

**Resolution of May 17, 2021
Procedures for Public Comment During
Oklahoma County Criminal Justice Authority Meetings**

WHEREAS, the Oklahoma County Criminal Justice Authority (“Authority”) desires to update and revise its procedures for public comment during Authority meetings as set forth below (“Procedures”), and to hereby inform and give notice to the public of the Procedures;

WHEREAS, the purpose of the Procedures is to enhance the decorum of Authority meetings (“Meeting Decorum”) and thereby foster meaningful discussion and exchange of points of view between Authority Trustees, Oklahoma County Detention Center (“OCDC”) staff and others regarding the business of the Authority concerning the OCDC, which impacts the wellbeing of persons detained in the OCDC and the public;

WHEREAS, Meeting Decorum is necessary for the security and efficient functioning of public servants at the Oklahoma County Office Building, members of the public having business at the Oklahoma County Office Building, Oklahoma County taxpayers, and the public at large;

WHEREAS, the Procedures provide the opportunity for Public Comment during Authority meetings in a safe, secure and orderly environment; and

WHEREAS, in approving the Procedures, the Authority has considered the following legal advice from its General Counsel:

- a. The Oklahoma Open Meeting Act, 25 O.S. § 301 *et seq.* (“Act”) does not require a public body to allow public comment in meetings. As contemplated by the Act, the term “open meeting” simply ensures that the government will permit the public to observe and be present while government conducts public business. The stated purpose of the Act is to “encourage and facilitate an informed citizenry’s understanding of the governmental processes and governmental problems.” 25 O.S. § 302.
- b. Public comment may be made in a public meeting pursuant to the policy or rule of the public body, except when “public hearings” are required by specialized laws requiring same, such as zoning decisions. The Authority has not and is not anticipated to consider matters requiring such public hearings.
- c. Federal case law supports the proposition that public comment at Authority meetings is only permitted to the extent allowed by policy or rule of the Authority. In a forum such as Authority meetings, the government has no duty per se to permit the public to speak simply because government owns or operates the property. There is no constitutional obligation to permit any person or organization to use the property for public speech. *See Perry Educ. Ass’n.*, 460 U.S. at 46-53, 103 S.Ct., at 955-959. Selective access and/or use of the forum by one or more groups, also does not transform it into a public forum. *Perry*, 460 U.S., at 955-956, 103 S.Ct. at 46-7 (citing *Greer v. Spock*, 424 US 828, 838 n. 10, 96 S.Ct., at 1217 n.10 (1976); *Lehman v. Shaker Heights*, 418 U.S. 298; 94 S.Ct. 2714 (1974)).

d. 21 O.S. § 1361 states, “Every person who without authority of law willfully disturbs or breaks up any assembly or meeting, not unlawful in its character, other than a religious meeting, public meeting of electors, or funeral, is guilty of a misdemeanor.”

e. 21 O.S. § 280 was recently amended by the Oklahoma Legislature, signed by Governor Stitt, and is now in full force and effect, which states:

A. It is unlawful for any person, alone or in concert with others and without authorization, to willfully disturb, interfere or disrupt state business or the business of any political subdivision, which includes publicly posted meetings, or any agency operations or any employee, agent, official or representative of the state or political subdivision.

B. It is unlawful for any person who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by state officials or any political subdivision or its employees, agents or representatives or used in any manner to conduct state business or any political subdivision’s business or operations after proper notice by a peace officer, sergeant-at-arms, or other security personnel.

