



AGENDA
PARKS AND RECREATION COMMISSION
SPECIAL CALLED MEETING
OWEN'S MULTIPURPOSE CENTER
1405 SW 11TH STREET, LAWTON, OKLAHOMA
CONFERENCE/BREAK ROOM
WEDNESDAY, NOVEMBER 30, 5:30 PM

AGENDA

I. CALL TO ORDER/ ROLL CALL

II. REPORTS

- A. Parks & Recreation Staff
- B. Commission Members

III. AUDIENCE PARTICIPATION:

Anyone having an item of business to present to the commission that does not appear on the agenda please come forward.

IV. UNFINISHED BUSINESS:

- A. Elect Chairperson and Vice-chairperson for 2023

Attachments: Commission members 2022

V. NEW BUSINESS:

- A. Consider approving proposed Annual Meeting Notice for calendar year 2023.

Attachments: Annual Meeting Notice 2023

- B. Consider endorsing Administrative Policy: Lawton Parks and Recreation Respect and Responsibility Policy to be signed and enacted by the City Manager, with attending forms, and direct staff to brief City Council concerning this policy.

Attachments: Expulsion Report, Incident-Accident Form, City of Lawton Respect & Responsibility Policy

- C. Receive a presentation from the City Attorney's Office regarding the Oklahoma Open Meeting Act.

VI. ADJOURN

"The City of Lawton encourages participation from all of its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at (580) 581-3305 at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if interpreters for the deaf (signing) are not the necessary accommodation."

ITEM NO. 4A

MTG. DATE November 30, 2022

PARKS AND RECREATION COMMISSION
AGENDA ITEM COMMENTARY

ITEM TITLE: Elect Chairperson and Vice-chairperson for 2023

INITIATOR: Ryan Brady, Administrative Assistant III

INFORMATION SOURCE: Ryan Brady, Administrative Assistant III

BACKGROUND: Chairperson and Vice-chairperson should have been elected in September 2022. A special meeting has been called to comply with procedure.

EXHIBITS: Parks and Recreation Members

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Elect Chairperson and Vice-chairperson for 2023

Parks & Recreation Commission
(Ward & Mayor Appointed)
10/27/2022

Ward Michael Scott

- 1 2406 NW Crosby Park Blvd
Lawton, OK 73505
580-581-6309
Term: 04/26/22 - 01/01/23
meme2406@sbcglobal.net

Ward Linda Neal

- 3 325 NW Ridgeview Way
Lawton, Oklahoma 73505
580-678-0842
04/12/22 - 01/01/24
lkneal123@gmail.com

Ward Jacobi Crowley

- 5 1910 NW Arlington Ave.
Lawton, Oklahoma 73507
580-280-9562
Term: 01/01/21 - 01/01/23
jacobicrowley@gmail.com

Ward Sherene L. Williams - (Chairperson)

- 7 6314 SW Red Oak
Lawton, Oklahoma 73505
580-284-4530
Term: 01/01/21 - 01/01/23
Sherenelwilliams2@gmail.com

1. Jason Scott (Vice-Chairperson)

Mayor's Appointment
502 NE 27th Street
Lawton, Oklahoma 73507
252-506-1997
Term: 01/01/22 - 01/01/24
tigersfootball@yahoo.com

3. Bill Stamps - **RESIGNED POSITION**

Mayor's Appointment
6911 NW Silver Creek Circle
Lawton, OK 7350
580-704-8478
Term: 01/01/22 - 01/01/24
solbs@aol.com

Ward Terry Brierton

- 2 1314 NW Maple Avenue
Lawton, Oklahoma 73507
Hm 580-355-9326; C 580-585-0502
Term: 01/01/18 - 01/01/22
tbrierton@lawtonps.org

Ward Jason Wells

- 4 3707 NE East Lake
Lawton, Oklahoma 73507
C 580-280-0180; Wk 580-353-6100
Term: 03/22/22 - 01/01/24
jwells@insightbrokers.com

Ward Susan Hargreaves Thompson

- 6 2309 NW 75th Street
Lawton, Oklahoma 73505
580-678-9195
Term: 01/01/22 - 01/01/24
susan@bamanavy.com

Ward Angela Rivera

- 8 3432 NW Columbia Ave.
Lawton, Oklahoma 73505
580-647-1445
Term: 01/01/21 - 01/01/23
angela@lbvinsure.com

2. Anthony Cox

Mayor's Appointment
7203 NW Willow Place
Lawton, Oklahoma 73505
580-704-6673
Term: 01/01/22 - 01/01/24
Bakjak6@gmail.com

Note: Permission has been given by the Commissioners that their personal contact information may be shared by their fellow Board Members and Recreation Staff. The Parks & Recreation Director and the City Clerk have asked that this same information only be given to the public by them. The public may call Parks & Recreation 580-581-3400.

ITEM NO. 5A

MTG. DATE November 30, 2022

PARKS AND RECREATION COMMISSION
AGENDA ITEM COMMENTARY

ITEM TITLE: Consider approving a proposed Annual Meeting Notice for calendar year 2023.

INITIATOR: Ryan Brady, Recording Secretary

INFORMATION SOURCE: Park & Recreation's Office

BACKGROUND: Annual Meeting Notice has been drafted awaiting approval

EXHIBITS: Annual Meeting Notice Calendar Year 2023

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Approve proposed Annual Meeting Notice for calendar year 2023

2023 ANNUAL MEETINGS
NOTICE OF MEETING

PARKS AND RECREATION COMMISSION

TYPE OF MEETING

Regular Meeting *	(X)	Rescheduled Regular Meeting***	()
Special Meeting **	()	Continued or Reconvened Meeting	()
Emergency Meeting	()		

Second Wednesday of Every Quarter, 2023

DATE	TIME	PLACE OF MEETING
Wednesday, January 11, 2023	5:30 PM	Owens Multi-purpose Center
Wednesday, April 12, 2023	5:30 PM	1405 SW 11 th St
Wednesday, July 12, 2023	5:30 PM	Lawton, OK 73501
Wednesday, October 11, 2023	5:30 PM	Conference/Break Room

To be completed by person filing notice:

Name: Ryan Brady
Title: Administrative Assistant III, Parks and Recreation
Address: Owens Center, 1405 SW 11th St, Lawton, OK 73501
Phone: 580-581-3400 ext. 1824

Filed in the office of the municipal clerk at _____ a.m./p.m. on _____.

Signed: _____
Clerk/Deputy Clerk

* The notice and the agenda of the meeting are to be posted at the principal office of the public body (City Hall) or, if there is no principal office, at the location of the meeting at least 24 hours in advance of the meeting, excluding Saturdays, Sundays and holidays legally declared by the State of Oklahoma. (ə 311, #9, Title 25, Okla. Statutes)

** The notice of the special meeting shall be given in writing, in person or by telephone at least 48 hours before the meeting. The notice and the agenda of the special meeting are to be posted at the principal office of the public body (City Hall) or, if there is no principal office, at the location of the meeting at least 48 hours in advance of the meeting, excluding Saturdays, Sundays and holidays legally declared by the State of Oklahoma. (ə 311, #11, Title 25, Okla. Statutes)

*** Notice of any change in the date, time or place of a regularly scheduled meeting shall be given not less than 10 days prior to the implementation of such change. (ə 311, #8, Title 25, Okla. Statutes)

ITEM NO. 5B

MTG. DATE November 30, 2022

PARKS AND RECREATION COMMISSION
AGENDA ITEM COMMENTARY

ITEM TITLE: Consider endorsing Administrative Policy: Lawton Parks and Recreation Respect and Responsibility Policy to be signed and enacted by the City Manager, with attending forms, and direct staff to brief City Council concerning this policy.

