

MINUTES  
SPECIAL MEETING  
CHARTER REVIEW COMMITTEE  
APRIL 2, 2018 – 5:30 P.M.  
LAWTON CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

The meeting was called to order at 5:35 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, Jerry Wertz, John Purcell, Jr., Angela Stone, Amanda Brewer, Jessica Gaines, Jo Peters,

ABSENT: Ward 2 Representative

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

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2. Approve minutes of March 26, 2018.

MOTION by Stone, SECOND by Brewer, to approve the minutes of March 26, 2018.  
AYE: Moses; Stiles; Wertz; Stone; Brewer; Gaines; Peters. NAY: None. MOTION CARRIED.

3. Receive and discuss input from City Council & /or Committee Members regarding proposed amendments to the City Charter and take action as deemed appropriate.

Chairman Stone asked does anyone have any business they want to discuss from Council or committee. At this point and time I would like to make a motion to reconsider the vote on Council Member Tanner's agenda item on residency requirements and/or response time as I was absent from that meeting.

MOTION by Stone, SECOND by Brewer, to reconsider the vote on Council Member Tanner's agenda item on residency requirements and/or response time.

Purcell asked is there discussion. There is nothing in any kind of parliamentary procedure that allows someone to reconsider a motion because they were not at a meeting. There was a representative from Ward 5 here, and I'll make some other comments, but there is no procedure that allows that to be reconsidered. We are violating all kinds of parliamentary procedures. There is a Council Policy that applies to Council,

but it does not apply to any committees that have ever been appointed in the City of Lawton. We have never reconsider stuff unless it is brought up at the same meeting. Chairman Stone stated as I was reading over the Robert's Rules of Order "the motion can be made by any member of the committee who did not vote with the losing side. In other words the maker of the motion to reconsider can be one who voted with the prevailing side or one that did not vote at all or was absent". That is on page 320, or excuse me 330, on Roberts Rules of Order. Do we have any more discussion on this motion? Okay, if there is no more discussion on this I would like to vote to pass this motion.

VOTE ON MOTION: AYE: Wertz; Stone; Brewer; Gaines; Peters. NAY: Stiles; Purcell; Moses. MOTION CARRIED.

Purcell stated Madam Chairman I have a Point of Order please. As a matter of fact I have two. In order to be on this committee Councilmember's appointed individual members to be on the committee. There was a possibility, as we have seen in Ward 5, where now we have had 3 members representing Ward 5, but there were alternates presented to the City Clerk. I would like to ask the City Clerk, and this is not against you Mr. Wertz, if Mr. Wertz was ever nominated to be an alternate.

(City Clerk sitting in audience and you cannot hear her answer.)

Purcell stated the answer is no. I do not understand how Mr. Wertz, who hasn't attended any meetings until tonight.....

Wertz stated I have attended 2 of the meetings.

Purcell stated in the audience but not as a member of this committee, can be here. That is number one. I would like to make that as a Point of Order. I would like a ruling on how he can sit here tonight and vote. I think we need to ask the City Attorney.

Chairman Stone asked Frank would you like to speak to that.

Jensen stated either Mr. Wertz was nominated or not. The nominations by the Councilmember's weren't subject to the approval of the entire council. They could have been but they were not. You could nominate a primary, you could nominate an alternate, you could nominate a second alternate. It is a simple question of whether he was nominated or not. I don't know which Ward we are talking about. Is this your Ward? Would you come up and address whether he was nominated or not.

Davis stated Lynda Walters was the first nomination for this seat and Jerry Wertz was the alternate. Lynda Walters is not going to be able to serve on the committee anymore. She is fulfilling other duties on other committees so Mr. Wertz will be the fulltime representative for my Ward.

Purcell stated Frank, since we have not heard that until tonight is that an alternate. Is he an alternate since we didn't know about it until tonight?

Jensen stated I'm not in control of this process. I'm not here to dictate to the committee what they...and I think I made that clear from the beginning. They were either nominated or they weren't. If Mr. Wertz's name wasn't turned in prior to tonight if that what you are saying.

Purcell stated yes, that is what I'm saying.

