

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

**Monday, February 10, 2020
5:30 p.m.**

1. Call to Order and Roll Call
2. Consideration of approval of the Charter Review Commission meeting minutes of January 13, 2020.
3. Continued discussion and possible action regarding reviewing potential loopholes used to skirt the Open Meeting Act.
4. Continued discussion and possible action regarding reviewing executive session restrictions and appropriate limits of use versus overly expansive such that it provides cover to skirt the Open Meeting Act.
5. Discussion regarding the ward boundary creation process.
6. Miscellaneous Discussion.
7. 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

January 13, 2020

The Charter Review Commission met at 5:30 p.m. in the Municipal Building Multi-Purpose Room on the 13th day of January 2020, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 24 hours prior to the beginning of the meeting.

CALL TO ORDER AND ROLL CALL.

PRESENT:

Ms. Aisha Ali (5:52)
Mr. Trey Bates
Mr. Doug Cubberley, Vice-Chairman
Mr. Jim Griffith
Mr. Greg Jungman
Mr. Kenneth McBride
Mr. Kevin Pipes
Mr. Bob Thompson, Chairman
Mr. Bryan Vinyard
Ms. Shon Williamson-Jennings (6:02)

ABSENT:

Ms. Carol Dillingham
Mr. Jim Eller
Mr. Tom Hackelman
Mr. Richard Stawicki

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 DECEMBER 2, 2019, AND THE CHARTER REVIEW COMMISSION PUBLIC HEARING MINUTES OF JANUARY 6, 2020.

Commissioner Pipes moved that the minutes be approved, which motion was duly seconded by Commissioner Griffith, and the minutes were approved.

Items submitted for the record

1. Charter Review Commission minutes of December 2, 2019
2. Charter Review Commission Public Hearing minutes of January 6, 2020

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Item 2, continued:

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

YEAS:

Commissioners Bates, Cubberley, Griffith, Jungman, McBride, Pipes, Vinyard, Chairman Thompson

NAYES:

None

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

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Item 3, being:

DISCUSSION AND POSSIBLE ACTION REGARDING COMMENTS RECEIVED IN JANUARY 6, 2020, PUBLIC HEARING CONCERNING THE COMMISSION'S RECOMMENDATIONS TO DATE.

Vice-Chairman Cubberley said there were comments during the public hearing regarding term expirations and conflicts of interest on initiative or referendum petitions and asked Ms. Walker to explain her view of the comments. Ms. Walker said in Title XI of State Statutes there are statutes that apply generally to municipal referendum and initiative petitions and how an election comes into play when talking about the number of signatures needed on the petition. She said to determine the number of signatures needed, Staff has to go back to the most recent general municipal election, which in this case was the mayoral citywide election. She said it is also used in talking about when such an item would be placed on an election ballot and Title XI states "general election" or "special election"; however, under the Local Development Act (LDA) it states "general municipal election" and again that was the mayoral election. Vice-Chairman Cubberley asked if any recommendation by the Commission in regards to changing Councilmember terms would affect when an initiative or referendum petition would be brought forward to a City election and Ms. Walker said no. Vice-Chairman Cubberley said he had no desire to reconsider this item.

Commissioner Jungman said at the public hearing, five different people told him that changing Council terms from two years to three years was not desirable and he personally agrees.

After further discussion by the Commission, Chairman Thompson said there seems to be consensus not to reconsider changing the Charter Review Commission's recommendation to Council at this time. He said the Charter Review Commission can present recommendations to Council as well as the public comments regarding those recommendations and Commissioners agreed. He said Council will ultimately decide whether recommendations move forward or not.

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Item 4, being:

CONTINUED DISCUSSION AND POSSIBLE ACTION REGARDING ADDING LANGUAGE TO THE CHARTER TO ESTABLISH A RESIDENT OR COMMUNITY BILL OF RIGHTS.

Ms. Walker said at the last meeting, the Charter Review Commission suggested this item be discussed by a Citizen's Bill of Rights (CBOR) Committee appointed by Council because it is such a huge issue. She said she placed this item on the agenda for a vote by the Charter Review Commission.

