



MINUTES
LAWTON YOUTH SPORTS TRUST AUTHORITY
SPECIAL MEETING
LAWTON CITY HALL- 212 SW 9th Street, Lawton, Oklahoma
3rd FLOOR CONFERENCE ROOM
MONDAY, MARCH 27, 2023 2:00 P.M.

Chairman Henry called the meeting to order at 2:00 p.m. in the Third Floor Conference Room of City Hall. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

I. ROLL CALL

PRESENT: Brian Henry, Steve Coleman, Hossein Moini, Carey Monroe, Randy Warren, Krista Ratliff, Albert Johnson, Jr.

ABSENT: Sean Fortenbaugh, Clint Powell

ALSO PRESENT: Christine James, COL Parks & Rec Director; Jlyn Jorgenson, COL Assistant City Attorney; Timothy Wilson, COL Acting City Attorney; Tammy Branstetter, COL Deputy City Clerk; Matt Elliott, Eastern Sports Management; Kim McConnell, Lawton Constitution; Eric Swanson, Southwest Ledger; Aquarian Yarbrough, member of the community

II. REPORTS:

A. Facilities Committee- Receive a report from Chairman Henry regarding the activities of the Facilities Committee.

Chairman Henry said he has been in contact with the Commissioners of the Land Office. He said he submitted the application on behalf of the Authority, and there have been no objections thus far from the Commissioner's Office regarding the Authority's proposed use of the land. There is still one Commissioner that has yet to review the application. Chairman Henry said he will receive an email from the Commissioners of the Land Office once it has been determined they are clear to proceed with entering into an agreement. He said the Commissioners of the Land Office will then provide the Authority with an estimate for the land appraisal. At this point, Chairman Henry said a decision will have to be made with regards to which entity to move forward with – the Commissioners of the Land Office or KCAILUC.

III. BUSINESS ITEMS:

A. Reconsider and reject the March 2, 2023 Letter of Intent submitted by the Kiowa Comanche Apache Intertribal Land Use Committee (“KCAILUC”) to the Lawton Youth Sports Trust Authority.

Chairman Henry noted that the Letter of Intent from the KCAILUC was approved at the last meeting. After several questions posed by Coleman regarding the contents of the Letter, Chairman Henry said he had Tim Wilson and Jyln Jorgenson with the City Attorney’s Office review the letter more intently.

Chairman Henry said Wilson and Jorgenson expressed several concerns surrounding the language used in the Letter, and it is their recommendation that the Authority reject the Letter dated March 2, 2023.

Wilson said one of the primary concerns with the Letter was that it states both entities would agree to resolve disputes through arbitration. Wilson said the Attorney’s Office is concerned that the letter does not mention waving sovereign immunity. Wilson said he and Jorgenson reached out to the KCAILUC’s attorney, Crowe & Dunlevy, and it’s been confirmed that their intent is to seek arbitration to resolve any disputes rather than going through the court system.

Wilson said that while the LOI itself is non-binding, it could be setting the framework for certain terms desired by the KCAILUC in which the City is not comfortable moving forward with.

Motion by Moini, Second by Johnson, to reject the March 2, 2023 Letter of Intent submitted by the Kiowa Comanche Apache Intertribal Land Use Committee (“KCAILUC”) to the Lawton Youth Sports Trust Authority. **AYE:** Moini, Monroe, Henry, Coleman, Johnson, Ratliff, Warren. **NAY:** None. ***Motion Passed.***

B. Consider a proposed March 16, 2023 Letter of Intent by the Lawton Youth Sports Authority to the Kiowa Comanche Apache Intertribal Land Use Committee, and a proposed Amended Letter of Intent dated March 17, 2023 from Kiowa Comanche Apache Intertribal Land Use Committee to the Lawton Youth Sports Authority, and after discussion take appropriate action, which may include the approval of one of these proposed LOIs.

Chairman Henry said that while the terms of the amended LOI received from the KCAILUC are much closer to addressing and mitigating the City’s concerns, the Letter still contains language that poses red flags.

Wilson said Jorgenson has worked intently to create a satisfactory version of a LOI from the City to the KCAILUC. Wilson noted that before beginning her career with the City of Lawton, Jorgenson has had experience working with tribal governments.

Wilson said the first paragraph of the City's LOI clarifies that the letter is non-binding. He said while the second paragraph of the Letter mentions things the City would like to discuss with the KCAILUC, it's in no way meant to be interpreted as binding. The third paragraph of the City's Letter states that the discussion topics mentioned in the Letter do not necessarily encompass all the conversations that must be addressed moving forward. Wilson said it was the intent of the Attorney's Office to be vague when addressing certain topics within the Letter, as this Letter constitutes the very start of negotiations.

Wilson noted that the City's LOI includes a waiver of sovereign immunity (or, at a minimum, a limited waiver). Wilson stressed the importance of being able to go through the court system to resolve disputes rather than going to arbitration.

Wilson said it's likely that the KCAILUC submitted a modified LOI to the Authority after he and Jorgenson had conversations with Crowe and Dunlevy. Wilson agreed that the KCAILUC's modified LOI was more acceptable to the City than their first Letter was, but it still includes language that the City Attorney's Office would be uncomfortable endorsing.

Wilson noted that the City's LOI can be terminated by either party at any time. His recommendation is that the Authority approve the City's LOI dated March 16, 2023 and send it to the KCAILUC for consideration.

Chairman Henry said the initial purpose of creating a Letter of Intent was to move towards having more face-to-face negotiations with the KCAILUC. He said there are many things that will still need to be worked out going forward. Chairman Henry said the KCAILUC will have until May 1, 2023 to countersign and return the Authority's LOI if they wish to move forward.

Ratliff asked if the KCAILUC has had a chance to review the Authority's LOI.

Wilson said the KCAILUC has not seen the Authority's Letter.

Ratliff suggested the Authority designate someone the power to approve and/or disapprove all draft versions of these Letters of Intent so that each draft does not have to come before the Authority for approval.

Chairman Henry said that is the reason why the Authority's version of a LOI is so vague. The intent is to move into negotiations after this point.

Jorgenson said she and Wilson had an in-depth conversation with Crowe and Dunlevy, and they expressed to Crowe and Dunlevy what the City and the Authority found alarming. Jorgenson said it was communicated to Crowe and Dunlevy that they would be receiving a new LOI from the Authority summarizing

all the concerns that were discussed over the phone. She said it came as a bit of a shock that the KCAILUC also drafted a new LOI.

Moini asked why the Authority is giving the KCAILUC until May 1st to respond to the LOI.

Jorgenson said there are three different tribes that sit on the board of the KCA. The Chairman of each tribe will take the LOI to their tribe to determine what their thoughts are. From there, the Chairman of each tribe will meet and discuss the wishes of each tribe and then come to a final consensus.

Moini emphasized that the Authority's LOI is simplified and non-binding - he sees no reason to keep from moving forward.

Motion by Ratliff, **Second** by Warren, to approve the proposed March 16, 2023 Letter of Intent by the Lawton Youth Sports Authority to the Kiowa Comanche Apache Intertribal Land Use Committee and grant authority to Chairman Henry to act on the Authority's behalf regarding potential future drafts of the LOI. **AYE:** Moini, Monroe, Henry, Coleman, Johnson, Ratliff, Warren. **NAY:** None. ***Motion Passed.***

IV. DISCUSSION ITEMS

None.

V. ADJOURNMENT

There be no further business, the meeting adjourned at 2:28 PM.