

**MINUTES  
CITY COUNCIL MEETING  
FOLLOWED BY PRYOR PUBLIC WORKS AUTHORITY MEETING  
CITY OF PRYOR CREEK, OKLAHOMA  
TUESDAY, JUNE 6<sup>TH</sup>, 2023 AT 6:00 P.M.**

The City Council of the City of Pryor Creek, Oklahoma met in regular session on the above date and time in the Council Chamber upstairs at City Hall, 12 North Rowe Street in Pryor Creek, Oklahoma. This meeting was followed immediately by a meeting of the Pryor Public Works Authority. Notice of these meetings was posted on the East bulletin board located outside to the South of the entrance doors and the City website at www.pryorcreek.org. Notice was also emailed to The Paper newspaper and emailed to the Council members.

**1. CALL TO ORDER, PRAYER, PLEDGE OF ALLEGIANCE, ROLL CALL.**

Mayor Doyle called the meeting to order at 6:00 p.m. The Prayer and Pledge of Allegiance were led by Pastor Jason Barnes of Freedom Church. Roll Call was conducted by City Clerk Courtney Davis. Council members present included Terry Lamar, Choya Shropshire, Dennis Nance, Travis Mileur, Randy Chitwood, Charles Tramel, Chris Gonthier and Bruce Smith. Members absent: none.

Department Heads and other City Officials present: Mike Moore, Cari Rerat and Jeremy Cantrell.

Others present: Justin Couch, Lori Ballew, Jared Crisp, Kimmie Shropshire, Reagan Eardman, Christie Littlefield, Monty Littlefield, Marshall Morrison, Nena Roberts, Phyllis Lewellen, Arianna Derr, Jason Barnes, Adam Anderson, Houston Brittain, Merideth Olson, Casie Summerlin, Angela Smith, Charles McClellan, Abby McClellan, Matthew D. Radcliffe, Phyllis Radcliffe, BJ Gann, Katie Kerns, Kathy LaValley, Terry Aylward, Jimmie Greeson and Jennifer Brittain.

Mayor moved to Mayor’s Report item C, starting with a report from Flock Safety. At 6:19 p.m., Mayor paused item 5c and moved to item 2, Petitions from the Audience, and moved back to item 5c at 6:22 p.m. to continue discussion.

**5. MAYOR’S REPORT:**

**c. Discussion and possible action for the Pryor Creek Police Department to purchase four Flock Safety LPR cameras for a total cost of \$12,600.00, which includes installation. This is for one year and will be a year-to-year contract. From Account #96-965-5502, Cherokee Nation donation.**

Motion was made by Gonthier, second by Lamar to approve for Pryor Creek Police Department to purchase four Flock Safety LPR Cameras for a total cost of \$12,600.00, which includes installation. This is for one year and will be a year-to-year contract. From Account #96-965-5502, Cherokee Nation donation.

Gonthier requested that letter he read during discussion be included in the minutes. After much discussion, the motion was amended by Gonthier, second by Lamar to table item 5c until the first Council meeting in July. Voting yes: Lamar, Shropshire, Nance, Chitwood, Gonthier, Smith. Voting no: Mileur, Tramel.

**2. PETITIONS FROM THE AUDIENCE:**

Charles McClellan spoke regarding his concerns with the Pryor Creek Police Department possibly purchasing Flock Safety LPR Cameras.

**3. DEPARTMENT HEAD REPORTS**

Mayor Doyle stated that there would be no reports given tonight. Cari Rerat, Library Director, requested that Mayor Doyle make an announcement regarding the Summer Programs at Thomas J. Harrison Pryor Public Library.

Mayor moved to the Consent Agenda.

**4. DISCUSSION AND POSSIBLE ACTION ON CONSENT AGENDA.**

(Items deemed non-controversial and routine in nature to be approved by one motion without discussion. Any Council member wishing to discuss an item may request it be removed and placed on the regular agenda.)

- a. Approve minutes of the May 16<sup>th</sup>, 2023 Council meeting.
- b. Approve payroll purchase orders through June 9<sup>th</sup>, 2023.
- c. Approve claims for purchase orders through June 6<sup>th</sup>, 2023.

