



First Floor Conference Room, City Hall
401 S. Johnstone Avenue
Bartlesville, OK 74003

**MINUTES OF THE
SPECIAL WORKSHOP MEETING
OF THE
BARTLESVILLE CITY COUNCIL**

**Monday, February 24, 2025
5:30 p.m.**

**Mayor James S. Curd, Jr.
918-338-4282**

MINUTES

The Notice of Meeting and Agenda was posted at 5:30 P.m., Thursday, February 20, 2025.

City Council attending were Mayor James S. Curd, Jr., Vice Mayor Trevor Dorsey, Councilmembers, Aaron Kirkpatrick, Larry East and Tim Sherrick.

City staff in attendance were Mike Bailey, City Manager, Laura Sanders, Assistant City Manager, City Attorney Jess Kane, Matt McCollough, IT Director; Police Chief Kevin Ickleberry; Deputy Police Chiefs Troy Newell and Andrew Ward; Captain Travis Martinez; Captain Elkins; and Executive Assistant Elaine Baner.

- 1. Mayor Curd called the Special Workshop Meeting of the Bartlesville City Council to order at 5:30 p.m.**
- 2. Roll call was held and a quorum established.**
- 3. The Invocation was provided by Mr. Kirkpatrick.**
- 4. Citizens to be heard.**

Roger Box, Gary Kilpatrick, Eddie Collins, Joshua Lock, Travis Perry, Vic Severin, Karla Severin, Chelle Griffin, Dale Earhart, and Richard Ely all spoke opposing the use of the Flock Camera System citing their belief it is infringing on the 4th Amendment, concerns regarding data storage, and concerns about data sharing. Tyler Vaclaw felt the workshop on this topic should have been held prior to approving the agreement, and encouraged the City Council to start over and re-address the agreement with Flock Camera System. Mr. Collins distributed a handout and asked that it be attached to the minutes.

Joel Rabin stated that in his opinion the agenda language was not clear per the Oklahoma Open Meeting Act for Item 6. He added that he feels discussion on Item 6 should be held at this meeting and should be held during a regular meeting.

Stuart Werber, Barry Balzer, Mark Keesling, and Bob Pomeroy all spoke in favor of the use of the Flock Camera System.

5. Discussion on Flock Camera Systems.

Mr. Kirkpatrick provided a PowerPoint with discussion points. Discussion ensued with Mr. East stating that he would still like additional information on how the technology works citing concerns about the length of time data is stored; and if the data is protected. Additional discussion covered if the data is shared with another city, what is the guarantee other cities will not share the data;

and whether the use of the Flock Camera System is ethical. Mayor Curd stated he felt the use is ethical, Mr. Sherrick stated that he felt the use of the system is unethical; Mr. East stated that if the data or a citizen's rights are breached, then use is unethical; Vice Mayor Dorsey feels that the use of the system is ethical as does Mr. Kirkpatrick. Discussion also covered how Sheriff Scott Owen and the Washington County Commissioners rescinded their agreement with Flock, and turnpike cameras and how their data is stored and accessed is determined by State rules.

Mr. Kirkpatrick asked the question of Council if they felt the system was legal. City Attorney Kane provided information regarding legality, which at this time, in the 10th Circuit, use of Flock cameras is legal and usage does not violate the 4th amendment. He brought information forward about a case in Norfolk, Virginia about the legality of the use of the system citing infringement of rights, and how the case is still in early stages. Vice Mayor Dorsey stated that he has contacted the State Attorney General for his opinion but has not received a response to-date. Mr. Bailey added that Will Drake, Washington County District Attorney, supports the use of the system, and added information that certain types of cameras were initially installed for insurance laws. In response to comments regarding the Oklahoma Department of Transportation (ODOT) telling the City to remove the Flock cameras from their right-of-ways, Mr. Bailey stated that as soon as the City was notified that ODOT did not approve for them to be placed in their right-of-ways, they were moved. He and Mr. Kane both stated it is not because ODOT thinks the cameras are illegal that they wanted them moved but because they are very specific about what is approved to be placed in their right-of-ways. Additional discussion covered that Native American Tribes have and use their own cameras; whether the system been used in criminal cases in the local courts; how courts do not provide advisory opinions should they be asked for one; and how the Attorney General can provide advisory opinion which has been requested by Vice Mayor Dorsey. When queried, Mr. East stated that with the information Mr. Kane provided, the use of system is not illegal, but he still has concerns about data storage time limits; Mr. Sherrick stated that a picture of a tag may not go against Constitutional rights, but use of the data could breach a citizen's rights; Mr. Kirkpatrick stated that he did not feel use of the system is illegal but remains interested in the findings of the Norfolk, Virginia case. Mr. Sherrick offered that whether the City should use the Flock Camera System should possibly be decided by a vote of the people. Discussion covered how citizens bringing forward a vote initiative is set out in the City's charter; how such an initiative would be worded on a ballot; and that it was generally agreed by the Council to have Mr. Bailey and Mr. Kane research the Charter and State laws and provide the initiative information to the Council.

