

CHARTER REVIEW COMMISSION
Virtual Meeting hosted in the
Municipal Building Executive Conference Room
201 West Gray
Norman, Oklahoma

Monday, April 19, 2021
5:30 p.m.

<https://zoom.us/j/91005425727?pwd=cDArZFBxaFNXM1lGeDQ1TUZrc3dpdz09>

This is a virtual meeting – Commissioners Cubberley, Ali, Bates, Dillingham, Eller, Griffith, Hackelman, Jungman, McBride, Pipes, Stawicki, Vinyard, Williamson-Jennings and Chairman Thompson will be appearing via video-conference.

1. Call to Order and Roll Call
2. Consideration of approval of the Charter Review Commission Public Hearing minutes of October 12, 2020, and the regular meeting minutes of November 12, 2020.
3. Discussion and possible action regarding Article XIII, Recall of Elective Officers to provide a recommendation on whether the language should be modified.
4. Discussion and possible action regarding Article XVII, Section 9, to consider whether to require biennial review of the Charter.
5. Discussion and possible action regarding Article II, Section 22, Vacancies in Office.
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.

CHARTER REVIEW COMMISSION PUBLIC HEARING MINUTES

October 12, 2020

The Charter Review Commission held a video conference (virtual meeting) at 6:00 p.m. hosted in the Municipal Building Council Chambers on the 12th day of October, 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. Tom Hackelman
Mr. Kevin Pipes
Mr. Richard Stawicki
Mr. Bryan Vinyard
Ms. Shon Williamson-Jennings
Mr. Bob Thompson, Chairman

ABSENT:

Mr. Jim Eller
Mr. Jim Griffith
Mr. Greg Jungman
Mr. Kenneth McBride

STAFF PRESENT:

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

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

- 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.
- 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 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.
- 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.
 - CRC Recommendation: 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 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 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.

- Elections for Mayor shall be occur every three (3) years. The term of the Mayor shall begin on the first Tuesday of July and every 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.
- 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.
 - Consider adding language to Article XVI, Section 2, of the Charter requiring the City Council to consider a resolution calling for a vote of the electorate to increase City utility rates under certain conditions, i.e. upon a finding of financial need after a review of the utility funds and their monetary sources by the Finance Director or upon the recommendation of an independent elected utilities board.
 - CRC Recommendation: On an annual basis, Staff shall prepare and submit to the City Council a rate study for each of its utilities. Upon receipt of such rate studies, Council shall submit a rate increase for one or more of the utilities to the voters at the next election at which ward representatives or the Mayor will appear on the ballot. Should an unexpected need for an additional rate increase for any utility arise prior to the regular election on which such an increase would normally be scheduled as provided herein, then a special election may be called for such purpose.
 - Consider adding language to the Charter to establish a Resident or Community Bill of Rights
 - CRC Recommendation: No changes or additions to current Charter recommended.
 - Consider adding language to require a vote of the electorate for any TIF > \$5 million
 - CRC Recommendation: After robust debate, there was a tie vote on language that would require a vote of the electorate for any TIF supported by sales tax revenue and created by the City.

- 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 five 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 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 potential loopholes used to skirt the Open Meeting Act
 - CRC requested additional clarification from the requesting Councilmember.
- 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
 - CRC requested additional clarification from the requesting Councilmember.
- Article VI, Section 1 – increasing number of members of the Norman Regional Hospital Authority from 9 to 11 and revisit relationship between NRH and the City for equitability of benefit versus burden to the respective parties.
 - CRC Recommendation: Increase from nine (9) to eleven (11) board members; at least nine (9) must be Norman residents; no more than two (2) may be appointed from other communities with a NRH facility. No other changes recommended.
- Examine the ward boundary creation process
 - CRC Recommendation: Consideration postponed; the CRC requested additional clarification from the requesting Councilmember.

Chairman Thompson opened the floor to public comments.

Robert Castleberry - *vote of the electorate for any TIF > \$5 million* – was concerning about taking a tool away from Council that could be used to create economic development

Vote on utility rates – supports current language because it creates more transparency

Ethics Ordinance – if there are not any consequences to violations of the ordinance then do away with it.

City Auditor – supports an internal auditor that reports to Council

City Attorney – does not support City Attorney reporting to Council

Council terms – if terms are increased there needs to be lesser requirements for a recall petition

Council cell phones – should be handled by a policy not needed in the Charter

Stipend increase for Council – likes that the recommendation was a range so the people can decide how much it should be

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.

