

(Published in the Tulsa World,

\_\_\_\_\_, 2016.)

ORDINANCE NO. 23423

AN ORDINANCE CREATING A NEW TITLE, TITLE 43-I, TULSA REVISED ORDINANCES, ESTABLISHING THE OFFICIAL POLICY OF THE CITY OF TULSA, OKLAHOMA, WITH REGARD TO THE EXPENDITURE OF ALL MONIES RECEIVED FROM EXTENDING A PERMANENT SALES TAX LEVY OF SIXTEEN ONE-HUNDREDTHS OF ONE PERCENT (.16%) BEGINNING JANUARY 1, 2017 AND INCREASING TO A TWENTY-SIX ONE-HUNDREDTHS OF ONE PERCENT (.26%) PERMANENT SALES TAX ON JULY 1, 2021; SUCH TAX QUESTION TO BE VOTED ON BY THE PUBLIC ON APRIL 5, 2016; LISTING PURPOSES WHICH WILL BE ACCOMPLISHED FROM SAID REVENUES; ESTABLISHING A LIMITED-PURPOSE REVENUE FUND KNOWN AS THE “2017 LIMITED-PURPOSE PUBLIC SAFETY PERMANENT SALES TAX FUND”, WHEREIN ALL REVENUES RECEIVED FROM SAID PERMANENT TAX LEVY, TOGETHER WITH INTEREST EARNED THEREON, SHALL BE DEPOSITED; PROHIBITING THE EXPENDITURE OF ANY OF SAID FUNDS FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH HEREIN, UNLESS AMENDED AS PROVIDED HEREIN; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

WHEREAS, on April 5, 2016 the citizens of the City of Tulsa will vote on an extension of the City sales tax to provide funds for public safety as enacted by Ordinance No. 23420; and

WHEREAS, the City desires to establish its official policy that all funds derived from said proposed extension shall be used only for the purposes set forth herein.

BE IT ORDAINED BY THE CITY OF TULSA:

*Section 1. That the Tulsa Revised Ordinances be and the same are hereby amended by adding thereto a new title, Title 43-I to read as follows:*

**“TITLE 43-I 2017 LIMITED-PURPOSE PUBLIC SAFETY PERMANENT SALES TAX POLICY**

**Chapter 1. Limited-Purpose Public Safety Permanent Sales Tax.**

- Section 100. Declaration of official policy, pledge to the citizens, and specific purposes.
- Section 101. Establishment of 2017 Limited-Purpose Public Safety Permanent Sales Tax Fund.
- Section 102. Procedure to amend or repeal this chapter.

**Section 100. Declaration of official policy of City and pledge to the citizens.**

A. The City of Tulsa hereby pledges to the citizens of Tulsa:

1. That all funds received by the City from the permanent sales tax levy of sixteen one-hundredths of one percent (.16%) for the period of time beginning January 1, 2017, and continuing until July 1, 2021, on which date it shall increase to a twenty-six one-hundredths of one percent (.26%) permanent sales tax (the "2017 Limited-Purpose Public Safety Permanent Sales Tax") will be spent only for those purposes set forth herein;
2. That none of such funds shall ever be spent for any other purpose, unless this ordinance is amended as provided herein;
3. That the City shall begin such expenditures at the earliest reasonable date;

B. **Specific purposes.** The purposes for which expenditures of proceeds from the 2017 Limited-Purpose Public Safety Permanent Sales Tax may lawfully be made are as follows.

Tulsa Police Department: new or additional personnel, and equipment for said personnel; new or additional equipment for law enforcement purposes; and possible contract services.

Tulsa Fire Department: new or additional personnel, and equipment for said personnel; new or additional firefighting and rescue equipment; and construction of new fire stations and/or renovation of existing fire stations.

Other functions, including the 911 Call Center: new or additional personnel, maintenance, equipment and supplies.

C. The fifteen (15) year permanent funding is estimated to be as follows:

<b>Police Department (including 911)</b>	<b>\$202,000,000</b>
<b>Fire Department</b>	<b>70,000,000</b>
<b>TOTAL</b>	<b>\$272,000,000</b>

D. It is the intent of this Limited-Purpose Tax to add to General Fund expenditures currently and historically allocated for public safety funding. It is not the intent of this Tax to supplant such public safety funding. For informational purposes only (not to bind future mayors or councils), such expenditures have been as follows:

Police & Fire Annual Adopted Budgets										
General Fund										
(in millions of dollar)										
	FY7	FY8	FY9	FY10	FY11	FY12	FY13	FY14	FY15	FY16
Police	\$ 75	\$ 81	\$82	\$ 81	\$ 74	\$ 78	\$ 83	\$ 88	\$ 89	\$ 95
% of Adopted Budget	32%	32%	32%	33%	32%	31%	30%	33%	34%	34%
Fire	\$ 56	\$ 60	\$61	\$ 59	\$ 56	\$ 61	\$ 64	\$ 67	\$ 67	\$ 69
% of Adopted Budget	24%	24%	24%	24%	24%	24%	23%	25%	26%	25%
<b>Total Adopted Budget</b>	<b>\$ 232</b>	<b>\$ 248</b>	<b>\$255</b>	<b>\$ 245</b>	<b>\$ 233</b>	<b>\$ 254</b>	<b>\$ 273</b>	<b>\$ 268</b>	<b>\$ 261</b>	<b>\$ 275</b>

- E. The Mayor and the City Council shall determine project priority on an annual basis through the budget process.
- F. If at the special election on April 5, 2016 the 2017 Limited-Purpose Public Safety Permanent Sales Tax shall fail to receive the approval of a majority of voters voting thereon, then to the extent of the said failure, this Ordinance or part hereof shall have no force or effect.