6. Discussion on Council Meeting Rules.

Mr. Bailey reviewed information that he had researched and covered whether or not to keep public comment as one item or as individual opportunities on each agenda item; allowing public comment in workshops; keeping public comment on all City Authorities, Boards, Commissions, Committees; rules of decorum for speakers and audience members; time limits on public comments; limiting public comments to citizens who live within the City limits or keeping a county-wide speaking rule; order of agenda items; and the maximum limit of a Council meeting.

Discussion between the Council covered how they wanted to keep public comment on all City agendas, and for Mr. Bailey to provide them with scenarios regarding public comment.

Decorum for speakers and audience members are written on the sign-up sheet, Mr. Sherrick pointed out, and he feels a change is unnecessary. The Mayor commented that he would appreciate more specific rules for decorum, as well as a change in the time length of public comment from 15 minutes to a suggested 30 minutes.

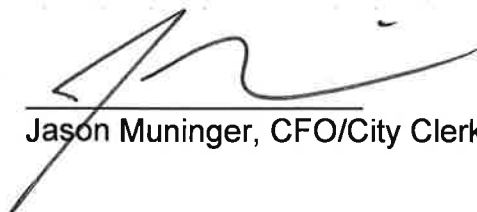
Vice Mayor Dorsey has heard from citizens from his ward as well as the other wards, who do not approve of allowing residents of the County to be able to speak during public comment; and how Mr. Sherrick disagrees with limiting public comments to citizens who live inside the city limits. He added that if County residents could not speak at Council meetings, then volunteers who sit on the City's committees who are residents of the County and not within city limits should be removed from serving. Mr. Kane responded that he is contacted by staff liaisons occasionally requesting his opinion if a volunteer can serve based on where they live. He researches the specific committee's resolution, ordinance or bylaws forming the committee to find the membership requirements and provide his opinion.



Regarding the order of items placed on the agenda, Mr. Bailey reported that the Oklahoma Municipal League provides the format and order which is generally used Statewide. Mr. Kirkpatrick stated he preferred that items that may draw a larger crowd of citizens or may be controversial, be listed closer to the top of the agenda.

A short discussion covered limiting the length of a Council meeting and how once the time limit is reached, items not acted upon would be brought forward at the next regular Council meeting, or the meeting could continue depending on how many items are left to discuss. The decision could be made by the Council whether to end at the allotted time or to continue.

Mr. Bailey stated that he would take the Council's discussion and prepare different scenarios and provide to them for their consideration.

7. **There being no further business to address, Mayor Curd adjourned the meeting at 8:23 p.m.**


Jason Muninger, CFO/City Clerk


James S. Curd, Jr.


From Eddie Collins 2/24/25

Reference:

<https://lawreview.vermontlaw.edu/wp-content/uploads/2021/01/05-Agbi.pdf>

Yet, many courts continue to find these searches permissible because they hold that the Fourth Amendment does not apply to license-plate searches. As a result of these rulings, certain states have taken this practice a step further and installed automatic license-plate readers (ALPRs). These electronic devices systematically capture and catalogue license-plate numbers, thus allowing the State to surveil its population. While there are legitimate public policy justifications for this practice, this method of policing comes at the high price of invading the privacy of millions through a system of mass surveillance. Courts have repeatedly held that the Fourth Amendment does not protect license plates from baseless police searches. This argues that not only is this position incorrect, but that it also is based on a flawed understanding of the Fourth Amendment. This Note warns that by failing to defend license plates, the courts open the door to evermore intrusive types of public-surveillance technology, like facial-recognition software.

The Original Meaning of a Reasonable Search and Seizure

In order to fully capture the meaning of the Fourth Amendment, one must understand the nature of the evil the Founding Fathers sought to end general writs of assistance. To do anything less would be like trying to understand the American Civil War without ever mentioning slavery. General writs of assistance were general search warrants that allowed law enforcement to search and seize persons and property at will and without limit. Early lawyers and judges, most notably, James Otis and Chief Justice Pratt, critiqued these writs on three grounds. First, these writs turned law enforcement into "legal tyrants" who could act arbitrarily without any judicial oversight. Second, general writs were different from other kinds of writs because they were perpetual in duration. Third, and most importantly, general writs were purposefully vague. This meant that law enforcement could use them to justify invading the privacy of any person. Using these powers the state could conduct mass surveillance through arbitrary invasions of individual privacy.

James Otis and Chief Justice Pratt vociferously critiqued general writs of assistance because they understood that when the state had the power to invade the privacy of anyone, at any time, and for any reason, there was in effect no right of privacy at all, merely the illusion of it. James Otis inspired the Founding Fathers who also lived under the tyranny of general writs of assistance. The Founders crafted the Fourth Amendment with the intent of ending the regime of general writs, which principally relied on arbitrary state action and mass surveillance. These two traits were the greatest threats to privacy. Thus, when the Fourth Amendment speaks of the "reasonableness" of a search or a seizure, it is prohibiting both arbitrary state action and mass surveillance.