Items submitted for the record

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

The public meeting adjourned at 7:20 p.m.

CHARTER REVIEW COMMISSION MINUTES

November 12, 2020

The Charter Review Commission met in video conference meeting at 5:30 p.m. hosted in the Municipal Building Council Chambers on the 12th day of November, 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
Mr. Trey Bates
Mr. Doug Cubberley, Vice-Chairman
Mr. Tom Hackelman
Mr. Kenneth McBride
Mr. Kevin Pipes
Mr. Richard Stawicki
Mr. Bob Thompson, Chairman
Mr. Bryan Vinyard
Ms. Shon Williamson-Jennings

ABSENT:

Mr. Jim Eller
Mr. Jim Griffith
Mr. Greg Jungman

STAFF PRESENT:

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

Item 2, 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. Kathryn Walker, City Attorney, said City Council asked the Charter Commission to look at this topic again since the prior consideration resulted in a tie vote and all members were not present at the previous meeting.

Commissioner Bates said he was not sure what would be accomplished by revisiting this topic. His recollection of the topic was it was very well discussed and debated with a lot of thoughts brought to the discussion, but ultimately the Commission was a very split and felt it was difficult to make call. Members of the Commission felt like this is a very divided topic both within the Commission and the community and that the tie vote reiterated that opinion.

Commissioner Hackleman said he was not able to attend the meeting when this was previously discussed, but did not see the harm in letting the voters weigh in on these major projects.

Item 2, continued:

Commissioner Vinyard agreed with Commissioner Bates and said there were good points on both sides of the issue. He was a little confused why Council referred this back to the Commission to see if the vote might change with reconsideration, when they moved forward with the auditor position although this Commission recommended against it. He felt the outcome of the previous vote shows Council how divided this topic is within the community and Council can decide whether they wish to move it forward or not.

Commissioner McBride said his position has not changed since January and did not see the need to reconsider.

Commissioner Hackleman recommended to postpone any action on this item until a greater number of Commissioners could participate. Commissioner Bates said it did not serve much purpose to revisit this topic given the same set of facts. He felt if the Commission was going to revisit it again it needed to be something that has not been considered before.

Items submitted for the record

1. Draft language for Voter Approval Required for Tax Increment Finance Districts

*

Item 3, being:

DISCUSSION REGARDING ARTICLE XIII, RECALL OF ELECTIVE OFFICERS TO PROVIDE A RECOMMENDATION ON WHETHER THE LANGUAGE SHOULD BE MODIFIED.

Ms. Walker provided an overview of the existing Charter language relative to recall of elected officials. Having gone through a recall process for the Mayor and three councilmembers in recent months brought to light some areas of the Charter that may need to be cleaned up to provide clearer language regarding the process. One area of concern identified by City Clerk Hall was the amount of time allotted to review the signatures. Current language states the review must be completed no later than 30 days from receipt of the petition, which is very problematic when multiple petitions are filed or a petition for the Mayor has been filed as it would require more than 23,000 signatures. Ms. Hall said Staff was also looking at revising the petition form to require additional information that would make it easier to identify the signature.

Commissioners ask Staff to review recall processes in other cities for further review. Additional information was requested regarding the percentage of votes cast in the last Mayoral election and statutory regulations for municipal elections.

*

Item 4, being:

DISCUSSION REGARDING ARTICLE XVII, SECTION 9, TO CONSIDER WHETHER TO REQUIRE BIENNIAL REVIEW OF THE CHARTER.

Commissioners discussed whether or not to recommend a biennial review of the Charter. The consensus of the Commission was that biennial was too often given the fact it has taken almost two years to complete the current targeted review and felt the current Charter language of at least once every ten years was sufficient.

*

Item 5, being:

MISCELLNEOUS DISCUSSION.

None.

*

Item 6, being:

ADJOURNMENT.

Chairman Thompson declared the meeting adjourned at 6:53 p.m.

CHARTER REVIEW COMMISSION

April 12, 2021

Article XIII. Recall of Elective Officers

Background

For the first time in the City's history according to Staff research, multiple recall petitions were filed last summer against several Councilmembers and the Mayor. Although Article XIII, Recall of Elective Officers, has been in Norman's Charter for many years, these provisions hadn't really been tested. Now having utilized the provisions in the Charter in an actual recall scenario, Staff identified several things that could be changed to make the process clearer and better. Council amended the CRC's Resolution in November 2020 to add this section to the list of items they wanted the CRC to consider.

