



AGENDA
HIGHLAND CEMETERY BOARD
SPECIAL MEETING
OWEN'S MULTIPURPOSE CENTER
1405 SW 11TH STREET, LAWTON, OKLAHOMA
SOUTH CONFERENCE ROOM/BREAK ROOM
WEDNESDAY, JANUARY 11, 2023, 2:00 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. Consider approving the minutes of the July 6, 2022, regular scheduled meeting.
Attachment: Draft of Highland Cemetery Board Minutes from Regular Meeting on July 6, 2022
- B. Consider approving new signs for Highland Cemetery
Attachment: Current Sign Map and Proposed Sign Map
- C. Consider replacing the John Deere Gator and making a recommendation to the Parks and Recreation Director to include such replacement in the next city budget.
Attachment: John Deere Gator Specs/Quote

V. NEW BUSINESS:

- A. Consider approving minutes from the Regular Meeting held on October 5, 2022.
Attachment: Draft of Highland Cemetery Board Minutes from Regular Meeting held on October 5, 2022.
- B. Consider approving minutes from the Special Meeting held on November 23, 2022.
Attachment: Draft of Highland Cemetery Board Minutes from Special Meeting on November 23, 2022.
- C. Consider discussion with Misty Tilghman and Marsha Pendley about a stolen

"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."

grave marker from their mother's/sister's lot.

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

Attachment: Open Meeting Powerpoint

VI. ADJOURN

ITEM NO. 4A

MTG. DATE January 11, 2023

HIGHLAND CEMETERY BOARD
AGENDA ITEM COMMENTARY

ITEM TITLE: Consider approving the minutes from the July 6, 2022, regular meeting.

INITIATOR: Ryan Brady, Recording Secretary

INFORMATION SOURCE: Park & Recreation's Office

BACKGROUND: Minutes from the July 6, 2022, regular meeting have been drafted and are awaiting approval.

EXHIBITS: Draft minutes from July 6, 2022, regular meeting

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Approve the minutes from the July 6, 2022, regular meeting.

MINUTES
HIGHLAND CEMETERY BOARD
Owens Multipurpose Center Conference Room
July 6, 2022 AT 2:00 P.M.

Robert Williams, President, called the meeting to order at 2:01 p.m. in Owens Multipurpose Center Conference Room. Meeting notice and agenda were posted on the City Hall bulletin board as required by State Law.

ROLL CALL:

PRESENT: Robert Williams, Chairman, Gerald (Deuce) Gragg, Barry Beauchamp

ABSENT: Antonio Hopson, Christine James

OTHERS PRESENT: John Spencer Mullins, Cemetery Sexton, Dewayne Burk, Assistant City Manager, Katisha Wiley, Recording Administrative Assistant, Misty Tillman, Guest, Marsha Pendley, Guest.

AUDIENCE PARTICIPATION: Anyone Having an item of business to present to the board that does not appear on the agenda please come forward.

Audience Participation:

Misty Tilghman

1411 SE Walnut Creek

Lawton, OK 73501

Marsha Pendley

79 Hickory Rd

Eufaula, OK 74432

Ms. Pendley stated: In 1989 her sister was murdered. She buried her during the time when another supervisor before the previous supervisor was not in charge of the cemetery. She found the lot and decided to buy four of them so that her sister would not be alone. She paid for the four lots and gave the receipt to her mother. In 1994 her father passed away and she buried him right beside her sister and paid for it and at that time she bought the other four lots on the other side of her father, giving her a total of eight lots. She took her mother with her as she did previously when she went to bury her sister and this time Ms. Pendley paid with cash and her mother received the receipt. 3 months later Ms. Pendley's sister decided she would buy four more lots that would give them a total of 12. Ms. Pendley's sister lived out of town, so her sister sent Ms. Pendley the money and picked up her mother and went back and paid in cash, the receipt was given to her mother. Ms. Pendley then stated, that there has been nothing wrong with the lots for 33yrs and that we have been protecting them. There was a family member that was stealing everything that she could get her hands on. When Ms. Pendley's mother passed away as indicated by Ms. Pendley then stated that family member stole her other sister's marker. She is wanting her niece punished and that she can prove her niece did it and stated that the previous

supervisor knows that she did it and another city employee as well. She then stated that they had to have a special tool to remove the marker, and that the previous supervisor of the cemetery would be able to tell us who it is. (Gragg) asked whose name was on the marker? The name on the marker is Ruth Taylor. (Gragg) described the headstone and asked if it was hit by a lawnmower. (Tilghman) answered yes, but it was still in her garage. (Pendley) indicated that when (Tilghman) found out it was gone she called (Pendley) who then called her niece and admitted that it was at her house. (Pendley) stated that the previous supervisor heard the admission of guilt from her niece, and no one called the police or did anything. Pendley and Tilghman then went to the police and it took a year before anything was filed on her niece. (Tilghman) stated that the board needs to be on the marker. (Tilghman) when the marker was hit that she did nothing, she was upset about it and waited awhile and then the marker was hit again. She then stated that she thinks that the employee who hit the marker was the one who helped Ms. Pendley's niece remove it, she was unsure of the information. (Gragg) then asked Tilghman if she thought an employee from the cemetery assisted? (Pendley, Tilghman) both answered and said that the previous supervisor of the cemetery knows which employee assisted and nothing was done. (Tilghman) indicated that she brought paperwork as requested. (Gragg) asked Tilghman, how long was it before it was reported to the police? (Tilghman) indicated that she was not aware that she had to report it to the police. (Burk) indicated that the board can hear their story, but that the board could not take action. (Tilghman) stated that she went to her aunt's house on bishop road and her aunt said she had the marker and that they were going to fix it for her, later when the aunt passed away and her aunt's other daughter told her she saw the marker. (Pendley) then stated she filed a torque claim on her property and how does that happen. (Burk) interjected that the board cannot answer those questions. (Pendley) we own 12 spaces, and 33 yrs later her mother passes away and her sister is stealing everything out of the house and finds the receipts for the spaces that has been in her mother's drawer for 33 yrs. The employee that she paid the money too wrote the receipt out to her mother in her mother's name and that there were deeds. The rest of the family did not know of this information. When she buried her father in 1994 they were not offered deeds and there were not any deeds sent to them and that she did not know that they were not in her name even though she paid for them. (Pendley) went on to say that there are two bodies buried in her lots without her permission. There are 3 people buried in the cemetery, and because she does not live here that she did not give to give permission. She has been given a couple of options by the city, and she stated that she does not like either of them. (Pendley) they bought 12 lots and the city got into their business burying people in the wrong place and this has to be the previous supervisor's fault or the funeral homes, and that someone put the body in the wrong place, and that they could show us where 5 bodies are buried in the wrong place and that they know for a fact. She now does not have a place to be buried and that her option is to be moved away from her family. (Pendley) that she has almost \$50,000 worth spent so that her and her loved ones can be together, they have 4 lots and that somehow the city let her sister get control of them. She then indicated another employee from the city clerk's office that was indicated as an accomplice to the paperwork being tampered with and that they

have 14 people that still need to be buried. (Pendley) stated that she wants her lots back and that they were in her mothers and Tilghman mothers name original and that they are the executors and that the lots should come back to them and wants the city to leave them alone and they will bury their people where they want to bury them and does not want to share the spaces. She then went on to state that she has 3 bodies that need to be moved because she has 14 that need to be buried and they are in the wrong place and that she wants the 4 lots to come back to her and Tilghman. She indicated that her mother was not able to sign any paperwork due to her many visits in and out of the hospital. Pendley then asked how does she get them back? She is wanting justice on her property. (Tilghman) then states that the police would not do anything without video footage of the damages that were made to the marker. (Burk) did let them know that the Board could not take a formal action today due to not legally being on the agenda and that the agenda is posted 48hrs in advance and that if there is a problem we would do the best we can to assist, but the board could not take action on the matter today. We will add them to the next meeting agenda.

NEW BUSINESS:

1. Consider changing procedures on how we proceed with burial plot transactions.

Motion by Robert Williams, **Second** by Gerald Gragg, **To make a motion to consider changing procedures on how we proceed with burial plot transactions and draft a proposal.**
AYE: Williams, Gragg, and Beauchamp **NAY:** None. ***Motion Passed.***

John (Cemetery Sexton) suggested that if he sells a four-space lot that usually is a family space lot that if they would like to assign spaces to whom they would want in the space it would require a signature, and if your name is not on the space, that the customer would not be able to have it whether its 30-60 years later. (Williams) asked if they are allowed to change the name of the person who they would like in a specific spot?

John (Cemetery Sexton) said yes and that it would have to be in writing and signed at the city clerk's office.

OLD BUSINESS ITEMS

- 4A. Consider approving the minutes of the July 6, 2022 meeting.**
- 4B. Consider drafting a proposal to council regarding a Double-Depth section of the Cemetery.**
- 4C. Consider drafting a proposal to present to the council regarding The Columbarium section of the cemetery.**
- 4D. Consider drafting a proposal to present to council regarding The Charity Burial procedure for cremation.**
- 4E. Consider drafting a proposal to present to council regarding the raise/add fees charged to the public.**

Motion by Robert Williams, Second by Gerald Gragg, To approve the minutes of July 6, 2022. AYE: Williams, Gragg, and Beauchamp NAY: None. Motion Passed.

- 1. Consider approving the minutes of the July 6, 2022 meeting.**

Motion by Robert Williams, Second by Gerald Gragg, To consider making a motion to draft a proposal to present to council regarding a Double-Depth section of the Cemetery. AYE: Williams, Gragg, and Beauchamp NAY: None. Motion Passed.

- 2A. Consider drafting a proposal to council regarding a Double-Depth section of the Cemetery.**

John (Cemetery Sexton) Suggested that it was time to take all the old business agenda items to council. ***Burk (Asst. City Mgr)*** Stated that any changes that are being made in the way that we operate the Cemetery, will have to go thru City Council, especially anything that has to do with the fees or charges. ***John (Cemetery Sexton)*** Stated that the old business agenda items are all related to funds that are being attached to them.

Motion by Barry Beauchamp **Second** by Robert Williams **To consider making a motion to draft a proposal to present to council regarding A Columbarium Section of the Cemetery.**
AYE: Williams, Gragg, and Beauchamp **NAY:** None. ***Motion Passed.***

3B. Consider drafting a proposal to present to the council about a Columbarium section of the cemetery.

Barry (Cemetery Board Member) Stated that all of the items on the agenda would need to be in a package. What is being needed is a plan, where they are going to be and what are they going to look like, and the cost. It should not cost the city anything due to Beauchamp and Gragg are going to purchase the first two. **John (Cemetery Sexton)** Stated that he was not sure if the city would let them purchase the first two, but he was not sure. **Barry (Cemetery Board Member)** stated that if the city wanted to buy the first two Columbarium's, that they would make a donation to the city somehow.

Motion by Barry Beauchamp **Second** by Robert Williams. **To consider making a motion to draft a proposal to present to council regarding The Charity Burial Procedure for Cremation.** **AYE:** Williams, Beauchamp, Gragg **NAY:** None. ***Motion Passed.***

4C. Consider drafting a proposal to present to council regarding The Charity Burial procedure for cremation.

Barry (Cemetery Board Member) Stated that all the entities need to be involved before we can put together a recommendation to present to the council. **John (Cemetery Sexton)** Stated that Chris Rayburn does all of the indigen. Comanche County was the only place that did not touch all of the indigen unless it is a murder case. Chris has been working with the County Assessor and County Commissioners Office and it has been approved to cremate all of the indigen. Barry, asked what part of the bill are they paying? John, the County Commissioners Office are responsible for signing off and says needed to be full body, you need a box or a casket, the city is going to dig the hole for free, and do the set-up for free the total would be \$1,225.00 that we spend, and we can give them a cremation for \$450.00. You would have to have the County Commissioners signature for an indigen burial. Barry, stated that a proposal needs to be drawn up.

