

RESOLUTION NO. 1

Summary: Resolution authorizing a special election for March 3, 2020, to submit the Ordinance proposed by Initiative Petition No. 42, levying a limited-purpose excise tax of one-eighth (1/8) of one cent for Oklahoma City Parks, to City voters.

(Published in the Journal Record February 12, 19, and 26, 2020)

RESOLUTION

RESOLUTION OF THE COUNCIL OF THE CITY OF OKLAHOMA CITY AUTHORIZING THE MAYOR TO ISSUE A PROCLAMATION CALLING A SPECIAL ELECTION TO BE HELD WITHIN THE CITY ON TUESDAY, MARCH 3, 2020, FOR THE PURPOSE OF SUBMITTING THE ORDINANCE PROPOSED BY INITIATIVE PETITION NO. 42, LEVYING A LIMITED-PURPOSE EXCISE TAX OF ONE-EIGHTH (1/8) OF ONE CENT FOR OKLAHOMA FOR CITY PARKS, TO A VOTE OF THE QUALIFIED ELECTORS OF SAID CITY FOR THEIR APPROVAL OR DISAPPROVAL; SPECIFYING THE QUESTION TO BE VOTED UPON AT SUCH SPECIAL ELECTION; DIRECTING THE PUBLICATION OF THIS RESOLUTION AND OF THE SPECIAL ELECTION PROCLAMATION TO BE ISSUED BY THE MAYOR FOR THE PURPOSE OF GIVING NOTICE OF SAID SPECIAL ELECTION AS REQUIRED BY 11 O.S. § 16-101.

WHEREAS, on September 6, 2019, Proponent Dr. Ed Shadid, a citizen of The City of Oklahoma City, filed a copy of Initiative Petition No. 42 (IP 42) with the City Clerk of the City, proposing the enactment of an ordinance of said City; and

WHEREAS, the Ordinance proposed by IP 42 would levy a limited-purpose excise tax of one-eighth (1/8) of one cent for City Parks, which excise tax ordinance is authorized by 68 O.S. § 2701(B); and

WHEREAS, thereafter, Proponent Shadid caused originals of IP 42 to be circulated for signatures as required by Article 18, Sections 4(a) and (b) of the Oklahoma Constitution and by Oklahoma City Charter, Art. IX, Section 10; and

WHEREAS, on December 2, 2019, Proponent Shadid timely filed the originals of IP 42, with signatures affixed thereto, with the City Clerk of the City, as required by Oklahoma City Charter, Art. IX, Section 10; and

WHEREAS, following such timely filing of IP 42 on December 2, 2019, the City Clerk of the City proceeded to count the signatures affixed to IP 42 to determine whether or not sufficient valid signatures in the total amount of 6499 had been gathered by Proponent Shadid; and

WHEREAS, on December 17, 2019, the City Clerk of the City notified the Mayor of the City by letter that sufficient valid signatures exceeding the total amount of 6499 had been gathered and timely filed by Proponent Shadid with the City Clerk in support of IP 42, as required by law; and

WHEREAS, accordingly, given that sufficient valid signatures exceeding the total amount of 6499 were gathered and timely filed by Proponent Shadid with the City Clerk in support of IP 42, as required by law, it is the duty of the City Council of to submit the Ordinance proposed by IP 42 to City voters at a City-wide election for their approval or disapproval; 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 Article 18, Sections 4(a) and (b) of the Oklahoma Constitution, Oklahoma City Charter, Art. IX, Section 10, 68 O.S. §§ 2701(B) and 2705, and 11 O.S. § 16-112, with such special election to be held on Tuesday, March 3, 2020, for the purpose of submitting the Ordinance proposed by IP 42 to a vote of the qualified electors of The City of Oklahoma City; and

WHEREAS, by passage of this Resolution pursuant to authority of Article 18, Sections 4(a) and (b) of the Oklahoma Constitution, Oklahoma City Charter, Art. IX, Section 10, 68 O.S. §§ 2701(B) and 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, 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, by passage of this Resolution pursuant to authority of Article 18, Sections 4(a) and (b) of the Oklahoma Constitution, Oklahoma City Charter, Art. IX, Section 10, 68 O.S. §§ 2701(B) and 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.

NOW, THEREFORE, BE IT RESOLVED that the Council of The City of Oklahoma City, as required or authorized by Article 18, Sections 4(a) and (b) of the Oklahoma Constitution, Oklahoma City Charter, Art. IX, Section 10, 68 O.S. §§ 2701(B) and 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 the purpose of submitting the Ordinance proposed by IP 42, levying a limited-purpose excise tax of one-eighth (1/8) of one cent for City Parks, 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, March 3, 2020, 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 to be published

in a legally qualified newspaper on the following dates, to-wit: February 12, 19, and 26, 2020, said publication being for the purpose of 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 the Mayor’s Special Election Proclamation, when issued pursuant to this Resolution, to be published in a legally qualified newspaper on the following dates, to-wit: February 12, 19, and 26, 2020.

PASSED by the Council of The City of Oklahoma City this ___ day of _____, 2019.

SIGNED by the Mayor of The City of Oklahoma City this ___ day of _____, 2019.

ATTEST:

CITY CLERK

DAVID HOLT, MAYOR

REVIEWED for form and legality.



Municipal Counselor

EXHIBIT A

BALLOT TITLE

Shall the Ordinance proposed by Oklahoma City (OKC) Initiative Petition No. 42 be approved?

The Ordinance levies an excise tax of one-eighth of one cent on the gross proceeds or gross receipts derived from all sales taxable under the sales tax laws of Oklahoma; specifies expenditures for OKC Parks as the limited purpose for which the tax shall be expended; prohibits expenditure of the tax to operate, maintain, improve or otherwise benefit directly or indirectly any OKC park operated in whole or in part by any private, non-governmental foundation or other similar private entity; establishes the OKC Parks Tax Fund; provides for administration of such fund; and provides for cumulative effect of such tax.