Residents do not have a right to recall their City elected officials by statute; rather, only a City's Charter can grant such a right. When dealing with a matter of local concern, courts typically give deference to cities. The City's provisions for recall are summarized below:

Section 1: An elected official is not eligible to be recalled until 6 months from the date of taking office.

Section 2: A petition for recall must contain signatures, names and addresses of 25% of the registered voters qualified to vote for the official proposed to be recalled.

The City Clerk provides the petition and circulators must return it to her within 30 days, not counting Sundays and legal holidays.

Separate petitions for separate elected officials

The top of each page of the petition must provide the reasons for recall.

The City Clerk has 30 days to review petitions and determine whether the signatures are valid and are those of registered voters eligible to vote for the official proposed to be recalled.

Section 3: City Clerk must publish a notice in the newspaper stating the name of the officer(s) whose recall is sought and the time limit for signing the petition. Notice is also mailed to the elected officer(s).

City Clerk must open her office during regular office hours or face possible prosecution.

Section 4: Once a petition is determined to have a sufficient number of signatures, the petition(s) must be presented to City Council, who shall call a recall election.

The only question on the ballot shall be the recall of the officer(s) affected.

In order to be successful, the total number of votes in favor of the recall must be a majority of the votes cast on the issue AND equal a majority of the votes cast in the most previous election for the office in question.

Section 5: Once an official is recalled, a vacancy is declared and filling for the unexpired term of the recalled officer(s). Council shall set filing dates for said election to commence 10 days after the date of the recall vote and lasting until 5 pm on the 11th day after the recall vote. The election to fill the vacancy shall be conducted in accordance with state election laws.

Section 6: Once an official is removed by recall, or if he/she resigned while recall proceedings were pending, the official cannot be appointed to any office within one year after such removal or resignation.

There are number of issues Staff identified for improvement while going through the recent recall process:

1. The petition form should be improved to provide more data points that will assist in matching voter signatures to voter registrations.
2. Thirty days is not enough time for the Clerk to review multiple petitions at the same time, and is likely not sufficient for a recall petition for the office of Mayor, simply because the signature threshold is much higher.
3. Elsewhere in the Charter, 5 votes are required for Council to take action. There should be a limit to the number of officials that can be recalled at one time. If 5 were to be recalled, there would not be enough officials left to call an election to replace the recalled officials.
4. Section 4 could be clarified that the question of recall should be the only *City* question on the ballot. In odd-numbered years in particular, election dates are already very limited by State law. An additional concern is the ability of Councilmembers who are the subject of recall to avoid recall simply by calling elections for other municipal issues on available dates.
5. The timing for declaring a vacancy and setting a filing period should be revised to match more closely to state law and to address the issue of whether an election is needed if the recall election occurs too closely to the regular election or the end of the term for the same seat. For example, in the most recent experience, odd-numbered ward representatives were already scheduled for the regular municipal election in February. If the recall election had been set on March 2, 2021 (the next available date and the only available date in March),

then the election to fill the vacancy under state law could not have occurred until May 11, 2021 for a term that ends on July 6, 2021. If more than two candidates ran and no one garnered a majority of the vote, the earliest possible date for a runoff election would have been on July 13, 2021, after the term for which the official was being elected had expired.

While in the middle of a multiple day hearing of petition sufficiency in one of the local recall petitions on January 26, 2021, the Oklahoma Supreme Court issued its opinion in *In re: Petition to Recall Ward Three City Comm'r Ezzell*, 2021 OK 5. In the *Ezzell* case, the Supreme Court considered the extent to which other state statutory provisions may be applicable to local recall processes. The Court ultimately held that the same general procedure that applies to initiative and referendum should also control municipal recall elections.

State law related to initiative and referendum petitions are found in Title 34 of the Oklahoma Statutes. 34 O.S. §§1 and 2 sets forth the form for referendum and initiative petitions respectively. The form recently changed, effective November 1, 2020, to include more data points to assist with matching names on the petition with names in the voter registration database. The Charter currently doesn't set forth the form of the petition; it simply states that the petition form will be provided by the City Clerk. The form has already been updated to follow as closely as possible the referendum petition form provided by state statute because one of our goals was to include more data points to assist with matching signatures. The forms are put together in a pamphlet and include a warning related to fraudulent signatures, the gist of the proposition on the signature page, and an affidavit to be signed by each petition's circulator, all as required for initiative and referendum petitions under 34 O.S. §§3, 6. A copy of the form is attached for your reference.