Motion by Robert Williams **Second** by Gerald Gragg. **To consider making a motion to draft a proposal to present to council regarding The raising/add fees charged to the public. AYE:** Williams, Beauchamp, Gragg **NAY:** None. ***Motion Passed.***

5D. Consider drafting a proposal to present to council regarding the raise/add fees charged to the public.

John (Cemetery Sexton) The highland Cemetery is the only cemetery in the country that does not charge a set-up fee. **Barry (Cemetery Board Member)** stated that this is a good opportunity to build it into the fee schedule.

Meeting Adjourned

There being no further business, the meeting adjourned at 3:19 p.m.

Motion by Warren, **Second** by Sheppard, to adjourn the meeting of July 6, 2022. **AYE:** Williams, Gragg, Beauchamp **NAY:** None. ***Motion Passed.***

ITEM NO. 4B

MTG. DATE January 11, 2023

HIGHLAND CEMETERY BOARD
AGENDA ITEM COMMENTARY

ITEM TITLE: Consider approving new signs for Highland Cemetery.

INITIATOR: Donald Kousman, Sexton

INFORMATION SOURCE: Donald Kousman, Sexton

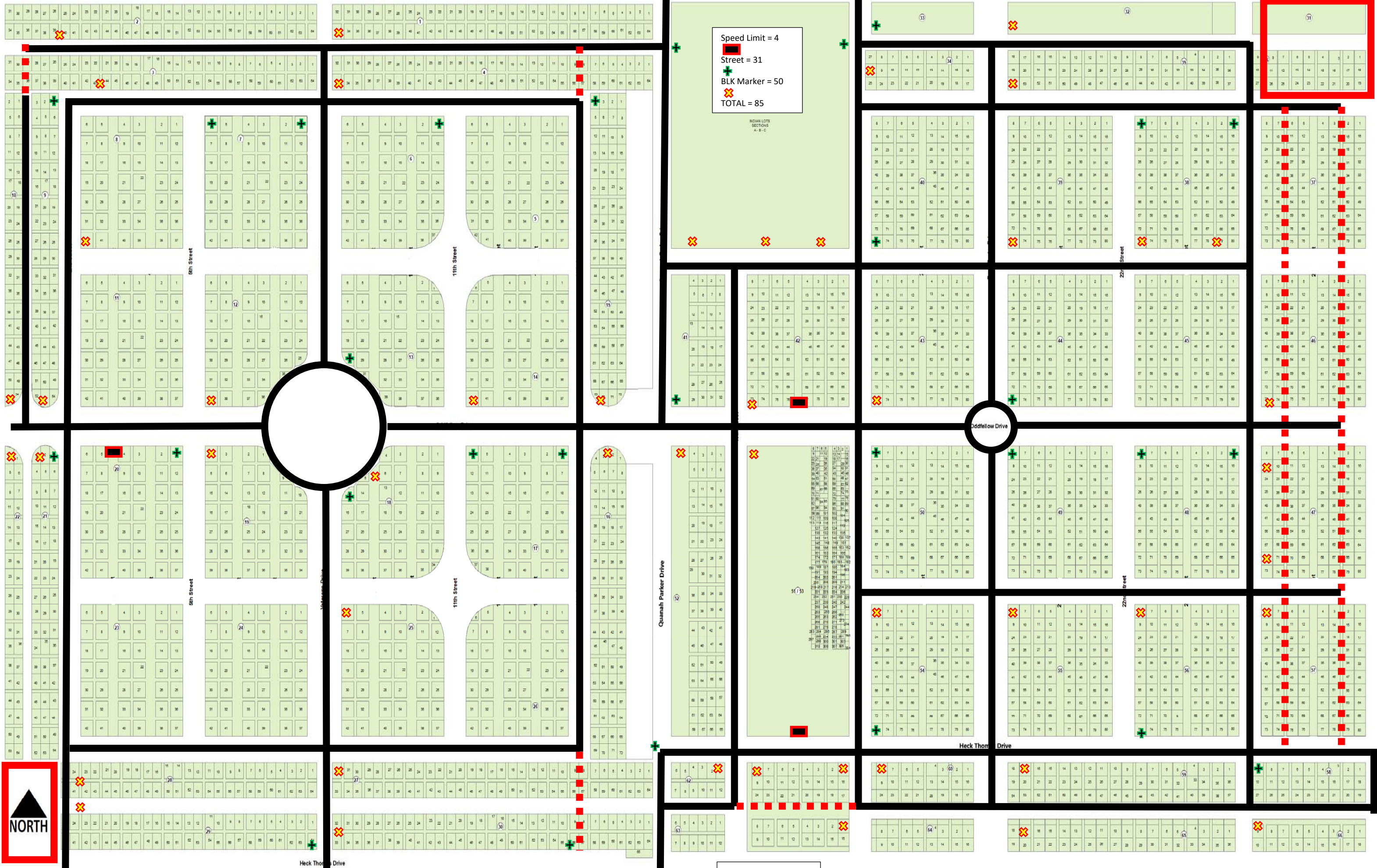
BACKGROUND: The City of Lawton Streets Division recently completed a street overlay project within the cemetery and has suggested new and additional street, block and lot signs be added to assist with locating lots and blocks. The new signs will be fabricated and installed by the Streets Division.

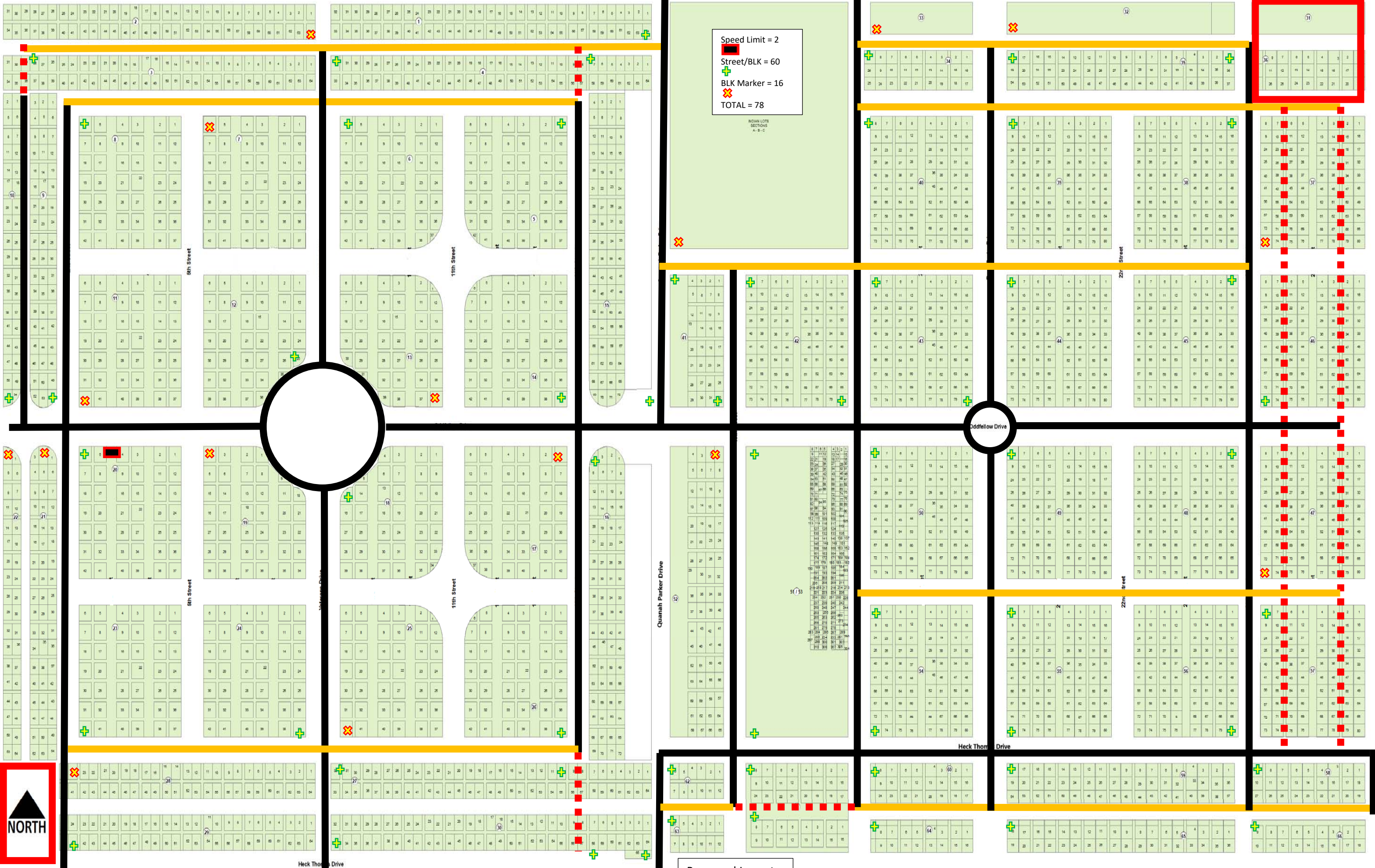
EXHIBITS: Current Sign Map and Proposed Sign Map

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Approve new signs for Highland Cemetery.





Proposed Layout

ITEM NO. 4C

MTG. DATE January 11, 2023

HIGHLAND CEMETERY BOARD
AGENDA ITEM COMMENTARY

ITEM TITLE: Consider replacing the John Deer Gator and making a recommendation to the Parks and Recreation Director to include such replacement in the next City budget.

INITIATOR: Donald Kousman, Sexton

INFORMATION SOURCE: Donald Kousman, Sexton

BACKGROUND: The Cemetery staff is requesting the board consider recommending replacement of the existing John Deere Gator in the upcoming budget. The John Deere Gator is used by staff to carry tools and equipment upon the cemetery grounds. The cemetery grounds consist of approximately 80 acres and the gator allows staff to be efficient in their daily tasks.

EXHIBITS: John Deer Gator Specs/Quote

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Recommend the Parks and Recreation Director includes the replacement of the John Deer Gator in the next City budget.

[Home](#) > [Gator Utility Vehicles](#) > [Full Size Crossover Gators](#)
> [XUV835M Cab Crossover Utility Vehicle](#)



XUV835M Cab

Crossover Utility Vehicle

★★★★★ (0) [Write a review](#)

- Three person cockpit with factory installed cab
- Easier shifting, with integrated park position
- Electronic switch for instant 4WD engagement
- Improved power steering for smoother operation

STARTING AT:

~~\$23,949.00~~ ^{MSRP}

[Add to Cart](#)

[Build Your Own](#)

[Find a Dealer](#) >

Customer:

Quotes are valid for 30 days from the creation date or upon contract expiration, whichever occurs first.

A Purchase Order (PO) or Letter of Intent (LOI) including the below information is required to proceed with this sale. The PO or LOI will be returned if information is missing.

- Vendor: Deere & Company
- ☐ 2000 John Deere Run
Cary, NC 27513
- ☐ Signature on all LOIs and POs with a signature line
- ☐ Contract name or number; or JD Quote ID
- ☐ Sold to street address (no PO box)
- ☐ Ship to street address (no PO box)
- ☐ Bill to contact name and phone number
- ☐ Bill to address
- ☐ Bill to email address (required to send the invoice and/or to obtain the tax exemption certificate)
- ☐ Membership number if required by the contract

For any questions, please contact:

Brandon McClure

P & K Equipment, Inc.
1920 W Bois D-arc
Duncan, OK 73533

Tel: 580-255-6276

Fax: 580-255-4407

Email: bmcclure@pkequipment.com

Quotes of equipment offered through contracts between Deere & Company, its divisions and subsidiaries (collectively "Deere") and government agencies are subject to audit and access by Deere's Strategic Accounts Business Division to ensure compliance with the terms and conditions of the contracts.



