TIF is it increment of funds that would not otherwise be there if not for the TIF or money that is above what is raised by the government body before the increment district went into effect. He said the City is not diverting current funds, it is taking advantage of the future growth in funds to help pay for certain items. He said TIF's are complicated issues and difficult to understand so the reality of forcing a vote on TIF's is that none of them will ever go to pass again. He said the Stormwater issue is a great example of a complicated issue that is voted on by the public and has never passed. He said there will always be a group of people trying to further complicate the TIF to keep it from passing. He said the City would be destroying a tool in its toolbox. He feels that the original concept of the UNPTIF was good, but the amendments complicated that over time turning it into something that was never meant to be. He said if a vote of the people would be needed on every amendment that would only complicate matters further.

Member Vinyard said the Charter Review Commission's decision should not be based on one TIF (UNPTIF) they believe went poorly, because requiring a vote of the public takes a tool out of the toolbox that could be a very good tool.

Member Dillingham said elections are not cheap and asked the cost. Ms. Hall said it costs between \$30,000 to \$35,000 for a citywide election for one ballot.

Member Stawicki felt any initial TIF should go to a public vote as well as any major amendments.

Chairman Thompson said the Charter Review Commission will discuss what recommendations they want to send forward to Council at the next meeting.

Item 4, continued:

Ms. Hall said next steps include a public hearing for input on the Charter Review Commission's recommendations and report to Council regarding what recommendations have been made to date. She said the public meeting and report can both be scheduled in January 2020, if that is the Commission's desire.

Ms. Walker suggested a public meeting on January 6, 2020, with the report to Council at the regularly scheduled Council meeting of January 14th or January 21st and members agreed.

Items submitted for the record

1. Draft Charter Article for Voter Approval Required for Tax Increment Finance district over \$5,000,000

Item 5, being:

MISCELLNEOUS DISCUSSION.

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Item 6 being:

ADJOURNMENT.

Chairman Thompson declared the meeting adjourned at 6:55 p.m.

# CHARTER REVIEW COMMISSION PUBLIC HEARING MINUTES

January 6, 2020

The Charter Review Commission met at 6:00 p.m. in the Municipal Building Council Chambers on the 6th day of January, 2020, 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  
Mr. Trey Bates  
Mr. Doug Cubberley, Vice-Chairman  
Ms. Carol Dillingham  
Mr. Jim Eller  
Mr. Jim Griffith  
Mr. Tom Hackelman  
Mr. Greg Jungman  
Mr. Richard Stawicki  
Mr. Bob Thompson, Chairman  
Mr. Bryan Vinyard  
Ms. Shon Williamson-Jennings

### ABSENT:

Mr. Kenneth McBride  
Mr. Kevin Pipes

### STAFF PRESENT:

Ms. Kathryn Walker, City Attorney  
Ms. Brenda Hall, City Clerk

City Attorney Kathryn Walker said City Council in its meeting of April 23, 2019, adopted Resolution R-1819-66 creating a Charter Review Commission to complete a targeted review of the City of Norman Charter highlighted those items and current recommendations from the Charter Review Commission as follows:

- Review of Article II, Section 1, to consider increasing the monthly stipend provided for the Mayor and Councilmembers.
  - CRC Recommendation: The Mayor shall receive an annual stipend of [\$8,100 - \$11,700] for his or her service per annum, payable monthly beginning with the mayoral term that begins in 2022. Each of the Councilmembers shall receive an annual stipend of [\$5,400-\$7,800] per annum, payable monthly, beginning with the terms that begin in 2022. The Mayor, with the consent of Council, shall appoint a five member Compensation Commission to determine and set the appropriate monthly stipend for the Mayor and each of the Councilmembers based on the consumer price index, the City's overall budget, and other relevant factors every three years thereafter. Said Compensation Commission shall be appointed every three years and any monthly stipend increases approved by the Commission shall not become effective until the following Council or Mayoral (as applicable) term.
- Consider adding language to Article II, Section 1, of the Charter adding reimbursement for cell phone expenses as additional compensation received by City Councilmembers.
  - CRC Recommendation: No changes recommended. CRC felt this was more appropriately characterized as a policy change and did not require a change to the Charter.