Commissioner Jungman moved to take no action on this item, which motion was seconded by Commissioner McBride:

Items submitted for the record

1. Draft City of Norman Community Bill of Rights

and the question being upon taking no action on this item, a vote was taken with the following result:

YEAS:

Commissioners Ali, Bates, Cubberley, Griffith, Jungman, McBride, Pipes, Vinyard, Chairman Thompson

NAYES:

None

Chairman Thompson declared the motion carried and no action was taken on this item.

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Item 5, being:

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.

Ms. Walker said at the last meeting, Staff was asked to draft language for review. She said there was quite a diversity of opinion about whether or not a Tax Increment Finance (TIF) District should require a vote of the electorate as well as whether or not \$5 million would be the trigger threshold for requiring a vote of the electorate. She said some Commissioners 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. Additional discussion centered on whether Council would be able to amend a TIF without an addition vote of the electorate.

Item 5, continued:

Ms. Walker highlighted proposed language as, “A tax increment finance district created by the City pursuant to Oklahoma law that pledges sales tax increments to fund project cost 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.”

Commissioner Jungman clarified any pledge of sales tax would prompt a vote regardless of the amount and Ms. Walker said yes.

Chairman Thompson said he likes the language as well because it opens the possibility for small TIF's that could be daisy chained to larger TIF's to get around a public vote so this is a better approach.

Commissioner Griffith agreed and said because sales tax funds will be committed to a TIF the voter approval would not only support the TIF, but the amount of sales tax dedicated from the revenue stream created by the TIF could be a deterring factor on how the public votes. He said arguments would have to be made to convince the voter to approve a TIF and he supports the clarity of the language.

Commissioner Ali said she appreciates the clarity of the language when it comes to sales tax, but what about TIF's that are not sales tax based? Ms. Walker said any TIF process would have to go through the Statutory Review Committee process as well as public hearings, etc. She said the City does not receive property tax so that would apply to any TIF requiring sales tax revenue. Commissioner Ali said most citizens and business owners do not understand the process so they feel they do not have a voice in the process.

Commissioner Griffith said he likes the language because it protects the City's revenue stream and people will have a voice on how that revenue stream is diverted whether that is \$1 million or \$100 million.

Commissioner Bates said he understands the frustration the public has about the University North Park Tax Increment Finance (UNPTIF) District, and he was on the original committee that helped evaluate the UNPTIF. He said the frustration of where the UNPTIF is today compared to what it was envisioned to be is worthy of the feelings the public has about it. He said everyone has certain responsibilities even if mistakes are made. He said ultimately, it is City Council's job to protect the City's revenue stream and it is their job to determine what makes sense or what does not make sense for the City. He said at the very core, it is the financial responsibility of Council to make sure the City is on the right track. He said to strip away a tool that can be used right is an overreaction to a mistake that is perceived to have been made with the UNPTIF. He said the scrutiny given to the UNPTIF would be different today if a similar project were to come forward. He is against the idea that the public cannot trust their elected officials to make a good decision and if Council does make a mistake there are procedures to rectify that mistake. He said there is a TIF process and that process should not be destroyed because of what many perceive to be a mistake. He is opposed to changing that process because complicated issues tend to get whittled down into slogans during elections as opposed to the complicated negotiations and details that go into the TIF projects.

Item 5, continued:

Commissioner Vinyard agreed with Commissioner Bates and asked if the public is going to vote on everything in a general election. He said the City has elected officials chosen by the people in their ward to make these difficult decisions. He said a Councilmember may hear from ten really loud people that disagree with their decision, but that does not necessarily mean it is representative of the entire ward.

Commissioner Jungman said he does not feel like a public vote will harm a good project, i.e., was NORMAN FORWARD helped or hurt by a public vote? What he hears from his Councilmember is the City made commitments and promises that Council has to work really hard to be accountable for to meet those commitments and promises.

Chairman Thompson said his view is that the Charter Review Commission is recommending Council put the TIF in a category that already exists, i.e., General Obligation Bonds, sales tax increases, utility rates, etc. He said a public vote on TIF's does not mean the public does not trust Council, it just means the public recognizes TIF's are directly related through the revenue stream and since the public votes on whether or not to increase the revenue stream, it is not inappropriate to vote on how those funds are diverted.

