

Ordinance

Version 2.7 released on 10/8/18

Use for all Ordinances including: TRO, Budget, Zoning, Declarations, Trust Indentures, etc.



Ordinance No. 24180

CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

Tracking #: _____
Committee: _____
Hearing Date: _____
2nd Agenda Date: _____

CITY CLERK USE ONLY

Date: 07-29-2019
Item #: 1.15.5

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Dept. Tracking No.	Board Approval	Other Board Name	City Council Approval <input checked="" type="radio"/> Yes <input type="radio"/> No
_____	_____	_____	_____
Department Mayors Office	Contact Name Mark Swiney / ss	Email mswiney@cityoftulsa.org	Phone 918-596-7717
Subject (Description) Ordinance creating new (TRO) Title 43-L, Establishing an Official Policy <u>"BROWN ORDINANCE"</u>		Ordinance Type Amending Tulsa Revised Ordinances	
Section	Township	Range	Lot
_____	_____	_____	_____
Block	Address		BA / CT Number
_____	_____		_____
Amending Ord. No.	TRO Title No. 43 e.g. 43	TRO Subtitle e.g. G	Property/Non-Property Non-Property
_____	_____	_____	_____
Council District	Zoning No.	PUD No.	Planning District
_____	_____	_____	_____

Budget

Funding Source(s)

TOTAL:

Enter the funding source(s) using the appropriate Muni's funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project Sting-Amount (144104.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department: _____
Legal: _____
Board: _____
Mayor: [Signature]
Other: _____

Date: _____
Date: 7-26-2019
Date: _____
Date: JUL 29 2019
Date: _____

Policy Statement

Background Information

Provide background information on the requested action.

Summation of the Requested Action

Ordinance creating a new title of Tulsa revised ordinances (TRO), namely Title 43-L, establishing the official policy of the City of Tulsa, Oklahoma, with regard to the expenditure of all monies received for the 2021 Miscellaneous Capital Improvements Temporary Sales Tax, which sales tax question will be voted on November 12, 2019 (the '2021 Miscellaneous Capital Improvements Temporary Sales Tax'); listing projects and purposes which will be accomplished from said revenues, creating the 2021 Miscellaneous Capital Improvements Temporary Sales Tax Overview Committee and appointing members thereof. .

Summarize the pertinent details of the requested action.

Emergency Clause?

Yes

No

Reason for Emergency Clause

This Ordinance amendment affects public peace, health and safety, therefore, it is proposed as an emergency measure.

Explain why you are requesting that the City Council approve this action with an emergency clause.

Processing Information for City Clerk's Office

Post Execution Processing

Mail vendor copy (add'l signature copies attached)

Must be filed with other governmental entity

Add'l governmental entity approval(s) required

Additional Routing and Processing Details

(Published in the Tulsa World,

_____, 2019.)

ORDINANCE NO. 24180

AN ORDINANCE CREATING A NEW TITLE OF TULSA REVISED ORDINANCES, NAMELY TITLE 43-L, ESTABLISHING THE OFFICIAL POLICY OF THE CITY OF TULSA, OKLAHOMA, WITH REGARD TO THE EXPENDITURE OF ALL MONIES RECEIVED FROM THE 2021 MISCELLANEOUS CAPITAL IMPROVEMENTS TEMPORARY SALES TAX, WHICH SALES TAX QUESTION WILL BE VOTED ON NOVEMBER 12, 2019 (THE “2021 MISCELLANEOUS CAPITAL IMPROVEMENTS TEMPORARY SALES TAX”); LISTING PROJECTS AND PURPOSES WHICH WILL BE ACCOMPLISHED FROM SAID REVENUES; CREATING THE 2021 MISCELLANEOUS CAPITAL IMPROVEMENTS TEMPORARY SALES TAX OVERVIEW COMMITTEE AND APPOINTING MEMBERS THEREOF; SPECIFYING POWERS AND DUTIES OF SAID COMMITTEE AND OFFICERS AND EMPLOYEES OF THE CITY OF TULSA, OKLAHOMA; ESTABLISHING A SPECIAL REVENUE FUND KNOWN AS THE 2021 MISCELLANEOUS CAPITAL IMPROVEMENTS TEMPORARY SALES TAX FUND, WHEREIN ALL REVENUES RECEIVED FROM SAID TEMPORARY 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 PROJECTS AND PURPOSES SET FORTH 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; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Tulsa has heretofore determined that the citizens of the City of Tulsa should be asked to approve a Miscellaneous Capital Improvements Temporary Sales Tax to provide funds for the capital needs of the City, as determined by said Council upon the recommendation of participants in public meetings held over the past several months; and

WHEREAS, the Council desires to establish by City ordinance the official policy of the City with regard to its commitment to ensure that all funds derived from said temporary sales tax shall be used only for the projects and 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-L, to read as follows:

“TITLE 43-L 2021 SALES TAX POLICY

Chapter 1. 2021 Miscellaneous Capital Improvements Temporary Sales Tax

- Section 100. Declaration of Official Policy of City and Pledge to the Citizens.
- Section 101. Sales Tax Overview Committee.
- Section 102. Establishment of 2021 Miscellaneous Capital Improvements Temporary Sales Tax Fund.
- Section 103. 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 2021 Miscellaneous Capital Improvements Temporary Sales Tax will be spent only for those projects and purposes as set forth herein. The levy of forty-five one-hundredths of one percent (.45%), is set to begin on either July 1, 2021 or upon collection of \$563,700,000.00 pursuant to the 2014 Extended 1.1% Sales Tax, whichever occurs first, and to continue until June 30, 2025, when it shall become ninety-five one-hundredths of one percent (.95%), and continue at ninety-five one-hundredths of one percent (.95%) from July 1, 2025 until either December 31, 2025 or until One Hundred Ninety-Three Million Dollars and No Cents (\$193,000,000.00) is collected, whichever occurs first.
 - 2. That none of such funds shall ever be spent for any other purpose, unless this ordinance is amended according to the procedures set forth below;
 - 3. That every officer and employee of the City is hereby ordered to give high priority to the completion of such projects at the earliest possible date;
 - 4. That any attempt to divert any of such funds to other purposes or projects or any failure to give high priority to the completion of such projects shall constitute a breach of City policy herein established; shall be a violation of the terms, spirit and purpose of this chapter; and shall constitute sufficient grounds for the removal of such officer or employee from his or her office or position; and
- B. **Specific projects and purposes.** The only projects and purposes for which expenditures of proceeds from the 2021 Miscellaneous Capital Improvements Temporary Sales Tax may lawfully be made are as follows:

Temporary Sales Tax Projects

Capital Equipment (Police Vehicles and Lab Equipment, Heavy Equipment, etc.)	\$50,750,000
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City Facilities

Parking Facilities	\$8,000,000
Citywide Public Facilities - Maintenance and Rehabilitation	\$7,000,000
Tulsa Zoo Entrance and Parking	\$6,000,000
Gilcrease Museum Mechanical, Electrical, Plumbing	\$6,000,000
Greenwood Cultural Center Facility Rehabilitation	\$5,340,000

ADA Improvements for City Facilities	\$5,000,000
ADA Improvements for City Parks	\$3,000,000
Citywide Public Facilities - Roofs	\$2,460,000
Animal Shelter Phase II	\$2,080,000
Police Courts Building	\$1,000,000
One Technology Center - Maintenance and Rehabilitation	\$1,000,000
600 Civic Center - Equipment Relocation	\$200,000
Park & Recreation	
Park Facilities Roof, HVAC, Infrastructure Rehabilitation/ Replacement, Security Upgrades	\$10,125,000
Upgrade, Add, or Renovate Outdoor Park Play Amenities	\$5,500,000
Tennis Court Major Rehabilitation, Repurpose, or Replacement	\$4,800,000
Fred Johnson Park Rehabilitation and Replacement	\$3,125,000
Swan Lake Rehabilitation	\$1,700,000
Hill Park Improvements	\$2,750,000
Mohawk Park Rehabilitation and Renovation	\$1,000,000
Citywide Park System Parking Rehabilitation	\$1,000,000
Tulsa Fire Department	
Fire Apparatus and Equipment	\$23,000,000
911 Station Alert System	\$3,000,000
Tulsa Police Department	
Police Helicopter Replacement	\$4,500,000
Computer Aided Dispatch (CAD)	\$660,000
Municipal Lockup Data Storage	\$510,000
Economic Development Infrastructure	\$6,500,000
Community Development Priority Projects	\$9,000,000
Transit-MTTA - Critical Deferred Maintenance and Aging Vehicle Replacement, and Transit Infrastructure	\$18,000,000
Temporary Sales Tax Total	\$193,000,000

- C. **Cost estimates.** While the cost estimates shown above are believed to be accurate, the exact cost of each project may vary from the estimate shown.
- D. The Mayor and the City Council shall determine project priority on an annual basis through the budget process. Funding for the project/purpose entitled “Community Development Priority Projects” (above) shall be equally divided among the nine City Council districts and appropriated by the City Council for projects meeting the following criteria:
1. The project must be for a public purpose;
 2. The project must conform to the City’s Comprehensive Plan; and