Jensen asked when was his name turned in.

Purcell stated it hasn't been according to the City Clerk. He just showed up tonight....

Jensen asked Mr. Davis when was his name turned in. Was it turned in before tonight? Whatever the pleasure of the committee is. I'm not here to control who the members are going to be.

Chairman Stone stated Mr. Wertz you said you were present here in the audience for the first two meetings.

Wertz stated second and third.

Chairman Stone stated second and third committee meeting.

Wertz stated and then Caleb asked if I wanted to be a substitute or alternate....

Chairman Stone stated okay.

Wertz stated at that time.

Chairman Stone stated okay. I don't see that I need to recognize that Point of Order.

Purcell stated okay. I have another Point of Order. I see where the Chairwoman has signed in at the first meeting with an address of 516 NW Cherry. I have had numerous phone calls about the issue that she no longer lives at that address.

Chairman Stone stated I actually do retain a lease at that address and so....

Purcell stated you retain a lease, but you do not live at that address and there is no electricity and hasn't been since the 12<sup>th</sup> of March.....

Chairman Stone stated that is actually true so. I was out of the country and actually I'm not going to discuss my personal affairs up here. That is my address and it is my lease. I'm not going to recognize that Point either.

Purcell stated I think the committee and the audience needs to know that of 10,000 people,,,,,

Chairman Stone stated I'm calling you to order.

Purcell stated I've got the floor. You have given me the floor and I haven't relinquished it yet on the Point of Order. Out of the approximate 10,000 people that live in Ward 5 anyone could have been appointed. This was Council Member Tanner's selection and that is fine. I have no objection to that whatsoever. To appoint someone to a committee and then you find out, and I had no idea until after the first meeting and I started getting phone calls, that the person appointed did not live in Ward 5. As a matter of fact.....

Chairman Stone stated sir, I have actually ruled on your Point of Order already so we are done with the discussion.

Purcell stated I object to your....

Chairman Stone stated thank you. Thank you.

Purcell stated I understand what you are saying and this has become a farce....

Chairman Stone stated thank you.

Purcell stated on this committee and I think the citizens....

Chairman Stone stated as I...I have ruled on this Point of Order sir, thank you. I do hold a lease there. I have held the lease and was in the property when I was appointed to this position. Thank you.

Purcell stated I'm sorry and we can disagree. We can have the person who owns the house come here to testify to the public and to this committee of what really went on. We all understand....

Chairman Stone stated I have already ruled on your Point of Order sir. Thank you.

Moses stated well I would like to, as a committee member, I would like to know....

Chairman Stone stated absolutely.

Moses stated where the issue lies legally. Are you....

Chairman Stone stated there actually is no issue. We just selected representation which Ward...

Moses stated I think you have a conflict of interest here. You are making a claim with no evidence presented either way. I think this needs to be sorted out with some evidence. I would like to see some evidence one way or the other whether....

Chairman Stone stated I'm not sure I need to provide any evidence as I was appointed to this committee by a Councilmember. It's really not up for discussion.

Purcell stated I think it is up for discussion. The purpose of this committee is to determine residency and yet we have appointed to the committee to represent a Ward....

Chairman Stone stated that has nothing to do with my personal business. That has to do with an item that was specifically agenda by a Ward 5 representative. Not my personal business. I have ruled on this Point of Order and we are done talking about it.

Purcell stated I know you are getting instructions from your boyfriend so I understand that.

Chairman Stone stated I'm going to call you to a Point of Order on that. I'm not sure where you are getting that from. We are not going to behave like that up here. We need to show each other some respect and show the citizens the fact that we can work together. We are not here to discuss personal business.

Moses stated Madam Chair, you declared an address and there is evidence, by some we have talked to and people that have called us, that you do not live there. They....

Chairman Stone stated my mail comes to that address....

Moses stated I would like to know....

Chairman Stone stated that is my property....

Moses stated I would like to know where you do live.

Chairman Stone stated that is my property right now.

Moses stated I would like to know where you do live. Do you live in that Ward or is that the address you live at.

Chairman Stone stated Council Member Tanner.

