

OKC 2020 STATE LEGISLATIVE PROGRAM



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Priorities

1 Maintain local control over local issues

Cities and towns in Oklahoma have situations and policy issues that are best addressed at the local level. Each year the Legislature considers bills to address issues specific to one or two communities in the state. The resulting legislation often has the unintended consequence of taking authority away from local elected officials to govern their jurisdictions.

This loss of local control significantly affects the state's two largest cities, Oklahoma City with a population of about 650,000 and Tulsa with 400,000 people. The Oklahoma City metro has roughly 1.4 million people and the Tulsa metro has nearly a million people. In a state with a total population of 3.9 million, this is a significant share of our state's residents. Both cities face issues that affect large urbanized areas that may not be applicable to smaller communities.

2 Increase funding levels for ODOT's Public Transportation Revolving Fund

The appropriations to the ODOT Public Transportation Revolving Fund have remained stagnant at \$5.75 million annually since 2006, ranking Oklahoma 35th in the nation for transit investment per capita. Demands for enhanced public transportation from residents of Oklahoma City continue to grow as evidenced by increases in public transportation ridership, voter approval to fund a modern streetcar and resident survey results indicating public transportation should be one of the top City services to receive emphasis in the coming year. Revenues from the ODOT Public Transportation Revolving Fund have not changed while the cost to provide service (labor, fuel, repair parts, emission requirements) has increased.

3 Preserve funding for the Heartland Flyer rail service

Passenger rail service has been in place from Oklahoma City to Fort Worth via the Amtrak Heartland Flyer since 1999. Before that, passenger rail had been absent from Oklahoma for 20 years. The Heartland Flyer is state-sponsored by Oklahoma and Texas. This important passenger rail link between Oklahoma City and Dallas/Fort Worth is the only passenger rail service in Oklahoma. It was key to the City's efforts to secure a \$13.6 million federal TIGER grant in 2013 as part of a \$28 million renovation of the Santa Fe Station multimodal transportation hub.

The Heartland Flyer serves Oklahoma City, Norman, Purcell and Pauls Valley, then Gainesville and Fort Worth in Texas. Growing ridership is now about 81,000 annual passengers.

Proposals to expand service to Kansas and to Tulsa are both part of the passenger rail conversation. Passenger and commuter rail service is also part of ACOG's regional long-range transportation plan. It's important to keep existing service and consider possible expansion.

4 Preserve the existing sales tax base and encourage efforts to diversify revenue for municipalities

Sales tax is a vital revenue source for Oklahoma municipal governments. Any erosion, like more sales tax holidays or a grocery exemption, would have considerable effects on City services. A sales tax exemption for groceries would cost OKC at least \$35 million in annual sales tax revenue—funding for about 375 police officers or firefighters. Cities cannot afford to lose this funding.

When back to school sales tax holiday was implemented, the statute included a provision to reimburse cities and towns for lost revenue. Smaller non-profit groups that desire a sales tax exemption have been given sales tax rebates through the Oklahoma Tax Commission rather than exemptions at the point of sale. Either model helps keep cities and towns' primary revenue source whole and limits fraudulent point-of-sale exemptions.

Initiatives

1 Enable legislation for public safety districts within municipal city limits to fund public safety operations

Cities and towns in Oklahoma cannot use ad valorem taxes for operations. However, public safety capability is directly tied to the value of property. Legislation is needed to enable local voters to hold an election to create a public safety district. The district would be funded with an ad valorem assessment to fund police, fire and emergency medical services, and to house inmates.

Expenditures from these funds would be limited to public safety-related items such as the purchase and maintenance of equipment, and could include salaries and benefits for police and fire personnel. The entire city limits form the boundary for the district and the district would be administered by the municipal governing body.

2 Clarify the statute governing public trusts for consistency with the competitive bidding act

There are conflicts with advertising and competitive bidding requirements for Public Trusts verses The Public Competitive Bidding Act (CBA). Statutory changes are needed to clarify that public trust construction projects are subject to the CBA and remove the conflict with the public trust statute. For example, the Airport Trust is required to bid out contracts for cleaning services and accept the lowest bid. Often, this leads to unacceptable service that must be re-bid with the same results over and over. It would make more sense for this type of service to be selected with a Request for Proposals process that could accept the lowest and best bidder.