<b>FUNDS</b>	<b>PURCHASE ORDER NUMBER</b>	<b>TOTALS</b>
<b>GENERAL</b>	<b>2220223136 - 2220223110</b>	<b>247,887.64</b>
<b>STREET &amp; DRAINAGE</b>	<b>911313B - 2220223023</b>	<b>10,376.89</b>
<b>GOLF COURSE</b>	<b>2220222998 - 2220223087</b>	<b>15,610.51</b>

<b>REAL PROPERTY ACQUIS.</b>	<b>911298B - 2220223008</b>	<b>1,375.00</b>
<b>RECREATION CENTER</b>	<b>2220222984 - 2220222985</b>	<b>26,616.56</b>
<b>DONATIONS &amp; EARMARKED MONIES</b>	<b>2220222967 - 2220223123</b>	<b>2,197.48</b>
<b>EDTA</b>	<b>2220223124 - 2220222953</b>	<b>7,510.00</b>
<b>TOTAL</b>		<b>311,574.08</b>
<b>NO BLANKETS</b>		

- d. Acknowledge receipt of deficient purchase orders.
- e. Approval to accept the Fiscal Year 2021-2022 Audit Report as prepared by Kolker and Kolker, Inc. and reviewed by Violet Kirkendall of Hood and Associates, CPAS, PC.
- f. Approval to transfer \$13,921.00 from Account #02-221-5091 to Account #02-201-5091 due to payment to Architectural Flooring being expended from Account #02-201-5091 in error. This payment was for flooding repairs in the Library.
- g. Approval of an expenditure in the amount of \$22,150.00 to Higley Consulting from Inspector Outside Services Account #02-203-5080 for Inspections for West 530 Apartments. Payment was received by the city from PCO Holdings LLC for the amount due Higley Consulting.
- h. Approval of an expenditure in the amount of \$2,528.56 to GT Distributors for the remainder of ammunition originally approved for purchase on December 7<sup>th</sup>, 2021. Order was not filled due to product shortages at the time.
- i. Approval to increase Purchase Order #2120212643 from Library Capital Outlay Account #44-445-5416 to BOLT Fiber Optic Services from \$3,448.19 to \$3,588.52 due to insufficient grant funds.
- j. Approval of transferring \$13,921.00 from Library Repair & Maintenance Account #02-221-5091 to General Repair & Maintenance Account #02-201-5091 to refund account for funds expended to Architectural Flooring for Library flood repairs.
- k. Approval to surplus the following computers and equipment (*Scrivener's Error - from City Hall*):
  - Computer Tower - Serial #: 231-00247-0000F
  - AOC Monitor - Serial #: k338ACA006200
  - AOC Monitor - Serial #: L2191JA039186
  - LCD Monitor - Serial #: 99178CA009877
  - Computer Tower - Serial #: AGES-215-13
  - Computer Tower - Serial #: AGES-235-14
  - Computer Tower - Serial #: AGES-218-13
  - Computer Tower - Serial #: AGES22
  - Computer Tower - AGES-219-13
  - Computer Tower - ESP46391574
  - Printer - Serial #: COP-03917
  - Monitor - Serial #: HL161ABBUFW41
  - HP Laptop (missing battery)
  - Acer Aspire Laptop (manufactured in 2006)
  - HP LaserJet P3015 - Serial #: VNB3S29470
- l. Approve donating the following computers and equipment to Summer Reading Teen Night at the Thomas J. Harrison Public Library:
  - Computer Tower - Serial #: 231-00247-0000F
  - AOC Monitor - Serial #: k338ACA006200
  - AOC Monitor - Serial #: L2191JA039186
  - LCD Monitor - Serial #: 99178CA009877
  - Computer Tower - Serial #: AGES-215-13
  - Computer Tower - Serial #: AGES-235-14
  - Computer Tower - Serial #: AGES-218-13
  - Computer Tower - Serial #: AGES22
  - Computer Tower - Serial #: AGES-219-13
  - Computer Tower - Serial #: ESP46391574
  - Printer - Serial #: COP-03917
  - Monitor - Serial #: HL161ABBUFW41
  - HP Laptop (missing battery)
  - Acer Aspire Laptop (manufactured in 2006)

