

# OKLAHOMA OPEN MEETING ACT ONE PAGER

Updated by OAG July 2025

	ADVANCE NOTICE	POSTING AGENDA
<b>REGULARLY SCHEDULED MEETING</b> 25 O.S. § 311(A)	Date, time, and location by December 15 of current year for upcoming year with proper recordkeeping clerk (i.e., Secretary of State, County Clerk, or Municipal Clerk).  * Change to time, date, or location may be made at least ten (10) days prior to meeting. Cannot change if less than ten (10) days until meeting, but may cancel.	At least 24 hours prior to the meeting at the principal place of business for public body or location of meeting in prominent public view or on public body website. If only posting agenda to website, written notice to those who request notice of regularly scheduled meetings is required. This excludes Saturdays, Sundays, and public holidays. <b>State agencies</b> must publish the agenda on the website AND at (1) the principal place of business for the public body or (2) the location of the meeting.
<b>SPECIAL MEETING</b> 25 O.S. § 311(A)(12)	Date, time, and location 48 hours prior to the meeting with proper recordkeeping clerk (i.e., Secretary of State, County Clerk, or Municipal Clerk). Written notice to those who request notice of special meetings is required.	At least 24 hours prior to the meeting at the principal place of business for public body or location of meeting in prominent public view <b>OR</b> posted on website 48 hours prior to meeting and included in written notice. This excludes Saturdays, Sundays, and public holidays. <b>State agencies</b> must publish the agenda on the website AND at (1) the principal place of business for the public body or (2) the location of the meeting.
<b>EMERGENCY MEETING</b> 25 O.S. § 311(A)(13)	As much advance notice as is reasonable and possible under the circumstances existing, in person or by telephonic or electronic means.  Under 25 O.S. § 304(5), an emergency is “a situation involving injury to persons or injury and damage to public or personal property or immediate financial loss when time requirements for public notice of special meeting would make such procedure impractical and increase the likelihood of injury or damage or immediate financial loss.”	As much advance notice as is reasonable and possible under the circumstances existing.  <b>THINK:</b> What is working? What is not working? Are cell towers operable? Is Internet available?
<b>CONTINUED OR RECONVENED MEETING</b> 25 O.S. § 311(A)(11)	Announcement must be made at original meeting. Only matters appearing on the agenda of the meeting continued may be discussed.	<b>BEST PRACTICE:</b> Repost agenda with remaining items following the recess of the original meeting.

## APPLICATION OF OMA

- ▶ “Conduct of business” includes the entire decision-making process, including deliberation, decision, or formal action. 1982 OK AG 212.
- ▶ OMA applies when deputies act with delegated authority. Staff support roles are not covered—unless used to evade OMA. 2025 OK AG 4.

## TIME AND PLACE (25 O.S. § 303)

Must be held at specified times and places which are convenient to the public and shall be open to the public. Cannot hold a meeting at a closed courthouse on a State holiday. *Rogers v. Excise Bd. of Greer Cnty.*, 1984 OK 95, 701 P.2d 754.

## RECORDING VOTES (25 O.S. § 305)

Votes of each member of public body must be (1) publicly cast and (2) recorded. Failure to meet both requirements renders action null and void. *Oldham v. Drummond Bd. of Educ.*, 1975 OK 147, 542 P.2d 1309.

SCAN TO READ THE FULL OPEN MEETING ACT OR VISIT  
<https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=73425>