3 Address law enforcement issues in Title 21

The City supports efforts to allow municipalities to set policies for large public festivals and events in City parks. Changes to Title 21 enacted in 2019, have raised concerns regarding open and concealed carry without a permit in city-owned parks, particularly during large events or festivals. Event organizers and local officials should be able to control whether weapons are allowed at those events and to set their own policies.

4 Clean up provisions regarding property returns, transfers and destruction orders

The portion of Title 11 in the state statute has multiple contradictions regarding how and when lawfully confiscated property should be returned, transferred or destroyed. The City seeks to make those provisions more consistent throughout the statute.

5 Enable COTPA/EMBARK to license CDL drivers

The Oklahoma Department of Public Safety (DPS) doesn't have enough commercial driver License (CDL) examiners. There is a statewide shortage of CDL drivers, as they are needed by both industries and municipalities. In the 2019 legislative session, the statute was updated to allow public or private commercial truck driving schools to be third-party examiners of Class A, B, or C driving skills portion of the Oklahoma driving examination.

The City's public transportation provider COTPA/EMBARK often recruits new bus drivers by helping them obtain their permit and training for vehicles they will be operating. Due to limited availability of CDL examiners, scheduling tests can be inefficient and there is a continuous backlog.

Legislation allowing large public transit agencies to hire designated examiners approved by the DPS and issue CDL licenses to its drivers would help address this issue.

6 Allow streetcar operators to tow vehicles blocking streetcar rails

The OKC Streetcar project is 4.8 track miles. There are hundreds of parallel parking spaces adjacent to the streetcar route. Providing efficient service requires the streetcar system not be halted by illegally parked cars.

The OKC Streetcar system experiences over 50 blockages per month on average. These blockages prevent the streetcar from providing transportation service because they stop all streetcars in the system. When the entire system is stopped because of one illegally parked car, there is the possibility that over 500 passengers at a time are being impacted.

Time is of the essence in removing illegally parked cars and the current system requiring an OKCPD officer to authorize a tow is inefficient and time consuming. Legislation is needed to allow a trained City employee or OKC Streetcar employee to request a tow without diverting the resources of the Police Department.

7 Preserve municipal ability to regulate residential building design standards

Oklahoma City neighborhoods have sought to create historic districts and design districts throughout the city. The districts are created to preserve the architectural character of an area as well as preserve historic residential structures that are significant to both the city and the state. There is value in preserving that history and the authentic character of these areas.

Legislation that prohibits municipalities from regulating residential building design elements takes away one of the primary pieces of cities' ability to regulate land use. This is an issue of local control for communities throughout Oklahoma that seek housing that is both affordable and compatible with the community.

8 Clarify rules for metal recyclers to improve compliance and deter metal theft

Over the years, several changes have been made to laws addressing scrap metal to prevent metal theft. Confusion over enforcement responsibilities led to changes developed by a coalition of law enforcement, scrap metal dealers, and utility companies all negatively impacted by metal theft. The primary goal is simplification and clarification of the Scrap Metal Dealers Act:

- > Reorganize so that all definitions, regulated metals and required records are in the same section.
- > Eliminate duplication of requirements and different procedures for purchases of more or less than 35 lbs. and capture information required in both categories.
- > Tighten requirements for seller identification and documentation to reduce fraud and abuse.
- > For purchase of a used motor vehicle by a scrap metal dealer, substitute the language in the Oklahoma Crusher Act (Title 47, Section 592.8) setting out options for documentation of ownership or legal possession of the used vehicle.
- > Add remote storage batteries to the list of regulated items due to frequent theft of batteries used in oil field operations and utilities.
- > Specify age 16 as the minimum to sell scrap metal because this is the age a driver license may be obtained and for consistency among scrap metal dealers.

Support

1 Support efforts to enforce existing sales tax exemptions, especially the largest dollar value category

Although there are 150 sales tax exemptions, the top 10 exemptions account for 99% of the total dollar amount. By targeting the largest categories and addressing fraudulent activity, significant revenue owed to entities could be captured.