INITIATOR: Ryan Brady, Recording Secretary

INFORMATION SOURCE: Mitchell Dooley, Parks & Recreation, Deputy Director

BACKGROUND: Administrative Policy has been drafted awaiting approval

EXHIBITS: Expulsion Report, Incident-Accident Form, City of Lawton Respect & Responsibility Policy

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Endorse proposed Administrative Policy to be sent for approval by City Council



EXPULSION REPORT

INFORMATION ABOUT INDIVIDUAL INVOLVED			
Name		Phone #	
Address		Age	
City	State	Zip	
If minor name of parent/guardian		Phone #	
Is patron a Recreation Center Member? ☐ YES ☐ NO		Participant in Rec Center Program? ☐ YES ☐ NO	
INFORMATION ABOUT EVENT			
Date Event Occurred		Time of Occurrence : ☐ am ☐ pm	
Location of Occurrence <i>Name of Building/Property</i>		Specific Location Gym, Meeting Room, Playground, etc.	
Nature of the Event:		Did the patron leave the facility? ☐ YES ☐ NO Date: Time: : AM PM	
Were there any other people involved? ☐ YES ☐ NO If yes, please list their names and phone number below.			
Describe what happened, what factors lead to the event: (use additional page if necessary)			
Were there any witnesses? ☐ YES ☐ NO (List name/phone #)		Were Police Notified? ☐ YES ☐ NO Case/Report #	
Was anyone injured? ☐ YES ☐ NO		Was Incident/Accident Report Completed? ☐ YES ☐ NO	
If emergency services (police, fire, EMS) are a called, notify your Supervisor and the Parks Director			
CONTACT INFORMATION			
Was parent/guardian or emergency contact notified? ☐ YES ☐ NO		By Who? (list staff member)	
Was parent/guardian present at the time of the incident? ☐ YES ☐ NO		Time Notified: : AM PM	
Name of Contact Notified:		Relationship of Contact to Person:	
Please explain efforts or conversations: (If relevant; not needed for all accidents or incidents)			

FOLLOW UPWas the event reported when it happened? ☐ YES ☐ NO

To whom?

Other Comments

Please check all that apply:

- ☐ Inappropriate behavior non-violent nature
☐ Inappropriate behavior with the potential to incite violence
☐ Inappropriate behavior with physical violence
☐ Vandalism

Please check all that apply:

- ☐ First Offense
☐ Second Offense
☐ Third Offense
☐ More than 3 offenses

Dates of Offenses:

1st: _____
2nd: _____
3rd: _____
4th: _____

Staff member completing this form

Date

List Individuals Consequences for Offense:

Supervisors Comments

Investigated by (Immediate Supervisor):

Reviewed by Department Director:

Signature

Date

Signature

Date

Appeal for Re-Instatement (Parent/Guardian must arrange meeting within 7 days of the incident).

Meeting Date with Parents/Guardians

Name of Parent/Guardian

Director's Notes on Appeal



Witness Name: _____ **Date:** _____

[illegible]



INCIDENT/ACCIDENT REPORT

INFORMATION ABOUT INDIVIDUAL INVOLVED IN INCIDENT/ACCIDENT			
Name		Phone #	
Address		Age	
City	State	Zip	
If minor name of parent/guardian		Phone #	
INFORMATION ABOUT THE INCIDENT/ACCIDENT			
Date of Occurrence		Time of Occurrence : ☐ am ☐ pm	
Location of Occurrence Name of Building/Property		Specific Location Gym, Meeting Room, Playground, Etc.	
Site Conditions dry, wet, muddy, etc.		Activity Open play, program, swim lesson, etc.	
Describe what happened, how it happened, factors leading to the event, and objects involved:			
Were there any witnesses? ☐ YES ☐ NO If you need additional space is needed, please attach separate sheet with names and contact information		Witness Name/Phone #	
Is there an Injury? ☐ YES – Accident ☐ NO - Incident			
Part of Body Injured: (Left Arm, Neck, Right Leg)		Nature of Injury: (Sprain, Break, Cut, Bruising)	
Was First Aid administered? ☐ YES ☐ NO ☐ REFUSED		By whom?	
If yes, describe first aid given: (Please explain and provide detail. Use additional pages if necessary)			
Was 911 called? ☐ YES ☐ NO		If yes, time called: : AM PM	
EMS Services: ☐ Accepted ☐ Refused	☐ Sent to Hospital – Hospital	Police Response? ☐ YES ☐ NO	
Transport: ☐ Accepted ☐ Refused	☐ Advised to see Physician	Case/Report #	
Hospital Name: _____	☐ Remained at site		
	☐ Released to Parent/Guardian		
	☐ Other: _____		
If emergency services (police, fire, EMS) are a called, notify your Supervisor and the Parks Director			

CONTACT INFORMATION			
Was parent/guardian or emergency contact notified? ☐ YES ☐ NO		By Who? (list staff member)	
Was parent/guardian present at the time of the incident? ☐ YES ☐ NO		Time Notified: : AM PM	
Name of Contact Notified:		Relationship of Contact to Person:	
Please explain efforts or conversations: (If relevant; not needed for all accidents or incidents)			
FOLLOW UP/SUPERVISOR COMMENTS			
Was the incident/accident reported when it happened? ☐ YES ☐ NO		To whom?	
Was protective equipment needed? ☐ YES ☐ NO		Was protective equipment available? ☐ YES ☐ NO	
What act, failure to act, and/or condition contributed to this incident/accident?			
Action or activity implemented to prevent future incidents/accidents:			
Other Comments			
Staff member completing this form			Date
Follow-up/Supervisors Comments			
Investigated by (Immediate Supervisor):		Reviewed by Department Director:	
Signature Date		Signature Date	

[illegible]



PARKS AND RECREATION RESPECT & RESPONSIBILITY POLICY

The City of Lawton's recreational properties and facilities, including but not limited to Community Centers, parks, park pavilions, outdoor pools, sports fields and associated parking lots exist to provide residents with opportunities to participate in sport and other recreational activities in a safe and positive environment.

It is critical, then, for the City, through its Parks and Recreation Department, to do all things necessary to ensure that preventative measures are in place so that incidents of violence or inappropriate behavior do not occur in its recreational properties and facilities.

All patrons using any Lawton Parks and Recreation properties and facilities are expected to demonstrate courtesy and respect, behave in a responsible manner, exercise self-discipline, respect the rights and privileges of other participants and city staff, respect the property of others and city property, cooperate and assist city staff in maintaining safety, order and discipline.

INAPPROPRIATE BEHAVIOR AND/OR VIOLENCE

1. Endangering the health and safety of other members, participants, patrons or staff.
2. Disrupting a program or creating a disturbance at a facility.
3. Refusal to follow program and/or facility rules and guidelines.
4. Use of verbal harassment and assaults (profanity and/or loud verbal assaults including racial, ethnic, cultural and/or sexual slurs) directed at patrons, participants, volunteers, and staff.
5. Theft, damage or vandalism of private or City facilities, equipment or supplies.
6. Threats and attempts to intimidate
7. Throwing of articles in a deliberate or aggressive manner.
8. Aggressive approaches to another individual.
9. Physical intimidation of another individual.
10. Possession or use of illegal substances or medication, including the use of alcohol or smoking where prohibited.
11. Inappropriate or offensive dress, including, but not limited to, dress which is too revealing and clothing which displays obscene or offensive words or pictures.
12. Possession of weapons such as, but not limited to knives, clubs, brass knuckles or threats of these weapons.
13. Gang activity including display or possession of symbols, hand signals, soliciting membership, intimidating or threatening and individual, wearing or displaying colors or items of dress, etc.
14. Inappropriate display of affection, including but not limited to prolonged kissing and touching of any private area of the body.

Supervisory staff has final say on all rule interpretations and may adapt rules if they feel safety is a concern to any patron.

ENFORCEMENT STEPS

All Lawton Parks and Recreation employees and contract employees are authorized to initiate enforcement of the City of Lawton Parks and Recreation policies and rules and regulations at city programs and properties. Depending on the severity of the rule being broken, staff will determine the action and steps taken to correct the issues.