**Section 101. Establishment of a special fund for revenue from the 2017 Limited-Purpose Public Safety Permanent Sales Tax.**

- A. There is hereby established a limited-purpose special revenue fund which shall be known as the 2017 Limited-Purpose Public Safety Permanent Sales Tax Fund.
- B. All officers and employees of the City of Tulsa are hereby ordered to take all necessary action to cause the funds generated by the 2017 Limited-Purpose Public Safety Permanent Sales Tax, including interest received from the investment thereof, to be deposited into the 2017 Limited-Purpose Public Safety Permanent Sales Tax Fund as soon as received by the City of Tulsa.
- C. None of the monies in the 2017 Limited-Purpose Public Safety Permanent Sales Tax Fund shall ever be encumbered or expended for any purpose other than those purposes set forth in this chapter, unless amended pursuant to Section 102, below. Any violation of this provision will subject the persons violating this mandate to removal from their respective offices or positions.
- D. The City Treasurer of the City shall take whatever action is necessary to ensure the timely investment of all monies within the 2017 Limited-Purpose Public Safety Permanent Sales Tax Fund and to ensure that all such funds shall always be readily available for immediate expenditure for the purposes set forth in this chapter.
- E. The Mayor, Council and all officers and employees of the City having budgetary duties and responsibilities shall take all necessary and timely action to cause the necessary appropriation of the revenues of the sales taxes to the 2017 Limited-Purpose Public Safety Permanent Sales Tax Fund, to the end that the records and data shall always be readily available, and the funds will be encumbered and expended only for the programs set forth in this chapter.

**Section 102. Procedure to amend or repeal this chapter.**

- A. **Mandatory duty of Secretary of Council.** The City of Tulsa, having made a solemn pledge to the citizens of Tulsa regarding the expenditures of the revenue from the 2017 Limited-Purpose Public Safety Permanent Sales Tax, and having enacted this chapter to establish the official City policy with regard to such revenue, hereby pledges that this chapter shall remain in force during the entire period of collection and expenditure of the revenues generated by the 2017 Limited-Purpose Public Safety Permanent Sales Tax for the programs herein enumerated.

Any attempt to amend or repeal this chapter can lawfully occur only by placing such proposal on the official agenda of the City Council which agenda is prepared by the office of the Secretary of the Council ("Secretary").

In the event a request is ever made by any party to place the issue of the amendment or repeal of this chapter on any agenda of the City Council, the Secretary is hereby specifically prohibited from placing such issue on any such agenda until full compliance with the following requirements has been made.

1. The Secretary shall forthwith (within twenty-four [24] hours) notify all major newspapers, all major television stations and all major radio stations then located within the City of Tulsa of the request for amendment or repeal of this chapter.
2. The Secretary shall forthwith notify the general public of such request by a press conference officially called by the Secretary and held at City Hall, to which all of the below-named newspapers, radio and television stations shall be invited.
3. The Secretary shall forthwith cause a public notice to be sent to the Tulsa World and The Oklahoma Eagle, specifically setting forth fully the nature, purpose and extent of the request and the date the matter will first be placed on the agenda for public hearing before the City Council, which date shall be a date more than fifteen (15) days from the date of first publication requested for such notice. The Secretary shall request that the notice be published once a week for two (2) consecutive weeks.
4. The Secretary shall, upon performance of all of the above acts, execute and deliver to the Council of the City of Tulsa written certification as to the time and manner of the performance of the foregoing duties herein assigned, which certification shall be filed as a part of the permanent records of the City in the office of the City Clerk, and shall be available for inspection or copying at all reasonable times.

- B. **Procedure before Council.** No official action shall be taken by the Council of the City of Tulsa upon any request to amend or repeal this chapter until the following acts and procedures have been complied with:

1. The Council shall have examined the written certification of the Secretary concerning the acts required to be performed by Subsection 102.A above, and shall have satisfied itself that all such acts have been duly and timely performed; and
2. The Council shall have held at least two (2) public hearings on the proposal (one (1) of which shall be held at night), which hearings shall be at least seven (7) days apart, and the first of which shall have been more than fifteen (15) days from the date of first publication of the notice given by the Secretary setting forth the nature of the request to amend or repeal this chapter as above provided.

*Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.*

*Section 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.*

*Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.*

ADOPTED by the Council: \_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman of the Council

ADOPTED as an emergency measure: \_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_.  
Date Time

Dewey F. Bartlett Jr., Mayor

By \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma:

\_\_\_\_\_, at \_\_\_\_\_.  
Date Time

\_\_\_\_\_  
Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED:

\_\_\_\_\_  
City Attorney