

MINUTES  
SPECIAL MEETING  
CHARTER REVIEW COMMITTEE  
MARCH 26, 2018 – 5:30 P.M.  
CITY HALL COUNCIL CHAMBERS/AUDITORIUM

The meeting was called to order at 5:30 p.m. in the City Hall Council Chambers/Auditorium. Meeting notice and agenda were posted on the City Hall bulletin board as required by State Law.

1. *Roll Call:*

PRESENT: George Moses, Edward Stiles, Lynda Walters, John Purcell, Jr., Amanda Brewer, Allan Hampton, Jo Peters, Toni Walker

ABSENT: Ward 7 Representative

ALSO PRESENT: Frank V. Jensen - City Attorney, Tiffani Burk – Deputy City Clerk

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2. *Approve minutes of March 16, 2018 and March 21, 2018*

MOTION by Moses, SECOND by Hampton to approve the minutes of March 16, 2018 and March 21, 2018 AYE: Moses, Stiles, Walters, Purcell, Hampton, Brewer, Peters  
NAY: None MOTION CARRIED

3. *Receive and discuss input from City Council/committee members regarding proposed amendments to the City Charter and take action as deemed appropriate.*

Council Member Randy Warren-

- He said this is his personal feelings. The charter as a whole is the citizen's one opportunity to have direct control over how their government is ran. He asked the committee to consider any future ideas not just the residency requirement item and make a definite decision on it, don't give the council the opportunity to make it one way now and then make it another way later.
- He feels the residency requirement doesn't need to be in the charter. You could do it with an ordinance but Legal could decide that better. By requiring the residency requirement, we might run into a time where we can't find anyone qualified to fill a position that lives in the City of Lawton.
- He asked the committee if they lean towards putting the change in the charter, please put it by the actual job title. Don't leave it open to the council to decide later.

Stiles asked Council Member Warren if he believed that the City Manager or City Attorney should be residents of the City.

Warren said he did not think that they should have to be.

Hampton has looked at other cities that have the requirement and he has not really found any reason why those cities have the requirement. He asked Council Member Warren if he knew of a good reason to have it.

Warren said he couldn't find a real reason for it. He said a lot of people just feel like the employees should live here. It shouldn't be a feeling; it should be a practical issue.

Purcell said Council Member Tanner was going to bring which positions that he would like to require have residency in the City of Lawton.

Council Member Dwight Tanner said the amended proposal that he was going to bring back with some names, he doesn't have it ready at this point and time. It will probably be ready at the next meeting on April 2<sup>nd</sup>.

Moses asked Council Member Tanner what was holding him up.

Tanner said he has been working on this proposal going on about 3 years and he is working with city staff and it is budget season. He is not trying to press city staff for certain information. He has accumulated a little bit of information and by next meeting he will have specific positions that would be required to respond to an emergency in a specific amount of time. He said that is the direction that the committee gave him. But at this point and time, he doesn't have those positions together.

Moses said he has heard no persuasive argument that supports a residency requirement beyond what we have in the charter right now. He is ready to make a motion to have the committee approve a non recommendation back to the council that we not change the charter with regards to the residency requirement.

**MOTION** by Moses to not recommend to the City Council that the residency requirement be changed at all in the city charter as it now stands.

Frank Jensen said he doesn't think a motion is appropriate to cut off Mr. Tanner's proposal that he committed to provide. He needs to be able to submit his proposal for better or worse whether it fails or doesn't fail. We are not at any point ready to cut this committee off. We are just getting started.

Purcell read the March 16 minutes where Council Member Tanner said he would have his revision at the next meeting. He said that since Mr. Tanner has been working on this for a long time and it seems to him that Tanner should know which members that works for the city he wants to be required to have a residency requirement. He doesn't need to talk

to staff. He is the one that wants this. The staff generally doesn't want this from what he gathers. The council members that have called him don't seem to want any changes to the charter. We are just spinning our wheels. He said before we make any motions we have several people in the audience and we need to hear from them. We are talking about safety and he sees the Fire chief sitting in the audience and he would like to invite Fire Chief Dewayne Burk to the microphone to explain whether he feels a change needs to be made because there are policies in place for emergencies that do get all the people called in for an emergencies and it gets done in a timely manner.

Council Member Tanner wanted to let Vice Chairman Purcell know that he did notify Chairman Stone before the next meeting that he would not have his proposal ready and he let Vice Chairman Purcell know before this meeting started. So he believes he has pretty much fulfilled his obligation.

Moses said he has not heard any persuasive arguments that the change is necessary. That is why he has made the motion now and at current time he would like to have the motion stand. If it deems to be inappropriate by the committee at this time then he would be happy to withdraw it.

Vice Chairman Purcell asked that Moses withdraw his motion at the current time until we hear from the people that are here.

Moses said at the request of the Vice Chairman he withdraws his motion until a more appropriate time.

