



CITY OF NORMAN, OK CITY COUNCIL STUDY SESSION

Municipal Building, Executive Conference Room, 201 West Gray, Norman,
OK 73069

Tuesday, June 21, 2022 at 5:30 PM

AGENDA

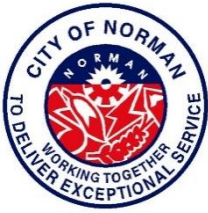
It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same 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.

CALL TO ORDER

AGENDA ITEMS

1. DISCUSSION REGARDING A RESOLUTION TO FORMALIZE THE PROCESS TO FILL VACANT COUNCIL SEATS.

ADJOURNMENT



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 06/21/22

REQUESTER: City Council Oversight Committee

PRESENTER: Kathryn Walker, City Attorney

ITEM TITLE: DISCUSSION REGARDING A RESOLUTION TO FORMALIZE THE PROCESS TO FILL VACANT COUNCIL SEATS.

BACKGROUND:

Norman's Charter addresses what to do when vacancies occur on Council. Article II, Section 22 says the following:

Section 22. - Vacancies in office.

A vacancy in the office of a member of the Council shall exist whenever the holder thereof:

- (a) Ceases to possess some qualification for the office, prescribed by this Charter or by applicable law;
- (b) dies;
- (c) resigns;
- (d) is removed from office by proceedings by a Court of competent jurisdiction;
- (e) is declared legally incompetent by a Court of competent jurisdiction; or
- (f) ceases to reside in the ward which elected except that no vacancy shall occur where a Councilmember is rendered a non-registered voter of the ward that member represents by reason of reapportionment carried out by the City Council.

Any vacancy occurring on the City Council shall be filled by a majority vote of the remaining members of the City Council, 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.

An amendment to this section of the Charter will be on the ballot for consideration at the August 23, 2022 election. It would amend Section 22 of Article II as follows:

* * * * *

Any vacancy occurring on the City Council shall be filled by a majority vote of the remaining members of the City Council 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.

Vacancies on Council have been approached a number of ways. It can be challenging to get an election scheduled to fill a vacancy in a timely manner, so prior Council’s have typically filled the vacancy by majority vote. Some years, names were submitted and voted on by Council at a public meeting, with voting ties being broken by pulling a name out of a hat. More recently, Council has appointed a selection committee made up of residents of the ward in which the vacancy exists. Once the committee made its selection, it came forward to Council for a vote on the recommendation. With one exception, Council has selected the candidate recommended by the selection committee for appointment.

Council has expressed a desire to formalize the selection committee process. This was discussed by the Council Oversight Committee on April 8, 2021 in the context of addressing the second Ward 2 vacancy within months, and again on May 12, 2022.

DISCUSSION:

The Council Oversight Committee discussed the following items during the April 2021 meeting:

- 5 member Selection Committee made up of residents from the Ward being vacated
- Application to fill the vacancy should ask questions about voting history, City specific activities, and potential conflicts with Council position
- Limit the number of interviews to ensure they can all be conducted on the same day
- Utilize the same questions for all candidates; Selection Committee can add ward specific questions
- Selection Committee to send one name forward to Council; deliberations and selection should occur on the same day as the interviews.

The final process is envisioned to be adopted by City Council by resolution. The process outlined in policy would not supersede the Charter, so Council would still be required to call a special election to fill any vacancy if it is not filled by appointment within 60 days of the vacancy.

In May 2022, the Council Oversight Committee reached consensus on the following items to be included in a resolution setting forth the process for filling Council vacancies.

- 5 member Selection Committee made up of residents from the Ward being vacated
- Application to fill the vacancy should ask questions about voting history, City specific activities, potential conflicts with Council position, and intention to run in the next election for the Ward representative.
- Utilize the same questions for all candidates; Selection Committee can add ward specific questions
- Selection Committee to send one name forward to Council; deliberations and selection should occur on the same day as the interviews.

Staff was asked to bring a resolution covering these key points of the process to Council for its discussion and consideration. Additionally, Staff was tasked with reviewing and modifying the application to be consistent with the discussion.