JOHN DEERE

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

P & K Equipment, Inc.
1920 W Bois D-arc
Duncan, OK 73533
580-255-6276

Quote Summary

Prepared For:

CITY OF LAWTON PARKS & RECREATIONS
1405 SW 11TH ST
LAWTON, OK 73501
Business: 580-581-3400

Delivering Dealer:

P & K Equipment, Inc.
Brandon McClure
1920 W Bois D-arc
Duncan, OK 73533
Phone: 580-255-6276
bmccclure@pkequipment.com

Quote ID: 27509329
Created On: 26 September 2022
Last Modified On: 26 September 2022
Expiration Date: 30 November 2022

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE GATOR™ XUV835M HVAC (Model Year 2023) Contract: OK Golf Carts & Utility Vehicles SW194 (PG 2Q CG 22) Price Effective Date: September 23, 2022	\$ 28,074.55 X	1 =	\$ 28,074.55
Equipment Total			\$ 28,074.55

* Includes Fees and Non-contract items

Quote Summary

Equipment Total	\$ 28,074.55
Trade In	
SubTotal	\$ 28,074.55
Est. Service	\$ 0.00
Agreement Tax	
Total	\$ 28,074.55
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 28,074.55

Salesperson : X _____

Accepted By : X _____



JOHN DEERE

Selling Equipment

Quote Id: 27509329

Customer Name: CITY OF LAWTON PARKS & RECREATIONS

ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:

P & K Equipment, Inc.
1920 W Bois D-arc
Duncan, OK 73533
580-255-6276

JOHN DEERE GATOR™ XUV835M HVAC (Model Year 2023)

Hours:

Stock Number:

Contract: OK Golf Carts & Utility Vehicles SW194 (PG 2Q
CG 22)

Selling Price *
\$ 28,074.55

Price Effective Date: September 23, 2022

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
57KAM	GATOR™ XUV835M HVAC (Model Year 2023)	1	\$ 28,769.00	13.00	\$ 3,739.97	\$ 25,029.03	\$ 25,029.03
Standard Options - Per Unit							
001A	US/Canada	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
182A	Less AutoTrac™/GreenStar™ Harness	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
183B	Less JDLink™ Hardware	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
0505	Build To Order	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
1008	27" Maxxis Bighorn 2.0 extreme terrain radial tires on 14" Yellow Alloy Wheels	1	\$ 449.00	13.00	\$ 58.37	\$ 390.63	\$ 390.63
1950	Less Application	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
2031	Split Bench Seat - Black Vinyl	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
2350	Park Position in Transmission	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
2500	Green and Yellow	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
3003	Cargo Box with Spray In Liner, Brake, and Tail Lights	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
3101	Cargo Box Power Lift	1	\$ 1,048.00	13.00	\$ 136.24	\$ 911.76	\$ 911.76
4022	Full Door with Side Mirrors	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
4062	HVAC Cab	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
5006	Front Brush Guard	1	\$ 426.00	13.00	\$ 55.38	\$ 370.62	\$ 370.62
6349	Less Winch	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
Standard Options Total			\$ 1,923.00		\$ 249.99	\$ 1,673.01	\$ 1,673.01
Technology Options/Non-Contract/Open Market							
1880	Less Receiver	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00
1900	Less Display	1	\$ 0.00	13.00	\$ 0.00	\$ 0.00	\$ 0.00



JOHN DEERE

Selling Equipment

Quote Id: 27509329

Customer Name: CITY OF LAWTON PARKS & RECREATIONS

**ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):**

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

**ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:**

P & K Equipment, Inc.
1920 W Bois D-arc
Duncan, OK 73533
580-255-6276

Technology Options Total		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Dealer Attachments/Non-Contract/Open Market					
BUC10310 Side Mirrors (open station & cab doors)	1	\$ 219.36	13.00	\$ 28.52	\$ 190.84
BM22767 Rear Bumper	1	\$ 260.27	13.00	\$ 33.84	\$ 226.43
BUC10247 Front Fender Guard	1	\$ 282.77	13.00	\$ 36.76	\$ 246.01
BUC10679 Brushguard	1	\$ 469.73	13.00	\$ 61.06	\$ 408.67
BUC10809 Front Attachment Harness	1	\$ 204.25	13.00	\$ 26.55	\$ 177.70
BM26391 Horn Kit	1	\$ 38.51	13.00	\$ 5.01	\$ 33.50
BUC10608 Front Turn Signal Light Kit	1	\$ 102.71	13.00	\$ 13.35	\$ 89.36
Dealer Attachments Total		\$ 1,577.60		\$ 205.09	\$ 1,372.51
Value Added Services Total		\$ 0.00		\$ 0.00	\$ 0.00
Total Selling Price		\$ 32,269.60		\$ 4,195.05	\$ 28,074.55

ITEM NO. 5A

MTG. DATE 01/11/2023

CEMETERY BOARD
AGENDA ITEM COMMENTARY

ITEM TITLE: Consider approving minutes from the Regular Meeting held on October 5, 2022

INITIATOR: Ryan Brady, Recording Secretary

INFORMATION SOURCE: Park & Recreation's Office

BACKGROUND: Minutes from the October 5, 2022, regular meeting have been drafted and are awaiting approval.

EXHIBITS: Draft minutes from October 5, 2022, regular meeting

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Approve minutes from October 5, 2022, regular meeting.

MINUTES
HIGHLAND CEMETERY BOARD
Owens Multipurpose Center Conference Room
October 5, 2022 AT 2:00 P.M.

Robert Williams, President, called the meeting to order at 2:01 p.m. in Owens Multipurpose Center Conference Room. Meeting notice and agenda were posted on the City Hall bulletin board as required by State Law.

ROLL CALL: Was called to order at 2:01 p.m.

PRESENT: Robert Williams, Chairman, Gerald (Deuce) Gragg, Barry Beauchamp

ABSENT:

OTHERS PRESENT: Donald Kousman, Cemetery Sexton, Dewayne Burk, Assistant City Manager, Katisha Wiley, Recording Administrative Assistant, Misty Tillman, Guest, Marsha Pendley, Guest. Greg (City Atty Ofc) Councilman Harris Ward 2.

BUSINESS ITEMS

Motion by Robert Williams, **Second** by Gerald Gragg, to approve the minutes from July 6, 2022. **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. **Motion Passed.**

Motion by Barry Beauchamp, **Second** by Robert Williams, to move **5D to 5A Consider hearing a complaint from Marsha Pendley and Misty Tilghman regarding the cemetery plots purchased and take appropriate action.** **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. **Motioned Passed.**

Marsha Pendley:

She stated that they have been asking for awhile thru the Cemetery, the Mayor, the City Manager, and everyone in this town. She purchased three cemetery lots and that the City buried three people in her lots. She stated that the City gave some of their lots away and let her niece go in and steal lots. There was a marker that was stolen off of her sister's lot and nothing was done.

Burk:

Stated that the discussion would have to be the subject that was on the agenda, due to the law stating that it has to be on the agenda in order to discuss the subject and the marker was not included.

Marsha Pendley:

She wanted to thank us for hearing her out, it has cost her 24hrs of driving time, \$400.00 for a hotel, \$1,000.00 in gas. She then stated that they have been to every meeting that we have had this year. She said for some reason she will call and when they arrived they were not on the agenda. She stated that they have made many phone calls to the sexton about coming to the meeting and Burk.

Misty Tillman:

She states that she made it clear what her issues were when she spoke with Burk. Marsha, stated that she emailed him, and that it was made aware that the lots and the marks were going to be a discussion to be had at the meeting.

Marsha Pendley:

She had copies of paperwork that she clearly stated we could not have copies of. Her sister was murdered in 89' and she moved out of town and came back when she was 37yrs old. Her mother was drawing \$352.00 a month and for years she could not afford to bury her sister. She took out a loan on her house stepped up and buried her sister. She purchased 4 lots and she didn't want her sister by herself and someone else had died. When her and her mom went out to the cemetery, her mom knew who the man was out there. Marsha went out to the cemetery and found four lots and wrote him a check. Her mom was visiting with the man. He gave her a receipt and shook the mans hand and left. In 93' her dad passed and she buried him too. She then thought that she needed more so she purchased the four lots right beside it and they were for sale so she went in and told the man that she wanted to buy four more. She went to the bank and paid in cash. She then gave her mother the receipt. 3 or 4 months later her sister and Ms. Tillmans mother Ms. Taylor saw that the other side was vacant and bought them. Marsha stated that she gave her the money and went out there with her mother, her mom was given another receipt. 33yrs later her sister decided that she was going to take the lots. When it was found out they started looking and investigating and that her sister was telling everyone that her mother gave them to her sister. Whatever was turned into the City allowed her sister to have the lots, she was not for sure how this was done. Marsha brought in her mother's will, her mother owned two lots at Sunset, and in the will Marsha stated that her mother made her the executor and gave the two lots at Sunset to her oldest brother. There was no mentioning in will about the lots at Highland Cemetery, because they did not belong to her mother. When her sister started taking the lots, her mother had passed and her sister went thru her mother's paperwork and found the original receipt. According to Marsha the sister saw that the lots were in their mother's name and not hers and she did not know it. They never received a deed, and they were never offered a deed, all those years she never knew they had a deed or they would of fixed it. When her sister found out about the lots, she didn't know what she did, but her sister went down to City Clerks office and spoke to a women named Denise and gave her all the lots she wanted they had 14 of them. When they purchased 14 lots they did it for a reason. They have a big family, her and her sister agreed that the ones that they wanted there they would put there. They didn't put names on them, because they wanted to control who was going to be in the family lot. Some of their family they liked some of them they didn't. The ones that didn't, would have to buy their own lots, that's the way they felt. We got to choose who was going to be in the lots that they bought and that is the way they felt. When her Brother In-Law passed, she came to town and they buried him in one of her lots, she did not do anything at the time. She stated that Leon knew what lots where hers. They were purchased in 94' and started it in 95' and that Leon was very aware. When her mother's name was put on the deed the information was wrong. She has been married 40yrs, if they would have asked her what name that should be on the deed, she would have said her and her husband. Everything that her mother owned was in Marsha's name and her mother owned nothing, so for them to put them in my mother's name that is what caused the problem. If she would have known she would have stopped them. When she found out she went to the Court house and was told that the lots were no longer hers. She stated how could they not be hers?