2 Support retaining tools for economic development, such as tax increment financing, successful tax credits and quality jobs

Economic development incentives should provide the state and cities with a benefit that out-weighs the cost to the public entity. The City supports increased scrutiny, transparency and openness in evaluating the effectiveness of the State's economic development incentives and the current process that is underway to do so.

Oklahoma City has dedicated significant resources to pursuing economic development opportunities and jobs for our residents. The incentive programs provided by the State work in concert with City-sponsored programs to diversify the state's economy and provide high-paying jobs that are the foundation of our future.

3 Support efforts to increase the apportionment to the Healthy Food Financing Act in order to address food insecurity in food desert census tracts

There are many residents of Oklahoma City who suffer from food insecurity, most notably in northeast Oklahoma City with the closure of the area's only full-service grocery store earlier this year. Since 2017, Oklahoma has had the Healthy Food Financing Act in place to establish the Healthy Food Financing Revolving Fund. This resource, targeted specifically at addressing food insecurity and lack of access in identified food desert census tracts, could assist the City's efforts to expand healthy food availability in these areas.

Support for a larger appropriation to the Healthy Food Financing Revolving Fund could help communities and organizations, including the City of Oklahoma City, address food insecurity and lack of access to healthy food.

4 Support efforts to increase resources allocated to cities and towns for infrastructure

Significant damage to municipally owned roads and bridges is occurring in areas used for drilling and industrial activity. However, the state does not allocate funding to cities and towns from the gross production tax. There is only an apportionment for counties. It makes sense to also include an apportionment for municipal infrastructure affected by this activity.

5 Preserve municipalities' ability to address derelict properties and enforce municipal codes and zoning

Each year bills are filed to take away cities' ability to enforce property maintenance codes and zoning. These proposals are in direct conflict with the wishes of our residents who want to preserve their neighborhoods and retain the value of their property. Land use regulation is fundamental to local control and best managed at the city level.

6 Support efforts to allow net metering for utility customers to receive credits for solar and wind energy systems

Making net metering available to utility customers is being considered both by the Corporation Commission and the Legislature. Adopting an "all of the above" approach to sources of energy is expected to be beneficial to Oklahoma City and the state in the years to come. Oklahoma is in the unique position of having existing natural resources that are conducive to fossil fuel, wind power and solar power. It makes sense to develop all of these resources.

7 Support criminal justice reform efforts

Oklahoma City has been working on this issue for several years and has made many changes to its court administrative procedures. Examples include increasing frequency of indigency hearings and changing procedures for some of the fees associated with misdemeanor fines to benefit people who may need additional time to pay their fines. Various efforts have resulted in fewer people being housed in the county jail for municipal offenses. The City supports the statewide efforts to improve the criminal justice system in Oklahoma.

Monitor

1 Monitor water rights and supply issues, treated wastewater reuse proposals and legislation affecting DEQ rules, regulations or general control

Oklahoma City has the largest municipal water utility in the state. It provides treated water to OKC residents and 18 additional communities in the Oklahoma. For several of those communities, the addition of OKC's treated water to their water supply allows them to meet clean water standards.

The total number of people served by Oklahoma City water utilities is 1.4 million out of a state population of about 4 million. Any changes in regulations and fees can have a significant impact on operations and our residents.

2 Monitor efforts to limit dates for local elections

Available dates for local elections have been reduced in recent years, and the length of time for filing has been increased. As various efforts to reform and change election dates are pursued, the ability to hold local elections to fill vacant seats and garner attention to local issues is also important.

3 Monitor state fee structure and any impacts on municipal operations and projects

Some city operations are required to submit pass-through fees to the state or pay outright fees for service. These fees must be monitored closely to avoid hampering City operations.

4 Monitor medical marijuana implementation and potential impact on municipal operations

As the new regulations governing medical marijuana continue to be implemented over time, staff will continue to monitor any effects on City operations or procedures.

5 Monitor changes to competitive bidding and construction contracting

Another area of the statute that has received much attention in recent years are the requirements under the Competitive Bidding Act and the effect it can have on contractors, sub-contractors and others. As stewards of public funds and public trust, the City monitors these changes closely and advocates for retaining common-sense controls in this area.

