
Tuesday, May 12, 2009

Bixby city manager still on suspension as city saga continues

By Jo-Ann Jennings | Posted 12:00 a.m., Tuesday, May 12, 2009

After returning from executive session at the regular meeting of the Bixby City Council Monday, May 11, council returned to say “No action taken” on the current suspension of City Manager Micky Webb. Webb’s attorney Christopher Camp said early Tuesday morning that he and Bixby City Attorney Phil Frazier are using the next two weeks to resolve the dispute to the mutual satisfaction of all parties. That may mean putting Webb back to work as city manager or some type of severance.

In the meantime, City Treasurer, Rebecca Byers, received a pay jump of \$20,000 to a salary of \$100,000 to serve as acting city manager.

Background: A special meeting of the Bixby City Council was called for 8:30 a.m. Wednesday, May 6, to “discuss the promotion, demotion, disciplining, resignation or termination” of Micky Webb, city manager of Bixby. Council members were in executive session 8:27 - 10:19 a.m. When executive session ended, the announcement was made that the city manager was suspended until further notice. City Treasurer, Rebecca Byers, was appointed acting city manager.

Also on the special agenda was a charge that a violation had been made of the Oklahoma Open Meeting Act.

Following executive session, City Attorney, Phil Frazier, said he had found no violation of the Open Meeting Act and felt that an abundance of caution had been taken at all times to work within the requirements of such act.

According to Christopher Camp, one of the attorneys representing Webb, Webb was called by the council into executive session on April 27. "In that session he was directed to terminate certain city employees," said Camp, saying that such action is in violation of the Charter of the City of Bixby. In addition, the item regarding the termination of city employees had not been put on record in open session during the regular meeting of the city council on April 27, a violation of the Open Meeting Act.

Camp indicated that Webb was concerned because violations of the Act carry serious penalties.

Said Camp, Webb wrote his concerns and passed them on to the council, giving a copy of his letter to Bixby City Attorney, Phil Frazier, and District Attorney, Tim Harris.

Webb's letter, dated April 30, 2009, indicates Webb's concern about the requested termination of several city employees and a hearing for city clerk, Cheryl Sasser, which had been set for the day the letter was written. In addition to requests for termination of certain employees, Webb said he was asked to make adjustments of the salaries of other employees. Webb points out that according to the Charter of the City of Bixby, "neither the council, the mayor, nor any of its other members may direct or request the appointment of any person to, or his removal from, office or employment by the city manager ... or, except as it is provided in this charter in the appointment or removal of officers and employers of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manger, and neither the council or any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately."

Webb's letter also voices concern about the Oklahoma Open Meeting Act and council's failing to comply by not publicly voting and recording items of business (improperly) considered in executive session.

"That was Thursday morning," said Camp. "At 8:30 a.m. on Monday (May 4) an announcement was posted, indicating a meeting had been called to view the employment or termination of the city manager.

Camp said it is believed the special meeting to discuss Webb's termination was called in retaliation for his having made the charge about the violation of the Open Meeting Act.

Frazier also wrote a similar letter last Thursday. "Before he got wind of the city manager's letter, he was writing to the city council with the same concern," said Camp.

"There has been no reason articulated by the council why Mr. Webb's job would be in jeopardy," said Camp. "They haven't told him, haven't sent him a notice, have not articulated."

Frazier's letter to the Bixby City Council, dated April 29, 2009, points out what items may or may not be discussed in executive session, pointing out that "Oklahoma law imposes harsh penalties for violation of the Open Meeting Act, both civil and criminal. Among the items pointed out by Frazier was, "Council members may 'inquire' of the city manager but may not request or direct any particular action to be taken by the city manager as a result of the inquiry." In a later paragraph Frazier says, "I have been lax in my letting the conversation in executive session go beyond the subject matter designated by the posted agenda."

Frazier was contacted by the Bixby Bulletin for a response. He first emphasized that he stands behind his decision that the Oklahoma Open Meeting Act was not violated.

As to his mention of being lax in telling the council what they could and could not do, Frazier said, during a 4 p.m. telephone interview on Wednesday, "I wrote the letter because we had two new council members. It is always my practice to tell new councilors what they can and cannot do, whatever the city is. I did that with this council has well."

Frazier said that it is true that in his letter he said he had been lax sometimes in allowing the council to get into non-related conversation. He said he was not referring to the subject matter Webb mentioned. "Sometimes they want to talk about their daughter's wedding or a fishing trip and who's playing football that weekend. Sometimes I have been lax about allowing them to talk about these things, non-related conversation. I had to tell them this is not the time to talk about the football game."

"As to the personnel issues raised by Webb and his council," Frazier said, "these are personnel matters, and I cannot comment on them other than to say that we have a difference of opinion about what was said in executive session," adding that what is said in executive session is confidential, particularly if it involves personnel.