

(Published in the Tulsa World,

_____, 2016.)

ORDINANCE NO. 23424

AN ORDINANCE CREATING A NEW TITLE, TITLE 43-J, TULSA REVISED ORDINANCES, ESTABLISHING THE OFFICIAL POLICY OF THE CITY OF TULSA, OKLAHOMA, WITH REGARD TO THE EXPENDITURE OF ALL MONIES RECEIVED FROM THE 2017 LIMITED-PURPOSE STREET MAINTENANCE AND PUBLIC TRANSPORTATION PERMANENT SALES TAX LEVY OF EIGHTY-FIVE THOUSANDTHS OF ONE PERCENT (.085%), FOR STREET MAINTENANCE, TRAFFIC AND PUBLIC TRANSPORTATION, BEGINNING JANUARY 1, 2017, WHICH SALES TAX LEVY WILL BE VOTED ON, APRIL 5, 2016; PROVIDING FOR CAPITAL PROJECTS AND PURPOSES WHICH WILL BE ACCOMPLISHED FROM SAID REVENUES; ESTABLISHING A SPECIAL REVENUE FUND KNOWN AS THE "2017 LIMITED-PURPOSE .085% STREET MAINTENANCE AND PUBLIC TRANSPORTATION PERMANENT SALES TAX FUND", WHEREIN ALL REVENUES RECEIVED FROM SAID SALES TAX LEVY, TOGETHER WITH INTEREST EARNED THEREON, SHALL BE DEPOSITED; PROHIBITING THE EXPENDITURE OF ANY OF SAID FUNDS FOR ANY PURPOSE OTHER THAN THE CAPITAL PROJECTS AND PURPOSES SET FORTH HEREIN UNLESS THE ORDINANCE IS AMENDED AS PROVIDED HEREIN; PRESCRIBING CERTAIN MANDATORY DUTIES OF THE SECRETARY OF THE COUNCIL AND THE COUNCIL OF SAID CITY; PROVIDING FOR PUBLIC NOTICE AND HEARINGS UPON ANY PROPOSAL TO AMEND OR REPEAL THE ORDINANCE; 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 City of Tulsa Ordinance No. 23421 a permanent extension of the City sales tax to provide funds for street maintenance, traffic and public transportation capital projects and purposes, as enacted by ordinance; and

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

BE IT ORDAINED BY THE CITY OF TULSA, OKLAHOMA:

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

“TITLE 43-J. 2017 Limited-Purpose .085% Street Maintenance and Public Transportation Permanent Sales Tax

Chapter 1. Levy of .085% Street Maintenance and Public Transportation Permanent Sales Tax.

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

Section 101. Establishment of 2017 Limited-Purpose .085% Street Maintenance and Public Transportation 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 eighty-five thousandths of one percent (.085%) beginning January 1, 2017 (the "2017 Limited-Purpose .085% Street Maintenance and Public Transportation Permanent Sales Tax") will be spent only for maintaining and supporting public streets, traffic and public transportation (“transit”) systems, funding capital projects, operations, salaries and maintenance, purchasing rolling stock, fuel, materials and supplies, and paying debt service on indebtedness issued for such purposes.

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

Street Maintenance and Traffic	\$45,000,000
<u>Transit Operations and Capital</u>	<u>57,000,000</u>
TOTAL	\$102,000,000

2. That none of such funds shall ever be spent for any other project or purpose, unless this ordinance is amended as provided herein;
 3. That the City shall commence these projects as funds are made available, and shall complete such projects at the earliest possible date;
- B. It is the intent of this Limited-Purpose Tax to add to General Fund expenditures currently and historically allocated to street and transit funding. It is not the intent of this Tax to supplant such street and transit funding from the General Fund.
- C. The Mayor and the City Council shall determine project priority on an annual basis through the budget process.
- D. If at the special election on April 5, 2016 the 2017 Limited-Purpose .085% Street Maintenance and Public Transportation 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 .085% Street Maintenance and Public Transportation Permanent Sales Tax.

- A. There is hereby established a special revenue fund which shall be known as the 2017 Limited-Purpose .085% Street Maintenance and Public Transportation 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 .085% Street Maintenance and Public Transportation Permanent Sales Tax, including interest received from the investment thereof, to be deposited into the 2017 Limited-Purpose .085% Street Maintenance and Public Transportation Permanent Sales Tax Fund as soon as received by the City of Tulsa.
- C. None of the monies in the 2017 Limited-Purpose .085% Street Maintenance and Public Transportation Permanent Sales Tax Fund shall ever be encumbered or expended for any capital projects or purposes other than those identified projects and purposes, 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 .085% Street Maintenance and Public Transportation Permanent Sales Tax Fund and to ensure that all such funds shall always be readily available for immediate expenditure for identified capital projects and purposes.
- 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 .085% Street Maintenance and Public Transportation 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 identified capital projects and programs.

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 .085% Street Maintenance and Public Transportation 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 .085% Street Maintenance and Public Transportation Permanent Sales Tax for the capital projects and 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