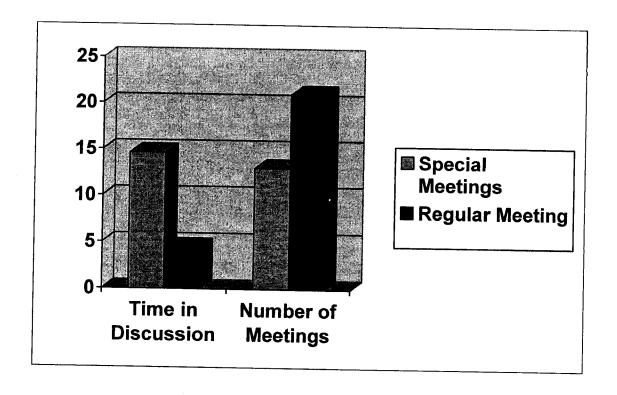
Did the Blackwell Municipal Authority (BMA) violate and continue to violate 11 O.S. Section 10-108 "Special Meetings" and the spirit of the Oklahoma Open Meeting Act (25 O.S. Section 302, Public Policy) by using Special Meetings, calling them in a frequent fashion for agenda items that do not justify such secrecy, in order to discourage transparency and accountability? Did the Blackwell Municipal Authority spend there time discussing the BMA's business during Executive Sessions and not openly in the BMA's regular meetings; ie: 1 to 2 hours for one topic in executive session with no action on topic taken, vs. 4 to 5 minutes per topic in regular meetings with action on topics?

The City of Blackwell's conference room upstairs at the City Administration Building is small and has limited setting (four extra chairs for the citizens if they chose to attend. A noon time special meeting generally servers as a "lunch" for the Commissioners. Special meetings appear to be convenient for the Commissioners, City Manager, and the Mayor due to the fact that many of them have other jobs. Work Sessions type meetings also accord upstairs with limited setting, and lasted for an extended amount of time. This upstairs room is also used for the Blackwell Municipal Authority Special Meeting, Executive Sessions and Work Session. The Commissioner and the Mayor of the City of Blackwell are the trustees for the Blackwell Municipal Authority.

(See attached special meeting minutes and photos of conference room. Note video of special meetings is available upon request)

- 1. Special Meeting, Noon Upstairs Conference Room January 2, 2007.
 - i. 4 minutes, 2 topics, one on Extending Due Dates on Utility Bills and Permits for Sewer Line.
- 2. Regular Meeting, Downstairs in court room, June 18, 2007.
 - i. 6 minutes, 8 topics, that's 45 seconds per topic. Topics range from Establishing Electric Rates for all customers, Establishing Water Rates for all customers to Change Order for Sewer in Kay Co. Fair Grounds.
- 3. Regular Meeting, Board of Commissioners, July 2, 2007.
 - i. -5 minutes, 3 topics, one of the topic talked about adoption of amendment to pay plans for all employees.
- 4. Regular Meeting, Downstairs in court room, July 16, 2007.
 - i. 37 minutes, 6 topics, 6 minutes per topic. Topics range from Approval of the Davis Sanitation Contract, to Discussion and Action on Bids Received for River Pump.

After some investigation examining the minutes for the 2007 meetings held by the Blackwell Municipal Authority, Jessica Pepper counted 4.48 hours spent in Regular Meetings and 14.63 hours in Executive Sessions, Special Meetings, and Work Sessions. That is 23.7% of the time spent in discussion on BMA business during Regular Meeting, and 76.6% in Executive Sessions, Special Meetings and Work Sessions. There was a combined total of 34 meetings; 21 were spent in Regular Session and 13 meeting were spent in Executive Sessions, Special Meetings and Work Sessions. In 2007, there was never a "nay" vote, by any trustee for the Blackwell Municipal Authority.



By: Jessica Paper J. Lepper

By: Jessica Papper (116 Russel (Blockwell, Ok 580-363-5580

MINUTES OF SPECIAL MEETING OF THE BOARD OF TRUSTEES BLACKWELL MUNICIPAL AUTHORITY JANUARY 2, 2007

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of notice and agenda on December 28, 2006 as is required by the terms thereof, the Blackwell Municipal Authority of the City of Blackwell met in special session at 7:26 p.m. in the Commissioners' Room of City Hall located at 221 West Blackwell, Blackwell, Oklahoma with Chairman Cordell presiding:

Present:

John Mark Cordell, Chairman

Max Wirtz, Trustee Ruth Buesing, Trustee Steve LeValley, Trustee Brad Bechtel, Trustee

Sara Norris, Authority Manager Debra Paige, Trust Secretary

Absent:

Mary Ann Karns, Trust Attorney

Others Present:

Fred LeValley, Police Chief; Ken Fulton, Veolia Water; Sarah Beth Gregson, Code Enforcement; Charles Abbott, Blackwell Journal and

30 citizens in the audience.