- Review of Article II, Sections 2, 5, 6 and 14 to consider whether the term of office for Councilmembers should be changed from two to three years and whether the term of office for Mayor be changed from three to four years.
- Review of Article II, Section 2, to consider whether the term of office for Councilmembers and Mayor should expire on the last Tuesday of the month in which a runoff election is held or scheduled to be held.
  - CRC Recommendation: Beginning in 2023, move to three year terms for Council members and beginning in 2024, terms will begin on the first Tuesday following certification of the election results
- Consider adding language to Article II, Section 10, of the Charter that would require a sitting Councilmember to resign their position at the time he or she files for another City, State or Federal elected office.
  - CRC Recommendation: No changes or additions to current Charter recommended.
- Consider adding language to Article II, Section 10, of the Charter that would require a candidate for City Council to reside in the Ward in which he or she seeks election for a minimum of six months prior to filing for said office.
  - CRC Recommendation: No changes or additions to current Charter recommended.
- Review Article II, Section 11, to consider whether to allow partisan elections for municipal office.
  - CRC Recommendation: No changes or additions to current Charter recommended.
- Review of Article II, Section 22 to consider allowing the outgoing Councilmember creating the vacancy to appoint his or her successor, unless such vacancy has been created due to removal from office as a result of proceedings by a Court of competent jurisdiction, or whether to delete language allowing Council to appoint a successor and instead require a special election to be called for the purpose of filling such vacancy.
  - CRC Recommendation: Vacancies in office are filled by a majority vote of the remaining members of Council after appointment and recommendation of one candidate from a Selection Committee made up of 5 residents of the ward for this vacancy has or will occur. If a vacancy is not filled within 60 days, Council shall call a special election to fill the vacancy for the unexpired term. (underlined portion new language)
- Review of Article VII, Section 2, to consider whether the City Attorney should be appointed and subject to removal by the City Council.
  - CRC Recommendation: Model City Attorney appointment after the City Manager appointment language in the Charter - position would become an at-will position appointed by a majority of Council and could be removed with 5 votes of Council
- Consider adding language to the Charter related to the appointment and removal of a City Auditor that would be a full time employee of the City of Norman and appointed and subject to removal by the City Council.
  - CRC Recommendation: No changes or additions to current Charter recommended.
- Consider adding language to the Charter that would establish consequences should the provisions of Section 2-103 of the City's Code be violated.
  - CRC Recommendation: No changes or additions to current Charter recommended.

Other items not yet considered include the following:

- Article XVI, Section 2 – requiring Council to consider a resolution calling for a vote of the electorate to increase City utility rates under certain conditions
- Consider adding language to the Charter to establish a Resident or Community Bill of Rights
- Article VI, Section 1 – increasing number of members of the Norman Regional Hospital Authority from 9 to 11
- Consider adding language to require a vote of the electorate for any TIF > \$5 million
- Review potential loopholes used to skirt the Open Meeting Act
- Review executive session restrictions and provide recommendation on appropriate limits of use versus overly expansive such that it provides cover to skirt the Open Meeting Act
- Revisit relationship between NRH and the City for equitability of benefit versus burden to the respective parties
- Examine the ward boundary creation process

Chairman Thompson opened the floor to public comments.

Robert Huskey - *Filling Vacant Council seats* - asked who will make the appointments to the committee.

Paul Arcaroli - felt extending the same replacement process for vacancies to include Council seats where the incumbent is not running.

Anne Gallagher - *Term Expirations* - the first Tuesday after declaration is too soon - she felt more time is needed for a smoother transition.