Commissioner Ali said elected City officials are very engaged in their respective wards and show mutual respect in sharing work with their constituents. She said citizens in Norman support their elected leaders, which binds the community together and citizens follow along with their elected officials because they share their work. She said the fear of disagreement comes from the divided leadership when it comes to the UNPTIF and because of that division a vote would allow the public to say they agree with this side or that side and that would help with division in leadership.

Commissioner Pipes said he has reservations about moving forward with a recommendation until the UNP Referendum Petition has been resolved.

Commissioner McBride said, philosophically, he would hope the Charter Review Commission is not setting a pattern that everything Council messes up should require a vote of the people and sees that as no longer representative of democracy.

Commissioner Jungman moved to recommend the electorate vote on all sales tax increment finance districts, which motion was seconded by Commissioner Ali;

Items submitted for the record

1. Draft language for Voter Approval Required for Tax Increment Finance Districts over \$5,000,000

and the question being upon recommending the electorate vote on all sales tax increment finance districts, a vote was taken with the following result:

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Item 5 continued:

YEAS:

Commissioners Ali, Griffith, Jungman,
Williamson-Jennings, Chairman Thompson

NAYES:

Commissioners Bates, McBride, Pipes,
Vinyard, Vice-Chairman Cubberley

Chairman Thompson declared the motion failed and recommending the electorate vote on all sales tax increment finance districts was not approved.

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Item 6, being:

DISCUSSION REGARDING REVIEWING POTENTIAL LOOPHOLES USED TO SKIRT THE OPEN MEETING ACT.

Ms. Walker said the direction for the Charter Review Commission is to review potential loopholes used to skirt the Open Meeting Act and provide a recommendation and to review executive session restrictions and provide recommendation on the appropriate limits of use versus overly expansive such that it provides cover to skirt Open Meeting Act. She said she does not have further clarification or examples, but combined the two items in the backup material to summarize what the Open Meeting Act requires.

Ms. Walker said although the Open Meeting Act only applies to groups meeting the definition of a “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 and Commissions to hold executive sessions in compliance with State law. In 2011, the City adopted Resolution R-1112-9 that requires all committees, sub-committees, and ad hoc committees be subject to the Open Meeting Act as well.

Commissioner Jungman asked if having a series of smaller meetings with Council violates the Open Meeting Act in the “walking quorum” sense. Ms. Walker said Oklahoma does not have a definition within the Open Meeting Act that talks about a walking quorum. She said that term is used in other states, but typically at the City of Norman, three Councilmembers would meet at one time; however, after questions were raised regarding the legality the City stopped having those types of meetings. She has had three to four Councilmembers attend a meeting when she thought she was meeting with only one, but the Legal Staff nor the City Manager have scheduled these types of meetings since the question was raised.

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Item 6, continued:

Chairman Thompson said when he was on Council he contacted the Oklahoma Municipal League (OML) regarding three on three meetings the City conducts and their opinion was that as long as the information provided to one group was not shared with another group, it was not a violation of the Open Meeting Act. He said the three on three meetings he attended were not helpful because he did not know what other Councilmembers thought about the issue being discussed except for the three Councilmembers in the meeting and he could not ask non-attending Councilmembers about their thoughts on the issue. He said he had objected to the three on three meetings on a fairly regular basis while serving on Council.

Commissioner Jungman said he would like Staff to look at other states that have language on walking quorums to see what options are available. He was under the impression that Oklahoma Statutes barred walking quorums.

Ms. Walker said social media has made Opening Meeting Act regulations a challenge as well.

Chairman Thompson said the Charter Review Commission would like more clarification on what exactly Council is looking for on this issue.

Items submitted for the record

1. Information regarding potential loopholes used to skirt the Open Meetings Act dated January 10, 2020
2. Codification of Commitment to Open Meetings in Charters
3. Resolution R-1112-9

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Item 7, being:

DISCUSSION REGARDING REVIEWING EXECUTIVE SESSION RESTRICTIONS AND APPROPRIATE LIMITS OF USE VERUS OVERLY EXPANSIVE SUCH THAT IT PROVIDES COVER TO SKIRT THE OPEN MEETING ACT.

