

GROVES & ASSOCIATES
ATTORNEYS & COUNSELORS AT LAW

THE ATRIUM BUILDING
3601 NORTH CLASSEN BOULEVARD, SUITE 207
OKLAHOMA CITY, OKLAHOMA 73118

(405) 236-5303
FAX (405) 236-5309
EMAIL: EJG777@AOL.COM

ERIC J. GROVES

AMI SWANK

FILED

2019 SEP -6 PM 1:39

CITY OF
OKLAHOMA CITY OKLA
OFFICE OF
CITY CLERK

September 6, 2019

Ms. Frances Kersey
City Clerk
City of Oklahoma City
200 North Walker
Oklahoma City, OK 73102

HAND-DELIVERED

Re: Initiative Petition No. 42

Dear Ms. Kersey:

Pursuant to 34 Okla. Stats. 1951 §9, we are today delivering to your office for filing the following in connection with Initiative Petition No. 42, all printed on paper measuring 7 inches wide and 10 inches in length.

We file herewith the Initiative Petition No. 42 Pamphlet, consisting of:

- (1) The cover page with the statutory warning;
- (2) Initiative Petition 42, including the Gist of the Proposition;
- (3) A complete copy of the proposed Ordinance; and
- (4) The Initiative Petition Signature Page with the Verification Page printed on the back.

The proponent of this measure is Edward A. Shadid II, M.D. We are prepared to answer any questions you may have about the foregoing.

Yours very truly,


Eric J. Groves

EJG:mg

Enclosures as above stated

FILED

INITIATIVE PETITION No. 42 PAMPHLET

2019 SEP -6 PM 1:39

CITY OF
OKLAHOMA CITY OKLA
OFFICE OF
CITY CLERK

WARNING

**IT IS A FELONY FOR ANYONE TO
SIGN AN INITIATIVE OR REFERENDUM
PETITION WITH ANY NAME OTHER
THAN HIS OWN, OR KNOWINGLY TO
SIGN HIS NAME MORE THAN ONCE
FOR THE MEASURE, OR TO SIGN
SUCH PETITION WHEN HE IS NOT A
LEGAL VOTER.**

INITIATIVE PETITION NUMBER 42

TO: The Honorable David Holt
Mayor, City of Oklahoma City, Oklahoma

WE, the undersigned citizens and legal voters of the State of Oklahoma and of the City of Oklahoma City, Oklahoma, respectfully order that the following proposed ordinance, amending Chapter 52 of the Oklahoma City Municipal Code (2010) by the adoption of an amendment shall be submitted to the legal voters of the State of Oklahoma and of the City of Oklahoma City for their acceptance or rejection at the next regular election or at a special city election to be called by the Oklahoma City Council, and each for himself or herself says:

I have personally signed this Petition; I am a legal voter of the State of Oklahoma and of the City of Oklahoma City; my residence and post office address are correctly written after my name. The time for filing this Petition expires three (3) months after the 6th day of September, 2019. The question we submit to our fellow voters is: Shall the following ordinance adopting a 1/8th of one cent excise tax for the benefit of Oklahoma City parks be adopted:

Name of Proponent: Edward A. Shadid II, M.D
5900 Mosteller Drive, Oklahoma City, OK 73112

GIST OF THE PROPOSITION

Shall the Ordinance proposed by Initiative Petition Number 42 be approved?

The ordinance levies an excise tax of one-eighth (1/8th) of one cent upon gross proceeds or gross receipts; specifies certain expenditures for Oklahoma City parks as the limited purpose for which proceeds of the tax shall be expended; provides for administration of such tax fund; prohibits expenditure of the funds to operate, maintain, improve or otherwise benefit directly or indirectly any Oklahoma City park operated in whole or in part by any private, non-governmental foundation or other similar private entity; establishes an Oklahoma City limited purpose tax fund; and provides for the cumulative effect of such tax.

Shall it be approved? YES []

NO []

[Voters shall express their will by voting "YES" or "NO"; a "YES" vote is a vote in favor of the proposition and a "NO" vote is a vote against the proposition]

(Published in The Journal Record this ___ day of _____, 20__)

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY SALES TAX CODE, CHAPTER 52, ARTICLE II, OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, BY THE ADDITION THERETO OF A NEW SECTION 52-23.8 PROVIDING FOR THE LEVYING OF AN EXCISE TAX OF ONE-EIGHTH (1/8th) OF ONE CENT; SPECIFYING THE FUNDING OF OKLAHOMA CITY PARKS AS THE LIMITED-PURPOSE FOR WHICH SUCH EXCISE TAX SHALL BE EXPENDED; ESTABLISHING AN OKLAHOMA CITY PARKS LIMITED-PURPOSE TAX FUND; PROVIDING FOR THE ADMINISTRATION OF SUCH TAX FUND; PROVIDING THAT THE EXCISE TAX LEVIED BY SECTION 52-23.8 SHALL BE CUMULATIVE TO ALL OTHER EFFECTIVE EXCISE TAXES LEVIED BY THIS CHAPTER; PROVIDING FOR SEVERABILITY AND FOR CODIFICATION, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF OKLAHOMA CITY, OKLAHOMA:

SECTION 1. Section 52-23.8 of Article II, Sales Tax Code, of Chapter 52 of the Oklahoma City Municipal Code, 2010, is hereby adopted to read as follows:

Chapter 52. TAXATION

* * *

ARTICLE II. SALES TAX CODE

* * *

§ 52-23.8. Excise tax of one-eighth (1/8th) of one cent levied upon gross proceeds or gross receipts; specifying the funding of Oklahoma City Parks as the limited-purpose for which the tax shall be expended; establishing an Oklahoma City Parks Limited-Purpose Tax Fund; providing for the administration of such tax fund; and providing for cumulative effect of such tax.