*Resignation Before Filing for Another Elected Office* - felt when a seated councilmember is running for another office their current position as councilmember lags. She felt they should resign their position for run for another office.

*Requirement to live in the Ward for which Election is Sought for a Minimum of 6 months* - supports the six month requirement

*Filling Vacant Council seats* - supports proposed language

*TIFs over \$5 Million Requiring Vote of Electorate* - supports electorate vote

Jayne Crumpley - *Term expirations* - too soon – Councilmembers need more time to get orientated

*Resignation Before Filing for Another Elected Office* - felt like the councilmember who chooses to fund for another elected office should resign their council seat. She felt there was too much conflict of time

*Requirement to live in the Ward for which Election is Sought for a Minimum of six months* - supports six months

*Partisan Elections* - felt council election should remain non partisan

*Filling Vacant Council seats* - supports proposed language

*Consequences for Violations of the Ethics Ordinance* - felt citizens often feel there are conflicts and question how the specific councilmember would present the people

*TIFs over \$5 Million Requiring Vote of Electorate* - supports electorate vote

Steve Ellis - *Term Expirations* - supports earlier seating but questioned three year terms and what election is considered the municipal general election for purposes of initiative and referendum petitions

Cynthia Rogers - *Term Expirations* - said sometimes people run on an issue that often gets settled before they are seated. She felt removing the lame duck issue would be good.

*Consequences for Violations of Ethics Ordinance* - felt councilmembers could be required to provide full disclosure of business dealings

*TIFs over \$5 Million Requiring Vote of Electorate* - supports electorate vote

Chairman Thompson - encouraged people to attend the Charter Commission meetings and felt they could benefit from hearing the discussion and debate amongst the Commission when making their recommendations.

Public hearings will continue quarterly with the next hearing being in April.

Items submitted for the record

1. PowerPoint presentation entitled, "Charter Review Commission – Bob Thompson, Chair"

The public meeting adjourned at 6:30 p.m.

**ITEM 4**

**RESIDENT OR COMMUNITY  
BILL OF RIGHTS**

# **CHARTER REVIEW COMMISSION**

## **January 10, 2020**

### **Article \_\_\_\_, Section \_\_\_\_ – City of Norman Community Bill of Rights.**

#### **Background:**

No past CRC has considered adding a Community Bill of Rights (“CBOR”) to the Charter. Resolution No. R-1819-66 called for the 2019 CRC to consider adding language to the Charter to establish a CBOR. Currently, no Oklahoma cities have a CBOR. Other cities across the United States have adopted or have tried to adopt CBOR ordinances or charter amendments. CBORs are declarations of community self-government often motivated by concerns related to fracking, pollution, water protection, ecological preservation, and sustainable energy.

The Community Environmental Legal Defense Fund (“CELDF”) indicates that CBORs often contain the following:

(1) A preamble, (2) a definitions section, (3) a section enumerating specific rights, (4) a section identifying and prohibiting the rights-violating activities, (5) an enforcement section, (6) a section preserving certain corporate powers, (7) a section voiding past permits that allowed the rights-violating activities, (8) a section calling for federal and state constitutional recognition and enforcement of the rights of community self-government, (9) a severability section, and (10) a repealer section that repeals prior local laws in conflict with the CBOR.

The CBORs cited in the attached chart largely conform to the CELDF’s suggested format except for minor deviations. CBORs differ greatly in their legislative measures. Some CBORs are simply declarations of local self-government and rights to a clean environment, while others ban activity outright and impose strict penalties.

Attached is a chart comparing three CBORs, which each employ different degrees of legislative measures to accomplish their goals. The Community Rights US group ([www.communityrights.us](http://www.communityrights.us)) is a pro-community rights group with information related to similar efforts across the county. An article written about the community rights movement is also attached for your review.

At its meeting on December 2, 2019, the Committee asked for an item on its next agenda to recommend that Council consider working on this issue with a separate committee. No charter amendments were recommended at the time.