34 O.S. §6.1 sets forth signatures that must be excluded from the total count by the Secretary of State when making a verification and count of the number of signatures on initiative and referendum petitions. Excluded signatures include:

1. All signatures on any sheet of any petition not verified by the circulator
2. All signatures of nonresidents
3. All signatures on a sheet that is not attached to a copy of the petition pamphlet
4. All multiple signatures on any printed signature line
5. All signatures not a printed signature line
6. Those signatures by a person who signs with any name other than his or her own, or signs more than once
7. All signatures of any sheet on which a notary has failed to sign, the seal of the notary is absent, the commission of the notary has expired or the expiration date is not on the signature sheet
8. Any signatures that cannot be verified by the Secretary of State with the Oklahoma State Election Board's public voter registration records. (Remember, the proscribed form states that at least 3 data points must be matched).

34 O.S. §17 requires publication of initiative and referendum measures not less than 5 business days before any election is held on such a measure, a copy of the ballot and an explanation of how to vote for or against the measure. This would be a simple requirement to implement for a recall petition. It would simply read: "On _____, 2021, voters of Ward ____/Norman will have an

opportunity to vote on the following question: Should Councilmember/Mayor _____ be recalled? A yes vote means you would like he/she to be recalled and no longer serve in office and a no vote means you would like he/she to retain his/her office.”

Areas of the Charter to Consider for Modification

Section 1 – Time of commencing proceedings

None

Section 2 – Filing of Petition; Validation of Signatures

Should we continue to require a statement of the reasons for which recall is sought at the top of each page of the petition?

Consider adding language that the petition provided by the Clerk shall be substantially similar to the form provided by State law for initiative and referendum petitions

Should the 30-day time period within which to return the petition be changed and/or should it continue to exclude Sundays and legal holidays?

The City’s Clerk’s inspection is required to be done in 30 days and makes no exclusions. Should more time be given if multiple petitions or for Mayoral recall? The Secretary of State’s administrative rules for counting signatures includes the following process:

- Notify the proponent(s) of the specific date, time and location for the signature count
- Secretary of State trains counters
- Proponent(s) can provide an observer for the counting process
- Physical Count:
 - o Petitions are detached from signature sheets
 - o A physical count of the signatures is done
 - o Signature sheets are consecutively numbered
 - o Signature sheets and one (1) printed copy of the petition are bound in consecutively numbered volumes, which include a cover sheet showing the volume number, purported number of signature sheets, the series of numbers assigned to the signature sheets and the total number of signatures counted for that volume

NOTE: In this recent process, it appeared that we didn’t receive the same information that the State is given as the database was much more tedious to search and in the format provided, only one person could use it at a time.

Clarify the information used to validate signatures to align with the data points in the new form, and with 34 O.S. §6.1 above.

Section 3 – Notice and publication

Consider adding a requirement to publish notice as set out above in line with 34 O.S. §17.

Section 4 – Calling election; votes required for recall

Consider clarifying that it must be the only City issue on the ballot

Consider limiting the number of officers that may be recalled at any one time (never more than 4) to avoid quorum issues

Consider ways to avoid a situation where Council can call elections on other issues to avoid a recall election

Section 5 – Election to fill vacancy created by recall

Update time frames to coincide with state law.

Consider whether language could be added to avoid a situation where the recall election and/or the election to fill the vacancy occurs after the recalled official's term would've ended anyway.

Section 6- Reappointment prohibited after removal.

None

CURRENT CHARTER LANGUAGE

ARTICLE XIII. - RECALL OF ELECTIVE OFFICERS

Section 1. - Time of commencing proceedings.

The holder of any elective office, either by election or appointment to fill a vacancy, may be removed at any time after six months from the date of his accession to said office, by the registered voters qualified to vote for a successor to such incumbent, in the following manner:

Section 2. - Filing of petition; validation of signatures.

A petition bearing the signatures, names and addresses of twenty-five per cent (25%) of the registered voters qualified to vote for the officer whose recall is sought, shall be necessary to initiate recall proceedings. The City Clerk shall maintain on file and for public use proper petition forms to initiate such proceedings.