- m. Approve hiring Russell Haynes to fill vacant Recreation Center Receptionist - Front Desk position (Range A, Step 1) at Pryor Creek Recreation Center effective June 7<sup>th</sup>, 2023.
- n. Approve hiring Katie Kerns to fill vacant Recreation Center Assistant Director position (Range E, Step 1) at Pryor Creek Recreation Center effective June 7<sup>th</sup>, 2023.
- o. Approval to surplus the following computers and equipment from the Pryor Creek Recreation Center, these items are deemed worthless and are to be scrapped:
  - Computer Tower - AGES - Inventory #: 04652
  - Computer Tower - AGES - Inventory #: 03906
  - Acer Laptop - Travel Mate - 5542 - Inventory #: 03461
  - Acer Laptop - Travel Mate - 5542 - Inventory #: 03555
  - HP Printer Office Jet - 4500 - Inventory #: 04673
  - HP Photosmart Printer - Inventory #: 03556
  - HP Printer - Laser Pro 200 - Inventory #: 04691
  - Epson Receipt Printer - M244A - Inventory #:03553
- p. Approval to surplus Hall 1,200 Gallon Fuel Tank, UL Rated 142 at Station 1 and list on the Purple Wave auction site.
- q. Approval to surplus of the following items from the Pryor Creek Police Department and list for sale on the Purple Wave auction site. (See list in packet.)
- r. Approval for the Pryor Creek Police Department to purchase three Stalker Lidar RLR, total cost of \$8,085.00. From Account #96-965-5502 (*Scrivener's Error - correct accounts are 96-000-4502 - \$6,085.00 and 96-965-5502 - \$2,000.00*), Cherokee Nation donation.
- s. Approval to surplus a 2002 Ford Truck at the Pryor Creek Golf Course and list for sale on the Purple Wave auction site.
- t. Approve the recommendation to appoint Joe Barnts to fill the vacant seat #7 on the Planning and Zoning Commission, term ending 9/30/25. Joe is currently serving as an alternate in seat #6. No resume will be provided.
- u. Approve renewing 2023-2024 city group health insurance plan with Blue Cross Blue Shield.
- v. Approve renewing city dental insurance with Delta Dental.
- w. Approve renewing city vision insurance with VSP.
- x. Approve renewing city group life and optional voluntary life, short-term disability, and long-term disability insurance with Mutual of Omaha.
- y. Approve using Flexplan Administrators, Inc. for COBRA Administration.
- z. Approve voluntary option with MASA Medical Transport Solutions.
- aa. Approve voluntary option with Norton LifeLock Benefit Solutions.
- bb. Approve Mayor to sign Public Safety Grant memorandum of understanding (MOU) with Cherokee Nation for Emergency Services.
- cc. Approve authorizing Recreation Center Director to seek bids to replace the HVAC unit and ductwork in the Group Fitness Room, anticipating an approximate cost of around \$40,000 for both, from Recreation Repair & Maintenance Account #84-845-5091.

Motion was made by Nance, second by Chitwood to approve the consent agenda less items f, q, r, bb. Items j and t did not take any action. Voting yes: Shropshire, Nance, Mileur, Chitwood, Tramel, Gonthier, Smith, Lamar.

**4f. Approval to transfer \$13, 921.00 from Account #02-221-5091 to Account #02-201-5091 due to payment to Architectural Flooring being expended from Account #02-201-5091 in error. This payment was for flooding repairs in the Library.**

Motion was made by Chitwood, second by Mileur to approve the transfer \$13,921.00 from 02-221-5091 to 02-201-5091 due to payment to Architectural Flooring being expended from Account #02-201-5091 in error. This payment was for flooding repairs in the Library. Rerat clarified that the payment was approved by Council to be expended from Account #02-201-5091 but the insurance check was deposited incorrectly into Account #02-221-5091. Voting yes: Nance, Mileur, Chitwood, Tramel, Gonthier, Smith, Lamar, Shropshire. Voting no: none.

**4q. Approval to surplus the following items from the Pryor Creek Police Department and list for sale on the Purple Wave Auction site (see list in packet).**

Motion was made by Gonthier, second by Chitwood to approve the surplus of the following items from the Pryor Creek Police Department and list for sale on the Purple Wave Auction site (see list in packet). Voting yes: Mileur, Chitwood, Tramel, Gonthier, Smith, Lamar, Shropshire, Nance. Voting no: none.

**4r. Approval for the Pryor Creek Police Department to purchase three Stalker Lidar RLR, total cost of \$8,085.00 from Account #96-965-5502 (*scrivener's error - #96-000-4502*), Cherokee Nation donation.**

Motion was made by Chitwood, second by Shropshire to approve for the Pryor Creek Police Department to purchase three Stalker Lidar RLR, total cost of \$8,085.00 from Account #96-965-5502 (*Scrivener's Error - 96-000-4502*), Cherokee Nation donation. Voting yes: Chitwood, Tramel, Gonthier, Smith, Lamar, Shropshire, Nance, Mileur. Voting no: none.