Lawton Parks and Recreation personnel and contract employees reserve the right to contact law enforcement at any time they are not able to control the situation. In extreme cases of misconduct, police may be asked by personnel to issue a criminal trespassing warning.

When inappropriate behavior, violence or vandalism is witnessed employees will:

1. Assess the situation to determine if the policy should be enacted.
2. Approach the identified party, without jeopardizing one's safety, and request they cease the inappropriate behavior and/or violence immediately. This should never be done by yelling or raising your voice.
3. Advise the identified party that failure to cease the inappropriate behavior, violence or vandalism that jeopardizes the safety of others or themselves will result in police being called and advise that they will be trespassing.
4. If individual refuses to cease inappropriate activity, do not engage in a verbal or physical confrontation with them, they were told just call the police (911) to report the situation immediately and issue a notice of trespass to offenders.
5. Advise Supervisor/On Call Personnel.
6. Complete an Expulsion and/or Incident/Accident Report.
7. Follow up action shall be taken and documented.

CONSEQUENCES

The following chart represents guidelines and outlines the consequences for acts of inappropriate behavior, violence, vandalism or inappropriate use of technology in City of Lawton's recreational properties and facilities. It is understood it does not include all types of inappropriate behavior, violence, vandalism or inappropriate use of technology, and that each incident will be evaluated on the information available at the time, and that the consequences outlined below are guidelines and may be adjusted to reflect the severity of conduct and/or actions involved. Any restrictions/suspensions apply to all City of Lawton recreational properties and facilities.

Subsequent acts of inappropriate behavior, violence, vandalism or inappropriate use of technology will/may result in criminal charges.

When inappropriate behavior, violence or vandalism have transpired during a City of Lawton program/activity, league or by a recreation center patron, fees will not be refunded for any person that has been removed or suspended. Some programs and/or leagues may have stricter or more detailed behavior policies.

APPEAL FOR RE-INSTATEMENT

To be considered for re-instatement, the individual and their parent/guardian (if under 18 years of age) must arrange a meeting with Lawton Parks and Recreation Director or Deputy Director within seven (7) days of the incident.

To be considered for re-instatement on a probationary basis beginning at the second occurrence. A commitment must be evident from the individual and their parent/guardian to adhere to the City of Lawton recreational properties and facilities rules and policies.

There will be no reconsideration by the City with respect to the length of a suspension or prohibition. Where new information is available, a suspended individual may request reconsideration of the facts on which the suspension is based. Such request must be addressed to the Parks and Recreation Director or Deputy Director. All consequences resulting from their decision are final.

When vandalism has been committed, not only will the individual(s) responsible be subject to suspension as outlined below, but will also be required to reimburse the City for the cost of repair.

LAWTON PARK AND RECREATION RESPECT AND RESPONSIBILITY CONSEQUENCE CHART

Inappropriate Behavior	Description	1 st Offense	2 nd Offense	3 rd Offense
Nonviolent Nature	- Disruptive behavior or creating a disturbance - Refusal to follow the rules & regulations - Inappropriate verbal language & nonverbal signs - Illegal acts such as use of tobacco products, e-cigarettes, alcohol & drugs - Inappropriate/offensive dress - Inappropriate display of affection - Inappropriate use of technology	- Verbal Warning - Sent home for the day - 7 Day Suspension - Other suspension to be determined by Director	- 1-mth suspension - 3-mth suspension - Other suspension to be determined by Director	- 3-mth suspension - 6-mth suspension - Other suspension to be determined by Director
Potential to Incite Violence	- threats & attempts to intimidate - verbal assaults - throwing of articles - physical intimidation	- 6-mth Suspension - Police contacted Immediate ejection & 1-yr suspension - Other suspension to be determined by Director	- 6-mth Suspension - Police contacted/ Immediate ejection & 1-yr suspension - Other suspension to be determined by Director	- 1-yr suspension - Police contacted/ Immediate ejection & 3-yr suspension - Other suspension to be determined by Director
Physical Violence	- physical contact - fighting	- Police contacted & Immediate ejection & - 6-mth suspension - 1-yr suspension - 3-yr suspension - Other suspension to be determined by Director	- Police contacted & Immediate ejection & - 6-mth suspension - 1-yr suspension - 3-yr suspension - Other suspension to be determined by Director	- Police contacted & Immediate ejection & - 3-yr suspension - 5-yr suspension - Other suspension to be determined by Director
Vandalism	- glass breakage, graffiti, theft, arson, property damage	Police called and a report filled. Those involved as perpetrating vandalism will be required to pay 100% restitution for the damage. Depending on severity of the offense a suspension may be applied by the Parks and Recreation Director.		

ITEM NO. 5C

MTG. DATE November 30, 2022

PARKS AND RECREATION COMMISSION
AGENDA ITEM COMMENTARY

ITEM TITLE:

Receive a presentation from the City Attorney's Office regarding the Oklahoma Open Meeting Act.

INITIATOR: City Attorney's Office

INFORMATION SOURCE: Greg Gibson, Deputy City Attorney

BACKGROUND: The City Attorney's Office is starting an initiative to educate all City Boards, Commissions, and Trust Authorities on the responsibilities and rules of conducting a meeting. This will give each group a chance to review the Open Meeting Act and the documents that govern their boards with an attorney. This is an opportunity to get expert advice on all things about open meetings.

EXHIBITS: Open Meetings Act Powerpoint Presentation

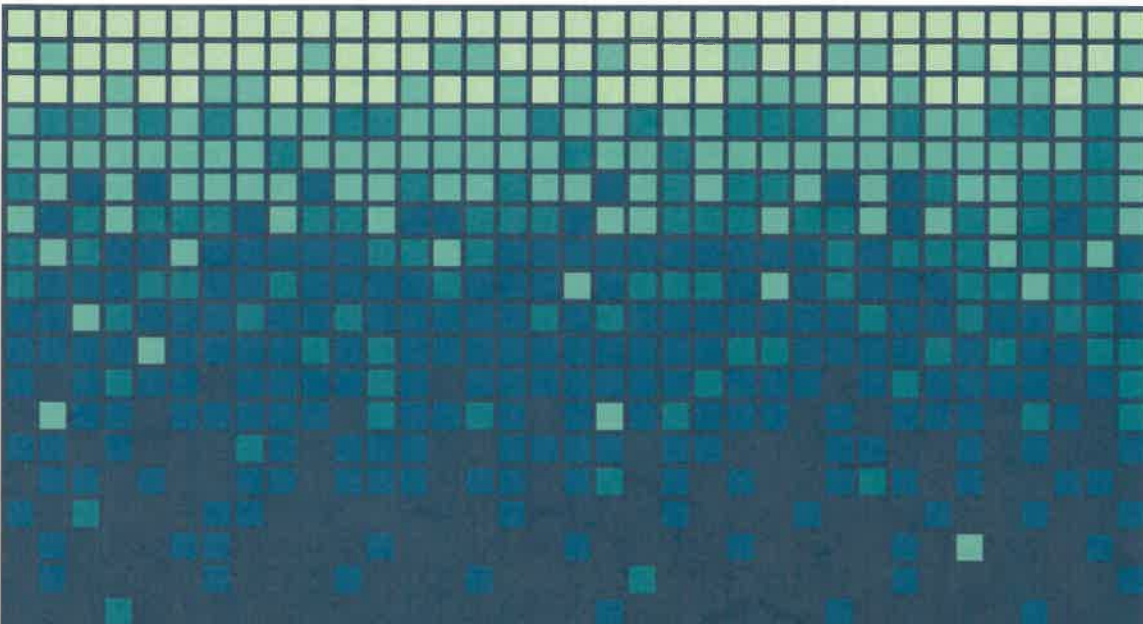
KEY ISSUES: Ensuring that the Parks and Recreation Commission remains in compliance with the Oklahoma Open Meeting Act.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: No action is to be taken.