They had given the lots to her sister. She told them that she had the receipt where she paid for them. The receipts were in her mother's name, while her mother was still alive, Marsha's sister got her mom to sign something. Marsha has all her mother's medical records from the year before till the year after it happened. Her mother had been in and out of the hospital she was 85yrs old, her mother didn't even know her name, but her sister said she signed the paper. Everything was in her name and her sister knew it. Her sister's lot is even in her name. Marsha claimed she took care of her family. Her sister decided that when their mother was dying and her mother's house was in Marsha's name, and indicated that her sister might have done this so that she would be able to get something too. Whatever paper that her sister took down to the City Clerks office, that's when the original mistake started according to Ms. Pendley. The next time she went they put the receipt in her name and her mother's name and didn't know it until she pulled out the receipts 33yrs later. She has 7 neice's and nephew's everyone of them would tell us that Ms. Pendley and Ms. Tillman's mother bought every single one of the lots. They need the lots back. She promised her sister's two kids that when she bought the lots that they could be buried beside their mother. These are the lots that Ms. Rios has received and she wants them back. The lots are not Ms. Pendley's they are Ms. Tillmans mother's lot, Ms. Tillman is the executor of her mother's estate and Ms. Pendley is the executor for her mother's estate. Marsha stated that no one ask about a name being put on the deed and who's name needs to be on the deed. She stated 3 months ago the City was not giving out deeds. She stated that she has the receipt before all of this started. They went down and got copies of some of the deeds. They went back two years later and now the deed has a different stamp and a different name on it. According to Marsha the deeds are never consecutive. She claims they were told that the lots did not belong to them and stated that the woman they delt with was very rude to them. Her main concern is she has three people in her lots, in hers, her husbands, and her son's lot right now. She claimed that Burk told her to decide, he would dig his 2 sisters and brother up and move them so that she could have her spot or her, her son, and her husband could just move. Marsha stated that she is the caretaker, and started this and she will fight to the day she dies. She thought she was doing a good thing for her family, and she feels it is a burden on her to choose. She stated that her and Ms. Tillman are both sick with cancer and that Ms. Tillman had just got out of the hospital last week Stage 3, and Marsha is having surgery in about 2 weeks for her cancer and doesn't know when they go into the hospital if they are coming out. She wants her lots back, she had her affairs in order for years and now3 if she died today she does not have a lot to be buried in. Marsha also stated that they have everything to prove that the lots belong to them. She wants them back so that they can decide who is to be buried in their lots. When one of her neice's or nephew's pass, she wants them by her mother. Without the lots back she is not able to do what she would like to do. She stated that they need answers because they are sick, and they are tired of fighting and just wants her affairs back in order. She asked what needs to be done in order to get the lots back. 2 Sexton's have told her that for 35yrs that there are 6 lots there and now the City is telling them that there are 4. Marsha stated that she is open for suggestions.

Greg (City Atty Ofc)

He asked what their solution would be to solve the issue?

Ms. Tillman:

She was born and raised here. She worked 12yrs at the Memorial Hospital and she has a heart. She stated she worked well at the hospital and worked well with an instructor at Vo-tech. She stated that they have went to every single person in the town. We have a mission statement and she read it, and it sounded good and then we have by-laws. If we would read our mission statement and let ourselves see it. She buried her mother in 2012 and anyone that knows her she is not at rest. The problem starts out with when you go out to the Cemetery and you want to buy a lot and you have to buy 2 or 4 lots. Then you pay for it at the Cemetery and then from that receipt you turn it into the city somehow. She thinks over the years there really was not a process and Denise made up a process.

Councilman Harris Ward 2:

He asked both the ladies what is their solution?

Ms. Tillman:

She asked why is it we don't follow the mission statement and the by-laws?

Greg (City Atty's Ofc)

He informed her that due to it not being on the agenda that we could not address the question and that we were here to talk about the lots. He has spoken with the Assistant City Mgr to try to help address their issue. He asked the ladies what would they want to happen?

Councilman Harris Ward 2 (statement):

He wants to know what can we do to help them from here going forward? What is your solution to what is going on and we can work from there.

Greg (City Atty's Ofc)

The first lot was purchased in March of 94' its north ½ of lot 55, currently Daniel Taylor and Ruth Taylor are buried there. The south ½ of lot 55, was purchased in October 89' and currently James Smart, Ben Smart, Karen King, and Sandy Rios are buried there. If it was 6 lots it would be for infants and small children. The lot right now is full with her family members. He asked Ms. Pendly if she had anything showing that she was the purchaser or the actual owner of the lot? Betty Smart is showing as the purchaser and it was assigned to Sandy Rios at a later date. If Probate is closed then she would not be the executor anymore. At this time this is the information that we have. Lot 55 was Betty Smart who assigned it to Sandy Rios. There are four people buried there. Later on in 94' lot 55 was purchased where Daniel and Ruth are buried and there are two open adult spots in the lot. Daniel Taylor died in July 1994 and then lot 58 was purchased in August 98'. Sandy Rios assigned her lots to people that were not their family members. Marsha owns two plots in lot 55 for sure. The city did not give the lots away. State Law talks about when someone purchases a lot and they pass then that lot is open to all of their heirs. Who is buried in the spots is whoever passes next in line. You can take any plot that you own and put it in trust with the City Clerks Office and it would be held for that person.

Ms. Pendly:

She stated that it was wrong and that is what she was telling us. She then asked show her how Ms. Rios got it with no proof that it was hers and if Ms. Smart signed it she shouldn't have due to her disorientation for 2 years and she was in and out of hospital. She stated she is her mother's

executer and everything should have come to her including the deed. She stated that the City gave her lots away. She stated she did not know about the State Law that was mentioned by Greg (Asst. City Atty).

Councilman Harris Ward 2:

We have a certain set of action that we believe to be legal and had they had your permission or not they provided some documents that allowed them to take the actions that they took. We will examine this further. He will work with Greg (Atty Ofc) and the Assistant City Manager to find a solution. There could be a possibility that there might be some Illegal things that had happen before this point, that we might not be able to fix. They may have to take Civil Action. We need to find out what legally what we can do and then come back and make a proposal.

Ms. Pendly:

Her suggestion is, her and Ms. Tillman will break away from their families and will find them another burial place immediately if the City pays to bury them both. They want funds for their burial and markers. They need a date for when this will be resolved before they go forward. She wants the lots to be frozen until this situation is solved.

Greg (City Atty's Ofc)

What the Board can do is they would have to make that same recommendation to the City Manager's Office in-conjunction with that while the rest is being investigated.

Barry Beauchamp (Cemetery Board Member)

Based on what has been said, they will get the recommendation to the City Manager's Office and they will get this done as quickly as possible.

Donald Kouseman (Cemetery Sexton)

He stated that Spencer has the 4 spots frozen.

Pendly:

Stated that there were people that were going to be buried in their lot, but Spencer stopped them due to this situation.

Motion by Beauchamp, Second by Gragg. The information that they have been provided with and make the proper recommendations to the City Manager's Office in order to try to bring closure to the situation. **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. ***Motion Passed.***

5B. Consider approving the minutes for the July 6, 2022 regular meeting

Motion by Beauchamp, Second by Gragg. Tabled until the next meeting **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. ***Motion Passed.***

5C. Consider approving new signs for the Highland Cemetery.

Motion by Beauchamp, **Second** by Williams,. Tabled until the next meeting **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. ***Motion Passed.***

5D. Consider replacing the John Deer Gator and making a recommendation to the Parks and Rereation Director to in clude such replacement in the next City budget.

Motion by Beauchamp, **Second** by Williams,. Tabled until the next meeting **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. ***Motion Passed.***

ADJOURNMENT

There being no further business, the meeting adjourned at 3:24pm.

Motion by Beauchamp **Second** by Williams, To adjourn the meeting on October 5, 2022. **AYE:** Beauchamp, Williams, and Graggs **NAY:** None. ***Motion Passed.***

ITEM NO. 5B

MTG. DATE 01/11/2023

CEMETERY BOARD
AGENDA ITEM COMMENTARY

ITEM TITLE: Consider approving minutes from the Special Meeting held on November 23, 2022.

INITIATOR: Ryan Brady, Recording Secretary

INFORMATION SOURCE: Park & Recreation's Office

BACKGROUND: Minutes from the November 23, 2022, special meeting have been drafted and are awaiting approval.

EXHIBITS: Draft minutes from November 23, 2022, special meeting

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Approve minutes from November 23, 2022, special meeting.

**2022 MINUTES
SPECIAL CALLED MEETING
HIGHLAND CEMETERY BOARD
WEDNESDAY, NOVEMBER 23, 2022, 2:00 PM
OWENS MULTIPURPOSE CENTER
1405 SW 11th STREET, LAWTON, OK, 73501
CONFERENCE/BREAK ROOM**

The Meeting of the Highland Cemetery Board was held Wednesday, November 23, 2022, at the Owens Multipurpose Center, 1405 SW 11th Street, Lawton, Oklahoma. The meeting was called to order at 2:12 pm.

ROLL CALL:

MEMBERS PRESENT: Robert Williams, Gerald “Deuce” Gragg, Barry Beauchamp

MEMBERS ABSENT: None

STAFF PRESENT: Mitch Dooley, Parks and Recreation Deputy Director, Ryan Brady,
Recording Administrative Assistant

OTHERS PRESENT: None

II. NEW BUSINESS

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

MOTION MADE by Robert Williams; SECOND by Gerald “Deuce” Gragg

AYES: Robert Williams, Gerald “Deuce” Gragg, Barry Beauchamp

NAYS: None

MOTION CARRIES

III. ADJOURN

MOTION MADE by Robert Williams; SECOND by Gerald “Deuce” Gragg

AYES: Robert Williams, Gerald “Deuce” Gragg, Barry Beauchamp

NAYS: None

MOTION CARRIES

Meeting adjourned at 2:16pm

ITEM NO. 5C

MTG. DATE January 11, 2023

HIGHLAND CEMETERY BOARD
AGENDA ITEM COMMENTARY

ITEM TITLE: Consider discussion with Misty Tilghman and Marsha Pendley about a stolen grave marker from their mother's/sister's lot.

INITIATOR: Christine James, Parks and Recreation Director

INFORMATION SOURCE: Marsha Pendley and Misty Tilghman

BACKGROUND: Ms. Marsha Pendley and Ms. Misty Tilghman have requested placement on the agenda to discuss their complaint pertaining to a stolen grave marker on lot.

EXHIBITS: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Hear a complaint from Marsha Pendley and Misty Tilghman regarding stolen grave marker and take appropriate action.

ITEM NO. 5D

MTG. DATE January 11, 2023

HIGHLAND CEMETERY BOARD
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 pertaining to open meetings.

EXHIBITS: Open Meetings Act Powerpoint Presentation

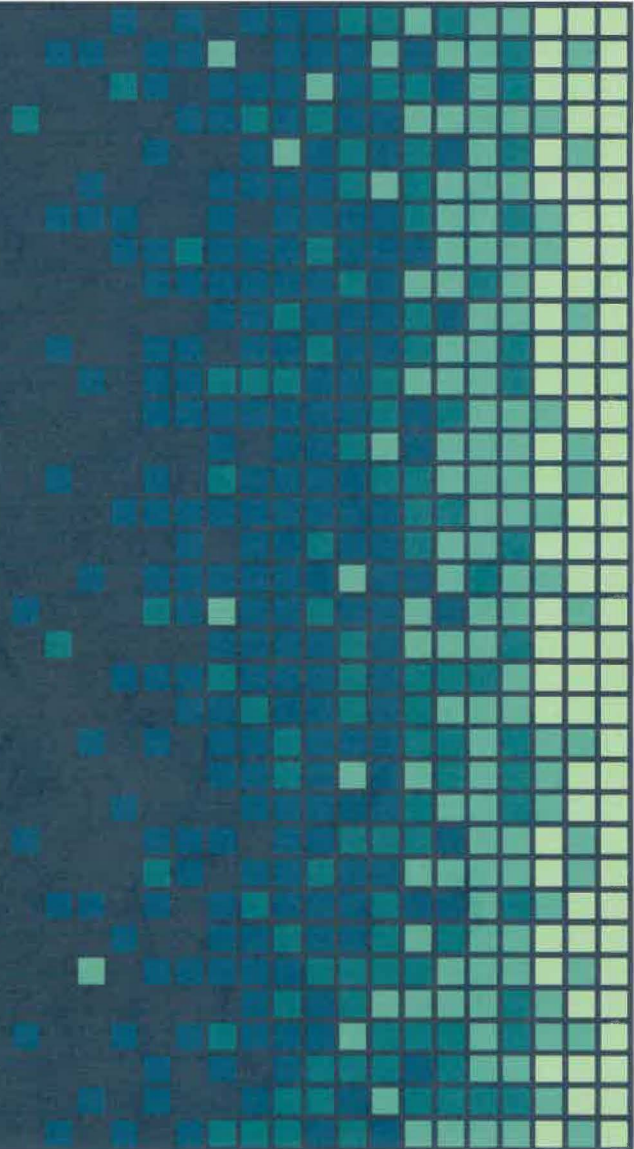
KEY ISSUES: Ensuring that the Highland Cemetery Board remains in compliance with the Oklahoma Open Meeting Act

