

MINUTES OF THE SPECIAL MEETING OF THE WORKERS' COMPENSATION COMMISSION HELD ON WEDNESDAY, NOVEMBER 13, 2013, AT THE WORKERS' COMPENSATION COURT IN OKLAHOMA CITY, OKLAHOMA.

Present: Troy Wilson, Chairman, Workers' Compensation Commission, Robert Gilliland, Commissioner, Workers' Compensation Commission and Denise Engle, Commissioner, Workers' Compensation Commission.

Others Present: Jan Preslar, Oklahoma Office of the Attorney General, Norma McRae, Workers' Compensation Court, Stacy Peterson and Katie Samples, Workers' Compensation Commission.

Call to Order: The public meeting was called to order by the Chairman, Troy Wilson.

Roll Call: All Commission members were present.

Determination of a Quorum: All Commission members were present constituting a quorum.

Statement of Oklahoma Open-Meeting Law Compliance and Posting Agenda: Jan Preslar of the Oklahoma Office of the Attorney General informed the Commission members that the Secretary of State had been timely notified of the meeting and the agenda had been timely posted at the Workers' Compensation Commission Oklahoma City office and the Workers' Compensation Court Oklahoma City location in accordance with the Open Meeting Act.

Open Meeting/Open Records Presentation by Attorney General Representative: Chairman Wilson called on Jan Preslar of the Oklahoma Office of the Attorney General to

give a presentation on the Oklahoma Open Meeting Act and Oklahoma Open Record Act.

Ms. Preslar began her presentation to the Commission with a brief historical background and summary of the Oklahoma Open Meeting Act (25 O.S. §§ 301-314). Specifically, Ms. Preslar informed the Commission members that the cornerstone of the Act, according to the Oklahoma Supreme Court, was to inform the public of governmental processes and problems through proper notice and encouragement under statutory authority.

Ms. Preslar responded to an inquiry from Chairman Wilson concerning any possible exemptions under the Act which might apply to the Commission. Ms. Preslar indicated that the Commission would be subject to the Act, but further research could yield exemptions from the Act. She further offered that the Commission could choose to ask the Oklahoma Attorney General for a formal opinion on the matter.

The Commission members then asked Ms. Preslar about the proper method in which to submit a request to the Oklahoma Attorney General for an opinion. Ms. Preslar stated that the Commission would need to vote for submission of a request and would need to vote for approval of a draft request.

Ms. Preslar ended her introduction and general summary of the Act by stating that the Commission had to provide proper notice to the Oklahoma Secretary of State and public in order to conduct Commission meetings and take formal action on matters before it. Chairman Wilson then stated the Commission's interest in overseeing the proper notice procedures of the other workers' compensation committees/advisory bodies created under statutory authority.

Conduct of Business: Ms. Preslar moved to the next part of her presentation by informing the Commission members that the discussion and deliberation process of any decisions made by the Commission members involving Commission business must be done in full-view of the public under the Open Meeting Act.

Ms. Preslar responded to inquires from Commission members concerning what constitutes a meeting under the Act by informing the Commission members that any gathering of at least two Commission members to discuss Commission business would be subject to the Open Meeting Act. She further added that the Commission members could attend a legislative committee hearing without following the Open Meeting Act under the authority of Attorney General opinion 2012 OK AG 24.

Types of Meetings: Ms. Preslar then informed the Commission members of the different types of meetings and summarized the function of each type.

She also described the voting requirements of Commission members during a meeting and the prohibition of the Commission taking any action via electronic or telephonic methods in formal or informal gatherings.

Executive Sessions: The presentation then moved into the details and requirements of executive sessions under the Open Meeting Act. Ms. Preslar informed the Commission members that executive sessions are closed meetings which can only be conducted for certain purposes such as personnel issues or issues with Commission's counsel concerning pending claims associated with the Commission.

She added that the Open Meeting Act also required that any issue that the Commission wishes to discuss in executive session must be stated on the Commission's meeting agenda along with the statutory language of an executive session. In addition, a vote must be taken to enter executive session and any action taken in executive session by Commission members must be voted by the Commission in open session and recorded in the meeting minutes.

After Ms. Preslar's presentation on executive sessions, the Commission members discussed the procedures and requirements for executive sessions under the Open Meeting Act and Ms. Preslar responded to their inquiries concerning these procedures and executives sessions.

Regularly Scheduled Meetings/Special Meetings: The Commission was then informed about the rules regarding regularly scheduled meetings. Specifically, Ms. Preslar notified the Commission of the notification requirements of the Oklahoma Secretary of State and of the difference between regularly scheduled meetings and special meetings.

The Commission discussed these procedures and determined that it should hold special meetings rather than regularly scheduled meetings.

Agenda Requirements: After a discussion of the meeting requirements, the Commission was informed of the rule governing meeting agendas.

Ms. Preslar responded to inquiries from Commission members concerning the content of agendas and proper placement of agendas for its meetings.

Minutes of a Meeting: A discussion of the recordation of Commission meeting was also included in Ms. Preslar's presentation. The Commission was informed that the Minutes reflect a general summary of the proceedings and any action taken in the meeting.

The Commission and Ms. Preslar both discussed the specifics of drafting Minutes and the best ways in which to accurately take Minutes from each Commission meeting.

Public Comment: The presentation next highlighted the rules regarding public comment during a Commission meeting. The Commission heard and discussed these rules while Ms. Preslar offered several ways in which the Commission could monitor any public comment made during a Commission meeting.

Possible Penalties for Non-Compliance: The Commission was notified that any action taken in violation of the Open Meeting Act could result in criminal and financial penalties to the Commission members.

After Ms. Preslar ended her presentation on the Oklahoma Open Meeting Act, the Commission members discussed the Commission's compliance procedures under the Act. Chairman Gilliland suggested that each Commission member meet with Ms. Preslar, individually, in order to express his or her thoughts and suggestions for an effective method for the Commission to comply with the Act. The Commission members determined that it each member would meet with Ms. Preslar and offer suggestions for the Commission's compliance with the Oklahoma Meeting Act.

Open Record Act: After the Commission's discussion of the Oklahoma Open Meeting Act, Ms. Preslar moved to a discussion of the Oklahoma Open Record Act. She began her presentation by stating that any record made by the Commission would be subject to the Open Record Act unless it was subject to any exemptions under the Act.

Ms. Preslar then discussed specific provisions of the Open Records Act relating to copy fees and records kept by the Commission members. After she informed the Commission of these issues, the Commission discussed the presentation.

Adjournment: Chairman Wilson called for a motion to adjourn the meeting. The motion was seconded and a roll call vote of Commission members was taken: Chairman Wilson voted aye, Commissioner Gilliland voted aye and Commissioner Engle voted aye.