

MINUTES  
SPECIAL MEETING  
CHARTER REVIEW COMMITTEE  
AUGUST 2, 2010 - 10:00 A.M.  
OLD LAWTON HIGH SCHOOL – MAYOR’S CONFERENCE ROOM

The meeting was called to order at 10:00 a.m. in the Mayor’s Conference Room at the Old Lawton High School. Meeting notice and agenda were posted on the City Hall bulletin board as required by State Law.

1. Roll Call:

PRESENT: Steve Barnes (arrived @ 10:05 a.m.) Rick Sinnreich, Ken Easton, John Purcell, Jr., Minnette Page, John Cameron, Albert Johnson, Sr., Emil Vyhlidal (arrived @ 10:01 a.m.), Ernest Godlove.

ABSENT: None.

ALSO PRESENT: Frank V. Jensen - City Attorney, Traci Hushbeck - City Clerk, Emily McKee – City Attorney’s Office, Kim McConnell - Lawton Constitution.

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2. Approve minutes of July 26, 2010.

MOVED by Page, SECOND by Cameron, to approve the minutes of July 26, 2010. AYE: Sinnreich, Easton, Purcell, Page, Cameron, Johnson, Godlove. NAY: None. MOTION CARRIED.

3. Review of the City Charter and take appropriate action if necessary.

The committee reviewed the following items:

**C-1-3 - Planning and zoning—General grant of power.**

b.

The scope of the planning function shall include, but shall not be limited to, the development and administration of a comprehensive land-use plan which will provide for the careful and thoughtful integration of residential, commercial, industrial, public, and other **elements** to achieve and preserve social purposes, economic values, and aesthetic quality of the neighborhoods and of other areas that compose the city.

**-Ask City Planner to explain other “elements”.**

**C-2-2 - Mayor and mayor pro tem.**

- a. The mayor shall preside at meetings of the council, and shall ~~prepare and propose agenda for council meetings.~~ ensure an agenda is available for council meetings. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall have no administrative duties except that he shall sign such written obligations of the city as the council may require. He shall have the right to vote on questions before the council only in case of a tie and on motions to appoint or to suspend or to remove the city manager. The mayor shall present annually a public address on the state of the city at a time and place of his designation, and shall deliver, from time to time, such other messages to the council and citizens of the city as he deems appropriate.

**-Needs clarification on agenda issue.**

**C-2-3 - Mayor and councilmembers—Compensation.**

- a. The salaries of the mayor and councilmembers shall be determined from time to time.

**-Leave wording as is.**

**C-2-4 - Council—Powers.**

Except as otherwise provided in this Charter, all powers of the city, including the determination of all matters of policy, are vested in the council as indicated herein. The council shall have power, subject to the state constitution, law, and this Charter:

- (1) To appoint and remove the city manager, city attorney, city clerk and municipal court judge.

**C-2-6 - City clerk to be clerical officer of council.**

**Move this to C-3-6**

**C-2-9 - Mayor and councilmembers—Removal.**

The mayor or any councilmember may be removed from office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed thereby, and by recall as provided in this Charter.

**City Attorney to check if possible to remove recall.**

**C-2-11 - Council—Quorum, rules, roll call votes.**

A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council may determine its own rules. The vote on any question shall be by roll call, and shall be entered in the journal. A councilmember may abstain from voting in which case the abstention shall constitute neither a negative nor affirmative vote. The passage of an ordinance or resolution shall require at least five (5) affirmative votes.

**Discuss at a later time.**

**C-2-15 - Ordinances—Publication, when in effect.**

Within ten (10) days after its passage, every ordinance shall be published in full or by number, title, and brief gist in a newspaper of general circulation within the city. Every ordinance except an emergency ordinance, so published, shall become effective thirty (30) days after its final passage unless it specifies a later time; provided, that a franchise for a public utility shall not go into effect until the ordinance granting it has been published in full in a newspaper of general circulation within the city and has been approved at an election by a vote of a majority of the qualified electors voting on the question.