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



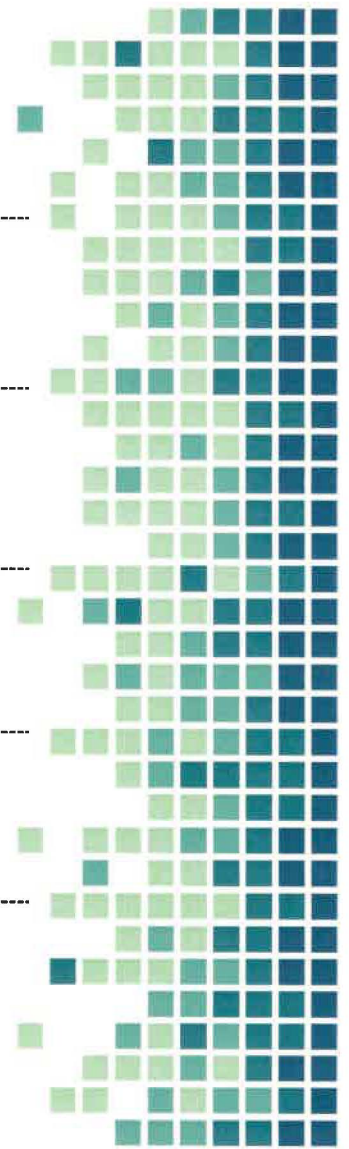
The Open Meeting Act

Title 25 O.S. §§301-314

Overview

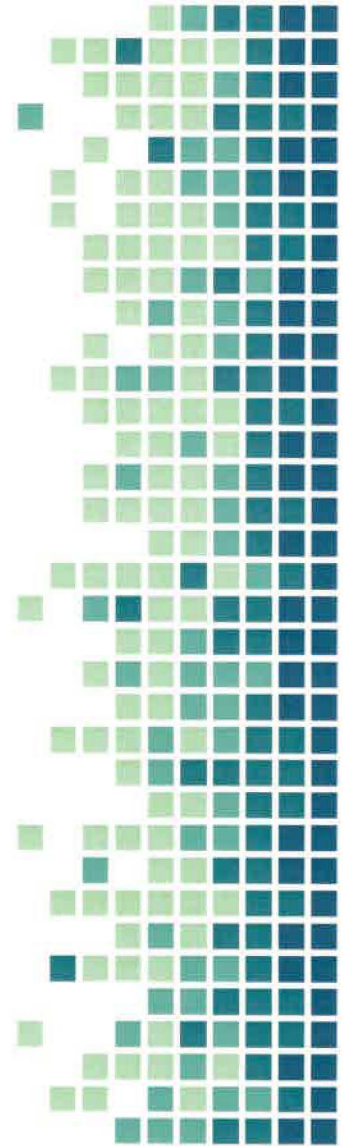


- 1 When is the Act triggered?
- 2 What actions must be taken before meetings?
- 3 What procedures must be followed during meetings?
- 4 What consequences may ensue from violations of the Act?

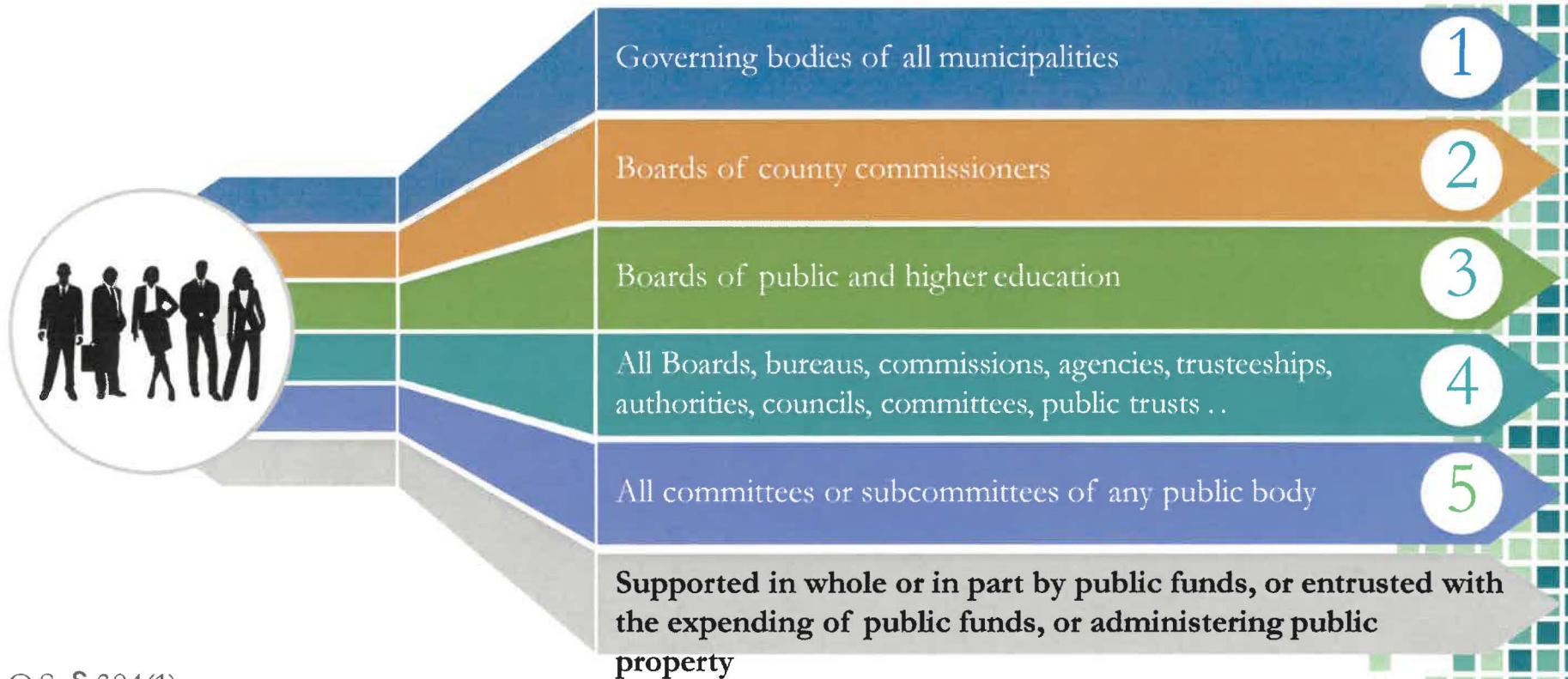


When is the OMA triggered?

- 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

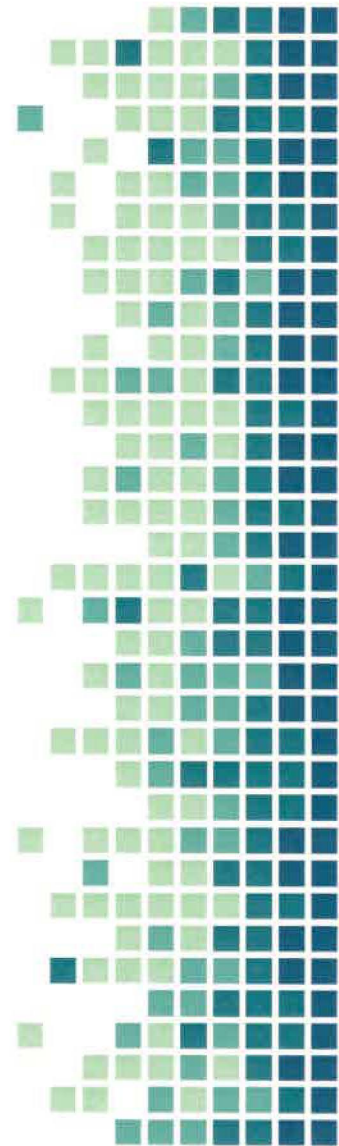


25 O.S. § 304(1)

“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).

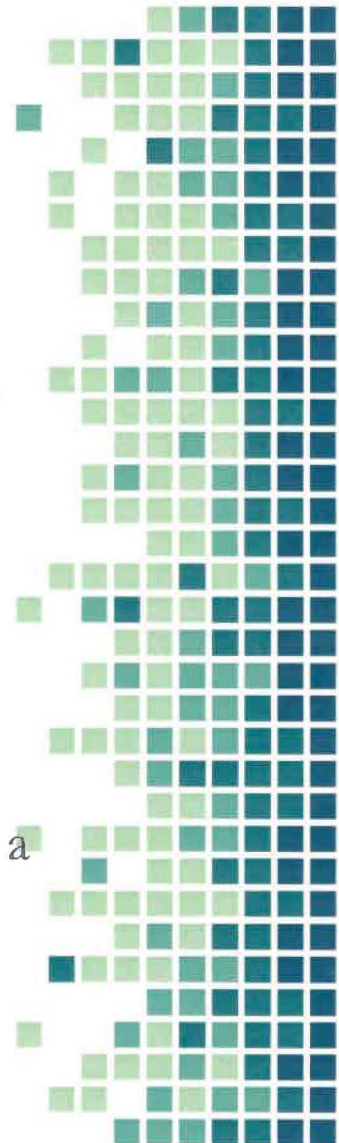
25 O.S. § 304(2)



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.

25 O.S. § 306



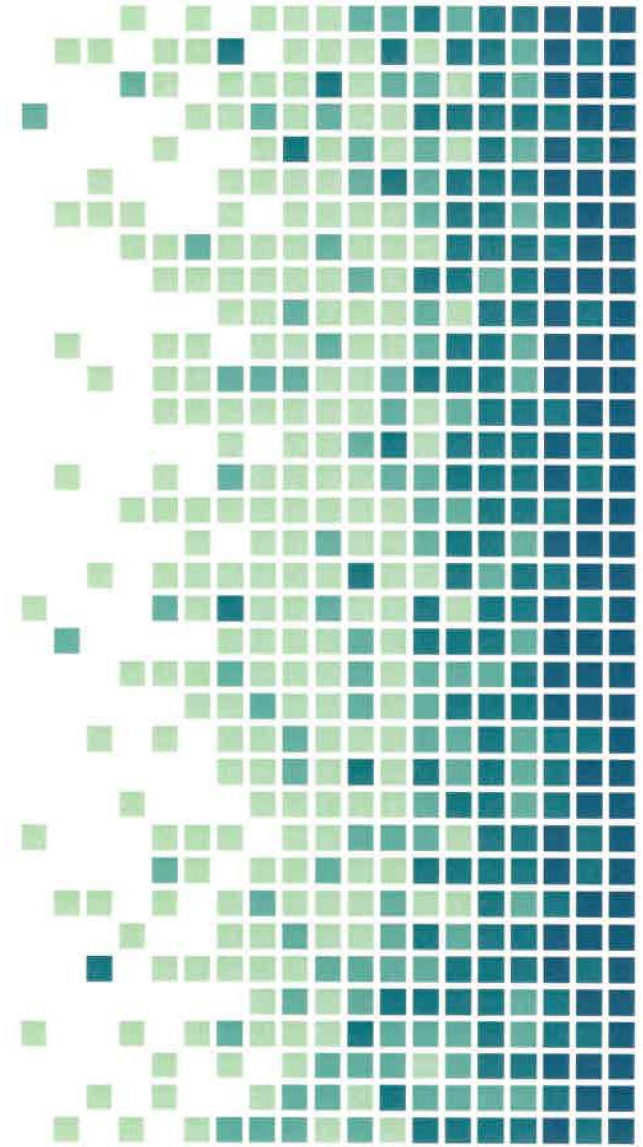
Hypothetical: Post-Board Meeting Lunch

- 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.

