

RESOLUTION NO. 06-04-12 B

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF DEL CITY, COUNTY OF OKLAHOMA, STATE OF OKLAHOMA, ON THE 28<sup>th</sup> DAY OF AUGUST, 2012, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF THE CITY OF DEL CITY, OKLAHOMA, THE QUESTION OF THEIR APPROVAL OR REJECTION OF ORDINANCE NO. 1358 RELATING TO A RENEWAL OF THE CITY SALES TAX.

WHEREAS, there currently is in effect in the city of Del City, Oklahoma, excise tax of three and one-half percent (3 ½%) imposed on proceeds from all sales taxable under the laws of the State of Oklahoma. That of said three and one-half percent (3 ½%) tax, one and one-half percent (1 ½%) is dedicated for stated purposes for five years from January 1, 2008, and the remaining two percent (2%) is a permanent tax for general purposes; and

WHEREAS, it has been determined that Section 20-20, Del City Code of Ordinances, which defines the limited purposes for use of a defined portion of sales tax proceeds, and which was approved by the voters of the City of Del City in 2007 through Ordinance, will expire January 1, 2013, and that a special election should be called to be held in the City of Del City, on the 28<sup>th</sup> day of August, 2012, for the purpose of approving or rejecting the question of whether that portion of the total excise tax imposed on proceeds from sales which is dedicated for the purposes stated herein, shall be renewed at one and one-half percent (1½%) for a period of five (5) years. Only said dedicated one and one-half percent (1 ½%) is to be considered by the voters; the remaining two percent (2%) is to remain in effect.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Del City, Oklahoma, that they do hereby notify the Secretary of the Oklahoma County Election Board that they will call and give legal notice of a special municipal election to be held on the 28<sup>th</sup> day of August, 2012, for the purpose of voting upon a Proposition of whether the dedicated excise tax imposed on all sales taxable under the State of Oklahoma shall be established at one

and one-half percent (1½%) for the purposes stated in said Proposition, for a period of five (5) years, resulting in a total excise tax on sales of three and one-half percent (3½%).

BE IT THEREFORE RESOLVED that the exact wording of said proposition to be submitted to the registered voters shall be as follows:

**PROPOSITION**

Shall Ordinance No. 1358 amending Sec. 20-20 of Chapter 20, Article II, of the Del City Code of Ordinances, renewing the dedicated rate of excise tax at one and one-half percent (1½%), to be used for the purposes as set forth herein, resulting in a total excise tax of three and one-half percent (3 1/2 %) imposed on all sales taxable under the laws on the State of Oklahoma; said one and one-half percent (1 ½%) excise tax levy on sales to be used for purposes as follows:

1. Levying an excise tax in the amount of one-half percent (1/2%) to be expended only for the payment of principle and interest necessary to obtain funding for the construction of a new Del City Library, and for the payment of principle and interest of bonded indebtedness and other long-term indebtedness of the City of Del City, the Del City Municipal Services Authority, and the Del City Economic Development Authority.
2. Levying an excise tax in the amount of one-half percent (1/2%) to be expended only for capital improvements and capital outlay of the City of Del City, the Del City Municipal Services Authority and the Del City Economic Development Authority, including but not limited to, street, drainage and water and sewer line replacement, extension and design, property acquisition, police vehicles, fire department administrative building, public works equipment and public works administrative building.
3. Levying an excise tax in the amount of one-half percent (1/2%) to be expended only for the following purposes:
  - a. Thirty-three percent (33%) of said one-half percent (1/2%) for maintenance, repair and resurfacing of streets, projects to be performed, including but not limited to: NE 4<sup>th</sup> (Vickie to Sunnyslane Road); Sunnyslane Road (I-40 to NE 4<sup>th</sup>); Sooner Road (Reno to 29<sup>th</sup>); Bryant (29<sup>th</sup> to 15<sup>th</sup>); Scott Street, and others as determined; and
  - b. Thirty-three percent (33%) of said one-half percent (1/2%) to be used for the John Smith Sports Center, the Senior Center, the Women's Veterans Memorial, and other major recreational and beautification projects; and
  - c. Thirty-three percent (33%) of said one-half percent (1/2%) to maintain staffing levels for fire department, police department, and street department; and
  - d. One percent (1%) of said one-half percent (1/2%) for the funding of functions, programs and projects related to the administration of juvenile justice;

that the dedicated one and one-half percent (1½%) of the total three and one-half percent (3½%) excise tax levy which constituted additional revenue for limited purposes, which said dedicated additional excise tax was for a period of five (5) years from January 1, 2008, is hereby repealed effective January 1, 2013, and replaced by the dedicated additional excise tax levies of one and one-half percent (1 ½%) as provided in this section, to be for a limited term of five (5) years, beginning at 12:00 a.m. January 1, 2013, and ending 12:00 a.m. January 1, 2018; authorizing mayor to call election; providing provisions to be cumulative; providing severability of provisions; repealing all ordinances or parts of ordinances in conflict therewith; and declaring an emergency, be approved?

BE IT FURTHER RESOLVED that the ballot setting out the Proposition to be submitted to the registered qualified voters shall set out the proposition as above set forth and shall also contain the following words:

\_\_\_\_\_ For the above proposition

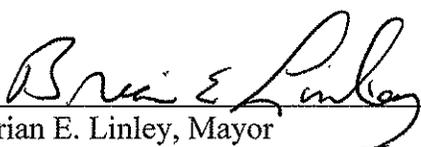
\_\_\_\_\_ Against the above proposition

BE IT FURTHER RESOLVED that such election shall be held at the same place and in the same manner prescribed for the conduct of state and county elections and that polling places shall be open from 7:00 a.m. until 7:00 p.m.

BE IT FURTHER RESOLVED that the call for such special election shall be by proclamation signed by the Mayor and attested by the City Clerk, and the City Clerk is hereby directed to transmit a copy of said Resolution to the Secretary of the Oklahoma County Election Board immediately after the Council's approval of the same, together with a copy of the Charter of the City of Del City.

PASSED AND APPROVED by the mayor and council of the City of Del City, Oklahoma, on the 4 day of Jan, 2012.

CITY OF DEL CITY, OKLAHOMA

  
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Brian E. Linley, Mayor

ATTEST:

Angie Sewell

Carol Noble, City Clerk  
Deputy City Clerk

(Seal)

REVIEWED this 4 day of June, 2012, by:

Jack Fried  
Jack B. Fried, City Attorney