**ITEM 5**

**TAX INCREMENT  
FINANCE DISTRICTS**

# CHARTER REVIEW COMMISSION

## January 13, 2020

### **Article \_\_\_\_, Section \_\_\_\_ – Voter Approval Required for Tax Increment Finance Districts over \$5,000,000.**

#### **Background:**

No past CRC has considered requiring voter approval of any Tax Increment Finance (“TIF”) District. Resolution No. R-1819-66 called for the 2019 CRC to consider adding language to the Charter requiring a vote of the electorate for approval of a Tax Increment Finance District over \$5,000,000.

Cities are authorized to create TIF districts by the Local Development Act, which was adopted by the State Legislature in 1992. TIF Districts allow cities to use revenue growth generated in a district to fund certain improvements. Over the years, the City has created three TIF Districts – the Campus Corner TIF, the University North Park TIF, and the Center City TIF. The Campus Corner TIF authorized project costs in the amount of \$1.25 million for lighting, security systems, landscaping, sidewalks, etc. and was funded with growth in revenue from ad valorem and sales taxes. The University North Park TIF authorized project costs in the amount of \$54.725 million to fund costs associated with traffic and roadway improvements, economic development, Legacy Park, a conference center and cultural facility, and Lifestyle Center. It was funded with a portion of the growth in sales tax and ad valorem tax revenue generated within the district. Most recently, Council created the Center City TIF, which uses growth in ad valorem revenue to fund up to \$44.5 million in primarily public infrastructure improvements that make redevelopment more costly and more difficult.

In order to create a TIF district under the Local Development Act, the area proposed for inclusion must first be eligible under the Act. Then a Project Plan must be developed which is required to be reviewed by a committee made up of representatives of the taxing jurisdictions and three community members. Once the review committee makes a recommendation on the Project Plan, the Planning Commission must review and make a recommendation. Finally, the City Council must hold two public hearings prior to adoption of the plan. The proposal before the CRC is to consider whether a vote of the public must also be required prior to creating a TIF district with authorized project costs exceeding \$5 million.

At its December 2, 2019 meeting, the Committee discussed the merits of requiring a vote of the electorate prior to creating a TIF district and whether such a proposal should include a \$5 million threshold. The Committee wanted to further discuss whether an election should be for TIF’s that utilize sales tax increments only and whether there is an appropriate threshold amount. Some members expressed concern that a threshold would not stand the test of time and would essentially require all TIF’s to be voted on by the electorate. Some of the discussion related to limiting the scope of any Charter amendment to TIF’s funded from sales tax increments since the City is only entitled to sales tax. Additional discussion centered on whether Council would be able

to amend a TIF without an additional vote of the electorate. Staff was asked to draft a proposal based on the feedback thus far to help spur additional discussion.

**Proposed Language for Discussion:**

**Article XIV. – Revenue**

**Section 4. - Tax Increment Financing Districts.**

A tax increment financing district created by the City pursuant to Oklahoma law that pledges sales tax increments to fund improvements within the district, or any amendment thereto, shall only become effective after approval by a majority of the registered voters of the City in a general or special election.

**ITEMS 6 & 7**

**OPEN MEETING ACT  
EXECUTIVE SESSIONS**

# **CHARTER REVIEW COMMISSION**

## **January 10, 2020**

**Charge: Review potential loopholes used to skirt the Open Meetings Act and provide recommendation. Review executive session restrictions and provide recommendation on appropriate limits of use versus overly expansive such that it provides cover to skirt Open Meetings Act.**

**Background:**

No past CRC has considered whether to recommend any changes to the Charter related to the Open Meetings Act. A summary of the Act is provided below.

The Oklahoma Open Meeting Act is designed to encourage and facilitate citizens' understanding of governmental processes and problems. Under the act, all meetings of public bodies, including municipalities must be open to the public, held at specified times and places, and votes must be publicly cast and recorded.

