

MINUTES
LAWTON CITY COUNCIL SPECIAL MEETING
DECEMBER 7, 2010 – 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch
Presiding

Also Present:
Larry Mitchell, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:02 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT:

Bill Shoemate, Ward One
Michael Tennis, Ward Two
Jay Burk, Ward Four
Janice Drewry, Ward Three
Robert Shanklin, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

Jay Burk, Ward Four

BUSINESS ITEMS:

1. Review and consider the proposed changes to the Lawton City Charter as submitted by the Charter Review Committee and take appropriate action if necessary. Exhibits: None.

Mayor Fitch stated the Charter Review Committee has worked diligently for six or seven months. In order to change anything in the charter, you must appoint a charter review committee so nine citizens were appointed, one by each councilmember and one by the Mayor. The charter has really not been updated since 1995 and the City Attorney has cleaned up a lot of language. He thanked the committee members for their hard work. He stated the committee has recommended a change in approximately ten items after numerous public hearings allowing citizens and the Mayor and council members an opportunity to express their concerns.

John P. Purcell, Jr., Chairman of the Charter Review Committee, recognized members of the committee who were in attendance. He stated two public hearings were held. They heard from several council members along with some written submissions from the council. He stated even though there was not a lot of participation by the public during the public hearings, many committee members received a lot of input from people who called and stopped them out in public. He stated they discussed every idea that anyone submitted. He stated there are a couple

of submissions that may cause some heartburn for council members. The recommendations are as follows:

(1) Limits mayor and council members to no more than three consecutive three-year terms. A majority of the committee felt that both municipal development and electoral accountability would benefit from requiring a periodic turnover of elected municipal officials. As a practical matter, few choose to serve more than a few terms in any case. However, formally limiting the number of consecutive terms will prevent council “homesteading” and may help to encourage broader service among Lawton’s citizens. Committee members agreed that retaining the charter’s current staggered three-year terms is desirable to insure continuity and accumulation of experience.

(2) Moves the dates of filing for municipal office, and of primary and general elections, to June, July, and November respectively; and, commencing in 2012, begins and ends terms of office in January *vice* March. The committee believes that revising Lawton’s electoral calendar to conform as closely as feasible to state-wide elections will both save money and encourage greater voter participation, while also permitting better preparation for a municipal budget cycle that now begins in April.

(3) Requires that candidates for election to the city council be residents of the wards from which they are seeking election for at least six months prior to filing a declaration of candidacy. This change seeks to insure that council members have a minimal familiarity with the wards they are elected to represent, and to discourage repeated change of residence merely to facilitate election or re-election to office.

(4) Adjusts terms of appointment to the city’s redistricting commission from five to ten years. This change adjusts the period of service to the decennial U.S. Census which furnishes the official basis for redistricting.

(5) Grants the mayor the right to vote on motions to appoint, suspend, or remove the city attorney and city clerk, and on adoption of the annual budget. The first provision reconciles the mayor’s voting authority with the 1998 charter amendment subordinating the city attorney as well as the city manager and city clerk directly to the mayor and council. The second reflects the committee’s unanimous conviction that the importance of the city budget urges the formal participation of Lawton’s only city-wide elected official in its adoption.

(6) Specifies the components of the city’s Comprehensive Plan, directs the City Council to establish a formal policy for its preparation and review, grants the mayor authority to convene a citizens committee to review and propose revisions to the plan, and requires the Council to make a reasonable effort to implement the plan as the city’s resources permit. A majority of the committee feels that, despite the existence of a variety of city plans, city planning overall remains disconnected, and its implementation unsystematic and inadequate. The proposed changes seek more effectively to integrate city plans, involve citizens in their formulation, and increase the likelihood that plans once approved actually will be resourced.

(7) Requires the City Council to establish an Emergency Fund by fencing a portion of the city's General Fund. Committee members agreed unanimously that Lawton must be able in the future to respond to events such as January's ice storm without demolishing the city's operating budget. The committee made no effort to specify the size of the fund, which necessarily will vary with the city's fiscal circumstances.

(8) Clarifies the prohibition of council members and members of city-chartered boards and commissions from voting on any matter in which they have a financial or personal interest, and permits their participation in discussion of such matters only to the extent permitted by law. This change merely updates and expands an existing charter provision requiring abstention from voting where conflicts of interest exist. He stated this has never been an issue, but this places it in the charter and makes it clear.

(9) Prohibits council members from abstaining from voting on any matter *not* involving such a conflict of interest. A majority of committee members felt that the practice of abstaining from voting on controversial council issues to evade public commitment and/or political embarrassment should be formally discouraged. He stated they have heard from a lot of citizens on this issue and they are not happy. They want the council member that they elected to make a decision and vote.

(10) Increases to \$250,000 the value of city property that may be sold without a vote of the people. The current limit of \$50,000.00 was set in 1972. The proposed revised limit is merely the equivalent value in today's currency.

Mr. Purcell stated these are the basic changes. There are other proposed minor changes that don't change the basic charter.

Jensen stated his staff made some clean up provisions and also some reorganizing.

Mayor Fitch stated these changes did not actually change the context of the charter. He stated with these ten items, they committee members had a lot of input from citizens. He suggested that they treat these ten items much like a consent agenda and vote on them as a whole, but pull any items they feel need to be discussed rather than go through them one by one. He stated this group has spent a lot of time on this issue and they have come up with some great items for review.

Haywood stated he feels they need to vote on each item individually.

6:17:44

There being no further business to consider, the meeting adjourned at 7:35 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK