



MEMORANDUM

Council Agenda
Item No. IX.B.
3/15/2016

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: James D. Couch, City Manager

Resolution approving the Completion and Real Estate Purchase and Sale Agreement and the Operations, Management and Maintenance Agreement between The City of Oklahoma City, the State of Oklahoma, by and through the Office of Management and Enterprise Services, and the Native American Cultural and Educational Authority, and authorizing the execution of necessary documents. Ward 7.

Background

On May 28, 2015, Governor Mary Fallin signed HB 2237 into law, which legislation set forth, in part, the requirements under which the State of Oklahoma would provide additional funding toward the completion of the American Indian Cultural Center and Museum ("AICCM").

HB 2237 provides, among other things, terms under which the State of Oklahoma will provide additional funding toward completion of the AICCM and for transfer of Native American Cultural and Educational Authority ("Authority") property to the City on the condition that the City and the Authority enter into agreement(s) with the State of Oklahoma, by and through the Office of Management and Enterprise Services ("OMES") on or before the extended date of March 15, 2016.

On December 22, 2015, the Council Committee on the AICCM met to receive a presentation of the Construction Completion Report, the Operating Analysis Report, the Development Potential Report, and a proposal by the Chickasaw Nation. The Chickasaw Nation presented a proposal to the Council Committee suggesting a method by which they would provide financial support to address the projected shortfall in funding for completion of the AICCM, and to cover any AICCM operating deficits up to \$2 million per year for the first seven years. The Chickasaw Nation also expressed their desire to develop the commercial property surrounding the AICCM.

Since that meeting, agreements in furtherance of HB 2237 and memorializing the provisions required thereunder, have been negotiated by respective counsel for The City, OMES and the Authority, and said agreements are: 1) the Completion and Real Estate Purchase and Sale Agreement and 2) the Operations, Management and Maintenance Agreement.

The negotiated agreement(s), as contemplated by HB 2237, set forth the terms of a transaction which, among other things: (i) provides a plan for completion of the AICCM; (ii) provides for the transfer of the Authority's undeveloped real property to The City; (iii) provides for The City or its designee to operate, manage, and maintain the AICCM once opened to the public, and to accept title to the AICCM within five years after the date on which all outstanding obligations issued by the Oklahoma Capitol Improvement Authority for construction of the AICCM have been retired; (iv) provides for transfer of the Authority's personal property to The City; and, (v) provides for a license to The City for use of AICCM intellectual property.

This resolution approves the agreements and authorizes the Mayor or Vice-Mayor to execute necessary documents at closing of the Completion and Real Estate Purchase and Sale Agreement, subject to legal review and approval by the Municipal Counselor's Office and subject to a requirement that copies of all such documents be filed with the City Clerk.

Review

City Manager's Office

Recommendation: Resolution be adopted.

Attachment