25 O.S. § 306



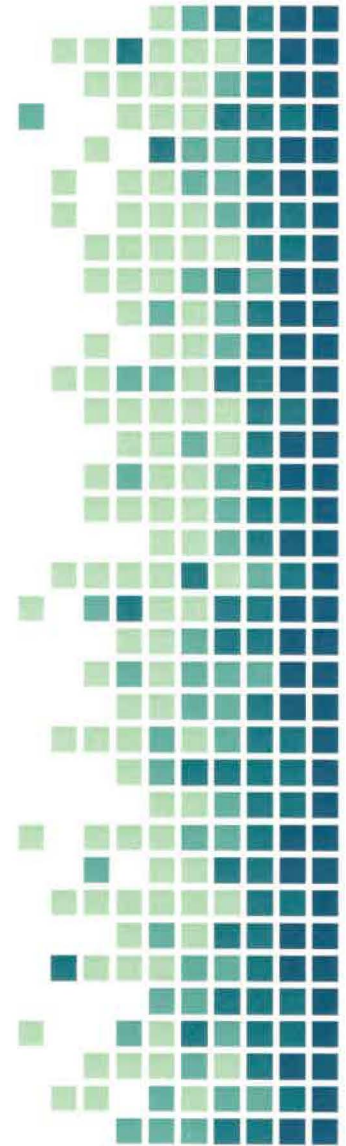
2.
What actions must
be taken before
meetings?



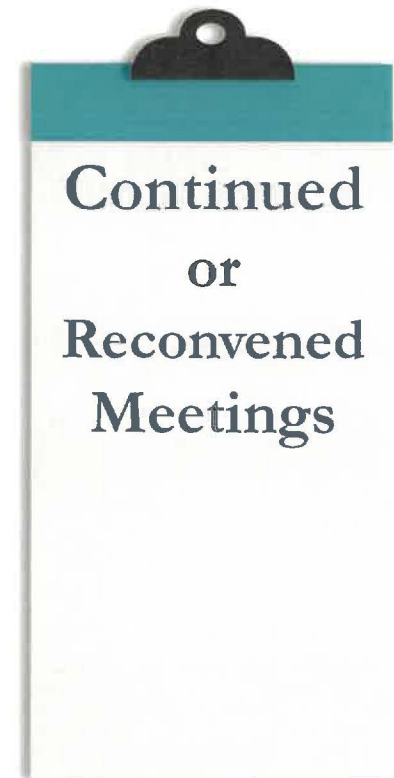
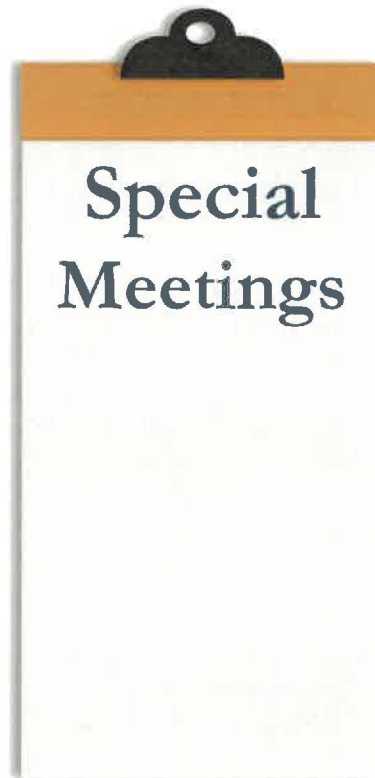
Required Pre-Meeting Actions

☒ Provide Notice

☒ Post Agenda



Four Types of Meetings

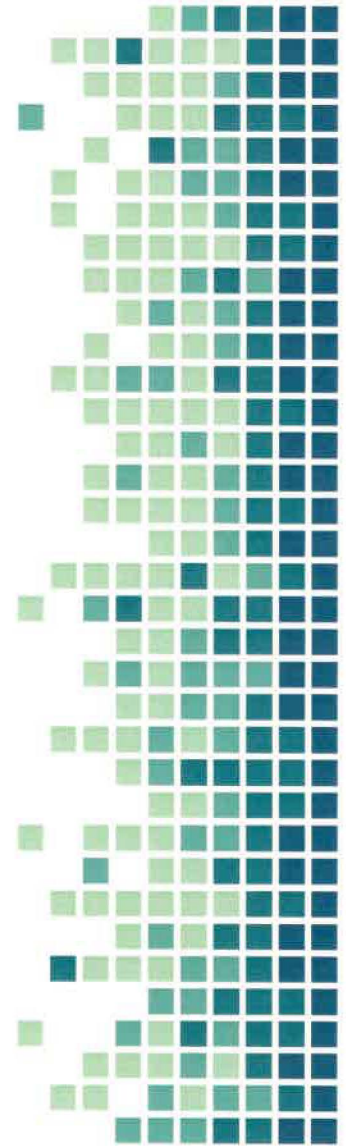


25 O.S. § 304(3)-(6)

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

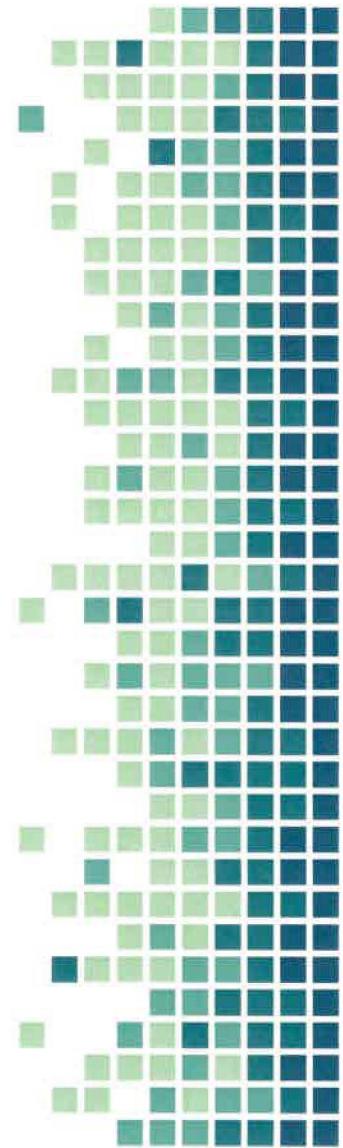
25 O.S. § 311



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

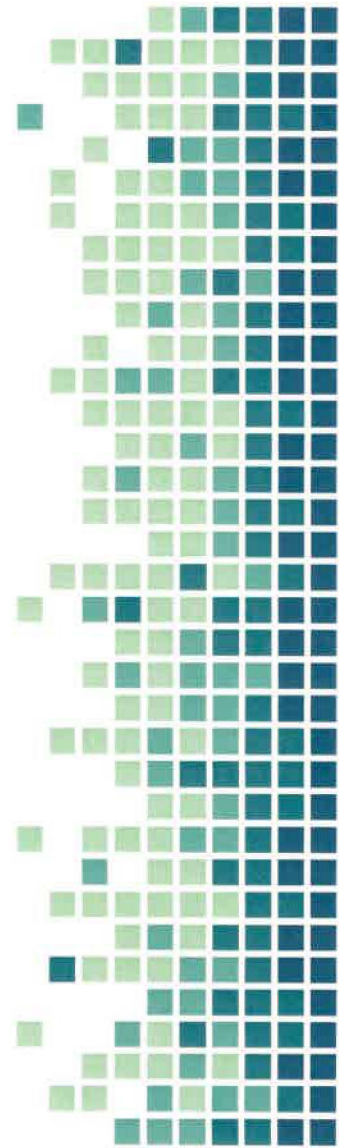
25 O.S. § 311



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

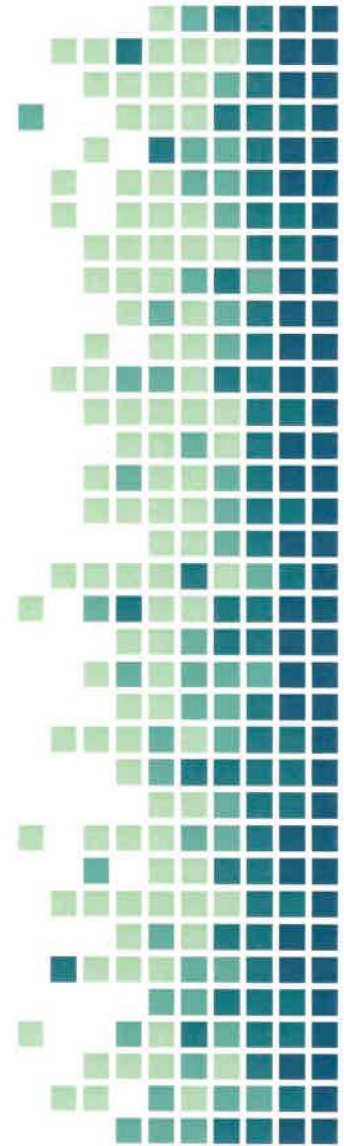
25 O.S. § 311(A)(12)



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.

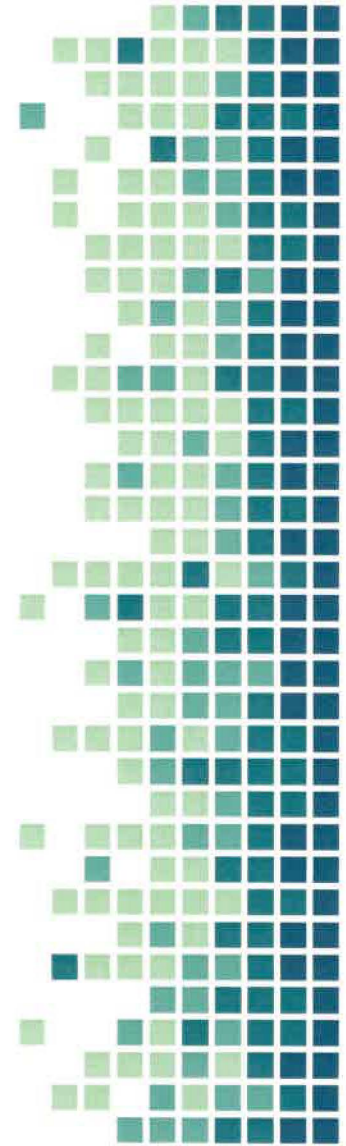
25 O.S. § 311(A)(13)



Provide Notice: Continued or Reconvened Meetings

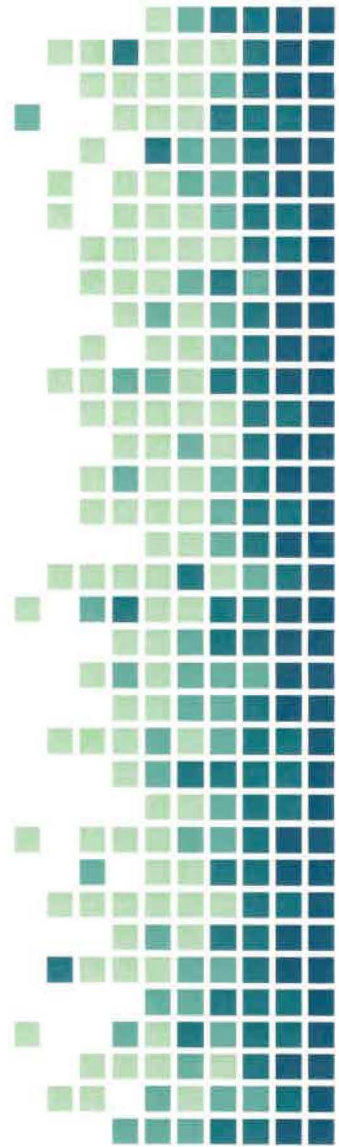
- ***When:*** Announce date, time, and place of continued/reconvened meeting at original meeting