Ms. Walker said executive sessions are only permitted in certain circumstances and generally, for a municipality this includes discussing employment issues regarding a public officer or employees; discussing negotiations concerning employees; discussing purchase or appraisal of real property; confidential communications between a public body and its attorney regarding a claim or a pending investigation on litigation; or when discussing any matter where disclosure of information would violate state or federal law. Any vote or action on any item of business considered in an executive session must be taken in a public meeting with the vote of each Commissioner publicly cast and recorded. If a public body proposed 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 Meeting Act authorizing the executive session.

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Item 7, continued:

Commissioner Williamson-Jennings asked if the Councilmember(s) that asked for this issue to be discussed could attend the next Charter Review Commission meeting to provide clarification regarding what loopholes they are worried about. She said she would like to focus on issues that need to be reviewed, but as of today, this issue does not hold a lot of meaning to her.

Commissioner Jungman asked how many votes would it take to break the seal of an executive session and Ms. Walker said it would take a majority vote.

Commissioner Pipes said Legal Staff and the City Clerk do a good job of educating Councilmembers and Commissioners of Boards, Commissions, and Committees of the Open Meeting Act requirements when they are elected or appointed.

After further discussion, Chairman Thompson said there seems to be consensus to table this item until further clarification can be provided.

Items submitted for the record

1. Information regarding executive session restrictions

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Item 8, being:

MISCELLNEOUS DISCUSSION.

Chairman Thompson said at the next meeting the Charter Review Commission will revisit Council's concern regarding loopholes in the Open Meeting Act, but it is his opinion that Council should not expect the Commission to recommend changing the executive session process. He said the Commission will also be discussing the ward boundary process.

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Item 8, being:

Miscellaneous Discussion.

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Item 9, being:

ADJOURNMENT.

Chairman Thompson declared the meeting adjourned at 6:52 p.m.

ITEM 3 & 4

OPEN MEETING ACT EXECUTIVE SESSION

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 (Current)	Implicitly referenced	<p>Art. XI Sec. 2 of Charter</p> <p><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></p>	Referenced throughout the city code.
Stillwater	Implicitly referenced	<p>Sec. 2-7 of Charter:</p> <p>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></p>	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	<p>Art. II Sec. 10 of Charter:</p> <p>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.</p>	Referenced throughout the city code.
Lawton	Explicitly referenced	<p>Sec. C-2-7 of Charter:</p> <p>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.</p>	Referenced throughout the city code.

ITEM 5

WARD BOUNDARY PROCESS

CHARTER REVIEW COMMISSION

February 10, 2020

Article XX– Reapportionment.

Background:

Article XX of the City of Norman’s Charter sets out the reapportionment process. Currently, under Article XX a Reapportionment Ad Hoc Committee reviews and ensures that the wards are formed “of compact, contiguous territory with boundaries drawn to reflect and respond to communities of common interest, ethnic background, and physical boundaries, to the extent reasonably possible.” 11 O.S. 11-20-101 (2014) proscribes that municipalities review wards and ward boundaries following the Census and change the boundaries or number of wards if necessary. Wards must be substantially equal in population. 11 O.S. 11-20-101 (2014). When establishing ward boundaries, a municipality should try to avoid subdividing precincts established by a county election board. *Id.* Under 11 O.S. 11-20-102 (2014), a change in the name, boundaries, or number of wards in a municipality may be proposed at any time by: (1) a resolution of the municipal governing body; or (2) an initiative petition filed with the governing body of the municipality.