C. Any violation of the provisions of this section shall be a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

D. For purposes of this section, “disturb, interfere or disrupt” means any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

NOW, THEREFORE, IN FURTHERANCE OF THE FOREGOING, WHICH IS ADOPTED AS A PART HEREOF, BE IT RESOLVED BY THE AUTHORITY AS FOLLOWS:

1. Procedures for public comment during Authority meetings shall be as follows, which are the policies and rules of the Authority for public comment (“Procedures”), to wit:

a. Public Comment shall be permitted at the beginning of Authority meetings, and shall be so listed on Authority Agendas, with the comment of each Public Comment speaker limited to no more than three (3) minutes. Public Comment may be on any item appearing on the Agenda or on general Authority matters. Members of the public may speak only one time during each meeting.

b. No Public Comment shall be made or received at any time other than during the Public Comment item at the beginning of each Authority Agenda.

c. Behavior or actions in violation of these Procedures may be deemed to disturb, interfere and disrupt the business of the Authority, and in the event of such violation, or

the violation of any law of the State of Oklahoma or the City of Oklahoma City (“Violation”), the Chair, Vice-chair, or other presiding officer shall take measures to promptly end such Violation, which may include a request for the assistance of a peace officer, sergeant-at-arms, or other security personnel (“Enforcement Personnel”) to remove from the Authority meeting place those persons committing a Violation and/or enforce applicable law after proper notice by Enforcement Personnel. For purposes of this paragraph, the sergeant-at-arms of the Authority shall be the Chair, Vice-chair, or other presiding officer, or the designee of same.

2. In implementation of and in supplementation to the foregoing, the following INSTRUCTIONS FOR MEMBERS OF THE PUBLIC ADDRESSING THE OKLAHOMA COUNTY CRIMINAL JUSTICE AUTHORITY are adopted as a part of the Procedures, and shall be included on Authority Agendas:

In furtherance of the Procedures for Public Comment During Oklahoma County Criminal Justice Authority Meetings adopted May 17, 2021 (“Procedures”), INSTRUCTIONS FOR MEMBERS OF THE PUBLIC ADDRESSING THE OKLAHOMA COUNTY CRIMINAL JUSTICE AUTHORITY (“Authority”) are as follows (“Instructions”):

A. For public comment on items listed on the Agenda:

The public may address the Authority during open meetings on any matter listed on the current Agenda, but only during the Public Comment item appearing at the beginning of the meeting Agenda. Members of the public may speak only one time during each meeting.

B. For public comment on matters not on the Agenda:

On any item not on the current Agenda, the public may address the Authority under the item Public Comment, but only during the Public Comment item appearing at the beginning of the meeting Agenda, which shall be for information purposes only and is limited to comments on topics on which the Authority has jurisdiction. The Trustees cannot discuss, take action or make any decisions on matters presented under the item Public Comment with respect to any matter not on the Agenda.

C. Requirements for all public comments:

Members of the public wishing to address the Authority shall fill out a “Public Comment Request Form” available outside the Authority meeting room (Room 204) and give it to the recording secretary prior to the time the meeting is called to order, or for remote participation, if applicable, please follow the instructions at the bottom of the cover page of this Agenda, provided that requests to speak must be filed before the meeting is called to order.

Members of the public will be called to speak by the Chair in the order that Public Comment Request Forms are received by the recording secretary.

Public Comments are limited to no more than three (3) minutes by each speaker, which may be reduced by the Chair in order to permit more people to speak. Members of the public may speak only one time during each meeting.

These Instructions are subject to modification by the Chair or the Authority during Authority meetings to facilitate transaction of Authority business and meeting efficiency.

Behavior or actions in violation of these Procedures may be deemed to disturb, interfere and disrupt the business of the Authority, and in the event of such violation, or the violation of any law of the State of Oklahoma or the City of Oklahoma City (“Violation”), the Chair, Vice-chair, or other presiding officer shall take measures to promptly end such Violation, which may include a request for the assistance of a peace officer, sergeant-at-arms, or other security personnel (“Enforcement Personnel”) to remove from the Authority meeting place those persons committing a Violation and/or enforce applicable law after proper notice by Enforcement Personnel. For purposes of this paragraph, the sergeant-at-arms of the Authority shall be the Chair, Vice-chair, or other presiding officer, or the designee of same.

THIS RESOLUTION IS APPROVED MAY 17, 2021, to be effective at Authority meetings occurring thereafter.

OKLAHOMA COUNTY CRIMINAL JUSTICE
AUTHORITY

_____, Chair

ATTEST:

Secretary