SPECIAL MEETING MINUTES

Tulsa Development Authority Board of Commissioners
Regular Meeting

One Technology Center
175 East 2nd Street
Tulsa, OK 74103
10th Floor North Conference Room

Thursday – June 18, 2020
9:30 a.m.

All Commissioners and staff of the TDA, as well as other attendees, appeared remotely by videoconference.

Present:
Nancy Lynn Roberts, Chairwoman
Steve Mitchell, Vice Chairman
Carl Bracy, Commissioner
Thomas Boxley, Commissioner
Ashley Philippsen, Commissioner

Absent:

Also, Present:
Linn Cain
Michael Dickerson
Kian Kamas
Tom Robertson

Also, Present:
Demauri Myers
Nicole Travis

The Special Meeting was called to order at 9:32 a.m. by Chairwoman Roberts. Decisions will be made, votes and action taken. Reports and supporting documentation can be found at www.tulsadevelopmentauthority.org

1. Roll Call: Nicole Travis called roll: Chairwoman Roberts, Vice Chairman Mitchell, Commissioner Bracy, Commissioner Boxley and Commissioner Philippsen were present. A quorum was present.
2. Receive, Discuss and Vote:

   a. Discussion, consideration and vote to approve a Resolution authorizing and approving an Interim Use Agreement with the Black Wall Street Chamber of Commerce, Inc. and the Juneteenth Festival Inc. for the interim use of TDA-owned land located East of N. Greenwood Avenue, north of the ODOT right-of-way for I-244, west of the railroad right-of-way, south of the OSU parking lot, less and except the Vernon A.M.E. Church property on Friday, June 19th through Sunday, June 21st for the purpose of holding an event titled “I Too Am American” over the Juneteenth weekend.

   Chairwoman Roberts provided an overview of the event that will be held over the Juneteenth holiday titled “I Too Am American” and highlighted the documents that were placed in effect for the event to take place on June 18, 2020 through June 21, 2020. Roberts indicated two documents were posted to the TDA website. The first document was the right of entry and access document. A legal agreement that was executed by both the President and CEO of Black Wall Street Chamber of Commerce and Chairwoman and acting Executive Director of the Tulsa Development Authority on June 17, 2020, which immediately went into effect on June 18, 2020. Due to a scheduling matter TDA authorized the right of entry subject to the review and approval of the Board that would take place during the meeting on June 18, 2020, at 9:30 a.m.

   The second document is an Interim Use License Agreement which incorporates the recently adopted TDA Interim Use Policy. The TDA board engaged in a review of the Interim Use Policy along with the City of Tulsa to help develop a more comprehensive policy that was adopted on January 9, 2020. Roberts stated when the organizers of the Juneteenth contacted TDA earlier this year to notify them of their intentions to host the Juneteenth Festival, they were informed of the new and revised agreement but cancelled due to COVID-19. On June 12, 2020, the organizer of Juneteenth contacted TDA requesting to proceed with the event titled “I Too Am American” scheduled for June 18, 2020 was made aware of the new agreement which was posted and made accessible for the public. Sherry Gamble Smith, President of Black Wall Street Chamber of Commerce was asked to review the agreement and have it finalized by noon on this date. Roberts explained that the event titled “I Too Am American” is an event that is held over the Juneteenth Holiday. It is not the Juneteenth Festival that TDA have previously allowed to take place on TDA-owned land, but a form of Commemoration. TDA is not authorizing the use of TDA-owned land for the Juneteenth Festival, but for the event “I Too Am American” hosted by the Black Wall Street Chamber of Commerce. TDA has built several things into the Interim Use Policy including:

   1. A copy of the security plan. The security plan is confidential and not accessible for the public.
2. TDA and City of Tulsa to be named as additional insureds on the general liability policy.

3. Black Wall Street Chamber of Commerce will be responsible for costs of mowing, if needed, arrangements for security, parking, and clean-up after the event.

Commissioner Philippsen joined the meeting at 9:40 a.m.

General Counsel stated the term was extended and will end on Monday, June 22, 2020 instead of June 21, 2020.

Chairwoman Roberts welcomed Commissioner Philippsen and stated she has been extremely helpful during this time and expressed her appreciation to her, as well as her efforts in helping.