**Why 30 days? (Determined that this is state law)**

**C-3-3 - City manager—Powers and duties.**

The city manager shall be chief administrative officer and head of the administrative branch of the city government. He shall execute the laws and ordinances and administer the government of the city, and shall be responsible therefor to the council. He shall:

- (1) Appoint, and when deemed necessary for the **good of the service**, lay off, suspend, demote, or remove all directors, or heads, of administrative departments and all other administrative officers and employees of the city except as he may authorize the head of a department, or an agency to appoint, lay off, suspend, demote, and remove subordinates in such department, office, or agency.

**Replace term “good of the service” with the term “cause”?**

**What can the City Manager do with the words “good of the service” that he can’t do with the word “cause”?**

**City Manager to address the committee regarding this issue.**

- (3) Prepare a ~~budget annually and submit it to the council,~~ preliminary budget annually and submit to City Council for review, revision and adoption; be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable

**C-3-5 - City attorney and office of the city attorney.**

- b. There shall be created an office of the city attorney which shall be administered by the city attorney. The personnel of the office of the city attorney shall be regular employees of the city and shall be subject to all rules, regulations, policies and ordinances for the administration of city personnel. ~~Employees of the department of law which is eliminated by the adoption of this provision shall continue to be employees of the city.~~

**Committee agreed to delete this sentence.**

**C-4-3 - Sale of property valued at more than fifty thousand dollars (\$50,000.00).**

**Does this amount need to be increased?**

**City Manager to address the committee regarding this issue. If not a problem, leave alone.**

**C-4-4 - Public improvements.**

Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements; provided, that the council may authorize the city manager to award such contracts not exceeding an amount to be determined by the council and subject to such regulations as the council may prescribe. ~~In compliance with the Oklahoma Public Competitive Act, a contract for public improvements of more than two thousand dollars (\$2,000.00) may be awarded only to the best responsible bidder after such notice and opportunity for competitive bidding as the council may prescribe. All bids may be rejected, and further notice and opportunity for competitive bidding may be given.~~

**Should this sentence be taken out? Does this conform to state law?**

**C-6-1 - ~~Nomination and election—Terms—Nonpartisan elections, etc.~~**

- d. All candidates for mayor shall ~~be nominated, and the mayor shall~~ be elected, at large, by the qualified electors of the entire city. All candidates for councilmembers from the wards ~~shall be nominated, and all councilmembers from the wards~~ shall be elected, by wards, by the qualified electors of their respective wards. Any person who seeks elective office in the City of Lawton, Oklahoma, for municipal government, must be a registered voter at an address within the municipality if running for mayor, or from an address within the ward if running for a ward position.

**Committee agreed to remove the word “nominated”.**

**C-6-2 - Wards—Redistricting commission—Adjustment of wards.**

- c. On or before December 31, 1992, and on or before December 31st of every fifth year thereafter, and at other times it deems desirable, the redistricting commission shall pass and file with the city clerk a resolution readjusting the wards and their boundaries to comply with the following requirements:

**City Attorney to research why this is every five years.**

- (1) Each ward shall be formed of compact, contiguous territory with boundaries drawn to reflect and respond to communities of common interest, ethnic background, and physical boundaries, to the extent reasonably possible.

**Leave in word “ethnic” or delete?**

MOVED by Godlove, SECOND by Easton, to delete the word “ethnic”. AYE: Easton, Cameron, Godlove. NAY: Barnes, Sinnreich, Purcell, Page, Johnson, Vyhldal.  
MOTION FAILED.

**C-7-1 - Recall authorized.**

The mayor or any councilmember may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided in this article.