3. The project must promote safe and attractive neighborhoods and/or commercial districts, economic vitality, safe and affordable housing, public recreational opportunities, and/or transportation options.
- E. It is the intention of the City of Tulsa and is the official City policy herein established that all such projects and purposes shall be commenced as funds are made available.
 - F. When City financial and auditing staff and the Sales Tax Overview Committee shall determine that the full amount of one hundred ninety-three million dollars and no cents (\$193,000,000.00) has been collected from this sales tax, but in no event later than December 31, 2025, and has been devoted to the projects listed above, and so advise the Mayor and City Council, and when the Mayor and City Council approve said determination by City financial and auditing staff and the Sales Tax Overview Committee, the Mayor shall recommend to the City Council the repeal of this Ordinance.
 - G. If at the special election on November 12, 2019 the 2021 Miscellaneous Capital Improvements Temporary Sales Tax shall fail to receive the approval of a majority of voters voting thereon, then this Ordinance shall have no force or effect.

Section 101. Sales Tax Overview Committee.

- A. **Sales Tax Overview Committee created.** There is hereby created a committee which shall be known as the 2021 Miscellaneous Capital Improvements Temporary Sales Tax Overview Committee (STOC) which shall consist of twenty-one (21) citizens who shall be qualified electors of the City of Tulsa. The members shall serve without compensation. No member of STOC shall be an elected public official. STOC shall terminate when all funds generated by the 2021 Miscellaneous Capital Improvements Temporary Sales Tax have been expended.
- B. **Appointment and terms.** Members of the current STOC shall continue to serve as the 2021 Miscellaneous Capital Improvements Temporary STOC. Terms shall be as provided by Title 43-C. All members of STOC shall serve until their respective successors are appointed and qualified.
- C. **Vacancies.** In the event of vacancies on STOC, appointments to fill such vacancies shall be for the remainder of the unexpired terms. A member of STOC shall have vacated his or her position on STOC if such member fails to attend three (3) consecutive meetings; provided, however, that the vacancy so created shall not prohibit the reappointment to STOC of such member.
- D. **City Clerk to maintain STOC roster.** All appointments to STOC shall be filed with the City Clerk of the City of Tulsa, and the City Clerk shall maintain a list of the current members of STOC.
- E. **Elected officials, municipal personnel and agencies to assist.** The facilities, personnel, elected officials and agencies of the municipal government are hereby directed to be available and to cooperate with STOC to accomplish the objectives and purposes herein set forth.

Copies of City reports and records pertaining to the receipts and expenditures of the proceeds of the sales tax extension shall be made available to STOC upon request.

- F. **Monthly report to STOC.** The Mayor or the Mayor's designee shall provide to the Sales Tax Overview Committee and the City Council a monthly report on the status of the 2021 Miscellaneous Capital Improvements Temporary Sales Tax Fund and the projects listed in this chapter. The monthly report shall include, with reference to each project or program, current information on:
1. The estimated cost;
 2. The amount of total appropriations;
 3. The amount of total expenditures;
 4. A statement of completion status;
 5. A summary of all budget transfers; and
 6. The amount of any unencumbered and unallocated fund balance within the 2021 Miscellaneous Capital Improvements Temporary Sales Tax Fund.

Said monthly report shall be in addition to any reports that the Mayor or the Mayor's designee is required by law to provide.

- G. **Meetings and report of STOC.** STOC shall meet at least once each month beginning with the month of July, 2021. The monthly meeting shall be at least seven (7) days prior to the first meeting of the City Council in the following month. At the first meeting of the Council of each month, beginning with the month of August, 2021, the Chairman or other member designated by STOC shall attend the regular meeting of the Council and make any report, comment or recommendation which STOC deems to be warranted or, at the option of STOC, a written report from STOC may be submitted monthly to the Council. A time for the presentation of such report shall be reserved on the agenda for the first City Council meeting of every month beginning August, 2021, until the sales tax revenues have been fully expended for the projects and programs set forth in this title.

Section 102. Establishment of 2021 Miscellaneous Capital Improvements Temporary Sales Tax Fund.

- A. There is hereby established a special revenue fund which shall be known as the 2021 Miscellaneous Capital Improvements Temporary 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 2021 Miscellaneous Capital Improvements Temporary Sales Tax, including interest received from the investment thereof, to be deposited into the 2021 Miscellaneous Capital Improvements Temporary Sales Tax Fund as soon as received by the City of Tulsa.
- C. None of the monies in the 2021 Miscellaneous Capital Improvements Temporary 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 103, 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 2021 Miscellaneous Capital Improvements Temporary Sales Tax Fund and to ensure that all such funds shall always be readily available for immediate expenditure for the projects and 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 2021 Miscellaneous Capital Improvements Temporary 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 projects and programs set forth in this chapter.

Section 103. 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 2021 Miscellaneous Capital Improvements Temporary 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 2021 Miscellaneous Capital Improvements Temporary Sales Tax for the 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 103.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