1. MEETING CALLED TO ORDER:

Chairman Cordell called the meeting to order at 7:26 p.m.

2. CONSENT AGENDA:

A. Minutes of 12/18/06 Meeting.

B. Payment of Outstanding Claims for November.

Items A and B as contained on the Consent Agenda were found to be non-controversial and routine in nature by the Board of Trustees and a motion by Buesing, seconded by LeValley was approved. Roll, yeas: Cordell, Buesing, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

3. BUSINESS:

A. Resolution 01-02-07MA Extending Due Dates for Utility Bills Due 12-28-07 to 01-03-07.

Manager Norris asked the Trustees to extend the due date of utility bills due to computer problems and bills not being mailed in time for customers to receive.

Motion made by Bechtel, seconded by LeValley to approve Resolution 01-02-07MA extending due dates for utility bills due 12-28-06 to 01-03-07. Roll, yeas: Cordell, Buesing,

Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

B. Acceptance of Permit No. SL000036061469 for Construction of 40 L.F. of 8-inch PVC, DR18 Pipe to Repair Cave-in Sewer Line to Serve the City of Blackwell, Kay County, Oklahoma.

Motion made by Buesing, seconded by LeValley to accept Permit No. SL000036061469 for construction of 40 L.F. of 8-inch PVC, DR18 pipe to repair cave in sewer line to serve the City of Blackwell, Kay County, Oklahoma.

- 4. New Business. None.
- 5. ADJOURNMENT.

There being no further business Chairman Cordell adjourned the meeting at 7:30 p.m.

MINUTES OF MEETING OF THE BOARD OF TRUSTEES BLACKWELL MUNICIPAL AUTHORITY **JUNE 18, 2007**

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of notice and agenda on June 14, 2007, and amended on June 15, 2007 as is required by the terms thereof, the Blackwell Municipal Authority of the City of Blackwell met in regular session at 7:30 p.m. in the Commissioners' Room of City Hall located at 221 West Blackwell, Blackwell, Oklahoma with Chairman

Present:

John Mark Cordell, Chairman

Nita Carroll, Trustee Steve LeValley, Trustee Max Wirtz, Trustee Brad Bechtel, Trustee

Sara Norris, Authority Manager Debra Paige, Trust Secretary Mary Ann Karns, Trust Attorney

Absent:

None.

Others Present:

Lynn Moore, Acting City Engineer, Ken Fulton, Veolia Water, Wayne Jackson, Street Supervisor, DeWayne Wood, Police Department; Charles Abbott, Blackwell Journal and 24 citizens in the audience.

1. MEETING CALLED TO ORDER:

Chairman Cordell called the meeting to order at 7:44 p.m.

2. **CONSENT AGENDA:**

Minutes of 06/04/07 Meeting. (A)

(B) Minutes of 06/07/07 Work Session.

(C)Minutes of 06/11/07 Public Hearing.

Minutes of 06/01/07 Work Session. (D)

Items A, B, C and D as contained on the Consent Agenda were found to be non-controversial and routine in nature by the Trustees and on a motion made by Bechtel, seconded by LeValley to approve consent agenda as presented. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

Business: Discussion and Action on: 3.

Permission to Receive Bids for the SCADA System for Water Plant, Wastewater (A) Treatment Plant and Other Related Water/Sewer Structures.

Motion made by Wirtz, seconded by LeValley for permission to receive bids for the SCADA

System for Water Plant, Wastewater Treatment Plant and other related Water/Sewer Structures. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

Resolution 06-18-07MA Establishing Electric Rates for All Customers. **(B)**

Motion made by Bechtel, seconded by LeValley to approve Resolution 06-18-07MA establishing electric rates for all customers. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

Motion made by Bechtel, seconded by LeValley to attach the emergency clause to Resolution 06-18-07MA. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

Resolution 06-18-07MB Establishing Water Rates for All Customers. **(C)**

Motion made by LeValley, seconded by Bechtel to approve Resolution 06-18-07MB establishing water rates for all customers. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

Motion made by Bechtel, seconded by LeValley to attach the emergency clause to Resolution 06-18-07MB. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion

Resolution 06-18-07MC Establishing Sewer Rates for All Customers. **(D)**

Motion made by LeValley, seconded by Carroll to approve Resolution 06-18-07MC establishing sewer rates for all customers. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

Motion made by LeValley, seconded by Carroll to attach the emergency clause to Resolution 06-18-07MC. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion

Resolution 06-18-07MD Establishing Trash Rates for All Customers. **(E)**

Motion made by Carroll, seconded by LeValley to approve Resolution 06-18-07MD establishing trash rates for all customers. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel.