**Be more specific about cause for recall. (Purcell to come up with some suggested wording).**

**C-7-2 - Recall petition.**

- a. To initiate recall proceedings, a written statement proposing the recall of the mayor or a councilmember shall be signed by one hundred (100) or more registered qualified electors of the city or ward concerned, and shall be filed with the city clerk after the incumbent has held the office at least four months.
- c. A number of registered qualified electors of the city or ward concerned equal at least to twenty (20) per cent of the total number of votes for governor in the city or ward at the last general state election at which a governor was elected, must sign the petition.

**C-7-2 - Recall petition.**

- a. To initiate recall proceedings, a written statement proposing the recall of the mayor or a councilmember shall be signed by one hundred (100) or more registered qualified electors of the city or ward concerned, and shall be filed with the city clerk after the incumbent has held the office at least four months. The statement shall also contain the reason or

reasons for which the recall is sought, in not more than two hundred (200) words. Within five days, the city clerk shall mail a photostatic or other copy of such statement by registered, certified, or similar special mail to the elected official at his residential address. Within ten (10) days after the statement is mailed to the elected official, the elected official may make and file with the city clerk a written statement in duplicate justifying his conduct in office, in not more than two hundred (200) words; and the city clerk on request shall deliver one copy to one of the persons filing the statement proposing the recall.

- b. The petition for recall shall include a demand that a successor to the incumbent sought to be recalled be elected, and shall also include before the space where the signatures are to be written the statement giving the reason or reasons for recall under the heading "STATEMENT FOR RECALL," and if the elected official has filed a statement as authorized, the statement justifying his conduct in office under the heading "STATEMENT AGAINST RECALL." The two statements shall be in letters of the same size. A copy of the petition shall be filed with the city clerk within one month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.
- c. A number of registered qualified electors of the city or ward concerned equal at least to twenty (20) per cent of the total number of votes for governor in the city or ward at the last general state election at which a governor was elected, must sign the petition. Each signer shall write after his name his address within the city, giving street or avenue and number, if any. Not more than one hundred (100) signatures may appear on a single copy of the petition. Petitions may be circulated only by registered qualified electors of the city or ward concerned; and the person who circulates each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in his presence, that each signature on the petition is genuine, and that he believes each signer to be a registered qualified elector of the city or ward concerned.
- d. The circulated petition shall be filed with the city clerk not later than one month after the filing of a copy as provided above. Within one month after date of filing of the circulated petition, the city clerk shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of registered qualified electors of the city or ward have signed it. He shall then attach his certificate to the petition. If his certificate states that the petition has not been prepared and circulated as required and/or lacks a sufficient number of signatures, the petition shall have no effect. But, if the city clerk's certificate states that the petition has been prepared and circulated as required and has a sufficient number of signatures, he shall submit the petition and certificate to the council at its next meeting.

### **City Attorney to provide input.**

#### **C-8-1 - Merit system created—Appointments, removals, etc.—Personnel rules.**

A merit system is hereby established for personnel in the city service. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made solely for the **good of the service**. The council, consistent with this Charter, by ordinance or personnel rules, may regulate personnel matters and provide for proper personnel administration.

### **City Manager to discuss.**

#### **C-8-3 - Retirement.**

Retirement regulations shall be based upon merit, fitness, and the good of the service, and may be similar to those provided by the Oklahoma Public Employee Retirement System or its successor.

**No changes made.**

**C-9-1 - Amendment—Proposal, ratification, approval.**

This Charter may be amended by proposals therefor submitted by the council, or by the mayor upon initiative petition of the electors as provided by the state constitution, at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If multiple amendments are proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this Charter may be either in the form of a proposed amendment to a part or parts of the Charter or of a proposed new Charter.

**It was clarified that revisions should be proposed separately unless they are clearly related.**

Committee agreed to invite the City Manager to attend the meeting on August 9<sup>th</sup> or 16<sup>th</sup>.

The next meeting will be held on Monday, August 9<sup>th</sup> @ 10:00 a.m. at Old Lawton High/New City Hall.

4. Adjournment

There was no further business to consider and upon motion, second and roll call vote the committee adjourned at 11:53 a.m.