

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 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.

RESOLUTION

RESOLUTION RELATING TO THE SPECIAL ELECTION CALLED BY THE MAYOR AND COUNCIL OF THE CITY OF OKLAHOMA CITY 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; 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 DECEMBER 18, 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, 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 the 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, Section 4(a) 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 to submit the Ordinance proposed by IP 42 to City voters at a City-wide election for their approval or disapproval; and

WHEREAS, on December 17, 2019, the Council of The City of Oklahoma City passed and approved a resolution authorizing the Mayor of said City to issue a Special Election Proclamation calling a special election to be held on Tuesday, March 20, 2020, 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 City voter for their approval or disapproval; and

WHEREAS, on December 17, 2019, the Mayor issued a Special Election Proclamation directing that a special election be held within The City of Oklahoma City on Tuesday, March 20, 2020, 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 City voters; and

WHEREAS, Tuesday, March 3, 2020, is also the date of a State of Oklahoma election; and

WHEREAS, Section 3-101(E) of Title 26 of the Oklahoma Statutes provides in pertinent part that “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”; and

WHEREAS, Section 13-102 of Title 26 of the Oklahoma Statutes further requires said resolution to 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 non-partisan;
6. For charter cities where the charter is silent, indication of any portion of state law which will apply; and
7. Any other information necessary for conducting said election or elections; and

WHEREAS, Section 13-109 of Title 26 of the Oklahoma Statutes requires municipalities operating under a Charter to furnish a copy of said Charter to the county election board of the county wherein said municipalities central offices are located; and

WHEREAS, Section 13-107 of Title 26 of the Oklahoma Statutes requires the governing board of each municipality to provide the county election board with a current map defining the municipal limits and ward boundaries of said municipality; and

WHEREAS, the Mayor and Council of The City of Oklahoma City desire to give the required 75 days' notice of the Tuesday, March 3, 2020, special election to the Oklahoma County Election Board and to submit the required resolution and other items to the Secretary of the Oklahoma County Election Board.

NOW, THEREFORE, BE IT RESOLVED that the Council of The City of Oklahoma City does hereby adopt this resolution as required by Sections 3-101(E) and 13-102 of Title 26 of the Oklahoma Statutes and do hereby set forth the following facts as required by said statutory provision:

1. The 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 City voters shall be held on Tuesday, March 3, 2020;

2. The question to be voted upon at said special election shall be as follows:

[See Exhibit A attached to and incorporated herein]; and

3. The question presented (as set forth above) shall be voted upon by voting at-large within The City of Oklahoma City, i.e., all of the qualified, registered voters residing within the corporate limits of The City of Oklahoma City shall be eligible to vote upon said question; and

4. No voting precincts in The City of Oklahoma City need to be closed on March 3, 2020.

BE IT FURTHER RESOLVED that the Council of The City of Oklahoma City does hereby direct the City Clerk to submit this resolution, as required by law, to the Secretary of the Oklahoma County Election Board, on or before Wednesday, December 18, 2019, thereby providing the 75 days' notice of the special election as required by law.

BE IT FURTHER RESOLVED that the Council of The City of Oklahoma City does hereby direct the City Clerk to forthwith submit a current certified copy of the Oklahoma City Charter to the Oklahoma County Election Board as required by Section 13-109 of Title 26 of the Oklahoma Statutes.

AND BE IT FURTHER RESOLVED that the Council of The City of Oklahoma City does hereby direct the City Clerk to forthwith provide the Oklahoma County Election Board with a current map defining 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.

ADOPTED by the Council of The City of Oklahoma City this ____ day of December, 2019.

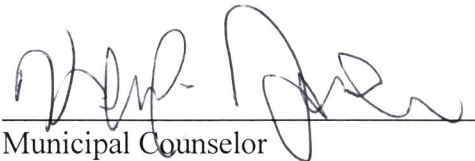
SIGNED by the Mayor of The City of Oklahoma City this ____ day of December, 2019.

ATTEST:

CITY CLERK

DAVID HOLT, MAYOR

REVIEWED for form and legality.



Municipal Counselor

RECEIVED by the Secretary of the Oklahoma County Election Board this _____ day of _____, 2019.

SECRETARY
Oklahoma County Election Board

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.