Understanding Oklahoma's Open Meeting Act & Open Records Act

Oklahoma Attorney General's Office



The Open Meeting Act

Title 25 O.S. §§301-314

Overview

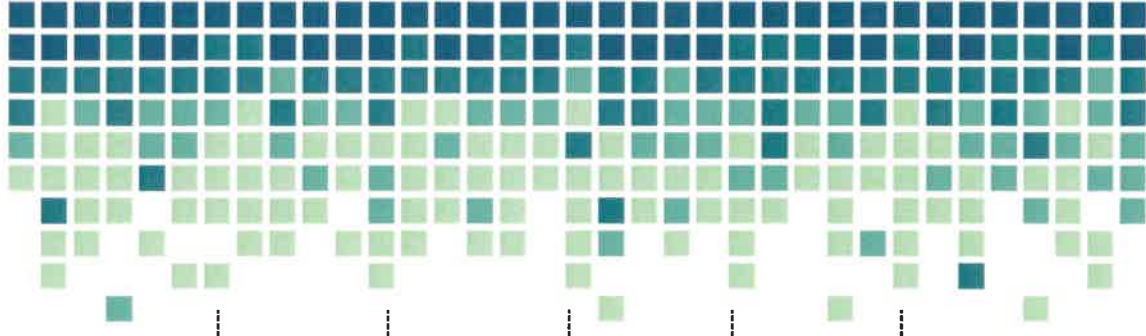


1 When is the Act triggered?

2 What actions must be taken before meetings?

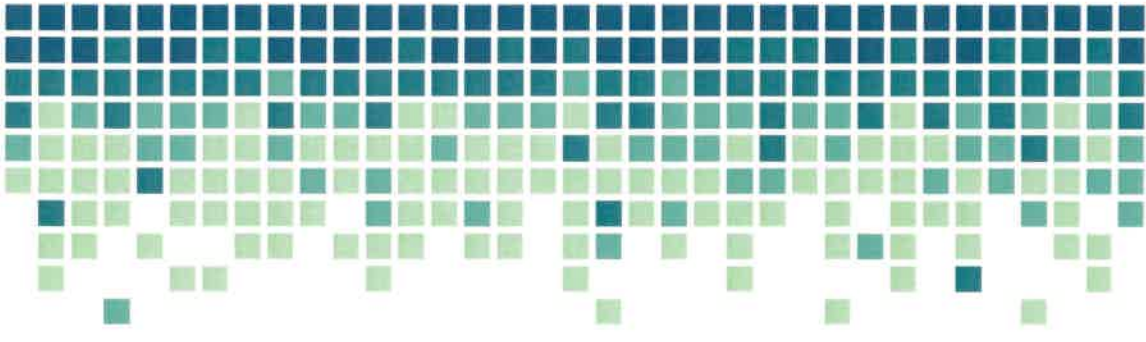
3 What procedures must be followed during meetings?

4 What consequences may ensue from violations of the Act?

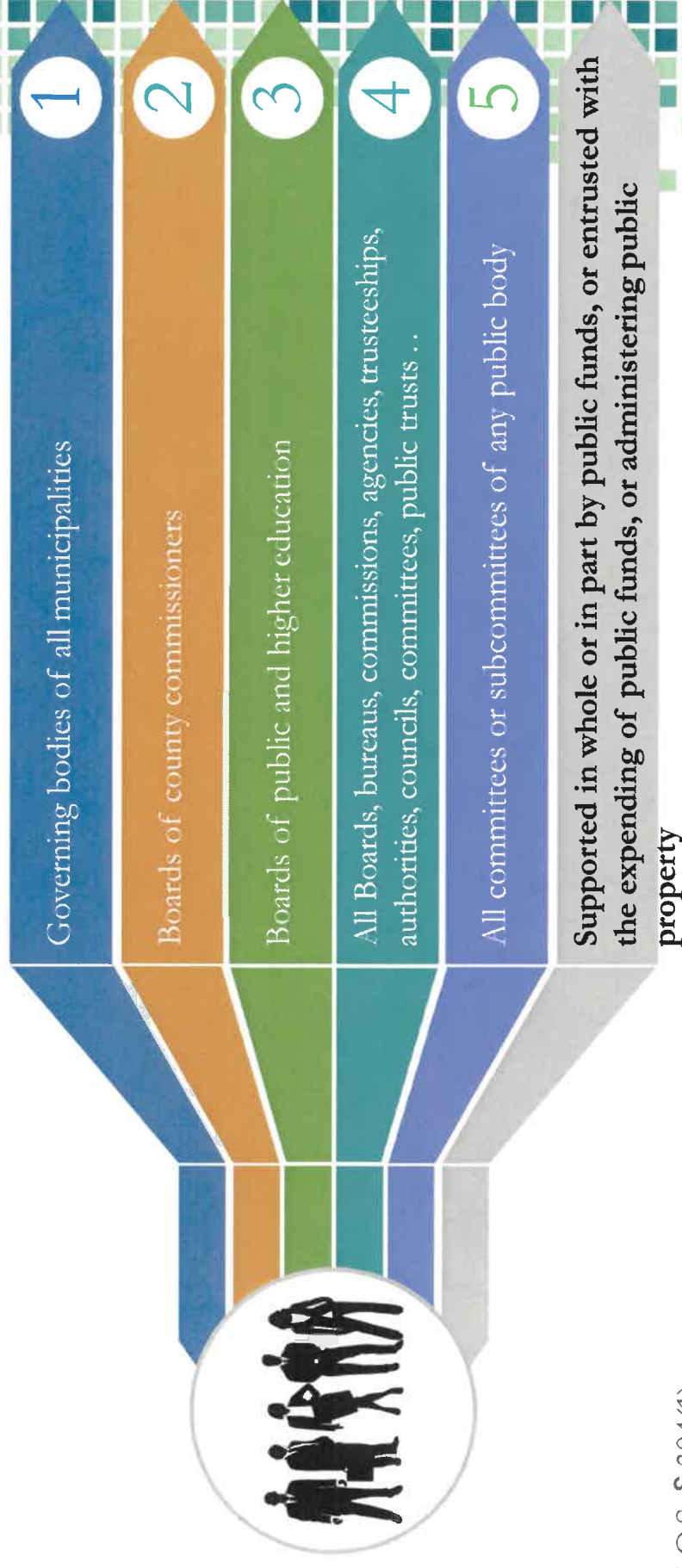


When is the OMA triggered?

- Every regular, special, emergency, or reconvened *meeting* of a **public body** shall be open, except as provided by the Act.
- The Act applies when there is a:
 - majority of a public body together,
 - and that public body is conducting the business of the public body
- “**Public body**” and “**meeting**” are both defined by statute.



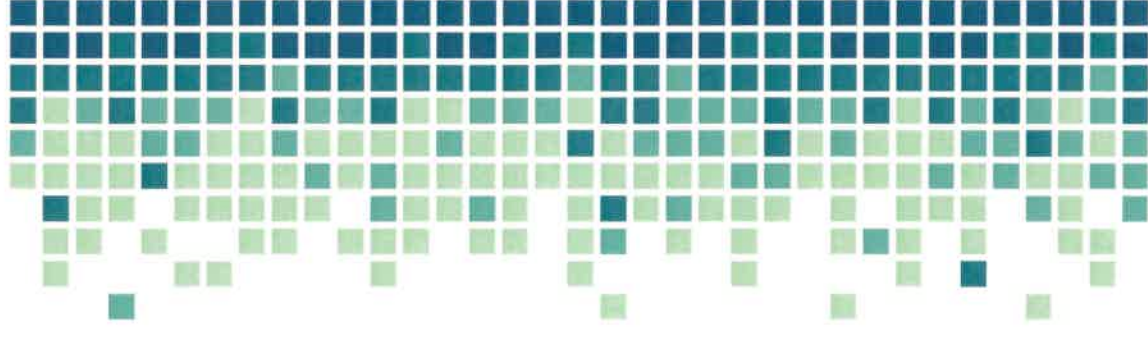
“Public Body” Defined



“Meeting” Defined

- When conducting business of a public body
- By a majority of its members
- Being personally together, OR, by teleconference, as authorized by § 307.1
- **Note:** a “meeting” does not include informal gatherings of a majority of members when no business of the public body is being discussed. 25 O.S. § 304(2).

