

Ordinance

Version 3.2 released on 8/3/21

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



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: 5-17-23
1st Agenda Date: 5-17-23

Tracking #: 23-391-1
Committee: UED
Hearing Date: _____
2nd Agenda Date: 5-24-23

CITY CLERK USE ONLY

Scanned Date: 05.10.2023
 Posted Item #: 2305.00978

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
Department	Contact Name	Email	<input checked="" type="radio"/> Yes <input type="radio"/> No
Mayors Office	Jack Neely	Jneely@cityoftulsa.org	918-576-5403
Subject (Description)		Ordinance Type	
Title 43-M, 2023 Temporary Sales Tax Policy		Amending Tulsa Revised Ordinances	
Section	Township	Range	Lot
Block	Address		BA / CT Number
Amending Ord. No.	TRO Title No.	TRO Subtitle	Property/Non-Property
	43 e.g. 43	e.g. G	
Council District	Zoning No.	PUD No.	Planning District

Budget

Funding Source(s)

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.AbstTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department: Jack Neely
Legal: _____
Board: _____
Mayor: _____
Other: _____

Date: May 10, 2023
Date: 5.10.23
Date: _____
Date: MAY 11 2023
Date: _____

Policy Statement

Background Information

Attached is the new Title 43-M, the 2023 Temporary Sales Tax Policy, providing the projects to be funded by the Sales Tax, establishment of the Sales Tax Overview Committee (STOC) and setting out the procedures for adjustment of the tax.

Provide background information on the requested action.

Summation of the Requested Action

Summarize the pertinent details of the requested action.

Emergency Clause?

Yes
 No

Reason for Emergency Clause

Date of Special Election is August 8, 2023

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*,
_____, 2023.)

ORDINANCE NO. 25042

AN ORDINANCE ENACTING A NEW TITLE WITHIN TULSA REVISED ORDINANCES (TRO) TO BE CALLED "TITLE 43-M. 2023 TEMPORARY SALES TAX POLICY"; DECLARING THAT ALL REVENUE GENERATED BY THIS SALES TAX SHALL BE DEVOTED TO CERTAIN DESIGNATED PROJECTS; IDENTIFYING THOSE PROJECTS; CREATING A SALES TAX OVERVIEW COMMITTEE (STOC); SETTING MEMBERSHIP, TERMS AND DUTIES FOR THIS COMMITTEE; ESTABLISHING A SPECIAL REVENUE FUND TO RECEIVE ALL REVENUE GENERATED BY THIS SALES TAX; SETTING FORTH THE CONDITIONS AND REQUIREMENTS FOR ANY AMENDMENT TO, OR REPEAL OF, THIS SALES TAX; PROVIDING THAT IF, AT THE AUGUST 8, 2023 ELECTION, THE VOTERS OF THE CITY OF TULSA DO NOT APPROVE THE 2023 TEMPORARY SALES TAX, THEN THIS ORDINANCE SHALL BE NULL AND VOID AND OF NO FURTHER EFFECT; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE: PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA, OKLAHOMA

Section 1. That a new Title within Tulsa Revised Ordinances (TRO), namely, Title 43-M, entitled "2023 Temporary Sales Tax Policy" is hereby enacted, to read as follows:

**"Title 43-M
2023 Temporary Sales Tax Policy**

Section 100. - Declaration of Official Policy of City and Pledge to the Citizens

Section 101. - Sales Tax Overview Committee.

Section 102. - Establishment of 2023 Temporary Sales
Tax Fund.

Section 103. - Procedure to Amend or Repeal this Title.

"Section 100. - Declaration of Official Policy of City and Pledge to the Citizens.

The City of Tulsa has levied the 2023 Temporary Sales Tax of ninety-five one-hundredths of one percent (.95%), Title 43 TRO Section 100.5, Ordinance No. 25041 to commence upon the expiration of the 2021 Miscellaneous Capital Improvements Temporary Sales Tax (Title 43-L TRO), that is, December 31, 2025, or when One

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Hundred Ninety-Three Million Dollars and No Cents (\$193,000,000.00) has been collected, whichever occurs first. This tax levy will be voted on at a special election on August 8, 2023, pursuant to Title 68 Oklahoma Statutes, Section 2705.