(a) An excise tax in the amount of one-eighth (1/8) of one cent is hereby levied upon the gross proceeds or gross receipts derived from all sales taxable under the sales tax law of this State, including but not exclusive of the specific taxable sales and service transactions enumerated in Paragraphs (1) through (11), inclusive, of Section 52-20.

(b) The additional excise tax levied pursuant to this Section 52-23.8 shall be expended only for the funding of Oklahoma City parks, including any or all the following:

(1) Funding for the replacement and addition of trees and plant materials but excluding funds for mowing grass in the parks;

(2) Funding necessary to initiate and carry out park programs including, but not limited to, athletic leagues, exercise classes, training and exercise areas for pets, and similar other outdoor activities;

(3) Capital improvements, but only for the following types of improvements: (a) new restroom facilities; (b) things necessary to conduct athletic activities such as soccer goals and baseball backstops; and (c) bleachers for public seating; and

(4) Funding of other operational expenses for Oklahoma City parks, including expenses normally associated with a major metropolitan park system.

(5) Provided, the additional excise tax levied hereby shall not be expended to operate, maintain, improve, or otherwise benefit directly or indirectly any Oklahoma City park operated in whole or in part by any private, non-governmental foundation or other similar private entity.

(c) There is hereby established a limited purpose tax fund to be known as the "Oklahoma City Parks Tax Fund" into which all revenues collected pursuant to this Section 52-23.8 shall be deposited. Money in the Fund shall be accumulated from year-to-year. The Fund shall be placed in an insured interest-bearing account and the interest which accrues to the Fund shall remain in the Fund. The Fund shall be non-fiscal and shall not be considered in computing any levy when the City makes its estimate to the excise board for needed appropriations. Money in the Fund shall be expended only as accumulated and only for the limited-purpose and related expenditures as specified in Subsection 52-23.8(b) above.

(d) The excise tax levied pursuant to this section shall be cumulative of all other effective excise taxes levied by this chapter, including without limitation the excises taxes levied by Sections 52-20, 52-21, 52-22, and 52-23.6 of this chapter.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such section, subsection, sentence, clause, phrase or portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrases or portion of this Ordinance.

SECTION 3. CODIFICATION. The provisions of Section 1 herein are to be codified as Section 52-23.8 of Article II, Sales Tax Code, of Chapter 52 of the Oklahoma City Municipal Code, 2010.

SECTION 4. EFFECTIVE DATE. Upon approval by City voters at a general or special election called by the Oklahoma City

Council for such purpose, this ordinance shall become effective on the first day of the second calendar quarter after approval by City voters.

APPROVED by the people of The City of Oklahoma City, Oklahoma on the _____ day of _____, 20 ____.

ATTEST: (Seal)

**CITY CLERK OF
OKLAHOMA CITY**

**MAYOR OF
OKLAHOMA CITY**

INITIATIVE PETITION No. 42 SIGNATURE SHEET

Shall the Ordinance proposed by Initiative Petition No. 42 be approved?

The ordinance levies an excise tax of one-eighth (1/8th) of one cent upon gross proceeds or gross receipts; specifies certain expenditures for Oklahoma City parks as the limited purpose for which proceeds of the tax shall be expended; provides for administration of such tax fund; prohibits expenditure of the funds to operate, maintain, improve or otherwise benefit directly or indirectly any Oklahoma City park operated in whole or in part by any private, non-governmental foundation or other similar private entity; establishes an Oklahoma City limited purpose tax fund; and provides for the cumulative effect of such tax.

1.Name: _____ Signature: _____

Residence: _____ Post Office: _____ Zip Code: _____

2.Name: _____ Signature: _____

Residence: _____ Post Office: _____ Zip Code: _____

3.Name: _____ Signature: _____

Residence: _____ Post Office: _____ Zip Code: _____

4.Name: _____ Signature: _____

Residence: _____ Post Office: _____ Zip Code: _____

5.Name: _____ Signature: _____

Residence: _____ Post Office: _____ Zip Code: _____

6.Name: _____ Signature: _____

Residence: _____ Post Office: _____ Zip Code: _____

7.Name: _____ Signature: _____

Residence: _____ Post Office: _____ Zip Code: _____

8.Name: _____ Signature: _____

Residence: _____ Post Office: _____ Zip Code: _____

9.Name: _____ Signature: _____

Residence: _____ Post Office: _____ Zip Code: _____

10.Name: _____ Signature: _____

Residence: _____ Post Office: _____ Zip Code: _____