The revised application form and the requested Resolution is attached for Council review and discussion.

RECOMMENDATION:

Staff will be available for additional discussion at the June 21, 2022 Council Study Session.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN,
OKLAHOMA SETTING FORTH A PROCESS FOR COUNCIL TO FILE IN
THE EVENT OF A VACANCY ON CITY COUNCIL OFFICE.

- § 1. WHEREAS, Article II, Section 22 of the Norman Charter declares there to be a vacancy in office whenever the officeholder ceases to possess some qualification for the office, dies, resigns, is removed from office by proceedings by a Court of competent jurisdiction, is declared legally incompetent by a Court of competent jurisdiction, or ceases to reside in the ward for which elected, except by reason of reapportionment; and
- § 2. WHEREAS, Article II, Section 22 of the Norman Charter further requires that any vacancy occurring on the City Council shall be filled by a majority vote of the remaining members of the City Council; and
- § 3. WHEREAS, Article II, Section 22 of the Norman Charter states that if City Council fails to fill any vacancy by majority vote within sixty (60) days of its occurrence, City Council must call and schedule a special election to fill the vacancy for the unexpired term.
- § 4. WHEREAS, there has not been a consistent process employed over the years to fill City Council vacancies; and
- § 5. WHEREAS, after four Council vacancies between 2019 and 2021, Council expressed a desire to adopt by resolution a process for filling vacancies that could be used to provide consistency and ensure resident input.

NOW, THEREFORE, be it resolved by the Council of the City of Norman:

- § 6. THAT, within five (5) days of learning of a Council vacancy, the City Manager shall ensure an Application for the Ad Hoc Selection Committee for Council Vacancy and the City Council Application (attached hereto as Exhibit A) are posted prominently on the City's website.
- § 7. THAT, the City Manager shall place five (5) nominations from the Mayor for the Ad Hoc Selection Committee on the next available Council meeting agenda for Council confirmation.
- § 8. THAT, Staff shall work with the members of the Ad Hoc Selection Committee to schedule a meeting as soon as possible after its appointment to review the process to be followed, to consider whether any ward specific questions should be added, to review Applications for Council Seat received by the City Clerk, to determine which applicants to interview, and to select an interview date.
- § 9. THAT, the Ad Hoc Selection Committee shall meet and conduct all interviews for the vacant Council seat in one meeting, leaving time for deliberation and the selection of an applicant to forward to City Council for its consideration.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2022.

Stephen T. Holman
Mayor Pro Tem

ATTEST:

Brenda Hall, City Clerk

CITY COUNCIL APPLICATION
CITY OF NORMAN

Item 1.

Please Print		
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NAME (Last) (First) (Middle)

ADDRESS			
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(Number/Street/Zip Code) (Home Phone) (Work/Cell Phone)

NUMBER OF YEARS RESIDED IN NORMAN NUMBER OF YEARS RESIDED IN CURRENT WARD

E-MAIL ADDRESS Have you voted in previous municipal elections?

MUNICIPAL/CIVIC ACTIVITIES

EMPLOYER OCCUPATION

BUSINESS ADDRESS

(Number/Street) (City/State) (Zip Code) (Phone)

Additional Employment, experience or educational information you feel is relevant:

Explain why you are interested in serving as Councilmember (feel free to attach additional information if needed):

Explain whether you intend to run for the office for which you are applying at the next election and why:

Do you have any direct or indirect financial or economic interest in any business or other undertaking (whether for profit or non profit) coming before City Council? _____ If yes, please explain.

Note: The City of Norman Charter requires applicants be registered voters in the City of Norman for six months and reside in the Ward in which they seek office. All information submitted on this application is subject to the Open Records Act.

Return to: BRENDA HALL, CITY CLERK
201 WEST GRAY ST. POST OFFICE BOX 370
NORMAN, OKLAHOMA 73070
FAX: 405-366-5389 PHONE: 405-366-5386

Before signing this document, verify that the content you are signing is correct.

Signature _____ Date _____