4. *Receive and discuss input from citizens regarding proposed amendments to the City Charter and take action as deemed appropriate.*

Fire Chief Dewayne Burk

- John Purcell asked Chief Burk; if we have an emergency right now, how does the system work, how do you respond and how do you get firefighters there in a time frame that is required without it being in the charter. Chief Burk said we have eight stations with personnel assigned to them 24 hours a day, 7 days a week, fully trained and capable of addressing virtually any emergency that we might have. We have command staff on shift 24/7 that is trained on the highest levels with many years of experience. Many have come up through the ranks with the new technology probably even more educated with some regards than himself. He said with all due respect it is not necessarily a charter change that you need. From a public servant stand point virtually all of us recognize what our duties and responsibilities are to our community. He said he lives in the city limits and has for over 20 years. He feels it is important to be a part of the community. He would hate to see them rule out a candidate because they do not live in the city of Lawton. He believes there are other ways possible. You could incentivize living in the city of Lawton. Such as company cars. He can't think of a Fire Chief in the State of

Oklahoma that does not live in their community or within 30 minutes or so. He doesn't think it is necessary.

Stiles wanted everyone to be aware that there is a State Statute that does not require firefighters and police officers to live with the city that they work for. He asked Chief Burk if he was aware of that.

Chief Burk said he was not aware of that. He is aware that some communities have tried the residency rules and they have not worked very well. They have had to go to like a 30 minute response time. If you look at the Lawton fire department with 145 employees, he would guess that about 65% of them live outside the City of Lawton but they are there every single day. That is why we maintain a 24 hour a day, 7 days a week staffing; to handle emergencies.

Janice Bell-Representing Ward 3

- She said this came up before when she was on the City Council for 6 years. It was never a problem. We never had a problem with response time. She doesn't understand why this has come up again. She thinks we have a lot more issues that the City Council should be involved in rather than this one.

Barbara Moeller-Currently in Ward 3.

- She said she is a past Council Member of Ward 6. Recently she had an opportunity to sell a home to the top cop at Fort Sill. His only requirement was that he had to live within 20 minutes of his job. He lives in the country, they clocked it and he could be on post in 5 minutes. She feels strongly that people need to be able to live where they want to live or can afford to live. Home is a place to go to relax, chill down and get a good night's sleep so you can face the next day. A lot of our firefighters come from farm people. Farm boys and girls have worked hard on the farm. They are used to heavy equipment and they make excellent firefighters. If farm is in their blood, they are going to stay on the farm and they should be able to do that if they want to. She can't think of any place in Comanche County that you can't get to Lawton in 20 minutes. She drives it all the time.

Council Member Tanner said the proposal that he is going to bring back to the committee is based on response time. He said when he first came on the council, a gentleman gave him some advice and he has followed that through the years. He said the two most important departments within the City of Lawton are Public Works and Legal. He said Legal would probably be the number one department because if Legal doesn't get it right then everything else is going to crumble. He works with Legal and he is going to bring back his proposal to identify the critical positions that will respond to an emergency and will come up with a reasonable response time. He said this proposal does not affect any current employees, it is not retroactive. It would only affect future hires.

Walters asked Council Member Tanner if it would apply to promotions. If a Fire Chief's position came open and a current firefighter wanted to apply and they lived outside the city limits would they have to move into the city limits?

Tanner said he wants to get away from using city limits. He is talking about response time now and yes it would apply to promotions.

Walters said to Council Member Tanner that she feels like there is an underlying issue with him. And the safety aspect has never been an issue. We have a plan in place. She feels like Tanner's issue is more about him feeling like employees aren't invested in this community if they don't live inside the City.

Tanner said they are not "as" invested.

Walters said she thinks that it is his personal feelings. She agrees with Barbara Moeller that employees should live where they feel comfortable and that does not make them any less available or valuable to the job that they serve.

Hampton said he has a son and grandchild that live in Oklahoma City. He said he needed to make an investment to the city that he has been trying to get his son to move back to. He likes Lawton. He has heard a lot about why this residency requirement is bad. He agrees but at the same time he has read about other places that have residency requirements and they are not stupid. There are reasons why they have it. He thinks anyone should have the opportunity to make their point and he thinks that Council Member Tanner should get his opportunity. He said he read on the internet that this is a heated debate here in the United States and he sees that now. He would like to hear Tanner's proposal at the next meeting. He would like to end this discussion and table this issue.

MOTION by Hampton, SECOND by Brewer to table Council Member Tanner's proposal. AYE; Walters, Hampton, Brewer, Peters, NAY: Purcell, Walker, Moses, Stiles  
MOTION FAILED

Moses told Mr. Tanner that he disagrees that management being the policy makers need to live in the City of Lawton. They can live anywhere and make policies. That is not a persuasive argument and emergency situations are also not a persuasive argument. He agrees with Walters that there are some other issues here that they are not hearing about. He thinks if they change the residency requirement in the charter, he wouldn't be surprised if they don't end up with a law suit. He can't see any change necessary.

Stiles spoke to Council Member Tanner and said he understands that the next meeting you are going to bring back the proposed amendment that will identify positions with response times and these will be put down as requirements in the city charter. And this proposal will go to a vote of the people. He said he doesn't know at this time what positions or what times it is going to be. He said he doesn't care what times or positions. He does care about the required times for required positions and that is a Residency

Requirement, which he is totally not in favor of. He said with that, regardless of what the amendment looks like, we have all the information we need right now to determine whether we accept that or not.

