

RESOLUTION NO. I

Summary: Resolution authorizing a special election for December 10, 2019, to submit Ordinance No. 26,255, levying an excise tax of 1%, to City voters.

(Published in the Journal Record November 20 and 27, and December 4, 2019)

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO ISSUE A PROCLAMATION CALLING A SPECIAL ELECTION SUBMITTING ORDINANCE NO. 26,255 TO THE REGISTERED VOTERS OF THE CITY OF OKLAHOMA CITY, OKLAHOMA, FOR THEIR APPROVAL OR DISAPPROVAL; IF APPROVED BY VOTERS, ORDINANCE NO. 26,255 WOULD AMEND THE CITY SALES TAX CODE, CHAPTER 52, ARTICLE II, OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, BY THE ENACTMENT OF A SECTION 52-23.7, LEVYING AN EXCISE TAX OF ONE PERCENT (1%) ON ALL SALES TAXABLE UNDER THE SALES TAX LAWS OF THE STATE OF OKLAHOMA FOR A LIMITED TERM OF EIGHT YEARS; SPECIFYING THE PROPOSITION TO BE SUBMITTED TO VOTERS; PROVIDING THAT THE CALL FOR THE ELECTION SHALL BE BY MAYORAL PROCLAMATION; PROVIDING FOR PUBLICATION OF THIS RESOLUTION AND THE PROCLAMATION ISSUED BY THE MAYOR TO CALL THE SAID ELECTION; AND FURTHER PROVIDING THAT THE RETURNS THEREOF SHALL BE CANVASSED BY THE COUNTY ELECTION BOARDS PURSUANT TO STATE LAW AND CERTIFIED TO THE MAYOR AND COUNCIL.

WHEREAS, on September 24, 2019, the City Council of The City of Oklahoma City will finally pass Ordinance No. 26,255 amending the City Sales Tax Code, Chapter 52, Article II, of the Oklahoma City Municipal Code, 2010, by the enactment of a Section 52-23.7, which levies an excise tax of one percent (1%) on all sales taxable under the sales tax laws of the State of Oklahoma for a limited term of eight years; and

WHEREAS, 68 O.S. § 2705 provides that no levy of a tax by a municipal corporation shall be valid unless approved by a majority vote of the qualified electors of such municipal corporation; and

WHEREAS, 11 O.S. § 16-101 provides that notice of a special municipal election shall be

given by publishing the resolution of the municipal governing body calling for the election at least ten (10) days before the date of the special election; and

WHEREAS, 11 O.S. § 16-112 provides that when the municipal governing body shall deem it advisable, it may, by resolution or ordinance, authorize the Mayor to call a special election for any purpose authorized by law; and

WHEREAS, by passage of this Resolution, the Council of The City of Oklahoma City desires to provide for the calling and holding of a special election in accordance with the authority of 68 O.S. § 2705 and 11 O.S. § 16-112, with such special election to be held on Tuesday, December 10, 2019, for submitting the proposed excise tax to a vote of the qualified electors of The City of Oklahoma City for their approval or disapproval; and

WHEREAS, by passage of this Resolution pursuant to authority of 68 O.S. § 2705 and 11 O.S. § 16-112, the Council of The City of Oklahoma City desires to authorize the Mayor of said City to issue a Special Election Proclamation calling the aforesaid special election; and

WHEREAS, by passage of this Resolution pursuant to authority of 68 O.S. § 2705 and 11 O.S. § 16-112, the Council of The City of Oklahoma City further desires to provide for the legally required notice of the aforesaid special election, which notice shall be by publication of both this Resolution and the Mayoral Proclamation on November 20 and 27, and December 4, 2019; and

WHEREAS, by passage of this Resolution pursuant to authority of 68 O.S. § 2705 and 11 O.S. § 16-112, the Council of The City of Oklahoma City further desires to provide for the publication of Ordinance No. 26,255 as required by the Oklahoma City Charter, Art. II, § 24, with such publication to occur on September 25, 2019, after final passage of such Ordinance by the City Council on September 24, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Council of The City of Oklahoma City,

as required by 68 O.S. § 2705 and 11 O.S. § 16-112, does hereby authorize David Holt, Mayor of said City, to issue a Special Election Proclamation calling a special election for submitting Ordinance No. 26,255, levying an excise tax of 1% for a limited term of eight years, to a vote of the qualified electors of The City of Oklahoma City for their approval or disapproval.

AND BE IT FURTHER RESOLVED that, pursuant to the aforesaid authorities, the Council does hereby designate Tuesday, December 10, 2019, as the date on which said special election shall be had and held within The City of Oklahoma City.

AND BE IT FURTHER RESOLVED by the Council that the question to be voted upon at said special election shall be as follows:

[See Exhibit A attached to and incorporated into this Resolution];

AND BE IT FURTHER RESOLVED that the Council of The City of Oklahoma City does hereby direct the City Clerk of The City of Oklahoma City to cause this Resolution and the Mayoral Proclamation to be published in a legally qualified newspaper on the following dates, to-wit: November 20 and 27, and December 4, 2019, said publication being for giving at least ten (10) days' notice of the aforesaid special election, as required by 11 O.S. § 16-101.

AND BE IT FURTHER RESOLVED that the Council of The City of Oklahoma City does hereby direct the City Clerk of The City of Oklahoma City to cause Ordinance No. 26,255 to be published in a legally qualified newspaper on September 25, 2019, said publication being to meet the ordinance publication requirement of Oklahoma City Charter, Art. II, § 24.

PASSED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City this _____ day of _____, 2019.

ATTEST

City Clerk

MAYOR

REVIEWED for form and legality.



Municipal Counselor

EXHIBIT “A”

PROPOSITION

SHALL ORDINANCE NO. 26.255 (“ORDINANCE”) OF THE CITY OF OKLAHOMA CITY (“CITY”) BE APPROVED?

The Ordinance levies a City excise tax of one percent (1%) upon the gross proceeds or gross receipts derived from all sales taxable under the sales tax laws of the State of Oklahoma for a limited term of eight (8) years. The Ordinance provides for the sales tax levy to become effective at 12:00 a.m. on April 1, 2020, with the eight-year term expiring at 12:00 a.m. on April 1, 2028. Section 1 of the Ordinance would be codified as Section 52-23.7 in Article II of Chapter 52 of the Oklahoma City Municipal Code, 2010. The sales tax levied by the Ordinance would be cumulative of other City sales tax levies effective as of April 1, 2020. The Ordinance is subject to approval by City voters pursuant to Section 2705 of Title 68 of the Oklahoma Statutes.

FOR THE ORDINANCE—YES []

AGAINST THE ORDINANCE—NO []