Nays: none. Motion carried.

Motion made by Carroll, seconded by LeValley to attach the emergency clause to Resolution Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

Resolution 06-18-07ME Adopting the FY 2007-2008 Budget. **(F)**

Motion made by LeValley, seconded by Carroll to approve Resolution 06-18-07ME adopting the FY2007-2008 Budget. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

Motion made by LeValley, seconded by Carroll to attach the emergency clause to Resolution 06-18-07ME. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

- Change Order No. 1 for Kay County Free Fair Sanitary Sewer. (G) No action was taken on Agenda Item G.
- Agreement with Professional Engineering Consultants (PEC) to Provide Inspector Services for Blackwell Industrial Park 2nd Addition Sanitary Sewer Improvements. (H) Motion made by LeValley, seconded by Carroll to accept the agreement with Professional Engineering Consultants to provide Inspector Service for Blackwell Industrial Park 2nd Addition Sanitary Sewer Improvements. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.
- 4. New Business. None.
- 5. ADJOURNMENT.

There being no further business Chairman Cordell adjourned the meeting at 7:50 p.m.

Debra Paige, Trust Secretary

MINUTES OF MEETING OF THE BOARD OF TRUSTEES BLACKWELL MUNICIPAL AUTHORITY JULY 2, 2007

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of notice and agenda on June 28, 2007, as is required by the terms thereof, the Blackwell Municipal Authority of the City of Blackwell met in regular session at 7:40 p.m. in the Commissioners' Room of City Hall located at 221 West Blackwell, Blackwell, Oklahoma with Chairman Cordell presiding:

Present:

John Mark Cordell, Chairman

Steve LeValley, Trustee Max Wirtz, Trustee

Brad Bechtel, Trustee Sara Norris, Authority Manager Debra Paige, Trust Secretary Mary Ann Karns, Trust Attorney

Absent:

Nita Carroll, Trustee

Others Present:

Lynn Moore, Acting City Engineer; Ken Fulton, Veolia Water; DeWayne Wood, Police Department; Charles Abbott, Blackwell

Journal and 21 citizens in the audience.

MEETING CALLED TO ORDER: 1.

Chairman Cordell called the meeting to order at 7:40 p.m.

2. CONSENT AGENDA:

Minutes of 06/18/07 Meeting. (A)

Payment of Outstanding Claims for June. (B)

Items A and B as contained on the Consent Agenda were found to be non-controversial and routine in nature by the Trustees and on a motion made by Bechtel, seconded by LeValley to approve consent agenda as presented. Roll, yeas: Cordell, Wirtz, LeValley and Bechtel. Nays: none. Motion

- **Business: Discussion and Action on:** 3.
 - Adoption of Amendment to Pay Plans for All Employees. (A)

Motion made by LeValley, seconded by Wirtz to adopt the amendment to pay plan for all BMA employees. Roll, yeas: Cordell, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

Agreement with PEC to Provide Additional Engineering Services for 4th Street and **(B)** Santa Fe Sewer Lines Replacement due to Complexity of Project and the Need to Rebid Project as Originally Approved by Trustees.

Motion made by LeValley, seconded by Bechtel to approve the agreement with PEC to provide additional Engineering Services for 4th Street and Santa Fe sewer line replacement due to complexity of project. Roll, yeas: Cordell, Wirtz, LeValley and Bechtel. Nays: none. Motion

- Discussion and Action on Solid Waste Collection Contract with Davis Sanitation. **(C)** Agenda Item C was tabled.
- New Business. None. 4.
- ADJOURNMENT. 5.

There being no further business Chairman Cordell adjourned the meeting at 7:45 p.m.

