



## Oklahoma Public Employees Relations Board

Minutes of  
December 16, 2010  
9:00 a.m.  
Regular Meeting

Approved 01-13-11

Pursuant to the legal notice required by the Oklahoma Open Meeting Act, including the posting of notice and agenda, required by the terms thereof, the Public Employees Relations Board met at the Agriculture Building, First Floor, 2800 N Lincoln Boulevard, Oklahoma City, 73105.

### Call to Order

Chairman Barlow called the meeting to order at 9:00 a.m.; he took notice of the Administrative Procedures Act and assured that the meeting was in compliance with the Open Meeting Act.

Members present were Chairman Barlow, Members Larry Gooch and Max Speegle. Also present were Assistant Attorney General Bryan Neal, Debbie Tiehen, PERB Administrator, City Attorneys Tony Puckett, Richard Mahoney, Ricky Knighton and Union Attorneys James Moore and Jarrod Leaman.

Board Members and staff introduced themselves and Chairman Barlow stated the agenda for the day's meeting.

Mr. Speegle moved to approve the Minutes of the September 16, 2010 Board Meeting, Mr. Gooch seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye      Mr. Speegle – aye      Chairman Barlow – aye

The Board took up agenda item IV., discussion and possible action concerning the selection of dates for the 2011 Board Meetings; January 13, March 10, April 14, May 12, June 9, July 14, August 11, September 8, October 13, November 10 and December 8.

Mr. Speegle moved to approve the board meeting dates, Mr. Gooch seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye      Mr. Speegle – aye      Chairman Barlow – aye

The Board took up agenda item V., PERB Case No. 2010-PPC-018, American Federation of State, County and Municipal Employees (AFSCME), Local 2875 v. City of Norman and John Bowman; consideration and possible action concerning City's Motion To Quash Subpoena By The City Of Norman, Or In The Alternative, For Protective Order.

The Board asked for appearances; Mr. Puckett appeared for the City of Norman and John Bowman, Mr. Leaman for AFSCME.

After oral argument between the parties and questions from the Board, Mr. Speegle moved to enter into executive session, Mr. Gooch seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye      Mr. Speegle – aye      Chairman Barlow – aye

*(Executive Session)*

Mr. Speegle moved to return to open session, Chairman Barlow seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye      Mr. Speegle – aye      Chairman Barlow – aye

Back in open session, Chairman Barlow explained that it is a long standing practice that the PERB Administrator, as an agent for the Board, issues subpoenas and that the subpoenas issued in this case were properly served.

Chairman Barlow moved that City's Motion To Quash be granted on finding that personal cell phone records are not relevant based on allegations on this particular ULP charge. Mr. Gooch seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye            Mr. Speegle – aye            Chairman Barlow – aye

The Board called for a five minute break.

Upon return from the break, the Board took up item VI., Case No. 2010-ULPC-495, Fraternal Order of Police (FOP), Lodge 123 v. City of Oklahoma City; consideration and possible action concerning City's Motion for Summary Judgment.

The Board called for appearances; Mr. James Moore for the FOP and Mr. Richard Mahoney for the City.

Mr. Mahoney announced that the parties had spoken and jointly requested the case be moved to the next agenda to allow time for the Police Chief and FOP President to possibly settle the matter outside the PERB.

Mr. Speegle made a motion to continue this item to the January Board Meeting Agenda, Chairman Barlow seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye            Mr. Speegle – aye            Chairman Barlow – aye

The Board took up item VII., Discussion and possible action concerning delegation of authority to PERB Administrator for issuance of complaints under Title 11 O.S., §51-101 *et. seq.*

Assistant Attorney General Bryan Neal explained that it was his understanding that the PERB Administrator had issued complaints on behalf of the Board for a number of years and if it is the will of the Board to delegate the authority to the Administrator for issuance of complaints on their behalf, it should be formalized so that everyone is on notice.

Mr. Gooch made a motion that the Board continue its long-standing practice of authorizing the PERB Administrator to act on the Board's behalf concerning the issuance of complaints and that the Board would further view the general order in January for final approval. Mr. Speegle seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye            Mr. Speegle – aye            Chairman Barlow – aye

Next, the Board took up item VIII., discussion and possible action concerning the updating of the PERB Mission Statement.

After review of the mission statement prepared by Mr. Neal, Mr. Speegle moved to amend the mission statement as formally presented, Mr. Gooch seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye            Mr. Speegle – aye            Chairman Barlow – aye

The Administrator reported on recent case activity and announced the cases to be heard on January 13, 2010.

The Board discussed recent legislative action and reports affecting the PERB.

Chairman Barlow moved to adjourn the meeting, Mr. Gooch seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye      Mr. Speegle – aye      Chairman Barlow – aye

The meeting adjourned at 10:19 a.m.