

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No. XI. AG
7/30/2024

TO: Mayor and City Council

FROM: Kenneth Jordan
Municipal Counselor

Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorneys concerning pending investigations and actions related to the application and pre-application permit request by the Southeast Oklahoma Power Corporation before the Federal Energy Regulatory Commission, as authorized by 25 O.S. (2023 Supp.) §307(B)(4), because disclosure would seriously impair the ability of the public body to conduct a pending investigation, litigation, or proceeding in the public interest.

Background:

The City of Oklahoma City and the Oklahoma City Water Utilities Trust entered into a Settlement Agreement (Settlement Agreement) on August 16, 2016 with the Chickasaw Nation, the Choctaw Nation of Oklahoma, and the State of Oklahoma related to the storage rights in Sardis Lake and stream water rights on the Kiamichi River. On December 16, 2016, the United States Congress passed, and the President signed Public Law 114-322, known as the 2016 Water Infrastructure Improvements for the Nation Act (Settlement Act), authorizing and approving by federal legislation certain provisions of the Settlement Agreement. The Settlement Agreement and Settlement Act have been fully implemented, including the certification by the Department of the Interior, published in the Federal Register on February 28, 2024.

The Southeast Oklahoma Power Corporation (SEOPC) has since filed an application with the Federal Energy Regulatory Commission (FERC), Pushmataha Project No. 14890-005, for a license and permit that would likely impact the storage rights in Sardis Lake, the stream water rights in the Kiamichi River, and the provisions of the Settlement Agreement and the Settlement Act.

It is the recommendation of legal counsel to retire into executive session with the Municipal Counselor to receive confidential communications from its attorneys regarding the status and process of the application and pre-application permit request by SEOPC with the FERC and its impact on the storage rights in Sardis Lake, the stream water rights in the Kiamichi River, the Settlement Agreement, and the Settlement Act, because disclosure would seriously impair the ability of the public body to conduct an investigation and conduct any necessary legal process, litigation, or proceeding in the public interest.

Review:

Utilities Department

Recommendation: Enter into Executive Session.