Purcell said he would like to ask the committee a question. Let's say the police or fire chief retires tomorrow and you live in Walters or Geronimo or somewhere around here and you are the deputy chief. Obviously you would be the most qualified person to step up and fill that position. How many of you would be willing to sell your home, pull your kids out of school to move within the city or the required response time?

Hampton said his daughter-in-law moved to OKC for a position and he personally has moved to different places for positions. He said that definitely would be a hard decision.

Brewer said she would move closer. She said her comfortability is not more important than the citizens.

Peters said for her personally, she would pass it up to give someone else who lived in Lawton or were willing to move to Lawton that opportunity.

Purcell said that Council Member Tanner has some hurdles to jump over. The previous council did not agree with him and the new council did not agree either.

Council Member Tanner said that is not true. He said that Council Member Warren suggested that they form a charter review committee to see if there were other things that need to be looked at.

Purcell said no matter what this committee does, it is going to go back to the council again to decide. He asked Tanner what makes him think that he could convince the council to make the decision to change it.

Tanner said he is not asking the council to make the decision to change it, he is asking the council to send it to a vote, so the citizens can decide for themselves. He said he would be willing to bet anyone that the proposal will pass. He said he knows it will pass.

Purcell said he thinks Mr. Tanner is being overly optimistic.

Tom Leon-Ward 8

- He told Mr. Purcell that he doesn't know that it is not going to pass.

Purcell said he didn't say that it wasn't going to pass.

Moses recommended that the committee shut the whole idea down

MOTION by Moses, SECOND by Stiles to recommend to the City Council that no changes be made to the City Charter.

Vice Chairman Purcell opened it open for discussion.

Preston Holsinger-Ward 6

- He wanted to apologize to Council Member Tanner for disagreeing with him. He agrees with Mr. Moses. Why are we spending all this time on this issue? He is surprised that the leaders of this town are spending so much time on this issue

Walters said she doesn't agree with Tanner but she does feel like he has the right to bring his amended proposal back to the committee. He has spent 3 years on it, what is one more meeting for us to give him that ability.

Hampton agrees Tanner should have the right to bring his proposal back whether it is agreed upon or not.

Stiles said he believes that we have already received his proposal. He is just going to specify positions and times.

Hampton said he thinks Tanner has been peppered with questions that he has not been prepared for.

Stiles said he thinks that Tanner should be able right now to give those specific positions. He doesn't have to give his final wording.

Moses said he thinks Tanner has had ample time to brief us and council about this proposal and he still doesn't hear a persuasive argument to do it. He is not in a position to support it.

VOTE ON MOTION AYE: Purcell, Walker, Moses, Stiles NAY: Brewer, Peters, Walters ABSTAIN: Hampton MOTION CARRIED

Council Member Tanner asked Frank Jensen if an "Abstain" counts as a no or yes vote.

Jensen said it doesn't count as a vote. It doesn't go one way or the other.

Purcell asked if anyone else in the audience has any other items that they want to address in regards to the City Charter.

Cherry Phillips-Ward 6

- She asked the committee if any other proposals had been brought to them about any issues other than Mr. Tanner's.

Purcell said he has not. He asked the committee if their Council Member or a citizen has brought them any recommended changes to the charter. No member spoke to anything that they have received.

Janice Bell-Ward 3

- She said one thing she would like the committee to think about for the charter; you can't get a job without a background check and yet we put people on the council to run our city that have not had a background check. She thinks we should do a background check on city council members.

Purcell said he believes that is something the Mayor wanted us to look at if we went forward with any charter changes.

Mayor Fred Fitch

- He said background checks and credit checks should be on Council Members and the Mayor. You don't want people that have been sued for not paying bills or whatever to be making decisions for our city. You do have a residency requirement for the council members & the mayor. Council has to live in their ward and the mayor is an at large person. These nine people should be vested in the city and own their home and not rent a home.

Purcell asked Frank Jensen about the background and credit check. He asked how that would work.

Jensen said we did make a change on what would disqualify a candidate. He explained the time period in which a candidate can file an appeal against an opponent. He said the city adopted what is a disqualifying offense for state offices. That is a conviction of a felony and/or a misdemeanor involving embezzlement.

Purcell asked if adding a credit check could be done with an ordinance and Jensen said yes.

Council Member Tanner thanked the committee for hearing his proposal, it didn't go his way but he is used to it. He is not upset, he will just carry on. Thank you to the citizens for their comments, they were all well taken.

Vice chairman asked the committee if they felt like they needed to have another meeting or not.

Jensen said the plan was to have two meetings that would be more convenient for the public

The Committee agreed to meet on April 2<sup>nd</sup> which was an already scheduled meeting date. The meeting will be at 5:30 pm at the City Hall Council Chambers/Auditorium.

5. *Adjournment*

There was no further business to consider and upon a MOTION by Moses, SECOND by Peters, and roll call vote the committee adjourned at 7:15 pm.