25 O.S. § 304(2)



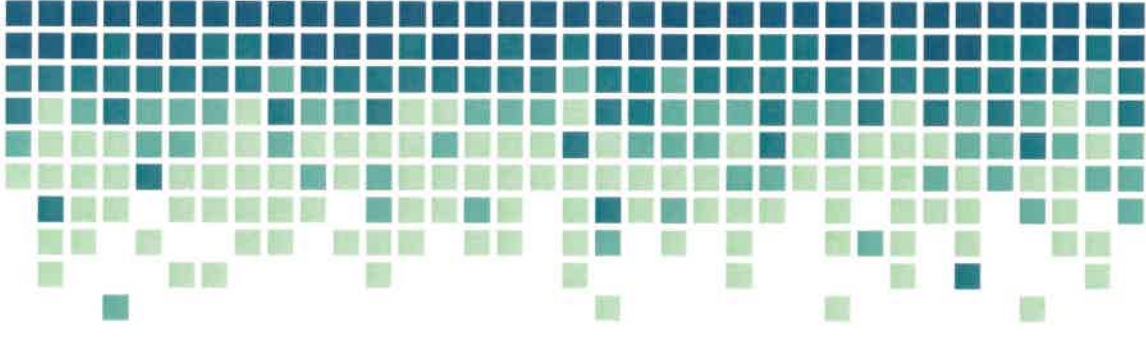
Electronic and Telephonic Communications

- Prohibits deciding or taking action (voting) on any matter by phone or email
- Also prohibits deciding or taking action on any matter at an “informal gathering”
- **Caution!** Discussion in a group email/social media group can create a virtual meeting subject to the OMA.



Hypothetical: Post-Board Meeting Lunch

- Does the OMA apply?
- Best Practice: majority of body's members should not attend lunch together
- **Note:** If members insist on a group lunch, announce it at the end of the meeting, and invite everyone to join the public body.



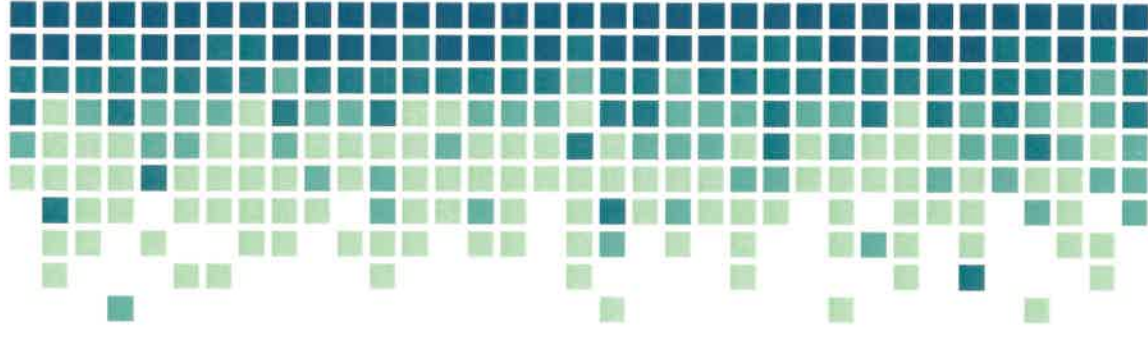
2. What actions must be taken before meetings?



Required Pre-Meeting Actions

☒ Provide Notice

☒ Post Agenda



Four Types of Meetings



**Regularly
Scheduled
Meetings**



**Special
Meetings**



**Emergency
Meetings**



**Continued
or
Reconvened
Meetings**

25 O.S. § 304(3)-(6)

Provide Notice: Regular Meetings

- ***When?***
 - Annually by December 15 for the next calendar year
 - Include *date, time, and place* of meetings
 - Regular meetings can be changed with 10 days notice to the appropriate office, and limited new business is permitted

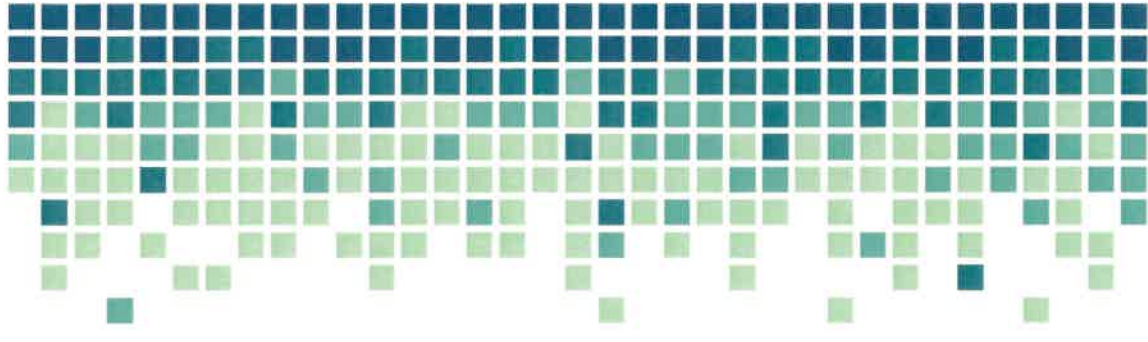
25 O.S. § 311



Provide Notice: Regular Meetings

- *To whom?*
 - State public bodies: Secretary of State
 - County public bodies: County Clerk of the county where the body is principally located
 - Municipal public bodies: municipal clerk

25 O.S. § 311



Provide Notice: Special Meetings

- **When:** 48 hours notice of date, time, and place
 - Excludes Saturdays, Sundays, and State holidays
- **Form:** includes notice
 - **Notice:** in writing, in person, or by telephonic means to the proper record keeping official (i.e. SOS, county clerk)
AND to those who have filed written requests to receive notice of a meeting

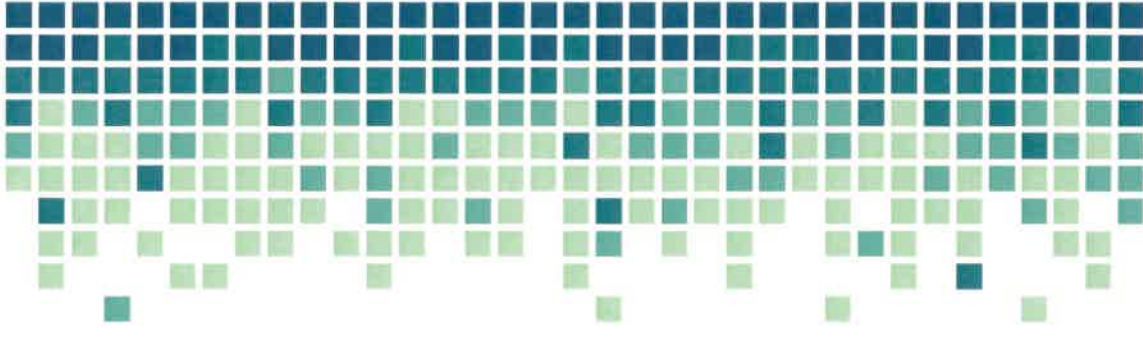
25 O.S. § 311(A)(12)



Provide Notice: Emergency Meetings

- **Defined:** “[A] situation involving injury to persons or injury and damages to public or personal property or immediate financial loss when the time requirements for public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or damages or immediate financial loss”
- **When:** Give advance notice that is reasonable and possible under the circumstances.
- **Form:** Give notice as soon as possible, whether in person, by phone, or electronic means.

