

## Issue Briefing

### RECORDS — Handling and Preservation of Public Records

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Public records belong to the people. How a city creates, stores, transfers, and preserves its records is central to transparency, accountability, and lawful governance—especially during periods of leadership transition. Records document how decisions are made, how public money is spent, and how contracts and obligations are enforced.

Oklahoma law requires that public records be preserved and made available upon request, subject to limited exceptions.<sup>1</sup> These obligations apply regardless of whether records are held by city staff, boards, authorities, or contracted vendors. Proper records retention protects the public, safeguards the City in litigation, and ensures continuity for police, fire, and other essential services that rely on accurate documentation.<sup>2</sup>

In Muskogee, additional context matters. Avery Frix, a local politician, was quietly awarded a tourism-related contract through the City of Muskogee. That contract placed him and his company in possession of city-funded responsibilities, materials, and public records before his later role in governance. When private contracts precede public office, transparency and strict adherence to records-handling standards become even more critical.

After Mayor Patrick Cale and the 2024–2026 City Council identified concerns regarding the management of tourism funding, the City Attorney formally requested that all related records be returned to the City. During the subsequent transition of tourism-related operations, additional concerns arose when city-owned computers and tablets were returned wiped to factory settings rather than containing intact public records.<sup>3</sup> Notably, the City Attorney issued formal preservation requests seeking assurances that records had not been destroyed or altered and that any remaining data would be preserved.<sup>4</sup> These actions underscore the seriousness of records-retention obligations and the risks created when public records are unavailable.

Voters have the right to examine the management of the hundreds of thousands of dollars that were under the care of the MTA and Oxford Productions.

This issue extends beyond any single individual or device. Missing or incomplete records make it harder to audit public spending, verify compliance with contracts, respond to lawful open-records requests, and protect the City's interests in court. In practical terms, failures in records preservation can increase legal exposure, delay oversight, and divert resources away from police protection, fire services, and core city operations.

The standard is straightforward: when public money, public authority, or public assets are involved, records must be preserved, transferred intact, and disclosed according to law. This briefing highlights why strong records practices are essential to restoring public confidence, maintaining institutional memory, and safeguarding Muskogee's future—particularly during transitions of power.

## Sources & References

1. Oklahoma Open Records Act, 51 O.S. §§ 24A.1–24A.30.

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2. Oklahoma Records Management Act, 67 O.S. §§ 301–317; Oklahoma Department of Libraries guidance on public records retention.
3. Public reporting and City statements regarding the return of city-owned computers and tablets associated with tourism operations.
4. City Attorney correspondence and formal preservation requests related to the handling of tourism records and devices.
5. Oklahoma Attorney General opinions emphasizing preservation duties during transitions and anticipated litigation.

#### **FOR MORE INFORMATION, PLEASE CONTACT:**

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[www.MuskogeeCitizensAlliance.com](http://www.MuskogeeCitizensAlliance.com)

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