

Meeting of 2001-5-21 SPECIAL MEETING

MINUTES
LAWTON CITY SPECIAL COUNCIL MEETING
MAY 21, 2001 -9:00 A.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor, Cecil E. Powell Also Present:
Presiding Bill Baker, City Manager
John Vincent, City Attorney
Sandra Rench, Deputy City Clerk

The meeting was called to order at 9:00 a.m. Notice of meeting and agenda were posted on the City Hall notice board as required by State law.

ROLL CALL

Present: Randy Bass, Ward One
James H. Hanna, Ward Two
Glenn Devine, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Barbara Moeller, Ward Six
Stanley Haywood, Ward Seven
Michael Baxter, Ward Eight

Absent: None.

1. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, and Section 309 e of Title 75 Oklahoma Statutes consider convening in executive session to discuss the respondent's settlement offer in the Individual Proceedings concerning John Kinslow, Municipal Judge, and in open session take action if necessary. Exhibits: None.

MOVED by Baxter, SECOND by Devine, to convene in executive session to consider the item so listed on the agenda as recommended by legal staff. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 9:05 a.m. and reconvened in regular, open session at approximately 9:40 a.m. with roll call reflecting all members present.

Vincent said Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, and Section 309 e of Title 75 Oklahoma Statutes the Council convened in executive session to consider and discuss the respondent's settlement offer in the Individual Proceedings concerning John Kinslow, Municipal Judge. Vincent suggested a motion that the Council consider a settlement agreement styled as follows:

The parties hereto, upon consideration of all pertinent factors, and desiring to resolve their differences enter freely into this settlement agreement. Accordingly, the parties agree as follows:

I. The City of Lawton agrees that:

- a. The evidence regarding the allegations in the Petition filed March 13, 2001 remains in conflict between the parties. However, the mere existence of the allegations has eroded the working relationship between the City and Kinslow.
- b. A level of acrimony between the parties exists, and it is in the best interests of the parties that this matter be resolved.
- c. Kinslow shall receive, as settlement payment, the sum set forth in Paragraph III, infra.

II. John Kinslow agrees that:

- a. While he continues to deny each of the allegations, and any wrongdoing, he believes that his personal and family interests and those of the public will best be served by resolving this matter without further controversy.
- b. He will accept the sum set forth in Paragraph III, infra., as settlement payment to buy out his contract and that he will resign the office of Municipal Judge in and for the City of Lawton.

III. Accordingly, the parties, agree that upon payment by the City of a lump sum of \$53,077.00, and acceptance by John Kinslow of that sum, the Petition pending before the City Council shall be dismissed with prejudice, and Kinslow shall resign as Municipal Judge as of the effective date of this Agreement.

a. Kinslow, the City of Lawton, Linda Hargrove, Donna Mata and Cherese Bagwell Smith agree to execute mutual releases.

b. Nothing herein shall limit Kinslow's entitlement to COBRA benefits.

c. All discovery taken in this case shall remain the work product of the Lawton City Attorney and other attorneys of record.

IV. The effective date of this Agreement shall be the date of its acceptance by the Lawton City Council and the execution of the above-referenced releases.

V. The parties hereto agree to be solely responsible for any and all costs, including attorney fees, that the party incurred.

Approved in open meeting by the City Council of Lawton this 21st day of May, 2001. To be signed if approved by Mayor Cecil E. Powell and Judge John Kinslow.

Vincent said if the motion is accepted suggested the Mayor be authorized to execute the settlement agreement and any and all necessary releases.

MOTION by Devine, SECOND by Hanna, to accept the settlement agreement and authorize the Mayor to execute the agreement and any and all necessary releases. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

2. Pursuant to Section 9-2-206 B & C, Lawton City Code, 1995, hold, in open session, the hearing for removal of Municipal Judge John Kinslow; and pursuant to Section 307B1 and Section 307B8, Title 25, Oklahoma Statutes, convene in executive session to deliberate and take necessary action in open session. Exhibits: None.

Due to action taken above this item was not considered.

There being no further business, the meeting adjourned at 9:45 a.m. upon motion, second and roll call vote.