**4bb. Approve Mayor to sign Public Safety Grant Memorandum of Understanding (MOU) with Cherokee Nation for Emergency Services.**

Motion was made by Shropshire, second by Chitwood to approve Mayor to sign Public Safety Grant Memorandum of Understand (MOU) with Cherokee Nation for Emergency Services. Mayor Doyle read an opinion provided by K. Ellis Ritchie, City Attorney. Gonthier requested that the letter he read during discussion be included in the minutes. Voting yes: Tramel, Smith, Lamar, Shropshire, Nance, Mileur, Chitwood. Voting no: Gonthier.

**5. MAYOR'S REPORT:**

- a. Discussion and possible action to approve Mayor signing the Urban Project Agreement, State of Oklahoma Department of Transportation Project Maintenance, Financing and Right-of-Way Agreement. This agreement is for the Downtown Streetscape Project Phase I and a requirement of the recently awarded TAP Grant. The City Council previously declared the eligibility of the City of Pryor Creek to submit the application with Resolution 2022-9, which was approved at the December 6, 2022 City Council meeting.**

Motion was made by Gonthier, second by Chitwood to approve Mayor signing the Urban Project Agreement, State of Oklahoma Department of Transportation Project Maintenance, Financing and Right-of-Way Agreement. This agreement is for the Downtown Streetscape Project Phase I and a requirement of the recently awarded TAP Grant. The City Council previously declared the eligibility of the City of Pryor Creek to submit the application with Resolution 2022-9, which was approved at the December 6, 2022 City Council meeting. Voting yes: Gonthier, Smith, Lamar, Shropshire, Nance, Mileur, Chitwood and Tramel. Voting no: none.

- b. Discussion and possible action to approve a Resolution concerning setting compensation for the Hearing Officer of Administrative Appeals concerning public nuisance proceedings, high weed and trash violations, abandoned and dilapidated structures for the City of Pryor Creek, Oklahoma.**

Motion was made by Gonthier, second by Chitwood to waive the first reading of Resolution 2023-5, a Resolution concerning setting compensation for the Hearing Officer of Administrative Appeals concerning public nuisance proceedings, high weed and trash violations, abandoned and dilapidated structures for the City of Pryor Creek, Oklahoma. Voting yes: Smith, Lamar, Shropshire, Nance, Mileur, Chitwood, Tramel and Gonthier. Voting no: none.

- d. Discussion and possible action regarding award of bid for mowing rights-of-way to Duane Fought in the amount of \$28,000.00. One other bid was received in the amount of \$29,900.00.**

Motion was made by Gonthier, second by Lamar to award the bid for mowing rights-of-way to Duane Fought in the amount of \$28,000.00. One other bid was received in the amount of \$29,900.00. Voting yes: Lamar, Shropshire, Nance, Mileur, Chitwood, Tramel, Gonthier and Smith. Voting no: none.

- e. Discussion and possible action regarding a change for the 29<sup>th</sup> Street Rehabilitation and overlay project to add centerline and/or shoulder edge striping to the bid packet.**

Motion was made by Gonthier, second by Smith to approve a change for the 29<sup>th</sup> Street Rehabilitation and overlay project to add centerline and/or shoulder edge striping to the bid packet. Voting yes: Shropshire, Nance, Mileur, Chitwood, Tramel, Gonthier, Smith and Lamar. Voting no: none.

- f. Discussion and possible action to approve Mayor signing the memorandum of understanding (MOU) with the Cherokee Nation regarding reduced membership fees at Pryor Creek Recreation Center for Cherokee Nation citizens.**

Motion was made by Shropshire, second by Chitwood to approve Mayor signing the memorandum of understanding (MOU) with the Cherokee Nation regarding reduced membership fees at Pryor Creek Recreation Center for Cherokee Nation citizens. Voting yes: Nance, Mileur, Chitwood, Tramel, Smith, Lamar and Shropshire. Voting no: Gonthier.

- g. Discussion and possible action to replace RTU 3 and the Mini-Split System at the Boys and Girls Club. This is an emergency purchase.**

Motion was made by Gonthier, second by Chitwood to approve replacing RTU 3 and the Mini-Split System at the Boys and Girls Club. This is an emergency purchase.