Council Member Tanner stated Madam Chair, it is my understanding that you live on the corner of 6<sup>th</sup> and Bell. When I appointed you that was where I believed that you lived. I will still assume that you live in Ward 5. I'm not really sure what the criteria was when we formed this Citizen Charter Review Committee. I don't know if you specifically had to live in the Ward that you were representing. To be honest with you the committee was put together so loosely. I actually voted against forming the committee. I thought that the Council would be the appropriate authority to review the Charter and make decisions on the Charter or any revisions that needed to be made. Citizens could show up and provide information and their opinion to any proposed Charter change. I appointed Angela Stone as my primary, Allan Hampton as my secondary, Wyonna Alberty as my

third, and Vince Cambron as the fourth. I'm not even sure that we specified at the meeting, that was a substitute motion or amendment that I made to allow alternates in case someone couldn't show up. The Council went ahead and accepted my amendment. It wasn't at that point and time, as far I know, clarified whether each Councilmember was to appoint who represented them as an alternative. To be honest with you it is unfair to the Citizen Charter Review Committee that things weren't actually set up in a specific organized manner. I was just going along with the process based off of Councilman Warren's recommendation that we form this committee. There may be some other items, other than the ones that I was proposing, and if there were more it would be more cost to send them all out to the vote of the people at the same time. I'm going to let the committee hash out Angela Stone's primary residence. At this point and time I was always under the assumption that she lived at 6<sup>th</sup> and Bell. I've worked on her car and have picked it up and delivered to that address. She has had issues with her trashcan not being picked up and I've turned these issues into Solid Waste for her. She and I don't hang out together. We don't drink coffee together. She will text me occasionally. She is very active in Ward 5. She supported me and I would like her continued support for a lot of reasons. Mainly I like her. I may not agree with all of her opinions but she is a residence of Ward 5 as far as I know.

Moses stated the problem as far as we know but we don't.,,,,,,

Chairman Stone stated there weren't any resident requirements. There were not any requirements set up.....

Moses stated as a member of this committee I am entering a protest that you have not presented evidence of true residency in Ward 5. Until I see evidence, as far as I am concerned, you are not qualified to even be here.

Council Member Tanner stated Mr. Moses, if I may Chairperson Stone, I don't think that....

Moses stated that is a protest that I want entered into the record and until evidence is presented to the contrary I think it should stand. This chairman is not qualified to be here as far as I am concerned.

Council Member Tanner stated at the time I don't believe, we will have to look in the minutes, that we actually clarified living in the Ward. I would have been for clarifying that because anybody that is going to represent Ward 5 I believe should live in Ward 5. At the time of the appointments I knew my appointees lived in Ward 5.

Purcell stated I would like to ask you a question Council Member Tanner. We are sitting here talking about residency. It seems to me that it is ironic and hypocritical that you wanted people to live within the city limits when we stated this process. I know that has been changed and we are doing something a little different.....

Council Member Tanner stated appointed officials and department heads.

Purcell stated right, I understand that you wanted a residency requirement yet someone who signed into this meeting with an address that was in Ward 5 had in fact moved out of Ward 5 according to the owner of the house. The electricity was turned off at that house. Today the same person signed in and used that same address. There have been many people who are say she is in Ward 7. You have someone representing Ward 5 who basically lives in Ward 7. I find that ironic and hypocritical when we are talking about residency and being vested. That is my comment and I think it is absolutely ridiculous.

Chairman Stone stated I appreciate all your comments. You have no proof whether I was living in Ward 5 or not at the time. I still have a lease there, my items are still there and the homeowner and myself are in contact all the time. There is no debate whether I still have a lease on that property or not. There is not debate whether my items are still there or not. We are here to talk about Council Member Tanner's agenda item. We are here to take care of business. That is what we are here for. I think this is pretty much a retaliation right now because I decided to make the motion.

Moses stated Madam Chair, I'm sorry to interrupt....

Chairman Stone stated I'm still speaking....

Moses stated until you can....

Chairman Stone stated I'm still speaking....

Moses stated present evidence to this committee....

Chairman Stone stated I am still speaking....

Moses stated that you are qualified....

Chairman Stone stated I am still speaking....

