



OFFICE OF THE CITY ATTORNEY

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DATE: 06.16.21

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Re: Response to March 31 and April 1, 2021 Open Records Requests to City of Lawton and
Response to April 21, 2021 Open Records Request to Councilmember Jay Burk

Counsel:

Attached, please find a copy of records responsive to your March 31 and April 1, 2021 open records requests to the City of Lawton. These records, in addition to records already released on April 15, 2021, complete the City's response to both requests. Additionally, the release of these records should also satisfy your open records request to Councilman Jay Burk dated April 21, 2021.

Please note the following regarding the records release:

1. The search of the data collected resulted in documents that contained the search terms but were withheld from production.
2. The basis for not producing said documents is that said documents did not meet the definition of "record" as defined in the Oklahoma Open Records Act. Specifically, the documents were not "created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds, or the administering of public property" and were otherwise "nongovernment personal effects" as set forth in 51 O.S. Sec. 24A.3.1 and Sec. 24A.3.1.a.
3. Additionally, documents were also withheld that were otherwise exempt from disclosure, specifically any messages containing the search terms that are exempt from production because they are protected by attorney-client privilege.

As previously discussed, upon receipt of a report containing the key word searches within the requested date range, I searched the entire data file of records (which was over 128,000 pages in length) to attempt to put the messages into context. Please note however, that if said messages were not in connection with the transaction of public business, the expenditure of public funds, or the administering of public property (as defined above) those messages were excluded from production.

It is my understanding that this release should satisfy the two open records requests that are the subject of your pending lawsuit (i.e., the March 31 and the April 1 request) and that after receiving and reviewing these records your intention is to dismiss the suit.

Respectfully,


Kelea L. Fisher
Deputy City Attorney