Houston Brittan clarified a Scrivener's Error in item 5g's language. He stated that we will also be purchasing a portable unit to provide temporary relief due to the parts being 8 weeks out and replacements being 26 weeks. They will also be going out for bid to repair and/or replace the units.

Mayor Doyle spoke regarding the condition of the units and the roof at Pryor Creek Recreation Center.

Motion was made by Gonthier, second by Chitwood to amend the approval to include a portable air conditioning unit to provide temporary relief and get the units and roof issues repaired immediately.

Voting yes: Mileur, Chitwood, Tramel, Gonthier, Smith, Lamar, Shropshire and Nance. Voting no: none.

**h. Discussion and possible action to approve closing Highway 20 at the intersections with Adair and Vann for the purpose of painting the crosswalks.**

Motion was made by Shropshire, second by Chitwood to approve closing Highway 20 at the intersections with Adair and Vann for the purpose of painting the crosswalks. Voting yes: Chitwood, Tramel, Gonthier, Smith, Lamar, Shropshire, Nance and Mileur. Voting no: none.

**i. Discussion and possible action for the Pryor Creek Police Department to lease purchase 20 T7basic tasers from Axon Enterprise, Inc. This year's amount \$14,480.08 would be paid from the following accounts: \$11,315 from Cherokee Nation donation Account #96-965-5502 and \$3,165 from Drug Forfeiture Account #96-965-5555. Axon Enterprise, Inc. is a sole source provider.**

Motion was made by Chitwood, second by Shropshire to approve the Pryor Creek Police Department to lease purchase 20 T7 Basic Tasers from Axon Enterprise, Inc. This year's amount, \$14,480.08, would be paid from the following accounts: \$11,315 from Cherokee Nation Donation Account #96-000-4502 (*Scrivener's Error*) and Drug Forfeiture Account #96-965-5555. Axon Enterprise, Inc. is a sole source provider. Voting yes: Tramel, Gonthier, Smith, Lamar, Shropshire, Nance, Mileur, Chitwood. Voting no: none.

Mayor moved to the Addendum.

**1. Discussion and possible action to remove the recommendation to appoint Joe Barnts to fill the vacant seat #7 on the Planning and Zoning Commission, term ending 9/30/2025, from the table. Joe is currently serving as an alternate in seat #6.**

Motion was made by Chitwood, second by Shropshire to approve removing the recommendation to appoint Joe Barnts to fill the vacant seat #7 on the Planning and Zoning Commission, term ending 9/30/2025, from the table. Joe is currently serving as an alternate in seat #6. Voting yes: Gonthier, Smith, Lamar, Shropshire, Nance, Mileur, Chitwood, Tramel. Voting no: none.

**2. Discussion and possible action to approve the recommendation to appoint Joe Barnts to fill the vacant seat #7 on the Planning and Zoning Commission, term ending 9/30/2025. Joe is currently serving as an alternate in seat #6. A resume will not be provided.**

Motion was made by Shropshire, second by Chitwood to approve the recommendation to appoint Joe Barnts to fill the vacant seat #7 on the Planning and Zoning Commission, term ending 9/30/2025. Joe is currently serving as an alternate in seat #6. A resume will not be provided. Voting yes: Smith, Lamar, Shropshire, Nance, Mileur, Chitwood, Tramel, Gonthier. Voting no: none.

**3. Discussion and possible action regarding the Pryor Bike Route wayfinding and signage plan.**

Motion was made by Nance, second by Chitwood to approve the Pryor Bike Route wayfinding and signage plan. Voting yes: Lamar, Shropshire, Nance, Mileur, Chitwood; Tramel, Gonthier, Smith. Voting no: none.

**6. CITY ATTORNEY'S REPORT:**

**a. First reading of an ordinance amending 1-6-2 Compensation. Salaries for elected Police Chief, Mayor, Clerk and Treasurer have been updated to reflect current payroll. This update removes mention of Mayors Position from Cost of Living increases. This does not remove any other position eligibility for Cost of Living Adjustment increases.**

Motion was made by Shropshire, second by Chitwood to waive first reading of an ordinance amending 1-6-2 Compensation. Salaries for elected Police Chief, Mayor, Clerk and Treasurer have been updated to reflect current payroll. This update removes mention of Mayors Position from Cost of Living increases. This does not remove any other position eligibility for Cost of Living Adjustment increases. Voting yes: Shropshire, Nance, Mileur, Chitwood, Tramel, Gonthier, Smith, Lamar. Voting no: none.