Moses stated to be here....

Chairman Stone stated I am still speaking Mr. Moses....

Moses stated through residency....

Chairman Stone stated Mr. Moses....

Moses stated I don't believe you have the capability....

Chairman Stone stated I'm wondering if you have the capability because you are still interrupting....

Moses stated to conduct this meeting.

Jensen stated call a recess or something.

Moses stated you are not.....

Chairman Stone stated absolutely. We are going to recess right now.

Moses stated I think you ought to just terminate the damn committee.

Chairman Stone stated Mr. Moses we have already discussed your language. Professional courtesy would be appreciated.

(The committee recessed for approximately 10 minutes and reconvened with all members present)

Tom Leon

I have been at the council meetings when they brought up this committee and I didn't hear any guidelines of how to run this committee. I think we are just trying to target people and I think that is bad. They live in a place they say they live in and that should be the law. They need to get on with the charter and get the charter taken care of so that the city attorney can get his job done.

Stiles stated I need some clarification. At the last meeting we voted on a proposal. At that meeting there was one member missing from ward 7. At this meeting there is another proposal to raise that proposal back again because a member was missing. I show at this meeting that the ward 2 member is missing. The only time they have had members missing was at the last meeting with ward 7 and at this meeting with ward 2, is that correct.

Chairman Stone stated that is correct. She does not see the ward 2 member here tonight.

Stiles questioned on what basis were they looking at the relook at this proposal on the basis of a member being absent. Was it because the ward 7 member was absent? As far as we are concerned, you (Chairman Stone) were not absent. We were not talking about people, we were talking about representatives. A representative from ward 5 was here.

Chairman Stone stated that has been part of the requirements is that the representative that would sit in my seat would abstain from the vote and so that is why we are able to do this, upon an absence or a nonvoting, according to Roberts Rules of Order that I just read. I will find it and read it again.

Council Member Tanner stated first of all, I was supposed to have brought back an amended proposal which I never brought back. I was never given the opportunity to bring that back. A motion was made by Mr. Moses to basically deny my non proposal. He had heard enough and had not heard any convincing arguments that would have changed his mind. But he had never brought back his amended proposal. A vote was taken, a substitute motion was made to table the item, it was a tie 4-4 and then it reverted

back to Mr. Moses' main motion, a vote was taken and the vote carried because we had one abstain, which was in ward 5, for whatever reason he decided to abstain. But I was never allowed to present my amended proposal to the committee which was my original task from the very first meeting. Right now it does not matter to me, whatever the committee decides today I was happy to live with the decision at the last meeting. I'm not the chair of the meeting or up here as part of the committee. It is up to you to hash all this out and I wish you the best.

Chairman Stone stated one of the factors for me in making this motion isn't in playing sides or who is right and who is wrong. The fact is that they are a research committee and that is what they are here for. We're not here to choose sides or play politics, we are here to research the items that are brought to us. It is important work and I fail to see where Council Member Tanner was able to submit any research at all because he wasn't given the time promised by the body in the first place and to me that seems wrong. He is a representative for thousands of people in his ward and when you take a promise back from him you are taking it back from the citizens he represents. We are a research committee ultimately that is what we are here for and that needs to be something we are focused on.

Stiles stated he still did not receive an answer, now we are saying that the abstain vote made by the member at the last meeting was not really an abstain vote it was the same as saying that I was absent. The member was here and now you are saying that yes but he voted to abstain so that means that he really wasn't here? I don't understand that.

Chairman Stone stated it's really pretty easy to understand. I was able to make the motion because I wasn't here and furthermore he wasn't voting. Its right here in Roberts Rules of Order, "the motion can be made by any member of the committee who did not vote with the losing side, the maker of the motion can be one who voted with the prevailing side or one who did not vote or was absent". So we've made the motion and it passed.

Stiles stated I keep hearing the word "member" and that being you (Chairman Stone). The member was that individual sitting in that seat last time.

Chairman Stone stated he didn't vote.

Purcell stated yes he voted, he voted to abstain.

Chairman Stone stated we already voted on this, I'm calling the vote, now.

Moses stated one more point of discussion Madam Chair.

