



MEMORANDUM

Council Agenda
Item No. IX.G.
4/23/2019

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Resolution No. II - ONG Franchise Amendment - Notifying Oklahoma County Election Board of Special Election.

Resolution relating to the Special Election called by the Mayor and Council of The City of Oklahoma City for July 9, 2019, for the purpose of submitting Ordinance No. 26,120, which Ordinance amends the franchise granted to Oklahoma Natural Gas Company, a division of ONE Gas, Inc., approved by a vote of city electors on August 24, 2010, to a vote of city electors; setting forth the facts required by Section 13-102 of Title 26 of the Oklahoma Statutes; directing the City Clerk to submit this Resolution to the Secretary of the Oklahoma County Election Board on or before May 8, 2019; further directing the City Clerk to forthwith submit a current, certified copy of the Oklahoma City Charter to said election board as required by law and directing the City Clerk to forthwith provide the Oklahoma County Election Board with a map designating the municipal limits and ward boundaries of The City of Oklahoma City as required by Section 13-107 of Title 26 of the Oklahoma Statutes.

Background

Article 18, § 5(a) of the Oklahoma Constitution provides that no grant of a franchise by a municipal corporation shall be valid unless approved by a majority vote of the qualified electors of such municipal corporation and further provides that the legislative body of any municipal corporation may submit any such proposed franchise for approval or disapproval of said electors at any time at a special election called upon thirty (30) days' notice.

On April 23, 2019, the Council of The City of Oklahoma City passed and approved a resolution authorizing the Mayor of said City to issue a Special Franchise Election Proclamation calling a special election to be held on July 9, 2019 for the purpose of submitting the question of a proposed amendment to the franchise granted to ONG in accordance with the terms and conditions of Ordinance No. 26,120 to a vote of the qualified electors of The City of Oklahoma City.

Pursuant thereto the Mayor issued a Special Franchise Election Proclamation directing that a special franchise election be held within The City of Oklahoma City on Tuesday, July 9, 2019, for the purpose of submitting the question of a proposed amendment to the franchise granted to ONG in accordance with the terms and conditions of Ordinance No.

26,120 to a vote of the qualified electors of The City of Oklahoma City.

Section 13-102 of Title 26 of the Oklahoma Statutes requires the governing board of a municipality to submit a resolution to the secretary of the county election board not fewer than sixty (60) days before a special election for the purpose of giving notice of such election.

WHEREAS, Section 13-102(A) of Title 26 of the Oklahoma Statutes further requires said resolution to contain the following facts:

1. The dates of the election or elections;
2. The offices to be filled of the questions to be voted upon at said election or elections;
3. Qualifications for said offices;
4. Designation of which offices shall be filled by voting by ward and which offices shall be filled by voting at-large;
5. Indication of whether the election will be partisan or non-partisan;
6. For charter cities where the charter is silent, indication of any portion of state law which will apply; and
7. A list of precincts partially contained within the limits of the municipality which are eligible to be closed pursuant to the provisions of subsection C of Section 13-103 of this title, and a certification of whether such precincts shall be open or not open for the election; and
8. Any other information necessary for conducting said election or elections.

Section 13-109 of Title 26 of the Oklahoma Statutes requires municipalities operating under a Charter to furnish a copy of said Charter to the county election board of the county wherein said municipalities central offices are located and also requires the governing board of each municipality to provide the county election board with a current map defining the municipal limits and ward boundaries of said municipality.

The Mayor and Council of The City of Oklahoma City desire to give the required notice of the July 9, 2019, special franchise election to the Oklahoma County Election Board and to submit the required resolution and other items to the Secretary of the Oklahoma County Election Board.

Review

Municipal Counselor's Office

Recommendation:

Resolution be adopted.

Attachment