

Citizens' Commission on City Government

June 9, 2006

The Honorable Mayor Kathy Taylor
City of Tulsa
200 Civic Center
Tulsa, OK 74103

Dear Mayor Taylor:

The members of the Citizens' Commission on City Government thank you for the opportunity to present to you our findings and recommendations pursuant to the charge we received from Mayor Bill LaFortune on December 5, 2005. As a result of our meetings and interviews over the last five months, we are honored to submit our perspectives and key recommendations.

Introduction

We take the issue of suggesting charter changes as a serious undertaking. As a matter of philosophy we adhered to the advice provided to us by Professor John Nalbandian, chairman of the department of public administration at the University of Kansas, during our February 2006 session. First, Professor Nalbandian asserted that changing a charter is like amending a constitution because a charter is designed to set out rules, relationships and responsibilities in a fundamental sense. A charter change should not to be done lightly nor should it be done at a certain moment in time just because one might believe another form of government or charter provision would have performed better for that period.

Second, Professor Nalbandian wisely counseled us at the outset that the key issues we should try to address when reviewing the charter are: What problem are we trying to address? What is not working as well as it should? Is there evidence that changing the charter would fix the problem?

The Problem To Be Solved

Over the course of our process, we engaged in discussions to better understand what our core problem was or at least to identify a problem or two of sufficient importance that a claim could be made that charter reform would be of value. The discussions took place during a relatively tumultuous time in local politics during which there was a hotly contested mayoral race and ultimately the election of a new mayor and major changes in the makeup of the City Council.

In a phrase, the problem that the task force most squarely identified was a disturbingly high amount of discord at City Hall and a sense that the current structure may have the effect of exacerbating tensions rather than ameliorating them, coupled with the belief that local politics were far too heavily focused on infighting and petty squabbles rather than on pulling the city together to make forward progress on issues of importance for the citizens of Tulsa.

The Issues Addressed

With these problems in mind, we discussed and evaluated a handful of structural issues that seemed important to the members of the task force or which were brought to our attention by members of the community, current and former public officials, and experts who addressed us over the course of our discussion sessions.

The major charter reform issues which were addressed were the following:

1.

The question of whether the City of Tulsa should change the city's number of council seats or whether there should be any change to the current structure of nine councilors, all of whom are elected by district.

2.

The question of whether municipal elections should remain "partisan" as they are in their current form or whether the City of Tulsa should move to a non-partisan form of government, as is the current structure in Oklahoma City.

3.

The question of whether the position of city auditor should remain as an elected position or should become an appointed position.

4.

The question of whether the City of Tulsa should explore a merger of city and county governmental functions as has been pursued in Indianapolis, Indiana and Louisville, Kentucky.

5.

The question of whether there should be adjustments to the political calendar such that there can be more time between a mayoral election and the time for which a budget must be prepared and submitted.

6.

The question of whether the City of Tulsa should consider fundamental changes to its civil service rules and regulations.

It should be noted that Professor Nalbandian commented to us that, from a national perspective, the issues we were exploring were relatively minor ones in the context of city charter reform across the country. For example, the task force did not seriously consider a radical restructure of the city charter, such as a move to a council/city manager form of government. Similarly, the task force accepted as a positive Tulsa's strong mayor form of government and did not consider a reversal to the commissioner form of government that predated the current strong mayor form of government.

Ultimately, the task force spent the most time on the first two issues---the composition of the City Council and the possible reform of partisan elections. The task force also addressed the issue of an appointed city auditor, while spending less time on the issue of reforms to the civil service system. For these reasons, this report will concentrate on the findings and recommendations related to 1) city council composition and 2) the possibility of non-partisan elections. To a lesser extent, the task force has recommendations around the position of city auditor and the calendar of mayoral/ council elections and budget submission. Finally, the task force ultimately believed it was ill-equipped to make major recommendations in the areas of city/county unification or civil service reform; although the deliberations suggest that there are areas of improvement which may merit the attention of the newly-elected mayor and council.

At-Large vs. District City Councilors

The formation of our task force evolved out of a discussion over the composition of the City Council. There were individuals who sought a charter amendment which would have turned three of the nine councilors into at-large seats. Similarly, there were those who vigorously opposed any such change to the current form of nine council members, each of whom is elected from different districts.

Our task force spent a significant amount of time listening to presentations on both sides of the councilor composition issue, including remarks from political leaders, concerned citizens and community activists.

After much consideration, there was no consensus to alter the structure of the current City Council. In fact, most believed we should maintain the current structure of the Tulsa City Council with its nine members each elected by district. We reached this conclusion for the following reasons:

1.

Regardless of whether a better system in the ideal would be one where there would be a blend of at-large and district representatives, it appears very difficult and highly divisive to reduce the

number of seats elected by district. To do so would create a perception of, and in fact have the numerical reality of, reduced representation. Although many of us believe that we might have been better off, for example, had we moved to a 6/3 framework in 1989 at the time we jettisoned the five member, all at-large commission, it would be far different to move to a 6/3 structure today, after we have existed with a 9/0 structure for more than 15 years.

2.

Tulsa's unique history, including the racial divides that still afflict us, makes it all the more difficult to change to a system with reduced representation.

3.

To the extent that the issue of the council's composition emerged as a result of divisiveness between the mayor and the council, there is the current hope that the new elections, a new council and a new mayor have helped unify local politics and the community.

