

Resolution

Version 2.3 released on 8/3/21
Use for all types of Resolutions



CITY COUNCIL USE ONLY Date Received: _____ Committee Date: <u>5-17-23</u> 1 st Agenda Date: <u>5-24-23</u>	Tracking #: <u>23-392-1</u> Committee: <u>UED</u> Hearing Date: _____ 2 nd Agenda Date: _____	CITY CLERK USE ONLY <input type="checkbox"/> Scanned <input type="checkbox"/> Posted Date: <u>05.10.2023</u> Item #: <u>2305.00979</u>
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All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Board Approval		Other Board Name	City Council Approval <input checked="" type="radio"/> Yes <input type="radio"/> No
Department Mayors Office	Contact Name Jack Neely	Email Jneely@cityoftulsa.org	Phone 918-576-5403
Resolution Type Other		Owner-Grantor	
Amount	Case Number	TMAPC Number	Council District
Description (Subject) 2023 Special Election Resolution-2023 Temporary Sales Tax		Bid/Project Number	
Section	Township	Range	Addition
Lot	Block	Address	

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.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department:	<u>Jack Neely</u>	Date: <u>May 10, 2023</u>
Legal:	<u>[Signature]</u>	Date: <u>MAY 10, 23</u>
Board:	<u>[Signature] (SWINEY)</u>	Date: _____
Mayor:	<u>[Signature]</u>	Date: <u>MAY 11 2023</u>
Other:	_____	Date: _____

Policy Statement

Background Information

Attached is a Resolution of the City of Tulsa, calling a special election for the 2023 Temporary Sales Tax. Containing the language of the ballot, and other information for the Election Board and the voters.

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

Because the Special Election is on August 8, 2023, and the final resolution must be delivered to the Election Board no later than 60 days prior to the election, that is, June 8, this Resolution is offered as an emergency measure.

Explain why you are requesting that the City Council approve the 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.)

RESOLUTION NO. _____

A RESOLUTION CALLING FOR, AND REQUESTING THE ELECTION BOARD TO CONDUCT, A NON-PARTISAN SPECIAL ELECTION ON AUGUST 8, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF TULSA, IN ACCORDANCE WITH TITLE 68 OKLAHOMA STATUTES §§ 2701 AND 2705, THE QUESTION OF A SALES TAX, NAMELY: THE “2023 TEMPORARY SALES TAX”, CITY OF TULSA ORDINANCE NO. 25041, SETTING A TEMPORARY SALES TAX LEVY OF NINETY-FIVE ONE-HUNDREDTHS OF ONE PERCENT (.95%) BEGINNING AT THE EXPIRATION OF THE 2021 MISCELLANEOUS CAPITAL IMPROVEMENTS TEMPORARY SALES TAX; PROVIDING THAT THIS TAX SHALL BE IN ADDITION TO ANY OTHER SALES TAX THEN EXISTING; ESTABLISHING AN EXPIRATION DATE FOR SAID TAX, STATING THE PURPOSES OF THE SAID TAX; PROPOSING TO MANAGE THIS TAX IN ACCORD WITH TITLE 43-M OF TULSA REVISED ORDINANCES (ORDINANCE NO. 25042); GIVING NOTICE TO THE TULSA, OSAGE, ROGERS, AND WAGONER COUNTY ELECTION BOARDS OF SAID ELECTION, PURSUANT TO TITLE 26 OKLAHOMA STATUTES §13-102, AND AMENDMENTS THERETO; AUTHORIZING AND REQUESTING THE MAYOR OF THE CITY OF TULSA TO CALL AND PROCLAIM THE HOLDING OF THE SPECIAL ELECTION IN THE CITY OF TULSA IN ACCORDANCE WITH ARTICLE VI OF THE CITY CHARTER, SECTION 4 “CALLING ELECTIONS”; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Tulsa’s 2021 Miscellaneous Capital Improvements Temporary Sales Tax (Title 43-L TRO) is due to expire on December 31, 2025, or when One Hundred Ninety-Three Million Dollars and No Cents (\$193,000,000.00) has been collected, whichever occurs first; and the City has determined by Ordinance No. 25041 that a ninety-five one-hundredths of one percent (.95%) temporary sales tax for the funding of public projects, and paying debt service on indebtedness issued for such purposes, in accord with Ordinance No. 25042, Title 43-M Tulsa Revised Ordinances (the “Brown Ordinance”), shall be submitted to the voters of the City for approval or rejection; and

WHEREAS, Title 26 Oklahoma Statutes §13-102, and amendments thereto, require the City of Tulsa, Oklahoma to give by resolution sixty (60) days' notice of a special election to the Tulsa, Osage, Rogers, and Wagoner County Election Boards, stating therein the date of said election, the question(s) to be voted upon at said election, and other information necessary for conducting the said election; and

WHEREAS, Article VI, Section 4, of the Charter of the City of Tulsa requires the Mayor to issue proclamations and notices calling all elections in the City; and

WHEREAS, Title 10, Chapter 1, Section 100, of the Tulsa Revised Ordinances, provides for use of absentee ballots in all special elections in the City of Tulsa, Oklahoma, in the manner and in accordance with the provisions now established by the laws of Oklahoma and the Federal government;

BE IT RESOLVED BY THE CITY OF TULSA:

Section 1. That notice be and the same is hereby given of a special election, and the election boards of Tulsa, Osage, Wagoner and Rogers County are hereby requested to conduct a special election in the City of Tulsa, Oklahoma, on Tuesday, August 8, 2023, to submit to the qualified voters of the City, for approval or rejection, the 2023 Temporary Sales Tax, which is a temporary ninety-five one-hundredths of one percent (.95%) sales tax, commencing at the expiration of the 2021 Miscellaneous Capital Improvements Temporary Sales Tax, and continuing until June 30, 2030 at which point it shall expire; to be deposited into a limited-purpose fund and to be used for funding public projects, and paying debt service on indebtedness issued for such purposes, pursuant to Ordinance No. 25042, (the "Brown Ordinance") Title 43-M Tulsa Revised Ordinances.