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

1. That ALL funds received by the City from the 2023 Temporary Sales Tax will be spent ONLY for those projects and purposes set forth herein, unless amended pursuant to Section 103, below;
2. That none of such funds shall ever be spent for any other purpose, unless amended pursuant to Section 103, 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, unless amended pursuant to Section 103, below, 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 Title; 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 for which expenditures of proceeds from the 2023 Temporary Sales Tax may lawfully be made are as follows along with paying debt service on indebtedness issued for such purposes:

Citywide street rehabilitation, repair, and maintenance	\$ 51,100,000
Additional costs for completion of previously approved street projects listed in Improve Our Tulsa Proposition No 1 approved at an election held on November 12, 2019	\$ 27,075,000
Citywide bridge replacement and rehabilitation	\$ 4,800,000
Citywide project engineering inspection and testing	\$ 2,500,000
Citywide street project construction completion incentives	\$ 4,000,000
City matching funds for Federal or State grants for Citywide Street Projects	\$ 14,400,000
Citywide traffic engineering needs	\$ 16,670,000
Citywide American Disabilities Act Transition Plan Implementation	\$ 3,750,000
Citywide sidewalks	\$ 1,650,000
Citywide alleys	\$ 400,000
Cox Business Convention Center - building, safety, and security improvements	\$ 18,800,000
Mohawk Park - improvements	\$ 2,545,000

Page Belcher Golf Course - renovation	\$ 4,000,000
Citywide Parks - improvements	\$ 3,025,000
Citywide Regional Trails - improvements	\$ 3,000,000
Citywide Facilities - maintenance and improvements	\$ 20,000,000
River Parks – maintenance building	\$ 5,000,000
Housing Initiatives	\$ 75,000,000
Kirkpatrick Heights/Greenwood Area – plan implementation	\$ 5,000,000
Neighborhoods – revitalization and improvements	\$ 15,000,000
City vehicles, equipment, and technology	\$ 94,300,000
Tulsa Fire Department - apparatus and vehicles	\$ 58,500,000
TOTAL	\$ 430,515,000

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 "Housing Initiatives" (above) shall be allocated and appropriated to implement a project plan adopted by resolution, after presentation and consideration of recommendations from the City of Tulsa's Housing, Homelessness & Mental Health Task Force.

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.

“Section 101. - Sales Tax Overview Committee.

A. Sales Tax Overview Committee Created. There is hereby created a committee which shall be known as the 2023 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 2023 Temporary Sales Tax have been expended or on June 30, 2030, whichever occurs earlier.

B. Appointment and terms. Members of the current STOC shall continue to serve as the 2023 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 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 2023 Temporary Sales Tax Fund and the projects listed in this Title. The monthly report shall include, with reference to each project, 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 2024 Capital Projects 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 January, 2026. 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 February 2026, 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 February, 2026, until the sales tax

revenues have been fully expended for the projects set forth in this title or June 30, 2030, whichever occurs sooner..

“Section 102. - Establishment of 2023 Temporary Sales Tax Fund.

- A. There is hereby established a special revenue fund which shall be known as the 2023 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 2023 Temporary Sales Tax, including interest received from the investment thereof, to be deposited into the 2023 Temporary Sales Tax Fund as soon as received by the City of Tulsa.
- C. None of the monies in the 2023 Temporary Sales Tax Fund shall ever be encumbered or expended for any purpose other than those projects set forth in this Title, 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 2023 Temporary Sales Tax Fund and to ensure that all such funds shall always be readily available for immediate expenditure for the projects set forth in this Title.
- 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 2023 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 set forth in this Title.

“Section 103. - Procedure to Amend or Repeal This Title.

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 2023 Temporary Sales Tax, and having enacted this Title to establish the official City policy with regard to such revenue, hereby pledges that this Title shall remain in force during the entire period of collection and expenditure of the revenues generated by the 2023 Temporary Sales Tax for the projects herein enumerated.

Any attempt to amend or repeal this Title 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 Title on any agenda of the City Council, the Secretary

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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 Title.
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 a newspaper of general circulation in the city of Tulsa, 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 Title 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 Title as above provided."

Section 2. That if on August 8, 2023 the voters of the City of Tulsa do not pass and approve said sales tax, this Ordinance shall be null and void and of no further effect, pursuant to Title 68 Oklahoma Statutes, Section 2705.

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. **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 5. **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

Chair of the Council

ADOPTED as an emergency measure: _____
Date

Chair of the Council

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OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____.
Date Time

G. T. Bynum, Mayor

By _____
Secretary

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

at _____.
Time

Mayor

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

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5.24.2023*