Chairman Stone stated I already called and I'm asking the secretary to call roll.

Moses stated you've had the vote of what I consider to be an out of order motion.

Chairman Stone stated the chair does not recognize Mr. Moses, I've called for the vote. Purcell requested that the Chairman restate the motion.

Wertz stated I would like to make a motion to allow Council Member Tanner to submit his updated proposal

MOTION by Wertz, SECOND by Purcell to allow Council Member Tanner to submit his updated proposal. AYE: Wertz, Purcell, Stone, Brewer, Gaines, Peters, Moses, Stiles. NAY: None MOTION CARRIED

Denise Ezell

I am an employee of the City of Lawton. Council Member Council Member Tanners item is up for discussion, is that correct?

Chairman Stone stated yes.

Ms. Ezell stated being a city employee I am also one of the members who lives out of town so this affects me dearly. I have almost 20 years in with the City of Lawton and I am now second in charge in our office. If you pass this and my boss decides to resign, I am not allowed the opportunity to apply for her job because I am not a resident of this town. You are forcing me to do one of two things, either not apply, and as a 20 year employee I feel I have the right and deserve to apply, or you are making me find a residence, that is really not my residence and lie about it. I ask that you seriously consider this because I am not the only one that this affects. In the fire department, the assistant chief does not live within the city of Lawton. The assistant police chief does not live within the city of Lawton. You are affecting lots of employees that deserve that promotion. I ask that you consider this before you take your vote.

Brewer stated just as a reminder, this is not about the city limits, this is about a 20-30 minute emergency response time.

Council Member Tanner stated that is what it defaulted to.

Chairman Stone stated that part of the concerns of the representatives up here were thinking of things like that and that is why Council Member Tanner was given some time to revise his item because there were concerns with some people. I definitely do not reject anything that you are saying, I think that is what is so important about the fact that they do the research is because these things are so important to so many citizens.

Ms. Ezell stated that if you do the research you will find that close to 50% of the city employees do not live within the city limits and some of them may not live within a 20-30 minutes response time, but they are here from 8 a.m. to 5 p.m. and are here to do their job. I was a little disappointed the other night when you (Council Member Tanner) said that we come to town, we stir up a hornets' nest at fifteen until five we leave and the citizens of Lawton have to take care of that hornet's nest. That is not correct. There have been many, many people that have stayed past five o'clock, six o'clock or seven o'clock

to take care of those hornet's nests and I feel like I am one of those people. So I ask that you think about this seriously before you take a vote on what you decide to do because you are affecting a lot of lives that are employees with the City of Lawton.

Council Member Tanner stated Denise, I certainly was not talking about you, you do an outstanding job, you are not a hornet nest stirrer. There are a few folks that do stir up a hornet's nest. The proposal I was supposed to bring back to the committee, which I wasn't allowed to do, was based on response time for critical positions of employees of the City of Lawton, which I have a few from the city manager and the city clerk was not one of those positions. I was never able to bring the amended proposition back to the committee for them to look at and say it is a good idea or a bad idea just based off of my poor oratory skills, former Council Member Moses recognized and I have not yet convinced him and I respect Mr. Moses highly and he has a right to his view points and he has forgotten more about leadership than I will ever know. The proposal that I was going to bring back to this committee was going to be centered around critical positions for city employees that need to be able to respond to emergencies within a specific amount of time, 20-30 minutes, and if you are living in Oklahoma City, like some of our city employees in top level positions were doing, it's kind of hard to respond within 20-30 minutes.

Moses questioned if Council Member Tanner had resubmitted a proposal.

Council Member Tanner stated no I haven't.

Moses stated well what did we vote on.

Council Member Tanner stated the ability ...

Moses stated I'm telling you Madam Chair I think this committee is corrupted, I don't understand where we are going here. We don't have a revised motion. We voted on something that was by the own person that submitted it says that he wanted to revise it, it hasn't been revised and yet we are sitting up here voting. You have to clarify what the hell we are voting on.

Chairman Stone stated I am going to ask you for the last time to please watch your language. Everybody up here deserves respect. If you don't respect the person sitting in the seat, at least respect the people they represent. That is not asking a lot.

