

KAY COUNTY GRAND JURY

On March 26, 2008, Claude Williams and Bill Williams were told to wait outside when the Blackwell Industrial Authority voted to go into executive session. This is still happening every time The Blackwell Industrial Authority goes into executive session.

The Chamber of Commerce and Blackwell Industrial Authority share the same building and have the same mailing address. Shane Frye is the Executive Director for the Blackwell Chamber of Commerce and the Blackwell Industrial Authority. The Blackwell Chamber of Commerce and Blackwell Industrial Authority building has two conference rooms. There was no reason for us to have to wait outside in the bad weather.

Kay County District Attorney Mark Gibson stated being rude is not against the law. District Attorney Mark Gibson decision is completely opposite of the Oklahoma Open Meetings Act and Attorney General Opinions. Newspaper article attached.

Oklahoma Statute Title 25 Section 303 states all public bodies, as defined hereinafter, shall be held at specified times and places which are convenient to the public and shall be open to the public.

Attorney General Opinion number 1997-98 states in view of the fact that the Oklahoma Open Meeting Act is to be liberally construed in favor of the public because it was enacted to encourage and facilitate an informed citizenry, the public notice required to be posted in prominent public view by 25 Oklahoma Statute Section 311(A)(9) must be conspicuously posted for at least twenty-four (24) hours prior to the meeting in a location at its principal office (or the location of the meeting if no office exists) which is easily accessible and convenient to the public at any time during that period.

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CENTRAL

THE NORTH CENTRAL JURISDICTIONAL COUNCIL 20

BIA tactics don't sit well with attorney general's office

By Korina Schneider
NCR Managing Editor

BLACKWELL - Being rude may not be appropriate, according to Key County District Attorney Mark Gibson, but kicking citizens out of a public building during

an executive session is unconstitutional, according to a spokeswoman from the attorney general's office.

After learning last week that two Blackwell residents were asked to

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public records copies were ready was sent Monday, but it has not been acknowledged.

In addition to asking White's opinion about the conduct of the BIA officials, The Reporter also asked for an opinion of a notice of special meeting received from Thompson March 14.

The newspaper paid \$18, as stipulated in the Open Meeting Act, in November 2007 to receive notice of special meetings after BIA officials refused to send agendas to The Reporter. The BIA was the only office in Kay and Grant counties that refused to send agendas to the newspaper.

When the March 19 regular meeting of the BIA was canceled, a special meeting was set for the following week.

Thompson sent the following e-mail to The Reporter: "The regular March meeting of the BIA has been cancelled due to lack of a quorum. The next meeting will be March 26 at the usual time and place."

White said according to the definition of a notice of regular meeting, the notice must "provide the public with advance notification of the date, place and time ... and the purpose of the notice required for special meetings is the same."

In White's opinion, the notice sent to The Reporter was not sufficient.

White also was asked about Opinion 82-81, which states that a notice for special meeting must contain an agenda for the meeting.

White agreed that an agenda should accompany special meeting notices, according to the attorney general's opinion, but called back about 10 minutes later after learning through an employee in her office that the attorney general is withdrawing that opinion because the definition of a notice of meeting does not require an agenda.

Regardless of whether the notices contain an agenda, she said, "They are supposed to have that posted on their Web site."

White referred to Title 74, Statute 3106.2: "... within six (6) months of the establishment of an Internet website ... public bodies shall make available on their Internet website or on a general website if a public body uses a general website, a schedule and information about the regularly scheduled meetings of the public bodies or their governing bodies. The information made available shall include the date, time, place and agenda of

each meeting. When reasonably possible, public bodies shall also provide information about the date, time, place and agenda of any special or emergency meetings of the public body."

The Blackwell Industrial Authority's Web site is www.blackwellindustrialauthority.com and has been on the Web for longer than six months. Some of the information dates back to at least four years ago.

The site does not contain any agendas, dates of meetings or the names and members of its governing members, as also required by Title 74, Statute 3106.2: "... public bodies shall make available on their Internet website the names of members of their governing bodies and such other information about the members as the public body may choose to include."

Thompson was asked for a list of BIA board members, but the list has not been received.

White also was asked about Gibson's statement last week that the BIA may not be obligated to fulfill The Reporter's notice of meeting request, even though money was paid to receive meeting notices, because The Reporter's main office is located outside Kay County.

"Ask him where he gets his legal authority," White said.

...and where he gets his legal authority," White said.

"This Oklahoma statute applies to everyone in the state."

She said anyone requesting a public document is entitled to receive it, including persons from out of state, and not sending a proper notice to a business or individual who has paid to receive such notices as set forth in the Open Meeting Act is a direct violation of the act.

A willful violation of the Open Meeting Act can result in a misdemeanor charge that, upon conviction, is punishable by a fine of not more than \$500 or imprisonment in the county jail of not more than one year, or both.

Gibson said last week he could not yet issue an official opinion regarding the notice of meeting sent by the BIA, but he would investigate the concerns presented to him by the newspaper and present an official opinion as his schedule allows.

The Reporter had not received a response from Gibson at press time.