**b. First reading of an ordinance amending 1-6-5 Personnel Board. Redesigning the construct of the Personnel Board.**

Motion was made by Gonthier, second by Smith to waive first reading of an ordinance amending 1-6-5 Personnel Board. Redesigning the construct of the Personnel Board. Voting yes: Nance, Mileur, Chitwood, Tramel, Gonthier, Smith, Lamar, Shropshire. Voting no: none.

**7. COMMITTEE REPORTS:**

**a. Budget and Personnel**

Shropshire reported that the Budget and Personnel Committee will meet on June 13<sup>th</sup>, 2023.

**b. Ordinance and Insurance**

No report.

**c. Street**

No report.

**8. UNFORESEEABLE BUSINESS. (ANY MATTER NOT REASONABLY FORESEEN PRIOR TO POSTING OF AGENDA.)**

No unforeseeable business.

**9. ADJOURN.**

Motion was made by Gonthier, second by Chitwood to adjourn. Voting yes: Mileur, Chitwood, Tramel, Gonthier, Smith, Lamar, Shropshire and Nance. Voting no: none.

**PRYOR PUBLIC WORKS AUTHORITY**

**1. CALL TO ORDER.**

Meeting was called to order at 9:01 p.m.

**2. APPROVE MINUTES OF MAY 16<sup>TH</sup>, 2023 MEETING.**

Motion was made by Gonthier, second by Chitwood to approve the minutes of the May 16<sup>th</sup>, 2023 meeting. Voting yes: Chitwood, Tramel, Gonthier, Smith, Lamar, Shropshire, Nance and Mileur. Voting no: none.

**3. UNFORESEEABLE BUSINESS.**

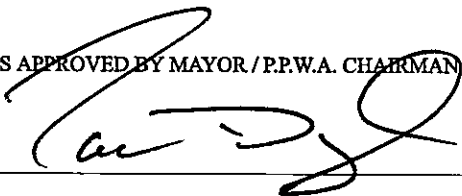
(ANY MATTER NOT REASONABLY FORESEEN PRIOR TO POSTING OF AGENDA.)

There was no unforeseeable business.

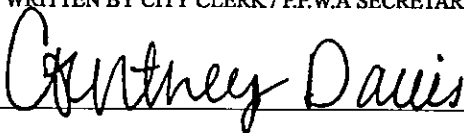
**4. ADJOURN.**

Motion was made by Gonthier, second by Nance to adjourn. Voting yes: Tramel, Gonthier, Smith, Lamar, Shropshire, Nance, Mileur and Chitwood. Voting no: none.

MINUTES APPROVED BY MAYOR / P.P.W.A. CHAIRMAN ZAC DOYLE



MINUTES WRITTEN BY CITY CLERK / P.P.W.A. SECRETARY COURTNEY DAVIS



Regarding the purchase of and use of Flock cameras, Flock Safety and Pryor Creek PD as an item on the agenda for Pryor Creek City Council dated June 6, 2023

I wish to make my position clearly known regarding the use of such cameras in public by governmental entities.

As per the information provided, these cameras can collect data other than just license plate information. Decals, bumper stickers...etc., can all be tracked. This means that political party affiliation, church affiliation and other information can be collected and stored. If we have not committed an infraction, what gives the government the right to collect such data. Police will say that they can check license plate information now. So if an officer has probable cause or a warrant is issued by a judge, then they check. Collecting information on everyone is not constitutional. If we want to solve more crimes and catch more criminals ignoring citizens' rights would facilitate these results. Search warrants are to protect the innocent. Saying we have no expectation to privacy when in public is just a lame excuse. Amendment IV of the US Constitution says, "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Random collection, or seizing of data, is prohibited by the Constitution.

Furthermore, section 5.1 in the Flock Safety agreement says City information can be disclosed. This could include non-public data. Section 5.3 gives Flock the authority to disclose collected information if they feel necessary. Section 11.8 Publicity says the following, "Flock has the right to reference and use Customer's name and trademarks and disclose the nature of the Services in business and development and marketing efforts." Notice there are no limitations mentioned as to what and how it would or could be used. Section 4.2 ..." **Customer grants Flock a non-exclusive, irrevocable, worldwide, royalty-free, license to use the Customer Generated Data for the purpose of providing Flock Services.**" Also in the document we see that there is no liability for breaches due to hacking.

