

**Minutes
Special Meeting
Capitol Preservation Commission
Sept. 29, 2015, 10:30 a.m, Room 412C
State Capitol Building
Oklahoma City, Oklahoma**

A meeting notice was filed with the secretary of state and agenda posted in accordance with the Open Meeting Act.

MEMBERS PRESENT: Linda Edmondson
Bruce Fisher
Vicki Hicks
Judy Johnson
Doug Kellogg
Lou Kerr
Leia Laird
Duane Mass
Dan Ross

MEMBERS ABSENT: Bill Corbett
Joel Kintsel
Holbrook Lawson

GUESTS: Beverly Hicks, OMES CAM
Steven Barker, Attorney general's office
Melissa Houston, Attorney general's office
Cara Rodriguez, Attorney general's office
Dr. Bruce Prescott
Paul Kelley, Citizen
Jim Huff, Interfaith Alliance, OK
LawBenson Massman, Rutize Army
Marcia Smith, Citizen
Carol Carmack, Citizen
James Gorges, Citizen
Bob and Pam Phillips, Citizens
Janelle Stecklein, CNHI
Bob Dani, High Noon Club
Mike Reynolds, Citizen
Barbara Hoberock, Tulsa World
Shawn Ashley, eCapitol
Dale Denwalt, Journal Record

Agenda Item 1 – Determination of quorum and call to order. [Linda Edmondson, senior member acting as chair]

Ms. Edmondson called the meeting to order at 10:35 a.m. A roll call was taken and a quorum was established. She was advised that notice of the meeting had been given, and an agenda posted in accordance with the Open Meeting Act.

Ms. Edmondson told those present the reason for the special meeting was determined by the recent order of Judge Thomas Prince, District Court, Oklahoma County. On Sept. 11, 2015, Judge Prince issued an order that the Ten Commandments monument be removed from the grounds of the Oklahoma State Capitol by the Capitol Preservation Commission (CPC) within 30 days. The monument was placed by CPC as required by legislation that was passed in 2009. It was paid for with private funds.

The CPC was sued about the monument and the case worked its way to the Oklahoma Supreme Court. The court found that the monument was religious in nature and thus violated article II, Sec. 5 of the Oklahoma Constitution, called the Bill of Rights, that states, “No public money or property shall ever be appropriated, applied, donated or used directly or indirectly for the use, benefit or support of any sect, church, denomination or system of religion.” The Supreme Court remanded the case to Judge Prince, who issued the order.

Because the regularly scheduled meeting is not until Oct. 15, 2015, a special meeting was called today to respond to the judge’s order.

Ms. Edmondson further explained the reason why she’s presiding, because the commission’s chair and vice-chair have both resigned recently for reasons unrelated to the monument. As new officers have not been nominated or elected, it was advised by the AG’s office that a senior member could preside. The most senior member having declined, Ms. Edmondson, being next in line, agreed to preside.

Agenda Item 2 – Discussion and possible action to enter into executive session pursuant to 25 O.S. §307(B)(4), for the purpose of confidential communications between the commission and the commission’s legal counsel regarding Prescott v. Oklahoma Capitol Preservation Commission, Oklahoma County District Court case no. CV-2013-1768, if the commission, with the advice of its legal counsel, determines that disclosure will seriously impair the ability of the commission to process the claim or pending litigation in the public interest. [Linda Edmondson, senior member acting as chair]

A. Possible action to:

- i. Determine that disclosure of the communications between the commission and its legal counsel will seriously impair the ability of the commission to process the claim or pending litigation in the public interest; and
- ii. Go into executive session for the purpose of engaging in confidential communication between the commission and its legal counsel regarding pending litigation pursuant to 25 O.S. §307(B)(4).

Mr. Barker, Assistant Attorney General, recommended entering into executive session.

Mr. Ross made a motion to accept Mr. Barker's recommendation. Mr. Mass seconded the motion, the motion passed and the following votes were recorded:

Linda Edmondson - yes; Bruce Fisher - yes; Vicki Hicks - yes; Judy Johnson - yes; Doug Kellogg - yes; Lou Kerr - yes; Leia Laird - yes; Duane Mass - yes; Dan Ross - yes.

Entered into executive session at 10:43 a.m

B. Possible action to return to open session.

Mr. Ross made a motion that the Capitol Preservation Commission move out of executive session. Mr. Fisher seconded the motion, the motion passed and the following votes were recorded:

Linda Edmondson - yes; Bruce Fisher - yes; Vicki Hicks - yes; Judy Johnson - yes; Doug Kellogg - yes; Lou Kerr - yes; Leia Laird - yes; Duane Mass - yes; Dan Ross - yes.

Open session reconvened at 10:56 a.m.

C. Possible action to authorize the Office of Management and Enterprise Services to remove the Ten Commandments monument from public display, pursuant to the Sept. 11, 2015, order of the Oklahoma County District Court, case no. CV-2013-1768. [Linda Edmondson, senior member acting as chair]

Mr. Mass moved to approve the action and authorize the Office of Management and Enterprise Services to remove the Ten Commandments monument from public display, pursuant to the Sept. 11, 2015, order of the Oklahoma County District Court. Mr. Fisher seconded the motion, the motion passed and the following votes were recorded:

Linda Edmondson - yes; Bruce Fisher - yes; Vicki Hicks - yes; Judy Johnson - yes; Doug Kellogg - yes; Lou Kerr - abstain; Leia Laird - no; Duane Mass - yes; Dan Ross - yes.

Agenda Item 3 – Adjournment. [Linda Edmondson, senior member acting as chair]

There being no further business, Mr. Mass made the motion to adjourn. Mr. Ross seconded the motion. Seeing no opposition, the meeting adjourned at 11:10 a.m.