MINUTES OF MEETING OF THE BOARD OF TRUSTEES BLACKWELL MUNICIPAL AUTHORITY JULY 16, 2007

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of notice and agenda on July 12, 2007, and amended on July 13, 2007 as is required by the terms thereof, the Blackwell Municipal Authority of the City of Blackwell met in regular session at 7:50 p.m. in the Commissioners' Room of City Hall located at 221 West Blackwell, Blackwell, Oklahoma with Chairman Cordell presiding:

Present:

John Mark Cordell, Chairman

Nita Carroll, Trustee Steve LeValley, Trustee Max Wirtz, Trustee Brad Bechtel, Trustee

Sara Norris, Authority Manager Debra Paige, Trust Secretary

Absent:

Mary Ann Karns, Trust Attorney

Others Present:

DeWayne Wood, Police Department; Jim Inmon, Code Enforcement Officer; Dave Keen, Electric Supervisor; Charles Abbott, Blackwell

Journal and 31 citizens in the audience.

1. MEETING CALLED TO ORDER:

Chairman Cordell called the meeting to order at 7:50 p.m.

2. CONSENT AGENDA:

(A) Minutes of 07/02/07 Meeting.

Items A as contained on the Consent Agenda was found to be non-controversial and routine in nature by the Trustees and on a motion made by LeValley, seconded by Carroll to approve consent agenda as presented. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

- 3. Business: Discussion and Action on:
 - (A) Consideration and Possible Action on Agreement With RMT for Services in Connection with Phelps Dodge.

Motion made by LeValley, seconded by Carroll to approve RMT as consultant and authorize Don Shandy to execute necessary documents to carry out the work. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

- (B) Update on Oklahoma Municipal Power Authority (OMPA) Activities.

 Bruce Ackerman from Oklahoma Municipal Public Power came before the Commissioners to give an update on activities at OMPA.
- (C) Approval of Solid Waste Collection Contract with Davis Sanitation.

 Motion made by Bechtel, seconded by LeValley to table Agenda Item C. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.
- (D) Permission to Receive Bids for Electrical Transformers to be Placed at New School Site.

 Dave Keen, Electric Supervisor came before the Trustees asking permission to receive bids for electric transformers to be placed at the new school. Motion made by Wirtz, seconded by LeValley to give Electric Department permission to receive bids for electric transformers to be placed if and when the City supplies service at the new school. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

(E) Approval of IEDR Power Sales Addendum with HMT, Inc.

Dave Keen, Electric Supervisor came before the Trustees asking the approval of IEDR power sales addendum with HMT, Inc. Motion made by Bechtel, seconded by LeValley to approve IEDR power sales addendum with HMT, Inc. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

Discussion and Action on Bids Received for River Pump at Diversion Dam. **(F)** Kevin Rood from PEC told the Trustees 5 bids were received for the river pump at Diversion

The recommendation was to purchase the horizontal Fairbanks Morse pump from Haynes Equipment of Oklahoma at a price of \$23,918.00. The horizontal pump will fit better with the pump house piping than the vertical pumps offered.

Motion made by Wirtz, seconded by LeValley to award the bid to Haynes Equipment in the amount of \$23,918.00 for the river pump at Diversion Dam. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nays: none. Motion carried.

4. New Business. None.

5. ADJOURNMENT.

There being no further business Chairman Cordell adjourned the meeting at 8:27 p.m.

Debra Paige, Trust Secretary

MINUTES OF SPECIAL MEETING OF THE BOARD OF TRUSTEES OF THE BLACKWELL MUNICIPAL AUTHORITY BLACKWELL, OKLAHOMA THURSDAY, AUGUST 23 2007

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of notice and agenda on August 21, 2007, as is required by the terms thereof, the Board of Trustees of the Blackwell Municipal Authority met in a special meeting at 4:47 p.m. in the upstairs conference room of City Hall located at 221 West Blackwell, Blackwell, Oklahoma with Chairman Cordell presiding:

Present:

Mark Cordell, Chairman Nita Carroll, Trustee Max Wirtz, Trustee Steve LeValley, Trustee

Brad Bechtel, Trustee

Sara Norris, Authority Manager Debra Paige, Authority Secretary

Absent:

Mary Ann Karns, Trust Attorney

Others present:

2 citizens.

1. MEETING CALLED TO ORDER:

Mayor Cordell called the meeting to order at 4:47 p.m.

2. BUSINESS:

A. Discussion and Approval of Resolution 08-23-07MA to Amend 2006-2007 Blackwell Municipal Authority Budget.

Manager Norris presented amendments to the Trustees.

Motion made by Bechtel, seconded by LeValley to adopt Resolution 08-23-07MA amending the 2006-2007 Blackwell Municipal Authority Budget as presented. Roll, yeas: Cordell, Carroll, Wirtz, LeValley and Bechtel. Nay: None. Motion carried.

4. ADJOURNMENT.

There being no further business Chairman Cordell adjourned the meeting at 4:48 p.m.

Debra Paige, Trust Secretary