In the absence of state or federal laws as well as the absence of city ordinances regarding the collection and use of electronic data, it is my belief this would violate citizens' rights. We are innocent until proven guilty, that is until we have to explain the electronically collected data. Please enter my written declaration of opposition into the minutes.

June 6, 2023

Chris Gonthier

Printed name



Signature

4bb

Regarding the Memorandums of Understanding with the Cherokee Nation on the June 6, 2023,  
Agenda for Pryor Creek City Council

As a municipality we do not have authority under Article I Section 10 clauses 1  
and 3 of the US Constitution to engage in such a treaty or agreement.

“No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.”

“No state shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.”

**Definition:**

Compact, noun An agreement; a contract between parties; a word that may be applied, in a general sense, to any covenant or contract between individuals; but it is more generally applied to agreements between nations and states, as treaties and confederacies.

Webstersdictionary1828.com

According to the Oklahoma State Constitution municipalities are corporations under Article XVIII sections 2 and 3. Rights and powers are conferred to municipalities as per the state constitution; therefore, we cannot violate or exceed state authority. To agree to these memorandums would violate the Oklahoma Constitution and the US Constitution.

In Article XV section 1 of the state constitution elected officials are required to take an oath to uphold the state and federal constitutions.

The Cherokee Nation’s Reservation Status is based on the McGirt V Oklahoma Ruling of the Supreme Court. Constitutionally, the Supreme Court cannot make such a determination. The fact of point is this, without Congressional approval, we cannot agree to this regardless of whether the Supreme Court was correct in its decision. Exactly how does McGirt apply to the Cherokee Nation?

On page 37 of the Supreme Court’s opinion regarding McGirt V Oklahoma we see the following:

“Each tribe’s treaties must be considered on their own terms, and the only question before us concerns the Creek.”



According to the written opinion of the Supreme Court, the McGirt decision has no relevance to the Cherokee Nation.

**Oklahoma Title 51-36-6**

Every public officer or employee having taken and subscribed to the oath or affirmation required by this act and having entered upon the duties of his office or employment, who, while holding his office or while being so employed, advocates by the medium of teaching, or justifies, directly or indirectly, or becomes a member of or affiliated with the Communist Party or the Cominform, or with any party or organization, political or otherwise, known by him to advocate by the medium of teaching, or justify, directly or indirectly, revolution, sedition, treason or a program of sabotage, or the overthrow of the government of the United States or of the State of Oklahoma or a change in the form of government thereof by force, violence, or other unlawful means, shall be guilty of a felony and, upon conviction, be punished by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years; and in addition thereto, the person shall forfeit his or her office or employment.

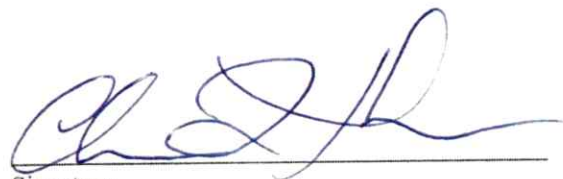
Furthermore, be it known, that according to the Charter of the City of Pryor Creek, the only person allowed to sign on behalf of the city is the mayor. Under Section 36 The Mayor A. we see the following, "The Mayor shall sign all contracts, bonds, or other instruments requiring the assent of the city and take care that the same are fully performed." One of the Memorandums of Understanding requires the signatures of the Pryor Creek Police Chief, Fire Chief and Director of Emergency Management. Seeing as the mayor also swore an oath to uphold the constitutions, he would not be able to sign these without violating his oath.

I am requesting this document become part of the minutes clearly stating my opposition to the memorandums with the Cherokee Nation on the grounds of Constitutional violations and City Charter violations.


Dated June 6, 2023

Chris Gonthier

Printed name



Signature

**RITCHIE  
ROCK &  
ATWOOD**  
**ATTORNEYS AT LAW**

[WWW.RRMALAW.COM](http://WWW.RRMALAW.COM)

**SUPPORT STAFF**

Hannah Gerhart, Office Mgr.  
Julie Thomas, Receptionist  
Jasmine Nix, Receptionist  
Teri Hodges, Paralegal  
Sara True, Paralegal  
Chastity Vereb, Paralegal  
Nichole Applegate, Clerk

**ATTORNEYS**

K. Ellis Ritchie  
Bryan A. Rock  
Nick Atwood  
Briana Brakefield  
Bethany Turney  
J. Hal Trentman

**Pryor, Oklahoma:** 21 N. Vann: P.O. Box 246: 74362  
**Shawnee, Oklahoma:** 116 N. Bell Ave: P.O. Box 3011: 74802

June 6, 2023

Mayor Zach Doyle  
City of Pryor

RE: Opinion regarding municipal contracting with Indian tribes

Dear Mayor:

You have asked for an opinion and advice on the authority of the City to enter into agreements with Indian tribes.