25 O.S. § 311(A)(13)

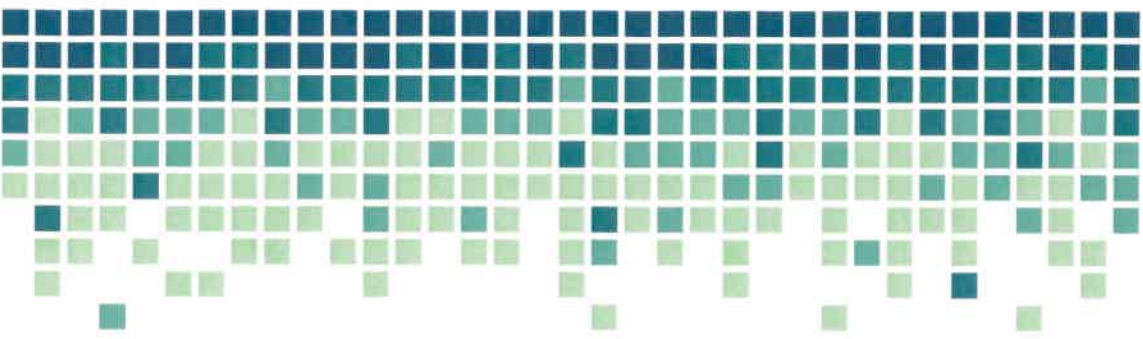


Provide Notice: Continued or Reconvened Meetings

- **When:** Announce date, time, and place of continued/reconvened meeting at original meeting

25 O.S. § 311(A)(11)





Post the Meeting's Agenda

- **When:**

- **Regular Meeting:** Display agenda 24 hours prior to meeting, excluding Saturday, Sunday, and Oklahoma State holidays

- *Ex: Meeting is at 10:00 a.m. on Monday, so agenda must be posted no later than 10:00 a.m. the Friday before.*

- **Special Meeting:** Notice posted 48 hours in advance and agenda posted 24 hours prior to meeting

25 O.S. §§ 311(A)(9)-(10), (12)

Post the Meeting's Agenda

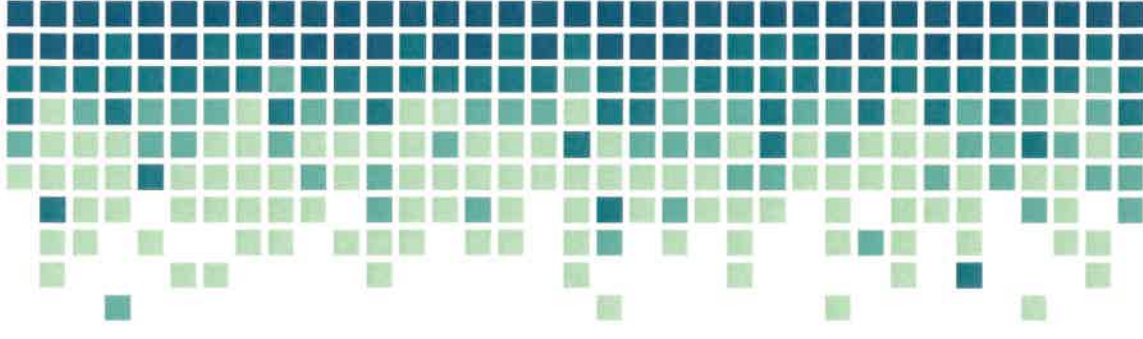
■ **Where.**

1. Post notice and agenda at principal office (or location of meeting if no office exists)
 - *Must be visible to the public the entire 24 hours before the meeting begins*

OR

2. Post on public body's website
 - Must also maintain an email distribution system and send notice to this group no less than 24 hours in advance,
 - *AND*, post notice and agenda at the principal office (or location of meeting) during normal business hours at least 24 hours in advance

25 O.S. §§ 311(A)(9)-(10), (12)



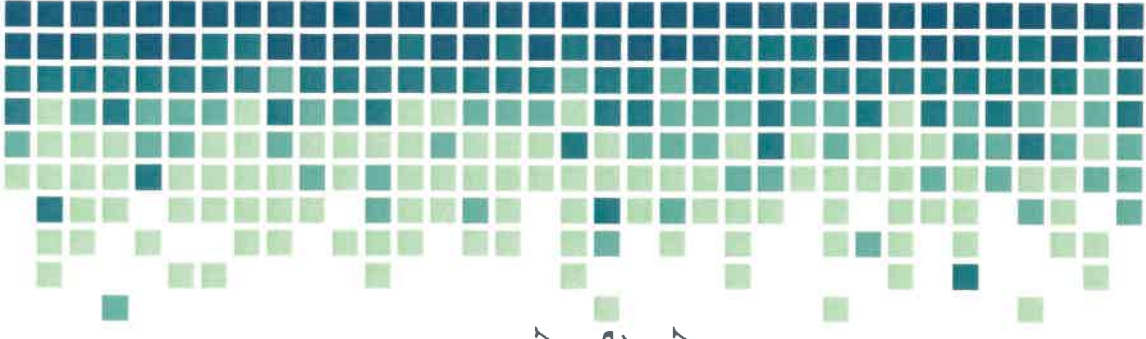
Post the Meeting's Agenda

- *What?*

Must contain sufficient information for the public to identify the items of business and the purpose. 25 O.S. § 311(B).

“Agendas [must] be worded in plain language, directly stating the purpose . . . The language used should be simple, direct and comprehensible to a person of ordinary education and intelligence.”

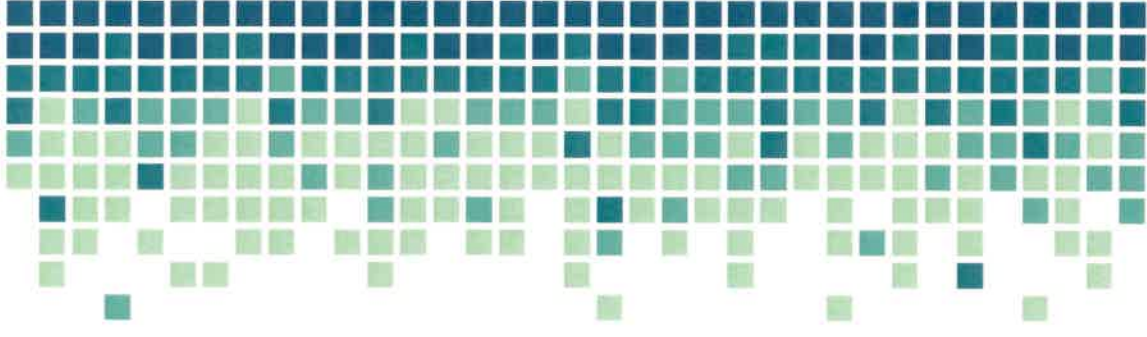
Haworth Bd. of Ed. v. Havens,
637 P.2d 902, 904 (Okla. Civ. App. 1981).