No informal gatherings or any electronic communications may decide an issue or take votes on any matter. A public trust whose beneficiary is a municipality may hold meetings by teleconference. However, no more than twenty percent of a quorum of the trustees may participate by teleconference, and all votes must be roll call votes. Executive sessions by teleconference are not permitted.

All regularly scheduled, continued or reconvened, special or emergency meetings of public bodies require public notice. Municipalities must give notice to the municipal clerk in writing by December 15 each year showing the date, time and place of the regularly scheduled meetings for the year. The municipal clerk must keep a record of all notices open to the public. Also, public bodies must display a notice twenty-four hours in advance at the public body's principal office.

If a meeting must be continued or reconvened, public notice of the continued meeting must be announced at the original meeting. Only matters appearing on the agenda of the meeting which is continued may be discussed at the continued or reconvened meeting.

Special meetings of public bodies require forty-eight-hour notice to the municipal clerk. Only matters appearing on the posted agenda may be considered at the special meeting. Notice of the special meeting must be posted twenty-four-hours prior at the public body's principal office. In the event of an emergency meeting, the person calling the meeting must give as much advance public notice as is reasonable and possible under the circumstances.

Minutes must be done for each meeting held by a public body under the Open Meetings Act. The minutes must show members present and absent, all matters considered, all actions taken, and the manner and time of notice. Any person attending a public meeting may record the proceedings as long as the recording does not interfere with the proceedings.

Executive sessions are only permitted in certain circumstances. Generally, for a municipality this includes discussing employment issues regarding public officers or employees; discussing negotiations concerning employees; discussing purchase or appraisal of real property; confidential communications between a public body and its attorney in certain situations; or when discussing any matter where disclosure of information would violate state or federal law. Executive sessions discussing the purchase or appraisal of real property may not include any person who may profit directly or indirectly from a transaction concerning the real property.

Any vote or action on any item of business considered in an executive session must be taken in public meeting with the vote of each member publicly cast and recorded. If a public body proposes an executive session, the agenda shall: indicate that an executive session will be proposed; identify the items of business and purposes of the executive session; and state the provision of the Open Meetings Act authorizing the executive session.

Any action taken in willful violation of the Oklahoma Open Meetings Act is invalid. Additionally, the penalty for violation is a misdemeanor punishable by up to a \$500 fine or up to a year of imprisonment in the county jail, or both.

Although the Open Meeting Act only applies to groups meeting the definition of “public body” in the Act, the City’s Charter and Code ensure other bodies also comply with the Open Meeting Act. The Charter currently provides that all meetings of the City Council, Boards, Commissions, Authorities and Committees of the City be open to the public under such regulations as may be fixed by ordinance. It also recognizes the ability of the Council, Boards, Commissions, Authorities or Committees to hold executive sessions in compliance with State law. In 2011, Council adopted Resolution R-1112-9 (attached) that requires all committees, sub-committees, and ad hoc committees be subject to the Open Meetings Act. This requirement was codified by the adoption of Ordinance O-1213-47, which created Section 4-107 in the City Code and requires all boards, commissions, council sub-committees, and ad hoc committees to follow the provisions of the Open Meetings Act when posting meeting notices and agendas.

**Proposed Language:**

This is a matter of first impression for the CRC. No language is recommended at this time.

