

RESOLUTION NO. II

Summary: A Resolution notifying the Oklahoma County Election Board of a special election to be held within The City of Oklahoma City on December 10, 2019, to submit Ordinance No. 26,255, levying a 1% sales tax, to City voters.

RESOLUTION

RESOLUTION RELATING TO THE SPECIAL ELECTION CALLED BY THE MAYOR AND COUNCIL OF THE CITY OF OKLAHOMA CITY FOR DECEMBER 10, 2019, FOR THE PURPOSE OF SUBMITTING ORDINANCE NO. 26,255, LEVYING A 1% EXCISE TAX FOR A LIMITED TERM OF EIGHT (8) YEARS, TO CITY VOTERS; 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 SEPTEMBER 25, 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.

WHEREAS, it has been determined by the Mayor and Council of The City of Oklahoma City that a special election will be held in Oklahoma City on Tuesday, the 10th day of December 2019, for the purpose of allowing the registered voters of the City to approve or reject Ordinance No. 26,255 of The City of Oklahoma City, which levies a one percent (1%) excise tax within the City on all sales taxable under the sales tax laws of the State of Oklahoma for a limited term of eight (8) years, commencing April 1, 2020 and ending April 1, 2028; and

WHEREAS, the Secretary of the Oklahoma County Election Board has notified the City Clerk that December 10, 2019, is a date allowed by State law for the holding of a municipal special election; and

WHEREAS, pursuant to 26 Okla. Stat., § 13-102, a municipality must notify the county election board conducting a municipal special election not fewer than sixty (60) days before a special municipal election; and that the governing board of any municipality shall submit a resolution to the secretary of the county election board conducting said election and that said resolution shall contain the following facts:

1. The dates of the election or elections;
2. The offices to be filled or 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 nonpartisan;
6. For charter cities where the charter is silent, indication of any portion of state law which will apply;
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; and

WHEREAS, 26 Okla. Stat., § 3-101(E) provides in pertinent part as follows:

E. Notwithstanding any other provision of law...any municipality...seeking to hold a regular or special election to be conducted by a county election board on the same date as a regular or special federal or state election, shall file the resolution calling for the election with the county election board secretary **no later than seventy-five (75) days prior to the election date.** ***. (Emphasis added.)

WHEREAS, the Secretary of the Oklahoma County Election Board has advised the City Clerk that no federal or State election is currently scheduled for December 10, 2019; however, given the remote possibility that some event might necessitate the Governor calling for a State special election on December 10, 2019, the Mayor and Council deem it most prudent to provide seventy-

five (75) days' notice to the Election Board Secretary, instead of the required minimum of sixty (60) days' notice; and

WHEREAS, the deadline for providing seventy-five (75) days' notice of the December 10, 2019, City Special Sales Tax Election is September 25, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of The City of Oklahoma City, Oklahoma, that in compliance with both 26 Okla. Stat., §§ 3-101(E) and 13-102, they do hereby notify the Secretary of the Oklahoma County Election Board that they have called and will give published legal notice of a special municipal election to be held on Tuesday, December 10, 2019, in The City of Oklahoma City, Oklahoma, for the purpose of allowing the registered voters of the City to approve or disapprove Ordinance No. 26,255 of The City of Oklahoma City, which levies a one percent (1%) excise tax within the City on all sales taxable under the sales tax laws of the State of Oklahoma for a limited term of eight (8) years; and

BE IT FURTHER RESOLVED that the proposition (ballot) to be submitted to the registered voters of The City of Oklahoma City at the special election to be held on Tuesday, December 10, 2019, shall be as follows:

PROPOSITION

[SEE EXHIBIT "A" FOR PROPOSITION]

BE IT FURTHER RESOLVED that the election to be held in the City on Tuesday, December 10, 2019, will be open to all City registered voters, that such election will be held at the same places and in the same manner prescribed by law for the conduct of state and county elections, that all polling places within The City of Oklahoma City will be open at 7:00 a.m. and remain open continuously until 7:00 p.m., and that absentee ballots will be authorized during the conduct of the said special election as provided by law; and

BE IT FURTHER RESOLVED, no voting precincts need be closed; all voting precincts shall be open; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this resolution to the Secretary of the Oklahoma County Election Board, together with a certified copy of Ordinance No. 26,255 of The City of Oklahoma City, a certified copy of the Charter of The City of Oklahoma City, a map designating the municipal limits and ward boundaries, and certified copies of any other document or documents that may be required by the Oklahoma County Election Board for holding the Tuesday, December 10, 2019 special election in The City of Oklahoma City.

PASSED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City this 27th day of August, 2019.

ATTEST:


City Clerk




MAYOR

REVIEWED for form and legality.


Municipal Counselor

RESOLUTION RECEIVED this _____ day of _____, 2019.

Secretary, Oklahoma County Election Board

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 []