Such petition shall be secured from the City Clerk and a declaration filed by those circulating said petition of the officer or officers against whom recall is sought and no petition shall be effective against more than one (1) officer of the City.

At the top of each page of said petition(s) there shall be a short statement of the reasons for which recall is being sought.

The petition must be returned to the City Clerk within thirty (30) days, Sundays and legal holidays excepted, of its initiation in order to be valid. Failure to return the petition(s) within the proper time limits shall render them null and void.

Upon receipt of the petition(s), the City Clerk shall inspect said petition(s) to see that all the signatures are valid and that they are those of registered voters eligible to vote for the office from which the officer's removal is sought. Such inspection by the City Clerk shall be completed in not more than thirty (30) days.

Section 3. - Notice and publication.

The City Clerk shall cause to be published upon the filing of the said petition with the City Clerk's office, in some newspaper of general circulation in the City of Norman a notice to the voters, stating the name of the officer(s) whose recall is sought and the time limit within which said petition(s) must be signed. Further, the City Clerk shall cause to be mailed to the officer(s) whose recall is sought an official notice that the petition has been commenced and the time limit in which it must be completed. Such notice shall be by certified mail, return receipt requested, and the refusal of the officer(s) to accept delivery shall in no way affect the validity of the notice. Failure of the City Clerk to keep the City Clerk's office open during regular office hours, which failure prevents the proper filing of said petition(s), shall be adjudged a misdemeanor and upon conviction thereof the Clerk shall be punished by a fine of not less than ten dollars and not more than fifty dollars, and each day said City Clerk violates the provisions hereof shall constitute a

separate and distinct offense. In the event such a failure on the part of the City Clerk occurs, petitioners may file the petition(s) with the City Manager.

Section 4. - Calling election; votes required for recall.

Upon determination by the City Clerk that the petition(s) bear the signatures of the requisite number of registered voters, said petition(s) shall be presented by the City Clerk to the City Council which body shall, in accordance with state election laws, call a recall election.

The sole question in said election shall be the recall of the officer(s) affected. The recall shall be adopted when the total number of votes in favor of the recall is a majority of all the votes cast on the issue and that majority equals a majority of all the votes cast in the most recent previous election for the particular office in question.

Section 5. - Election to fill vacancy created by recall.

In the event the recall is adopted, a vacancy shall be declared and it shall be filled in the following manner for the unexpired term of the recalled officer(s): the City Council shall set filing for an election to fill the vacancy to commence ten (10) days after the date of the recall vote and last until 5:00 p.m. of the eleventh (11th) day after the recall election. Qualification to be a candidate shall be as for a regular election as set out in Article II. The election to fill the vacancy created by the recall shall be set in accordance with state election laws. Election shall be by a plurality of the votes cast and shall be certified in the regular manner.

Section 6. - Reappointment prohibited after removal.

Any person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to no office under the City government within one year after such removal by recall or resignation.

WARNING

IT IS A MISDEMEANOR VIOLATION OF SECTION 15-702(8) OF THE CODE OF THE CITY OF NORMAN FOR ANYONE TO SIGN A RECALL PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN THE PETITION WHEN HE IS NOT A LEGAL VOTER.

PETITION FOR RECALL OF ELECTED OFFICIAL

To the Honorable _____, Mayor of the City of Norman, Oklahoma:

We, the undersigned legal voters of Ward ____ in the City of Norman, Oklahoma, respectfully order that the following question of recall of _____ be submitted to the legal voters of Ward ____ of the City of Norman, Oklahoma for their approval or rejection at the next regular municipal election or special municipal election to be held on the _____ day of _____, 20__, and each for himself says: I have personally signed this petition; I am a legal voter of the City of Norman and in the Ward for which recall is sought; my house number, zip code, and month and date of my birth is correctly written after my name. The time for filing this petition expires thirty (30) days from _____. The question we herewith submit to our fellow voters is:

Shall _____ be recalled?

Proponents of Record (not to exceed 3; address must match voter registration):

1. Printed Name: _____
Signed Name: _____
Address: _____

2. Printed Name: _____
Signed Name: _____
Address: _____

3. Printed Name: _____
Signed Name: _____
Address: _____

WARNING

IT IS A MISDEMEANOR VIOLATION OF SECTION 15-702(8) OF THE CODE OF THE CITY OF NORMAN FOR ANYONE TO SIGN A RECALL PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN THE PETITION WHEN HE IS NOT A LEGAL VOTER.

