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OPEN MEETINGS - OKLAHOMA

Hirschfeld v. Oklahoma Turnpike Authority

Supreme Court of Oklahoma - May 31, 2023, - P.3d - 2023 WL 3735825 - 2023 OK 59

Landowners petitioned for declaratory judgment and injunctive relief, claiming that Oklahoma Turnpike Authority (OTA) violated Open Meeting Act (OMA) by not providing sufficient notice of proposed new turnpikes in OTA's meeting agendas.

The District Court granted summary judgment for landowners. OTA appealed.

The Supreme Court held that:

- Agenda items about short-term financing for "certain turnpike projects" were sufficient;
- Agenda item about consideration of a consulting engineering services contract was sufficient;
- Agenda items about contracts for bond and capital program for turnpike program were sufficient;
- Governor's mere announcement of turnpike program during meeting did not violate OMA notice requirement; and
- Supreme Court had exclusive jurisdiction to consider landowners' request for declaratory relief.

Agenda items in Oklahoma Turnpike Authority's (OTA) notice of regular board meeting, stating that a resolution authorizing short-term financing for "certain turnpike projects" would be considered and acted upon at the meeting, complied with Open Meeting Act (OMA) section governing notice of public meetings, even though the notice did not specify whether the financing was for one of three proposed new turnpikes that were part of turnpike improvement program, where "turnpike project" was a statutorily-defined term, OTA included with the agenda a copy of the resolution which referred to interim financing for "turnpike projects," and board considered and approved resolution without any modifications, additions, or amendments.

Agenda item in Oklahoma Turnpike Authority's (OTA) notice of regular board meeting, stating that the engineering division would submit a consulting engineering services contract for board's consideration and action, complied with Open Meeting Act (OMA) section governing notice of public meetings, even if notice lacked specificity about which turnpikes were involved in a long-range turnpike improvement and expansion program that OTA announced at a subsequent meeting, where contract was for program management services, which was what was specified in agenda item, rather than for construction of a specific component of any turnpike project, and board considered and took action only on the contract expressly stated in the agenda without any modifications, additions, or amendments.

Agenda items in Oklahoma Turnpike Authority's (OTA) notice of regular board meeting, stating that the board was to consider various design, right of way, and utility management contracts for the bond and capital program for turnpike construction and improvement program, complied with Open Meeting Act (OMA) section governing notice of public meetings, even if notice lacked specificity as to whether contracts involved the construction of one of three proposed new turnpikes, where board considered and took action only on the contract expressly stated in the agenda, board's approval of agenda items did not include a contract for a specific component of any turnpike project, and items

of business dealt with several turnpike projects on a larger scale than the possible construction or proposed route of one turnpike.

Governor’s announcement of a turnpike construction and improvement program during the director’s report section of Oklahoma Turnpike Authority’s (OTA) regular board meeting, without prior notice in an agenda item in OTA’s notice of public meeting, did not violate notice requirements of Open Meeting Act (OMA), where announcement was for informational purposes only, and board did not take any action at meeting regarding the program.

Supreme Court had exclusive jurisdiction to consider landowners’ request for declaratory relief to prevent Oklahoma Turnpike Authority (OTA) from exercising its eminent domain power to construct proposed new turnpike, upon OTA’s filing of application to validate proposed bonds to construct and operate turnpike.

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