In 2013, the CRC suggested substantial restructuring of the reapportionment process. First, the CRC suggested that the standing Reapportionment Commission, which was made up of members with five year terms, be changed to the Reapportionment Ad Hoc Committee. The Reapportionment Ad Hoc Committee would be appointed and convened when: a) the City proposes to annex or de-annex property; b) during the last quarter of the calendar year prior to the release of the Census; or c) upon the unanimous recommendation of City Council. The CRC suggested striking the language requiring a mandatory meeting because the Reapportionment Commission members’ had concerns “that changing ward boundaries too frequently results in voter confusion.” (2013 Art. XX Background Sheet). The 2013 Art. XX Background Sheet also cited concerns that that a City Council initiated reapportionment could become political and was not necessary. The U.S. Supreme Court has stated that “[D]ecennial reapportionment appears to be a rational approach to readjustment of legislative representation in order to take into account population shifts and growth.” *Reynolds v. Sims*, 377 U.S. 533, 583 (1964).

Finally, the CRC suggested adjusting the deadlines for convening the Committee and providing a resolution to the City Council. The CRC suggested that in the case of proposed annexation or de-annexation, members of the Reapportionment Committee be appointed within ninety days of adoption of the proposal. Also, for purposes of reviewing the Census, the CRC suggested that members of the Reapportionment Committee be appointed six months prior to the Census year. Regarding the Committee’s resolutions to retain or readjust the ward boundaries, the CRC suggested that the Committee provide a resolution to City Council 180 days after the appointment of the Committee or after the issuance of the Census. This was an increase from the previous 90 day deadline. The CRC then suggested adding language to Section 5 allowing City Council to either “adopt the resolution without modification, reject the resolution, or adopt the resolution with such modification as the Council deems necessary.” The previous language only allowed council to either adopt the resolution or not.

The City Council unanimously approved the 2013 CRC's recommendations on July 17, 2014. Voters later adopted the language into the Charter.

Proposed Change:

There is no specific proposed language at this time.

Current Charter Provisions

ARTICLE XX. - REAPPORTIONMENT

Section 1. - Reapportionment Ad Hoc Committee.

There shall be a Reapportionment Ad Hoc Committee, which shall consist of nine voting members appointed by the Council on nomination by the Mayor. All members of the Reapportionment Ad Hoc Committee shall be registered voters of the City and shall hold no other office or position of employment in the City government.

Section 2. - Appointment and meetings of the Reapportionment Ad Hoc Committee.

The Reapportionment Ad Hoc Committee shall meet to review and make recommendations on ward boundaries as follows:

- a. When the City proposes to annex or de-annex property; or
- b. During the last quarter of the calendar year prior to the release of the Federal Decennial Census and continuing through the release of the final Census; or
- c. Upon the unanimous recommendation of City Council.

In the case of proposed annexation or de-annexation, members of the Reapportionment Ad Hoc Committee shall be appointed within ninety (90) days of adoption of any such proposal. For purposes of reviewing the Federal Decennial Census, members of the Reapportionment Committee shall be appointed six (6) months prior to the year of the issuance of such census. The Reapportionment Ad Hoc Committee's members shall be residents and registered voters of the City's wards, (one at-large and one from each ward).

Section 3. - Criteria for ward boundaries.

No later than one hundred and eighty (180) days after the appointment of the Reapportionment Ad Hoc Committee pursuant to Section 2(a) or 2(c) herein, or after the issuance of the Federal Decennial Census when the Committee is appointed pursuant to Section 2(b) herein, the Committee shall pass and refer to the City Council a resolution to retain or readjust the wards and their boundaries to comply with the standards set out herein. Wards should be formed so as to equalize, as nearly as practicable, the population of the several wards. In addition, each ward should be formed of compact, contiguous territory with boundaries drawn to reflect and respond to communities of common interest, ethnic background, and physical boundaries, to the extent reasonably possible. Ward lines shall not create artificial corridors which in effect separates voters from the ward to which they most naturally belong.

Section 4. - Public hearing on proposed boundaries; votes required for passage.

At least ten (10) days before voting on the resolution, the Reapportionment Ad Hoc Committee shall hold a public hearing thereon. At least five (5) votes shall be required for passage of the resolution, and the vote on passage shall be by roll call and shall be entered in the minutes of the Committee. A map showing the wards and their boundaries shall be appended to the resolution.

Section 5. - Council shall have final authority.