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)

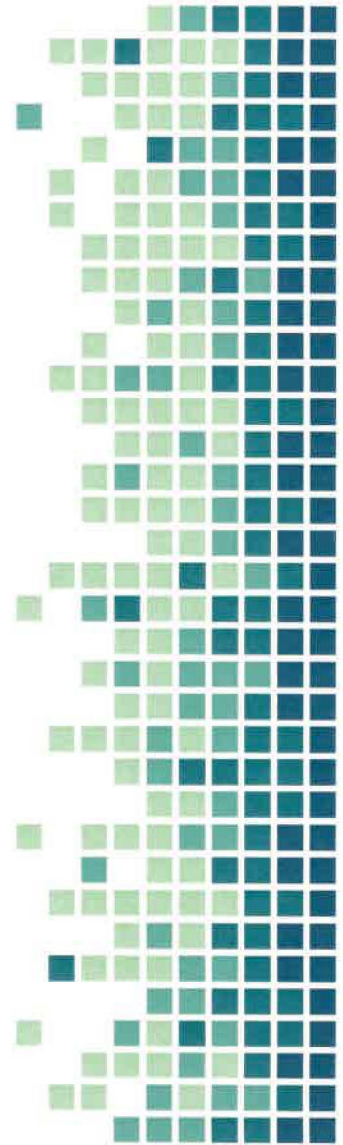
- *Must be visible to the public the entire 24 hours before the meeting begins*

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.”

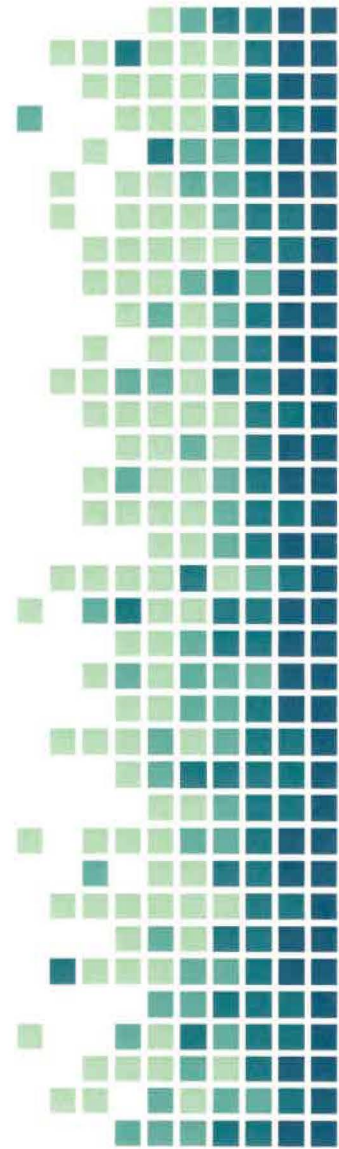
Haworth Bd. of Ed. v. Havens,
637 P.2d 902, 904 (Okla. Civ. App. 1981).



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

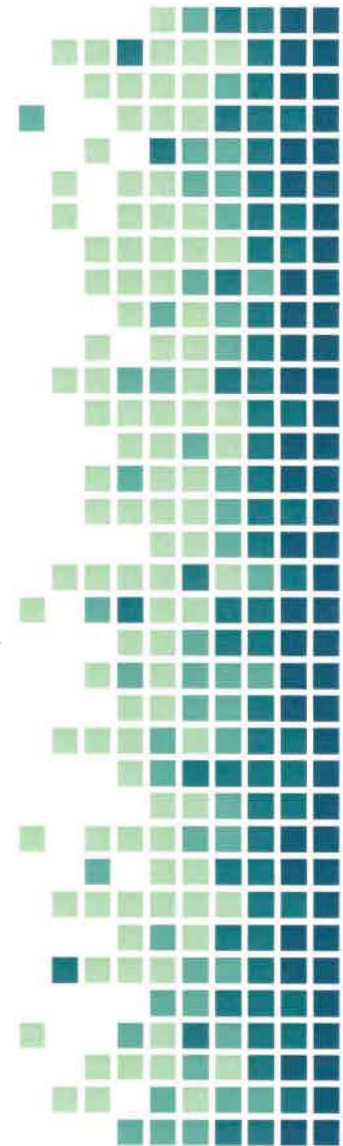
25 O.S. § 311(B)



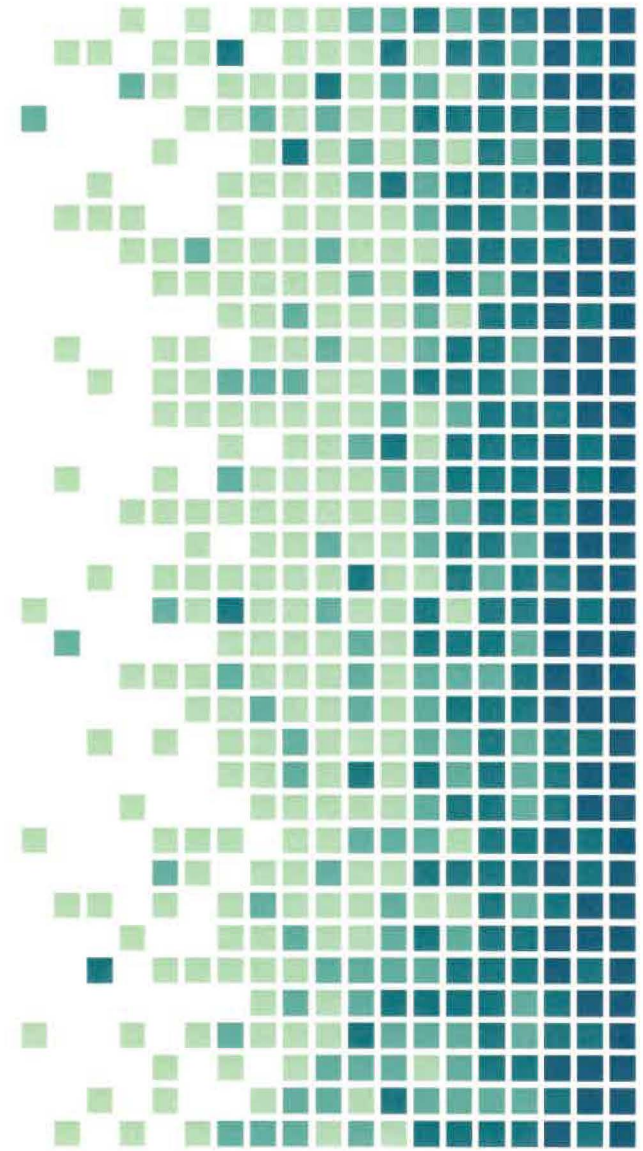
New Business

- 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.

25 O.S. § 311(A)(10)



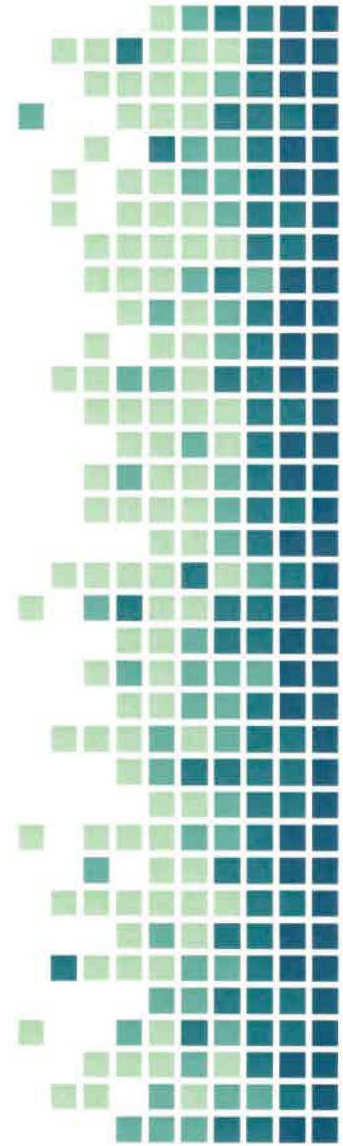
3.
What actions must
be taken during
meetings?



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.

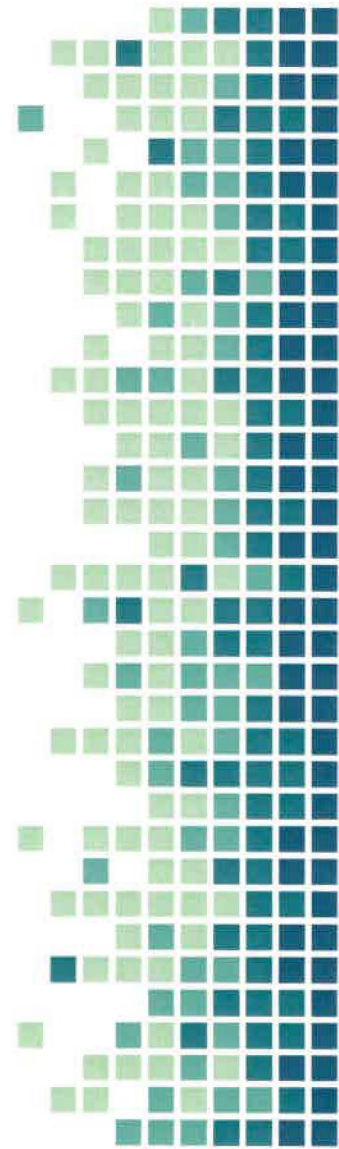
25 O.S. § 303



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.

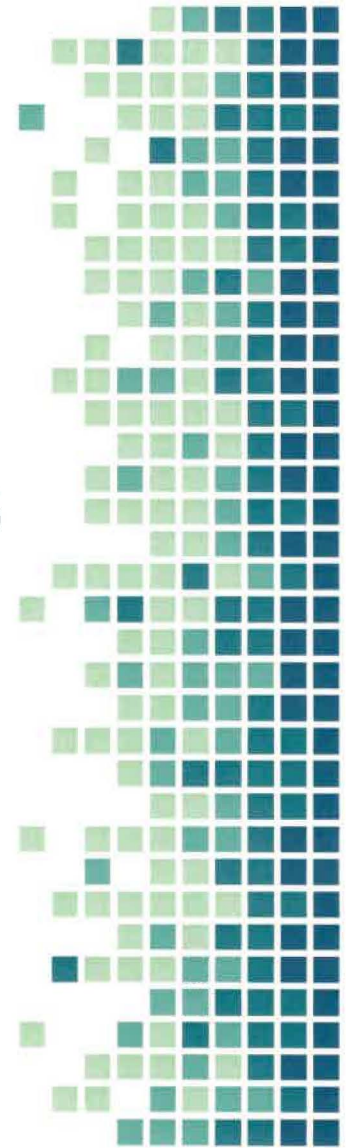
25 O.S. § 305



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.