Agendas

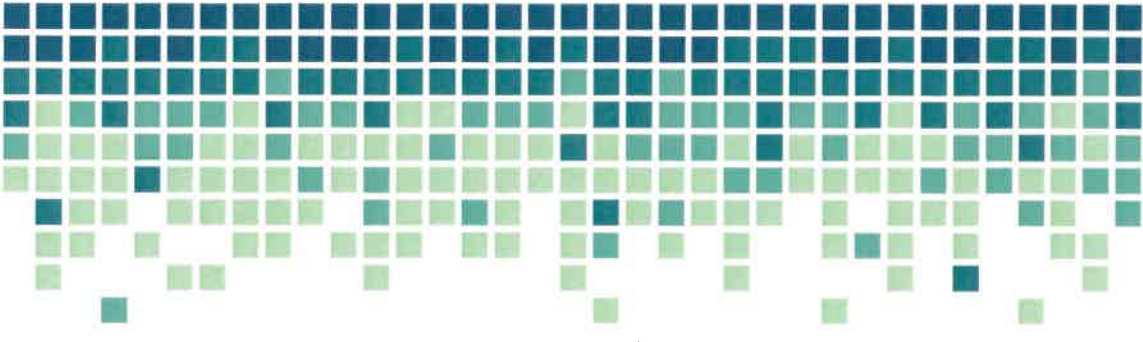
- Cannot take action if the action is not on the agenda
- Cannot be vague
 - Ex: “*Executive Director’s Report*”
 - Needs more detail on what the report will cover.
- List *proposed* executive sessions
- New Business only permitted at regularly scheduled meetings

25 O.S. § 311(B)



New Business

- Defined: “Any matter not known about or which could not have been reasonably foreseen prior to the time of posting [the agenda].”
 - *New Business is NOT what someone forgot needed to be on the agenda.*
- To consider new business at a regular meeting, timely post an agenda containing an item called “new business.”
- **New business is only allowed at a regular meeting**
- **Caution!** Use sparingly, only when not reasonably foreseeable prior to posting the agenda.

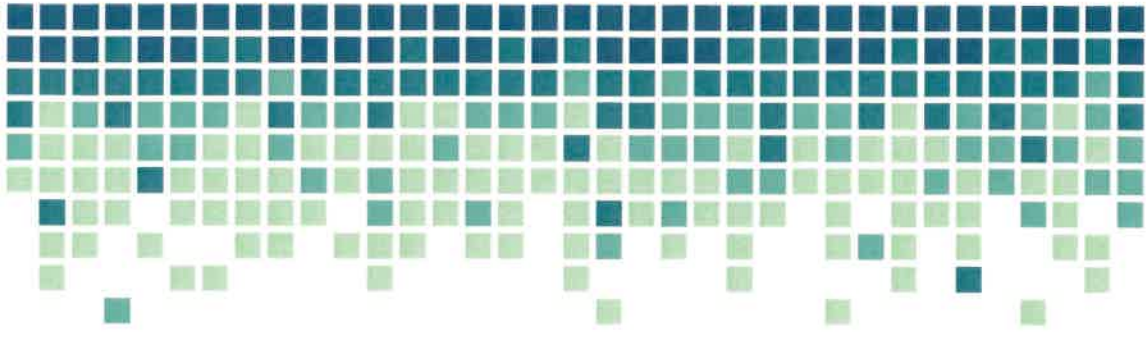


3. What actions must be taken during meetings?



When and Where to Hold Meetings

- Meetings “shall be held at specified times and places which are convenient to the public”
- Use good judgment
 - Not a locked courthouse on a public holiday.
Rogers v. Excise Bd., 1984 OK 95, 701 P.2d 754.



Recording Votes

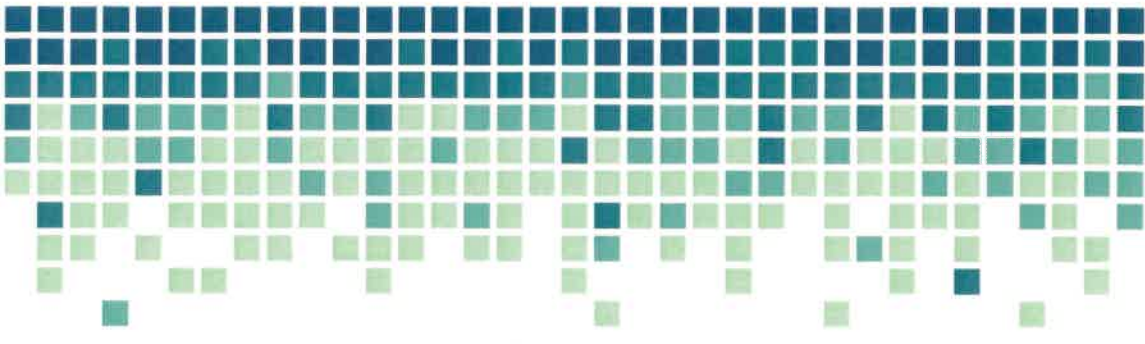
- The vote of each member must be both:
 - Publicly cast, AND
 - Recorded
- Section 306's prohibition on informal gatherings ensures actions are taken publicly and recorded
- **Caution!** Failure to meet both requirements results in the action being invalid. *Oldham v. Drummond Bd. of Ed.*, 1975 OK 147, 542 P.2d 1309.

25 O.S. § 305



Recording Votes

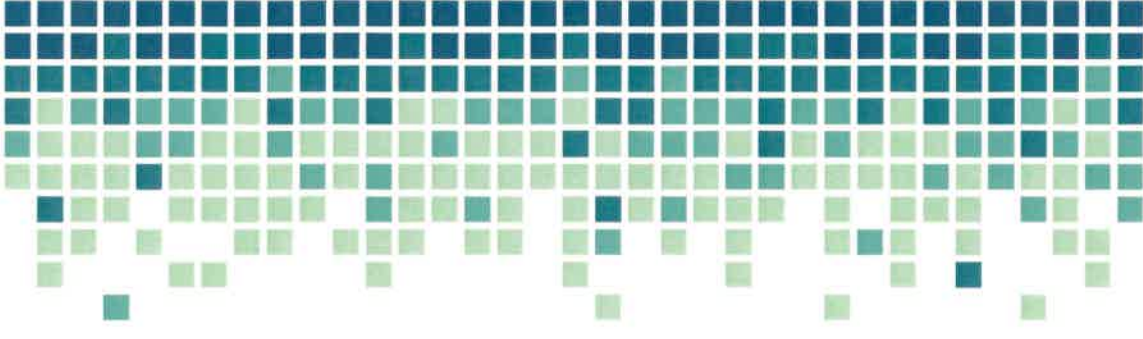
- Must record the vote of each individual member at a meeting
- If vote is unanimous, it is sufficient to record “5-0 in favor of...” *Graybill v. Oklahoma State Bd. of Educ.*, 1978 OK 124, 585 P.2d 1358.
 - However, best practice is to record how each individual voted, including yes and no votes, and whether there were any abstentions.



Minutes

Minutes must be written and include:

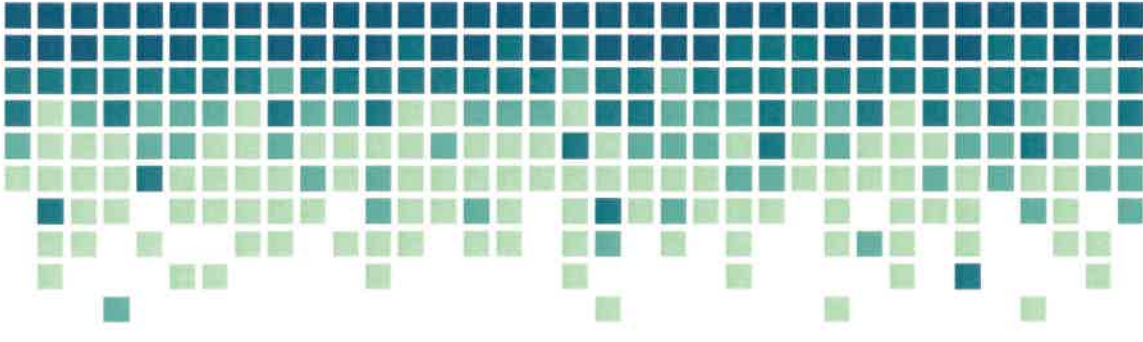
- Official *summary* of the proceeding
- Identification of:
 - all members present and absent (2012 OK AG 24)
 - all matters considered
 - all actions taken
- Should reflect manner and time notice was given
- Any person may record the meeting, provided it does not interfere with the meeting
- Note: Minutes of public meetings are open records.