The City of Pryor Creek is a municipal corporation organized and chartered under Oklahoma law and possesses all powers, privileges, and functions granted by the Oklahoma Constitution and the laws of the State. City of Pryor Creek Charter, § 92. As a political subdivision of the State, the City's authority is limited by state and federal law.

With respect to Indian tribes, the federal government has "broad general powers" over Indian affairs. *United States v. Lara*, 541 U. S. 193, 200 (2004). The Constitution affords Congress authority to make war and negotiate treaties with the Tribes. See Art. I, § 8; Art. VI, cl. 2. It bars States from doing either of these things. See Art. I, § 10. And the Constitution grants Congress the power to "regulate Commerce . . . with the Indian Tribes." Art. I, § 8, cl. 3.

The general powers of municipalities are set out in the Municipal Code and include the power to,

"[m]ake all contracts and do all other acts in relation to the property and affairs of the municipality, necessary to good government of the municipality, and to the exercise of its corporate and administrative powers." 11 O.S. § 22-101(4).

**Telephone Numbers**  
(918) 825-4558 (Pryor)  
(405) 878-2080 (Shawnee)

**Toll Free**  
(888) 848-4558

**Facsimile**  
(918) 825-1623 (Pryor)

Municipalities can contract "with any one or more other public agencies<sup>1</sup> to perform any governmental service, activity, or undertaking which any of the public agencies entering into the contract is authorized by law to perform." 74 O.S. § 1008(A).

As political subdivisions of the state, municipalities may also negotiate and enter into intergovernmental cooperative agreements, more commonly referred to as tribal-state compacts, with federally recognized Indian tribes of mutual interest, but such agreements are not effective unless approved by the Joint Committee on Tribal-State Relations and the Governor, or his designee. 74 O.S. § 1221(D)(1).

Compacts, like those contemplated in Section 1221(D)(1), are working agreements between tribes and states that resolve jurisdictional or substantive disputes and recognize each entity's sovereignty. Because of federal supremacy over Indian affairs, tribes and states may not make intergovernmental cooperation agreements altering the scope of their jurisdiction in Indian country absent congressional consent.<sup>2</sup> Examples include the model gaming compacts, tobacco compacts, motor fuel compacts, etc.

In contrast, while contracts and compacts both address specific problems or transactions, contracts generally do not address jurisdictional legal issues or entitlements between sovereigns. Such contracts are valid if their objective is not to alter jurisdiction, but to facilitate the exercise of each government's respective authority. Contracts addressing matters other than jurisdictional limits do not require federal approval, but they must be properly authorized under the laws of both the Indian nation and the state. For example, a contract for the delivery of services or for the coordination of programs when the City and an Indian tribe having an overlapping service area.

It is my conclusion that no further action by Congress is necessary for the City to enter into the agreement with the Indian tribe. The memorandum of understanding for Emergency Management Services is a funding contract that will provide aid to the City in furtherance of its effort to ensure public safety. The terms of the agreement expressly state, "[n]othing contained in this MOU alters or diminishes either party's authority and/or jurisdiction on the Cherokee Nation Reservation." The Indian tribe's authority to provide the funding is based on tribal and federal law because the funding as part of its Respond, Recover and Rebuild plan, funded in part by the federal American Rescue Plan Act (ARPA).

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<sup>1</sup> The authority to enter into interlocal agreements pursuant to Section 1008 may not apply when the City executes an agreement with an Indian tribe because "Indian tribe" or a variation thereof is not included in the definition of "public agency." See 74 O.S. 1003(A).

<sup>2</sup> *Kennerly v. Dist. Ct.*, 400 U.S. 423 (1971) (notwithstanding 1967 Blackfeet tribal council resolution suggesting that state courts could exercise jurisdiction concurrent with tribal courts over suits involving tribal member defendants, Montana state courts lacked jurisdiction over civil action against these members arising on reservation).

June 6, 2023

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Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Ritchie', with a large, stylized flourish at the end.

K. Ellis Ritchie  
City Attorney for Pryor Creek

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