25 O.S. § 305

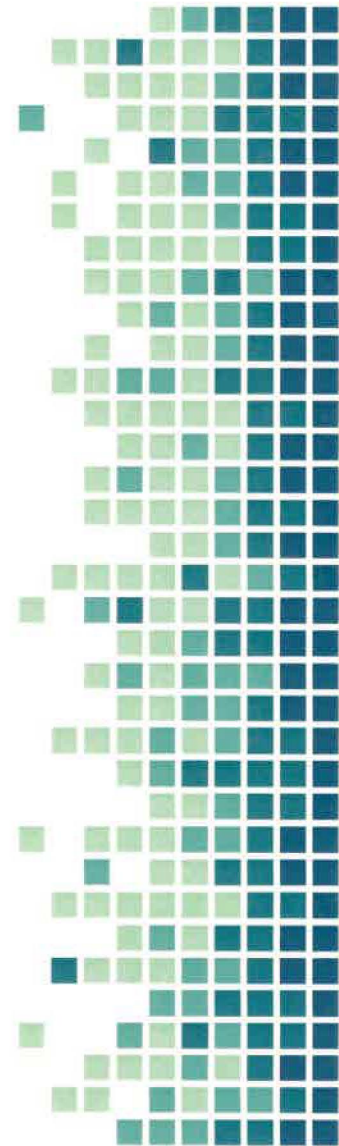


Minutes

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.

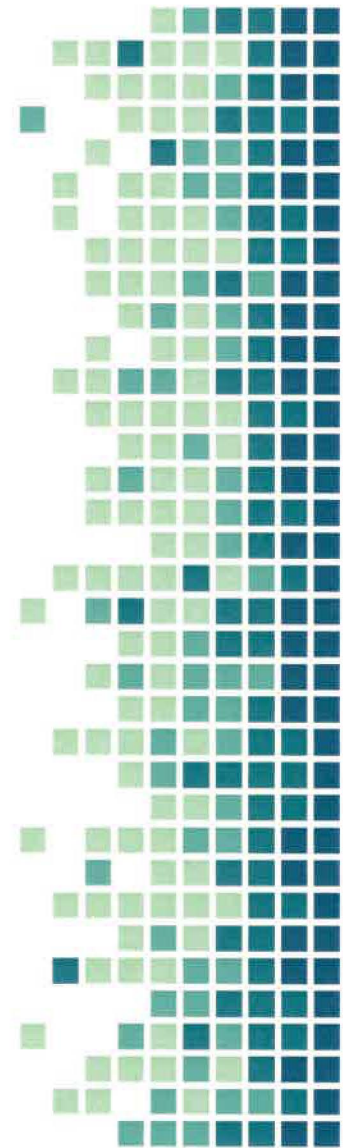
25 O.S. § 312



Minutes

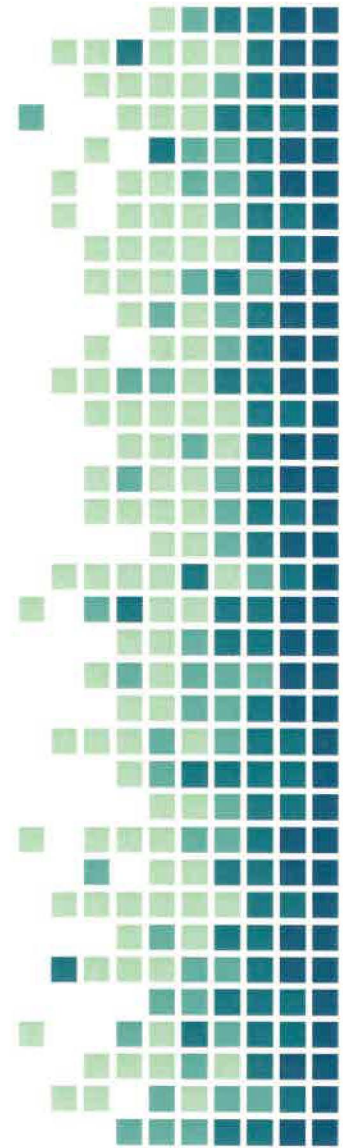
- Minutes must be taken in Executive Session.
Berry v. Bd. of Gov. of Registered Dentists, 1980 OK 45, 611 P.2d 628.
 - However, minutes taken in Executive Session may be kept confidential under the Open Records Act.
51 O.S. § 24A.5(1)(b).
- Minutes for Emergency Meetings: § 312(B)
 - Must state nature of emergency
 - Must include reasons for declaring emergency meeting

25 O.S. § 312



Public Comment

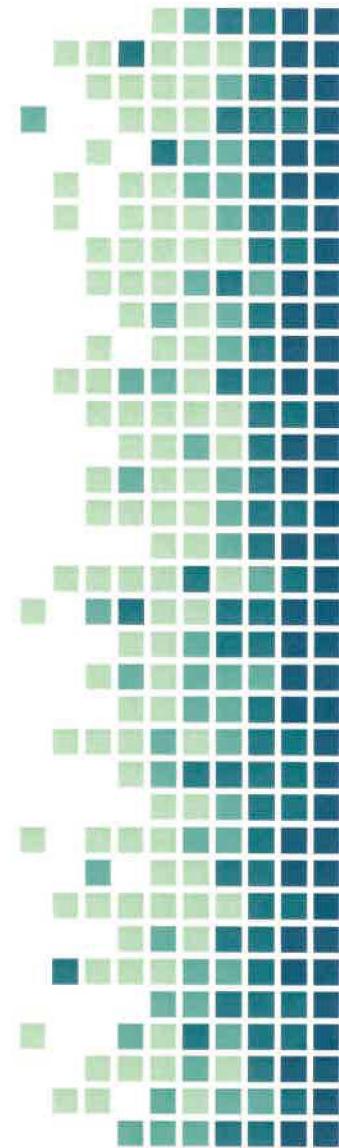
- Public Comment: A public body is not required to provide opportunity for citizens to speak (2002 OK AG 26; 1998 OK AG 45).
 - If public body chooses to allow public comment, it is advisable to set policy.
 - Could limit comments to agenda items only and/or set a time limit.
 - Public body should be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



Executive Sessions

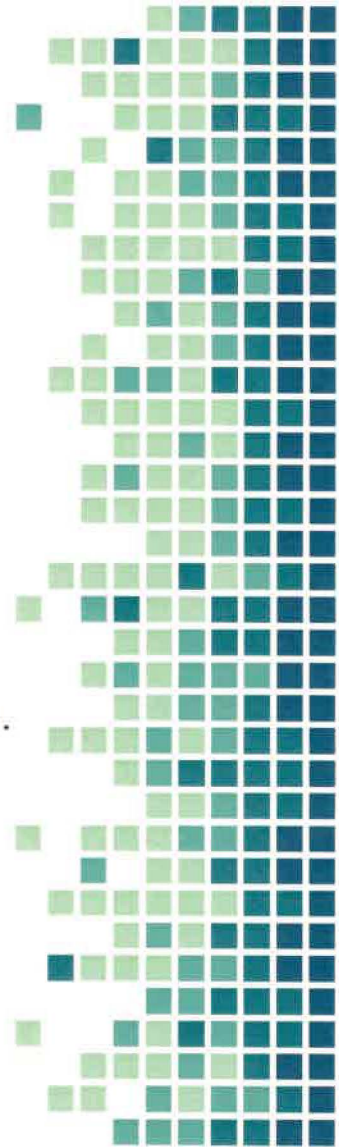
- **General Rule:** No executive sessions unless specifically authorized in § 307 or another statute.
- **Limited Permissible Purposes:**
 - Personnel matters (25 O.S. § 307(B)(1))- construed narrowly
 - Not job openings (2006 OK AG 17)
 - Not hiring independent contractors (2005 OK AG 29)
 - Must identify 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

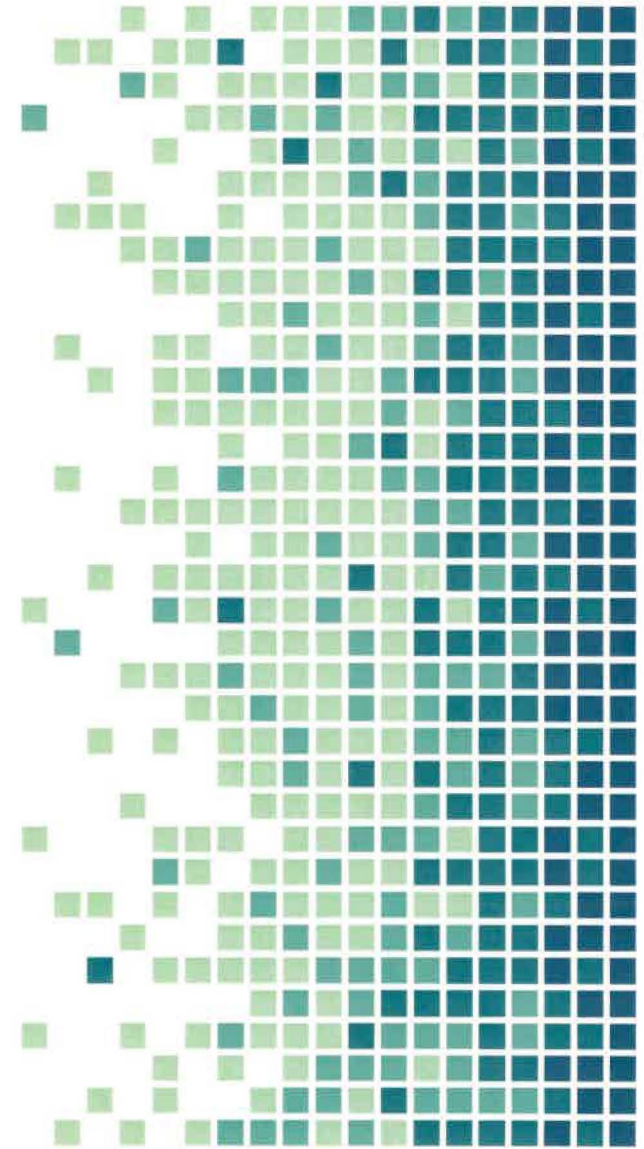
- **Special Procedures-Deliberation Only:**
 - Votes cannot be taken in executive session.
 - Can discuss, but actions arising out of executive session must be taken in an open meeting.
 - Must take and keep minutes (i.e. what happened, who was there). *Berry v. Bd. of Gov. of Registered Dentists*, 1980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

25 O.S. § 307(E)



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

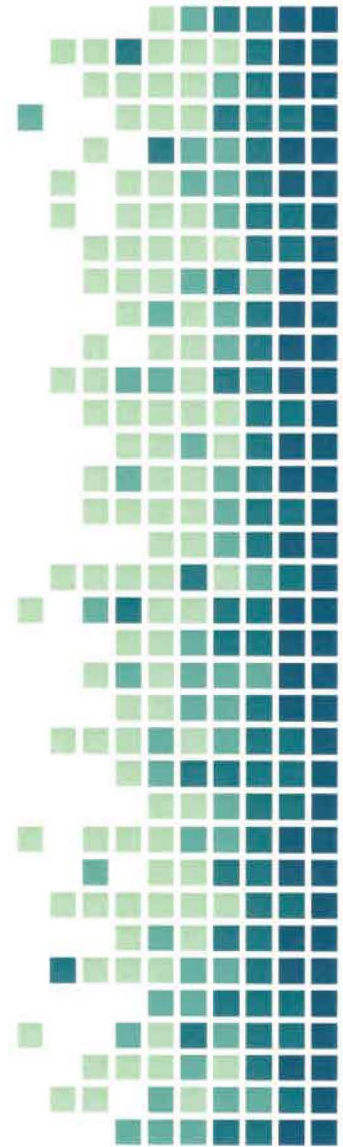
- ❖ Any willful violation of the provisions of the Act are punishable
- ❖ Misdemeanor offense
- ❖ Fine up to \$500 and/or up to one (1) year in the county jail. 25 O.S. § 314.



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