Minutes

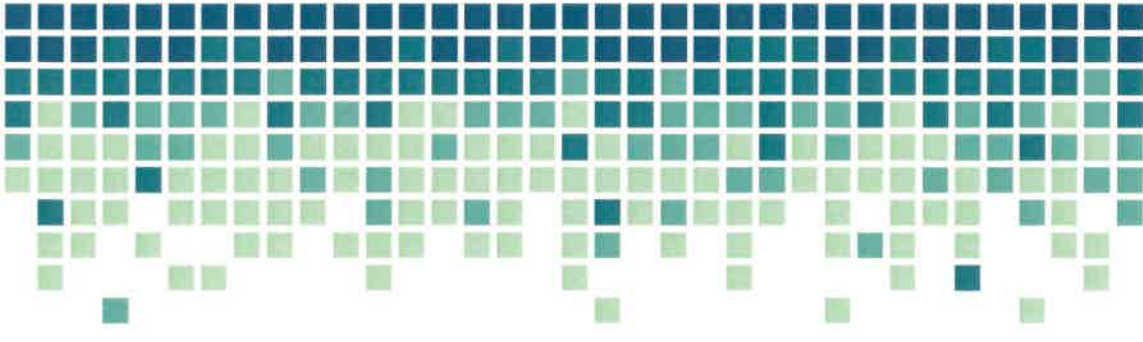
- Minutes must be taken in Executive Session.
Berry v. Bd. of Gov. of Registered Dentists, 1980 OK 45, 611 P.2d 628.
 - However, minutes taken in Executive Session may be kept confidential under the Open Records Act.
51 O.S. § 24A.5(1)(b).

- Minutes for Emergency Meetings: § 312(B)
 - Must state nature of emergency
 - Must include reasons for declaring emergency meeting



Public Comment

- Public Comment: A public body is not required to provide opportunity for citizens to speak (2002 OK AG 26; 1998 OK AG 45).
 - If public body chooses to allow public comment, it is advisable to set policy.
 - Could limit comments to agenda items only and/or set a time limit.
 - Public body should be careful not to discuss topics on the agenda during public comment portion of meeting.



Executive Sessions

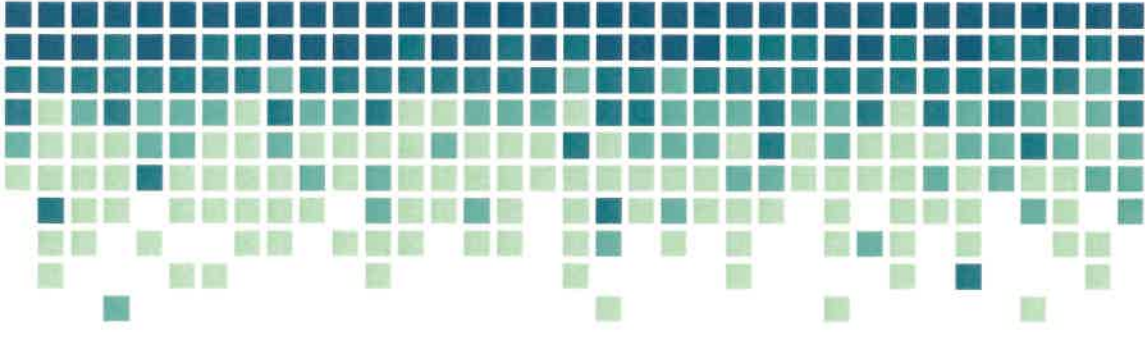
- **General Rule:** No executive sessions unless specifically authorized in § 307 or another statute.

- **Limited Permissible Purposes:**

- Personnel matters (25 O.S. § 307(B)(1)) - construed narrowly
 - Not job openings (2006 OK AG 17)
 - Not hiring independent contractors (2005 OK AG 29)
 - Must identify individual or unique position (1997 OK AG 61)
- Purchase or appraisal of real property (25 O.S. § 307(B)(3))
- Confidential communications with attorney concerning pending investigation, claim or action (25 O.S. § 307(B)(4))
- Other specific statutes

- **Violation:** Criminal liability and minutes and records of the executive session shall be made public

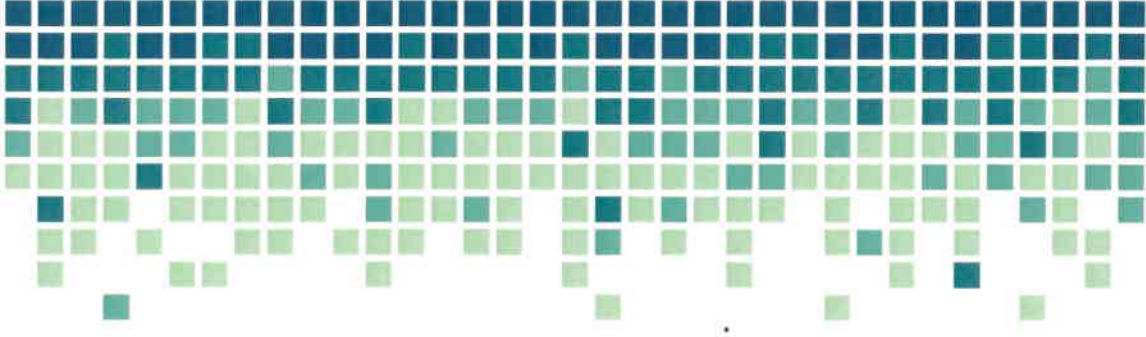
25 O.S. § 307



Executive Sessions

- **Special Procedures-Convening Executive Session:**

- *Proposed* executive session must be noted on agenda.
(25 O.S. § 311(B) and 82 OK AG 114).
- Include specific citation to which provision of § 307 authorizes the executive session. (25 O.S. § 311(B)(2)(C)).
- Must take vote at the meeting to go into executive session and have majority of quorum to convene executive session. (25 O.S. § 307(E)(2)).
- No executive session by videoconference (25 O.S. § 307(B)).



Executive Sessions

- **Special Procedures-Deliberation Only:**

- Votes cannot be taken in executive session.
- Can discuss, but actions arising out of executive session must be taken in an open meeting.
- Must take and keep minutes (i.e. what happened, who was there). *Berry v. Bd. of Gov. of Registered Dentists*, 1980 OK 45, 611 P.2d 628.
- Must vote to come out of executive session and record those votes publicly

4. What consequences may ensue from violations of the OMA?



Penalties and Remedies Under the OMA

Civil Implications

- ❖ Actions taken in willful violation are invalid. 25 O.S. § 313.
- ❖ Minutes of an Executive Session will be made public where the OMA is willfully violated. 25 O.S. § 307(F)(2).
- ❖ Any person can bring a civil action. 25 O.S. § 314(B).
- ❖ Successful party is entitled to reasonable attorney fees

Criminal Penalties

- ❖ Any willful violation of the provisions of the Act are punishable
- ❖ Misdemeanor offense
- ❖ Fine up to \$500 and/or up to one (1) year in the county jail. 25 O.S. § 314.





Willful Violation

- “The Act provides that any action taken in willful violation shall be invalid. Willfulness does not require a showing of bad faith, malice, or wantonness, but rather, encompasses *conscious, purposeful violations of law or blatant or deliberate disregard of the law by those who know, or should know*. . . Notice of meetings of public bodies which are deceptively vague or likely to mislead constitute a willful violation.”

Rogers v. Excise Bd. of Greer County, 1984 OK 95, 701 P.2d 754.

How to Correct an OMA Mistake

- If not in compliance with OMA when an action is taken, the act will be invalid.
- The public body should redo its action in conformity with the OMA.
- How? Depends on the type of mistake.
 - Give proper public notice and put item on next meeting's agenda
 - Re-vote and record the decision in the public meeting