SIGNATURES

This measure would recall Councilmember/Mayor _____ from office.

*** NOTE: At least 3 of the following data points MUST match your voter registration to be counted: First name, last name, house number, zip code, and month/day of birth. Write legibly.**

	Signature	First Name	Last Name	Mailing Address	Month/Day of Birth
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

CHARTER REVIEW COMMISSION

April 12, 2021

Article II, Section 22 – Filling Vacant Council Positions.

Background:

Whether to allow an outgoing councilmember to appoint their successor or to hold a special election to fill the empty position is a novel issue for the CRC.

The proposed change allowing an outgoing councilmember to appoint their own replacement came in the form of an amendment to the Resolution proposed by Councilmember Castleberry on April 18, 2019. The Resolution was subsequently amended by Councilmember Petrone to include a proposed change that would mandate a special election in the case of a vacant councilmember position.

A chart comparing Norman’s current policy for filling vacant positions with other cities’ policies was provided to the CRC for review at its August 12, 2019 meeting. The CRC discussed both proposals and expressed a desire to follow a consistent process, recognizing that the current Charter language provides Council an option to call a Special Election or follow a committee process. Ultimately, the Committee recommended that language be drafted to codify the Committee process used recently to fill vacancies in Ward 6 and Ward 4.

The CRC voted unanimously at its September 9, 2019 meeting to recommend the underlined language below. Since the last discussion about this item, there has been some question about the language “for a period extending until the next regular municipal election”. When a vacancy is filled and the next regular municipal election already would include election for the next term of the same seat that was filled, historically, the election for the next term has not been treated as automatically including filling the current term because the regular election is for a two-year term beginning in July per Article II, Section 2 of the Charter. In other words, the appointment continues until the expiration of the term for which the appointee was selected to fill. One remedy that was considered was to have two ballots for the same seat on the same election – one to complete the term, and one for the term beginning in July. However, according to the Election Board, this presented a completely novel issue and one not addressed by their rules. Ultimately, it would be highly discouraged by the Election Board due to the possibility of confusion.

Proposed Language

For clarity’s sake, the Charter language could be modified to require either calling a special election, or appointing someone to fill the remainder of the term to eliminate any sort of argument about when the term begins. This would give Council flexibility to consider the available election dates in making a decision whether to appoint or elect a replacement.

Any vacancy occurring on the City Council shall be filled by a majority vote of the remaining members of the City Council after appointment and recommendation of one candidate from a Selection Committee made up of five residents of the ward for which the vacancy has or will occur, ~~for a period extending until the next regular municipal election, at which time an election, conducted as provided by this Charter and applicable State law, shall be held to fill any~~ the balance of the unexpired term; provided, however, if the City Council does not fill the vacancy by appointment within sixty (60) days after the same occurs, it shall be mandatory on the part of the City Council to call and schedule a special election to fill the vacancy for the unexpired term, which election shall be held for the election of a City Councilmember, only, and said election shall be conducted in the same manner as a regular municipal election.

Language Adopted by the CRC:

Section 22. – Vacancies in office.

* * * * *

Any vacancy occurring on the City Council shall be filled by a majority vote of the remaining members of the City Council after appointment and recommendation of one candidate from a Selection Committee made up of five residents of the ward for which the vacancy has or will occur, for a period extending until the next regular municipal election, at which time an election, conducted as provided by this Charter and applicable State law, shall be held to fill any balance of the unexpired term; provided, however, if the City Council does not fill the vacancy by appointment within sixty (60) days after the same occurs, it shall be mandatory on the part of the City Council to call and schedule a special election to fill the vacancy for the unexpired term, which election shall be held for the election of a City Councilmember, only, and said election shall be conducted in the same manner as a regular municipal election.

[Type here]

AFFIDAVIT

STATE OF OKLAHOMA)
) ss.
COUNTY OF _____)

I, _____, being first duly sworn, say:

That, I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence. I believe that each signer has stated his or her name, house number, mailing address, and date of birth associated with his or her Oklahoma voter registration record, and that each signer is a legal voter of the State of Oklahoma, and Ward _____ (if applicable) of the City of Norman as stated.

Circulator's Signature

Address

City

Zip Code

Submitted and sworn before me this _____ day of _____, 20____.

My Commission Expires:

Notary Public

My Commission Number:

Address

City

Zip Code