Moses stated you did not answer my question Madam Chair, what are we voting on. What did we vote on?

Chairman Stone stated I am not going to recognize you if you keep talking to me like that.

Moses stated what was the motion?

Chairman Stone stated that is enough. Council Member Tanner are you done speaking?

Council Member Tanner stated yes, it is my understanding that the vote was to reconsider allowing me to bring my amended proposal back to the committee. That is what I understood the motion to be.

Purcell stated yes, that's what I thought we voted on but do you have it? Are you going to say tonight that you still don't have it?

Chairman Stone stated no, he was never given the opportunity to do the research that we promised him in the beginning. I think he deserves that time to rework his item. Actually Mr. Purcell, this was your idea.

Purcell stated someone did the motion. What I'm saying is that he's had three meetings and we still don't have it. If we're just sitting here then we need to adjourn this meeting and come back at the next meeting and bring it. If that's what we are going to do, I thought we voted on it.

Brewer stated I'd just like to add from my point of view it is understandable why you (Council Member Tanner) wouldn't have it today seeing as we voted you down last time, wells not we, but the council voted you down last time. I'd like to make a motion that we give you at least a week to bring your proposal back.

Council Member Tanner stated that is fine with me.

MOTION by Brewer, SECOND by Gaines to give Council Member Tanner a week.

Moses stated would you restate the motion. Say it loud enough so that we all can hear it.

MOTION by Brewer, SECOND by Gaines for Council Member Tanner to bring his proposal back in a weeks' time from today. So that would be next Monday at 5:30 p.m.

Stiles questioned if they could possibly look at an alternate time to 5:30 p.m. since we are apparently not looking for input.

Chairman Stone stated if there needs to be a different time than 5:30 p.m. then I don't see a problem with that, if people are having trouble getting here.

Stiles stated the first meeting was at 2:30 p.m. and that seemed to work good.

Chairman Stone stated Mr. Purcell brought this up, the reason they moved the meetings to 5:30 p.m. is so that the citizens could have time to attend. You have to respect that.

Stiles stated at the next meeting we are not looking for input from the citizens.

Purcell stated he would like to amend the motion that we meet next Monday at 2:30 p.m. because we've heard everything the citizens want to say for the last three meetings of what they think about this. It's just going to be what this committee or Council Member Tanner says. Certainly any citizen is invited. I think we need to do it at 2:30 p.m. so we don't keep staff sitting here until 6, 7 or 8 p.m. I amend the motion to meet next Monday at 2:30 p.m.

Council Member Davis stated the committee has allowed Council Member Tanner to bring back his proposal and now we are discussing what time to do that. I would like for the committee to entertain hearing from the citizens since at this time we really don't have any idea of what the new proposal will look like. It may be a proposal only requiring the fire chief and police chief and a couple or it may be a very broad proposal, but the citizens that have reached out to me aren't sure about what proposal the committee has looked at and they don't feel that it is well defined. I feel that at the next meeting the proposal will be well defined and at that point I would like the committee to consider allowing input from the citizens and a lot of citizens cannot be here at 2:30 p.m.

Brewer stated that is part of the reason she said 5:30 p.m. Another reason I said 5:30 p.m. was, it was the second meeting I brought up the fact that I had went out to 47 different citizens and got signatures from them on what we knew at that moment was Council Member Tanner's proposal, all of whom said yes. Someone in the audience mentioned why weren't they here, unfortunately I didn't get the time to tell them that it was 2:30 p.m. and most of them were at work. That is why I felt it should be at 5:30 p.m.

Moses stated I second Mr. Purcell's motion.

Purcell stated I withdraw my amended motion and I agree let's have a meeting next Monday night at 5:30 p.m.

Chairman Stone stated thank you Mr. Purcell. We are voting on Ms. Brewer's motion.

VOTE ON MOTION: AYE: Purcell, Stone, Brewer, Gaines, Peters, Moses, Stiles, Wertz. NAY: None MOTION CARRIED.

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

There was no further business to consider and upon motion, second and roll call vote the committee adjourned at 6:35 pm.