The resolution shall then be referred to the City Council which shall, within thirty (30) days, conduct a public hearing on the proposed resolution and adopt the resolution without modification, reject the resolution, or adopt the resolution with such modification as the Council deems necessary. If any changes in ward boundaries are adopted by City Council, such changes shall also be adopted by ordinance and codified in the Code of the City of Norman. In any alteration or amendment of the resolution as proposed by the Reapportionment Ad Hoc Committee, the City Council shall use the same criteria for ward boundaries as hereinabove adopted for the use of the Reapportionment Ad Hoc Committee.

Thereupon, the new wards and boundaries shall supersede the previous wards and boundaries for purposes of the next primary and general election, and for all other purposes on the day on which the terms of the Councilmembers elected that year begin.

Section 6. - Annexed territory; reapportionment between census report.

When territory is annexed to the City, the Reapportionment Ad Hoc Committee, by resolution in the manner provided hereinabove, shall incorporate it into the adjacent ward or wards or shall readjust the wards and boundaries in the manner provided hereinabove, as it deems appropriate.

Reapportionment/Ward Boundary Creation and Review Process

City	Charter Citation	Language
Stillwater	N/A	No wards
Oklahoma City	Art. XI Sec. 1—2	<p>“If and when the population as ascertained by the said Federal Decennial Census in any ward is greater than any other ward, it shall be the mandatory duty of the Council to redistrict the wards by changing the boundaries of the existing wards or creating additional wards so as to equalize, as nearly as practicable, the population of the several wards of the City, and shall by ordinance define the boundaries thereof. The wards shall be as compact in form as possible and ward lines shall not set up artificial corridors which in effect separate voters from the ward to which they most naturally belong.”</p> <p>“The City Council may, at other periods than those directed in Section 1 hereof, in the manner and upon the basis stated and provided for in Section 1 hereof, create additional wards or change the boundaries of existing wards so as to equalize, as nearly as practicable, the population of the several wards of the City.”</p>
Edmond	Art I Sec. 2	“The boundaries of said City, and the respective wards thereof shall be the same as at the time of the adoption of this Charter and until changed as provided for by law.”
Midwest City	Art. II Sec. 1	“The council, by ordinance, shall divide the city into six (6) wards and may change the wards and ward boundaries to correct for inequities in population. However, such a review of boundaries shall occur within two (2) years following the national census certification, or following annexation or de-annexation of land. The wards shall be as nearly equal in population as practicable, and shall be numbered from one to six.”
Lawton	Section C-6-2	<p>Lawton has a Redistricting Commission comprised of eight ward representatives and the planning director. “Upon receipt of the results of the U.S. Census every tenth year, and at other times it deems desirable, the Redistricting Commission shall within a reasonable time, convene and approve a resolution, to be filed with the City Clerk, readjusting the wards and their boundaries to comply with the following requirements:</p> <ul style="list-style-type: none"> (1) Each ward shall be formed of compact, contiguous territory with boundaries drawn to reflect and respond to communities of common interest, ethnic background, and physical boundaries, to the extent reasonably possible; and (2) The wards shall be substantially equal in population.” <p>The process for reapportionment is as follows:</p> <p>“At least ten (10) days before passing the resolution, the Redistricting Commission shall hold a public hearing thereon. At least five (5) votes shall be required for passage of the resolution, and the vote on passage shall be by roll call and shall be entered in the minutes of the commission. A map showing the wards and their boundaries shall be appended to the resolution. The resolution shall go into effect when filed with the city clerk. Thereupon, the new wards and boundaries shall supersede the previous wards and boundaries for purposes of the next primary and general election, and for all other purposes on the day on which the terms of the councilmembers elected that year begin.”</p> <p>In the event that property is annexed to the city, “the Redistricting Commission, by resolution in the manner provided hereinabove, shall incorporate it into the adjacent ward or wards or shall readjust the wards and boundaries as provided hereinabove, as it deems appropriate.”</p>

CHARTER REVIEW COMMISSION

February 10, 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. During its January 2020 meeting, the CRC was split 5-5 on whether to recommend changes to the Charter, specifically the language set forth below.

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 project costs 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.