## EXECUTIVE SESSIONS (25 O.S. § 307)

- ☑ Properly noticed that executive session is proposed,
- ☑ Identify items of business or purpose(s) for executive session, and
- ☑ Specific cite to which provision under §307(B) authorizes executive session. 25 O.S. § 311(B)(2). Most commonly used provisions are:
  - Employment, hiring, appointment, promotion, demotion, discipline, or resignation, § 307(B)(1);
  - Discussing purchase or appraisal of real property, § 307(B)(3);
  - Confidential communications between public body and its attorney concerning a pending investigation, claim, or action if the public body, on advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, § 307(B)(4).
  - Discussion of any matter where disclosure of information would violate confidentiality requirements of state or federal law, § 307(B)(7); or
  - Engaging in deliberations or rendering a final or intermediate decision in an Article II proceeding under the APA, § 307(B)(8).
- ☒ Cannot conduct executive session for job openings. 2006 OK AG 17.
- ☒ NO VOTING OR POLLING in executive session.
- ☒ Cannot discuss hiring independent contractors. 2005 OK AG 29.
- ▶ Must identify unique position or employee name. 1997 OK AG 61.
- ▶ Pending claim, litigation, or investigation may be potential or anticipated. 2005 OK AG 29.
- ▶ Must vote to enter and vote to exit executive session. Example:  
*Possible Executive Session pursuant to 25 O.S. § 307(B)(X) [to discuss the employment, hiring, appointment, promotion, demotion, discipline, or resignation of NAME][hold confidential communications with the [PUBLIC BODY]'s attorney regarding [CASE NAME & NUMBER] where disclosure will seriously impair the ability of [PUBLIC BODY] to conduct the litigation in the public interest][engage in deliberations or render a final or intermediate decision in an individual proceeding under Art. II of the Administrative Procedures Act]*
  1. Vote to enter executive session.
  2. EXECUTIVE SESSION pursuant to 25 O.S. § 307(B)(X).
  3. Vote to exit executive session.
  4. Possible discussion and vote regarding matters discussed in executive session.

## VIDEOCONFERENCE AND TELECONFERENCE MEETINGS (25 O.S. § 307.1)

*Teleconferences (audio only) do not comply with the OMA unless specifically authorized by statute.*

1. Quorum must be present in person at the meeting site.
2. All public body members must be audible and visible to one another.
3. **NO EXECUTIVE SESSIONS ALLOWED.**
4. Notice and agenda must include (1) location of the meeting; (2) all video conference sites, including location, address, and telephone number; and (3) identity of members and from where they will appear.
5. After agenda is posted, no member can participate from a location other than that specified on the agenda.
6. Members of public bodies must participate from the district or subdivision from which they are elected, appointed, or sworn to represent.
7. Materials (handouts) shared with public body must be immediately available "in the same form and manner."
8. If public comment allowed at meeting site, it must be allowed at remote sites.
9. Each site and room must be open and accessible to the public.

## PUBLIC COMMENT

- ▶ Public comment is allowed but not required. 2002 OK AG 26 & 1998 OK AG 45.
- ▶ It may be limited to items set forth in agenda, or it may be open.
- ▶ Public body may want to set a time limit for each person speaking and a cut-off time to sign up to speak.
- ▶ Developing and publishing a public comment policy on the agenda or on public body website may be advisable.
- ▶ An agenda item titled "Visitors Comments" or "Public Comments" meets OMA requirements.

**CAUTION:** *Items not appearing on the agenda should not be discussed by public body members during the public comment period.*

## AGENDA LANGUAGE (25 O.S. § 311(B)(1))

- ▶ Plain language, direct stating the purpose of the meeting, and the language used, and language used must be:
    - (1) simple, (2) direct, and (3) comprehensible to a person of ordinary education and intelligence.
- Andrews v. Ind. Scho. Dist. No. 29 of Cleveland Cnty.*, 1987 OK 40, 737 P.2d 929.
- ▶ Agendas must give actual notice to the public. *Haworth Bd. of Educ. of Ind. Sch. Dist., McCurtain Cnty. v. Havens*, 1981 OK CIV APP 56, 637 P.2d 902.
  - ▶ Agenda/notice language that is deceptively vague or likely to mislead constitutes a willful OMA violation. *Rogers v. Excise Bd. of Greer County*, 1984 OK 95, 701 P.2d 754.

## ENFORCEMENT AND PENALTIES (25 O.S. §§ 313 & 314)

- ▶ Any action taken in willful violation is invalid, § 313.
- ▶ If convicted of willfully violating the OMA, individual shall be guilty of a misdemeanor, punishable by a fine of up to \$500.00, up to one year of imprisonment in the county jail, or both, § 314(A).
- ▶ Any person can bring a civil suit for declaratory or injunctive relief. If successful, person shall be entitled to attorney fees, § 314(B).

**DISCLAIMER:** As this is a "one pager," it is not meant to be comprehensive. Please consult the OMA, case law, and AG opinions if necessary.