Roberts stated in the past, TDA have been a sponsor for this event and hopes to remove TDA from sponsoring events and become more of a neutral party.

Commissioner Bracy inquired of the cost of land.

Chairwoman Roberts responded and stated in the past TDA have not charged for the use of land and, as part of the Interim Use Policy, a TDA staff review was made to determine and recommend whether it was appropriate to charge for the use of TDA-owned land for this event. Roberts proposed a $500.00 daily charge for the event to generate revenue.

Commissioner Boxley emphasized that the event was designed to give the community an outlet and not generate revenue.

Commissioners were not in agreement with charging for the event but agreed upon a deposit in the amount of $500.00 for clean-up which deems appropriate to ensure the property is returned to the previous state.

The cost of mowing prior to the event will be eliminated as the property was mowed by TDA contractor on a regular cycle. A fee in the amount of $500.00 will be applied as a deposit for clean-up. If the property is cleaned and restored to its original state, TDA will return the deposit. If the property is left unclean, TDA will pay Land Care to clean it up.

After discussion, Vice Chairman Mitchell moved to accept Resolution No. 6703 approving subject to the terms discussed on this date with a deposit of $500.00 for cleanup and with the understanding that General Counsel and Chairwoman will finalize the specific provisions of an Interim Use License Agreement with the Black Wall Street Chamber of Commerce. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Roberts, Mitchell, Bracy, Boxley and Philippsen
Nays: None

The motion passed unanimously.

Commissioner Boxley moved to go into Executive Session at 9:57 a.m., seconded by Commissioner Bracy. The vote was recorded as follows:

Ayes: Roberts, Mitchell, Bracy, Boxley and Philippsen
Nays: None

The motion passed unanimously.

3. **Executive Session:** Discussion, consideration and vote to go into Executive Session as authorized by 25 O.S. 307(B)(4) for confidential communications with TDA General Counsel regarding a pending investigation, claim or action upon determination by the TDA Board of Commissioners, with the advice of its General Counsel, that disclosure will seriously impair the ability of the TDA Board of Commissioners to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest and/or 25 O.S. 307(B)(1) for the purpose of conferring on matters pertaining to the employment, hiring, appointment, promotion, demotion, disciplining or resignation of and individual salaried public employee or officer.

   a. Confidential communication with TDA General Counsel and Special Counsel regarding a potential or pending claim or grievance by TDA employee. [(Title 25 O.S. Section 307(B)(4).]

   b. Confidential communication with Counsel and discussion of the terms of an agreement for the elimination of the TDA Executive Assistant position and separation of employment from TDA Executive Assistant Jane Malone including but not limited to a waiver and release of claims. [(Title 25 O.S. Section 307 (B)(1).]

4. Vote to Return to Open Session: Commissioner Bracy moved to return to Open Session at 10:26 a.m., seconded by Commissioner Boxley. The vote was recorded as follows:

   Ayes: Roberts, Mitchell, Bracy, Boxley and Philippsen
   Nays: None

   The motion passed unanimously.

5. Statement of the Executive Session.

6. Discussion, consideration and vote on items discussed in Executive Session:
a. Approval of an agreement for the separation of employment of TDA Executive Assistant Jane Malone and release. [(Title 25 O.S. 307(B)(1).]

Mrs. Malone was given an opportunity to share a few words.

Commissioner Bracy thanked Mrs. Malone for her guidance and years of service with TDA and the community.

Chairwoman Roberts also thanked Mrs. Malone for her service and all that she has accomplished with TDA.

After discussion, Commissioner Boxley, moved to accept Resolution No. 6704 authorizing the Chairwoman to negotiate, finalize and execute a severence and settlement agreement with Jane Malone with a total compensation not to exceed $60,000.00 and include a waiver and release of claims. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Roberts, Mitchell, Bracy, Boxley and Philippsen
Nays: None

The motion passed unanimously.

7. Adjournment: Chairwoman Roberts adjourned the meeting at 10:34 a.m.

Approved as to legal form and adequacy: Tulsa Development Authority

Jot Hartley, Esq., General Counsel

By: Nancy Lynn Roberts, Chairwoman

[(6/22/2020 – Special Meeting Minutes – nt)]