It should be noted, however, that a few task force members support a change to the charter. Such members suggest a slight expansion to the current council by adding at-large or super-district councilors rather than in any way reducing the number of councilors elected by district. Nonetheless, at the end of the analysis, most of the task force members reached the conclusion that no change should be made.

Partisan vs. Non-Partisan Elections

The task force makes the recommendation that the city should move to non-partisan elections for municipal offices. This reform was suggested to us by a wide variety of citizens and elected officials; in fact, two former mayors of Tulsa and a former city councilor, along with a former mayor of Oklahoma City, strongly encouraged us to take this step. Similarly, the public input we received encouraged us to recommend a non-partisan system for municipal elections. The task force agreed with this reform for the following major reasons:

1.

The issues facing the city largely defy partisan labels. The condition of streets, the strength of our first responders and the effectiveness of city services are not partisan issues. Traditional philosophical differences between the parties are not as important for municipal affairs.

2.

We need more cooperation between officials in city government. Partisanship tends to divide officials for reasons unrelated to municipal governance. Cooperation should be based on issues rather than party philosophy.

3.

It is important to have a unified mayor and council, especially on issues that go to a vote of the people. We think it will improve mayor/council relations if they are not distracted by party differences.

4.

Just as it is important for officials to be working together, it is also important for the voters of a city to come together on major initiatives. Too often the role of political parties can distract voters from the core issues at stake in city elections.

5.

A non-partisan system should work to increase participation in the elective process. At present, many voters feel disenfranchised because there are not any candidates in their party running for their city council districts. As a result, such voters occasionally are not able to have any say in the primary elections, and therefore are not able to have a say in who ultimately becomes their councilor.

The mechanics of a non-partisan election system need to be examined. Our task force recommends that serious consideration should be given to the Oklahoma City model as far as it relates to non-partisan elections. In that system, the top two vote getters in primary elections face each other in the general election, with the winner receiving at least 50 percent of the vote plus one vote. If one candidate receives at least 50 percent of the vote plus one vote in the primary election, there is no need for a general election.

It should be noted that this recommendation is not made unanimously. Some suggested that no change should be made while others embraced an idea advanced by local commentator Michael Bates, known as multi-partisan elections. Still others recommended that the system simply needed technical changes to enable higher participation levels. For example, one thoughtful suggestion was a response to the situation where candidates of only one party file for a council race in a particular district. In those situations, a few task force members recommended that such an election be converted from a primary election to a general election.

In summary, the broad consensus of the task force recommends the adoption of a non-partisan system for municipal elections.

Elected or Appointed City Auditor

The task force identified six issues relating to the city auditor position. Such issues and task force recommendations are as follows:

1.

Elected or appointed - The position of city auditor should be an appointed position rather than an elected one. To effectuate the appointment, the task force recommends the formation of an audit committee, consisting of five persons appointed by the mayor and confirmed by the council. No longer subjecting the auditor to periodic elections, the task force believes, would safeguard the independence and integrity of the audit office.

2.

Qualifications - Currently, the only requirement for city auditor is to be a voter in Tulsa. Because of the complexity and breadth of the position, the task force recommends that there should be a minimum requirement of certification as a Certified Internal Auditor or Certified Public Accountant.

3.

Reporting lines - The auditor needs to be independent and operate without fear of reprisal for investigating a situation or for bringing bad news. The task force believes that the auditor should report to an "audit committee" of five persons appointed by the mayor and confirmed by the council.

4.

Dismissal - Currently, since it is an elected position, an auditor may be removed at election time. This arrangement makes it difficult to attract a professional to the position. The suggestion of the task force is to place the dismissal decision with the audit committee and make it for cause. Because the auditor must be able to operate autonomously, the dismissal decision should be removed from the political arena and be based only on professional behavior.

5.

Salary - Some protection should be established to prevent under-funding the position of city auditor, which would result in the inability to hire an appropriately qualified person for the position. Current charter calls for a salary 70 percent of the mayor's salary. The task force recommends the salary be changed to a market driven salary commensurate with the requirements of the position and experience of the applicant.

6.

Functions of auditor - The external review noted that some traditional audit activities, such as performance audits, are missing from the list in the charter. The task force recommends a closer review of the auditor's roles and responsibilities be made.

7.

External auditors - Safeguards need to be in place to insure that the city auditor and external auditors operate cooperatively, but independently. Most businesses currently require a periodic change (three to five years) in external auditors to promote a fresh look at the audit function. The task force suggests that no accounting firm should be permitted to serve as the independent auditor for the city or any of its boards or commissions for more than three of any five year period.

The Election Calendar

A number of experienced political leaders in Tulsa suggested to the task force that we recommend a change in the election calendar. The primary reason for this suggestion is the weakness in the current system which demands a newly-elected mayor to propose a new budget to the city council just days after the election. Currently, the election takes place on a Tuesday in April, and the budget is due less than 30 days later on May 1 of every year.

Others raised different objections to the current calendar. For example, the spring election date has a way of decreasing participation because the campaign season is atypical and unfolds during the winter months.

The task force agreed that a fall election, at the typical first Tuesday of November, in odd-numbered years, would be a better system. This date has the added benefit of being one that people associate with elections and therefore will help boost participation.

Conclusion

The Citizens' Commission on City Government respectfully submits these recommendations to you. We hope that this effort provides you with the insights you need on this important topic of potential charter reform. As one would expect when debating difficult issues, we did not reach unanimity in our recommendations. Nonetheless, the recommendations reflect the general consensus of the task force on each of the major issues that we explored.

Sincerely,

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