Section 2. That under and by virtue of Title 68 Oklahoma Statutes §§ 2701 and 2705, the ballot setting forth the following Proposition shall be submitted to the qualified voters of the City of Tulsa, Oklahoma, at said election, to wit:

"Sales Tax Proposition No. 1"

"2023 Temporary Sales Tax"

"Do you approve City of Tulsa Ordinance No. 25041, the 2023 Temporary Sales Tax, to collect a ninety-five one-hundredths of one percent (.95%) sales tax for the funding of the public projects of the City of Tulsa, and paying debt service on indebtedness issued for

such purposes, commencing at the expiration of the 2021 Miscellaneous Capital Improvements Temporary Sales Tax and expiring on June 30, 2030; to be deposited into a limited-purpose fund; to be managed and spent by the City of Tulsa only on public projects and paying debt service on indebtedness issued for such purposes, in accordance with Ordinance No. 25042 ?”

The ballot setting forth the above Proposition shall also contain in connection with the Proposition the following words and symbols:

FOR the Proposition – YES”

AGAINST the Proposition – NO”

Section 3. That the Mayor of the City of Tulsa, Oklahoma, pursuant to Article VI of the City Charter, Section 4, is hereby authorized and requested to call and proclaim a special election to be held on Tuesday, August 8, 2023, for the purpose of submitting to the qualified voters of the City of Tulsa the above-stated Proposition for approval or rejection.

Section 4. That the Proclamation signed by the Mayor of the City of Tulsa, and attested by the City Clerk, shall set forth the Proposition to be voted upon, the numbers and locations of the polling places, the date of the election, and the hours of opening and closing the polls, providing that said election shall be conducted by those precinct officials designated by the Tulsa County, Osage County, Rogers County and Wagoner County Election Boards, which officials shall also act as counters; that the ballots used at the election shall set forth the Proposition to be voted upon substantially as set out in Section 2 above; that the returns of the election shall be made to, and canvassed by, the County Election Board of Tulsa County, in the State of Oklahoma, and be certified to the Council of the City of Tulsa, which shall canvass the results as in the case of a general election and certify the results thereof as required by law, that is, Article VI Tulsa City Charter, Section 5, and that the election shall be conducted in all respects as provided by law.

Section 5. That, pursuant to Tulsa City Charter Article VI, Section 2.1, this election, and all elections in the City of Tulsa, shall be non-partisan. As provided in Title 26 Oklahoma Statutes, Section 13-103, all precincts totally or partially contained within the Tulsa city limits shall be open for voting on August 8, 2023. That Title 10, Chapter 1, Section 100, of the Tulsa Revised Ordinances, provides for the use of absentee ballots in all special elections in the City of Tulsa, in the manner and in accordance with the provisions now established by the laws of Oklahoma and the Federal government.

Section 6. That only the qualified electors registered to vote under the laws of Oklahoma, in the City of Tulsa, Oklahoma, may vote upon the Proposition above set forth; and that the Proposition, as above set forth, must be approved by a majority of the voters voting on that Proposition. If on August 8, 2023 the voters of the City of Tulsa do not pass and approve said sales tax, then Ordinances No. 25041 and 25042 shall be null and void and of no further effect, pursuant to Title 68 Oklahoma Statutes, Section 2705.

Section 7. That the Tulsa County Election Board be and is hereby notified that all elections in said City shall be held in the manner provided by the general election laws of Oklahoma, as far as the same may be applicable (Title 26 Oklahoma Statutes, Section 13-101), and in other respects in accordance with the provisions of the Charter of the City of Tulsa and ordinances of the City made by authority thereof.

Section 8. That a true and correct copy of this Resolution be and the same is hereby ordered and directed to be submitted to the Secretary of the Tulsa County Election Board at least sixty (60) days prior to the election on August 8, 2023, that is, no later than June 8, 2023, pursuant to Title 26 Oklahoma Statutes §§ 1-106, 3-101, 13-102 and other applicable law.

Section 9. Severability Clause. If any section, sentence, clause or phrase of this Resolution 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 Resolution or any part thereof.

Section 10. Emergency Clause. That an emergency is hereby declared to exist for the preservation of the public peace, health, and safety, by reason whereof this Resolution shall take effect immediately upon its publication...

ADOPTED, by the Council on this _____ day of _____ 2023.

Council Chair

ADOPTED, as an emergency measure, on this _____ day of _____ 2023.

Council Chair

OFFICE OF THE CITY CLERK

Received by the City Clerk: _____ at _____.
Date Time

OFFICE OF THE MAYOR

By: _____
Secretary

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

at _____.
Time

Mayor

ATTEST:

City Clerk

APPROVED:

City Attorney

MDS