## Codification of Commitment to Open Meetings in Charters

| City                | Charter               | Relevant Language and Citation   | Code                                 |
|---------------------|-----------------------|--|--------------------------------------|
| Norman<br>(Current) | Implicitly referenced | Art. XI Sec. 2 of Charter<br><br><i>All meetings, regular, special, or adjourned, of the City Council and all Boards, Commissions, Authorities, and Committees of the City, whether the members thereof be appointed or elected, shall be open to the public under such regulations as may be fixed by ordinance; provided that the City Council, or a Board, Commission, Authority, or Committee of the City, may hold an executive session in compliance with State law.</i>   | Referenced throughout the city code. |
| Stillwater          | Implicitly referenced | Sec. 2-7 of Charter:<br><br>The city council shall hold at least two (2) regular meetings every month at such time as it may prescribe by ordinance or otherwise. The mayor or any three (3) councilors may call special meetings. <i>All meetings of the city council shall be open to the public, except those private meetings allowed by state law, and the journal of proceedings shall be open to public inspection.</i>   | Referenced throughout the city code. |
| Oklahoma City       | N/A                   | N/A  | Referenced throughout the city code. |
| Edmond              | N/A                   | N/A  | Referenced throughout the city code. |
| Midwest City        | Explicitly referenced | Art. II Sec. 10 of Charter:<br><br>The city council shall hold at least one (1) regular meeting each month at the Municipal Building at a date and hour to be set by ordinance or resolution. <i>The city council may hold such special and/or emergency meetings as may be called and as are authorized by the Oklahoma Open Meeting Law.</i> Special and emergency meetings of the council may be called by the mayor or a majority of the council. All meetings of the city council of the City of Midwest City shall be public except the council may hold executive sessions. | Referenced throughout the city code. |
| Lawton              | Explicitly referenced | Sec. C-2-7 of Charter:<br><br>The council shall hold at least two regular meetings every month, at such time as prescribed by ordinance or otherwise. The mayor or any five councilmembers may call special meetings. <i>All meetings of the council shall be held and conducted as authorized by the Oklahoma Open Meeting Act.</i> In determining the time of council meetings, the council shall consider the public convenience.   | Referenced throughout the city code. |

# Resolution

R-1112-9

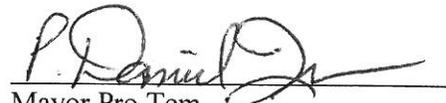
A RESOLUTION OF THE COUNCIL OF THE CITY OF  
NORMAN, OKLAHOMA, ADOPTING A POLICY OF  
OPEN MEETINGS AND RECORDS.

- § 1. WHEREAS, the Charter of the City of Norman calls for all meetings to be open to the public; and
- § 2. WHEREAS, the importance of open government is fundamental to good governance; and
- § 3. WHEREAS, the importance of public participation in government has been the standard upon which the City Council governs.

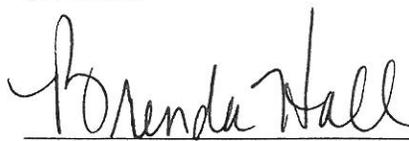
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN OKLAHOMA:

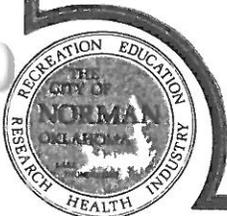
- § 4. That all meetings of committees, sub committees and ad hoc committees be subject to the Open Meetings Act and Title 74 provisions.
- § 5. That executive session for all committees, sub committees and ad hoc committees shall be restricted to the provisions of the Open Meetings Act.
- § 6. That all records, written and electronic, shall be retained for at least 1 year unless there is pending litigation, in which case it will be retained for at least 2 years after the ultimate disposition or the resolution of the litigation.

PASSED AND ADOPTED THIS 12<sup>th</sup> day of July, 2011.

  
Mayor Pro Tem

ATTEST:

  
City Clerk



## **Norman Code of Ordinances**

Sec. 4-107. - Meeting notices.

- (a) All boards, commissions, committees, council sub-committees and ad hoc committees of the City of Norman shall follow the provisions of the Open Meeting Act (25 O.S. § 301 et seq.) when posting meeting notices and agendas.
- (b) All boards, commissions, committees, sub-committees and ad hoc committees of the City of Norman shall post meeting notices and agendas on the City of Norman website.

(Ord. No. 0-1213-47, § 1)