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ORDINANCE NO. 23425

AN ORDINANCE CREATING A NEW TITLE, TITLE 43-K, TULSA REVISED ORDINANCES, ESTABLISHING THE OFFICIAL POLICY OF THE CITY OF TULSA, OKLAHOMA, WITH REGARD TO THE EXPENDITURE OF ALL MONIES RECEIVED FROM THE LIMITED-PURPOSE ECONOMIC DEVELOPMENT TEMPORARY SALES TAX LEVY OF THREE HUNDRED FIVE THOUSANDTHS OF ONE PERCENT (.305%) BEGINNING JANUARY 1, 2017, INCREASING TO EIGHT HUNDRED FIVE THOUSANDTHS OF ONE PERCENT (.805%) ON JULY 1, 2021, THEN DECREASING TO THREE HUNDRED FIVE THOUSANDTHS OF ONE PERCENT (.305%) ON JULY 1, 2025 AND EXPIRING ON DECEMBER 31, 2031; WHICH SALES TAX LEVY WILL BE VOTED ON, APRIL 5, 2016; LISTING PROJECTS AND PURPOSES WHICH WILL BE ACCOMPLISHED FROM SAID REVENUES; ALLOWING CONTINGENCY APPROPRIATIONS; CREATING THE 2017 SALES TAX OVERVIEW COMMITTEE ("STOC") 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 "2017 LIMITED-PURPOSE ECONOMIC DEVELOPMENT 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, UNLESS 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 a temporary City sales tax to provide funds for economic development as enacted by Ordinance No. 23422; and

WHEREAS, the City desires to establish its official policy that all funds derived from said proposed extension 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-K to read as follows:

"TITLE 43-K 2017 LIMITED-PURPOSE ECONOMIC DEVELOPMENT TEMPORARY SALES TAX POLICY

Chapter 1. Levy of Limited-Purpose Economic Development 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 "2017 Limited-Purpose Economic Development 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 Limited-Purpose Economic Development Temporary Sales Tax levy of Three Hundred Five Thousandths of One Percent (.305%) beginning January 1, 2017, increasing to Eight Hundred Five Thousandths of One Percent (.805%) on July 1, 2021, then decreasing to Three Hundred Five Thousandths of One Percent (.305%) on July 1, 2025 and expiring on December 31, 2031 (the "2017 Limited-Purpose Economic Development Temporary Sales Tax ") will be spent only for those projects and purposes set forth herein, and paying debt service on indebtedness issued for such purposes;

2. That none of such funds shall ever be spent for any other purpose, unless this ordinance is amended as provided herein;

3. That the City shall complete such projects at the earliest possible date;

B. **Specific projects and purposes.** The only projects and purposes for which expenditures of proceeds from the 2017 Limited-Purpose Economic Development Temporary Sales Tax may lawfully be made are as follows:

Arkansas River Infrastructure & Amenities (City of Tulsa Share)	
Zink Lake and Related Amenities	$63,000,000
Low-Water Dam with Recreational Gates & Flume and New Pedestrian Bridge	

Mitigation, Bank Stabilization & Outfall Protection	
South Tulsa/Jenks Lake and Related Amenities	$64,214,000
Low-Water Dam and Pedestrian Bridge	
East Bank Park, Boat Dock, and Abutment Improvements	
Vensel Creek Park and Boat Dock	
East Bank Trail Connection from Low-Water Dam to Vensel Creek	
Mitigation, Bank Stabilization & Outfall Protection	
Turkey Mountain Urban Wilderness	$7,600,000
Levee District #12 Rehabilitation - Local Matching Funds	$5,000,000
New Trail, East Bank-101st to Cousins Park (Design and Matching Funds)	$4,000,000
23rd & Jackson Redevelopment Site - Relocation Study, Design & Acquisition	$1,000,000
Gilcrease Museum Expansion	$65,000,000
Cox Business Center and Arena District Master Plan	$55,000,000
Tulsa Fairgrounds	$30,000,000
Airport Infrastructure	$27,300,000
Tulsa Zoo & Living Museum	$25,000,000
Langston University - Tulsa Healthcare Professions Complex Expansion	$16,250,000
BMX National Headquarters	$15,000,000
South Mingo Corridor	$15,000,000
Public Schools - Safety First Initiative	$14,500,000
Capital Equipment (non-Public Safety)	$12,000,000
Citywide & Route 66 Beautification and Reinvestment	$11,000,000
Peoria-Mohawk Business Park	$10,000,000
Public Schools - Partnership with Union, Jenks & Tulsa Public Schools in Teacher Retention, Recruitment, and Training Efforts	$10,000,000
Community Health Connection East Clinic	$9,975,000
Air National Guard F35 Simulator Training Center	$9,400,000
Discovery Lab - Tulsa Children's Museum Permanent Site	$8,000,000
Peoria Connection - North Peoria Avenue, 56th St. to Mohawk Blvd.	$7,000,000
TCC Career Placement	$5,320,000
University Center at Tulsa Authority/OSU-Tulsa	$3,600,000
McCullough Park	$3,600,000
Mohawk Sports Complex	$3,500,000
GO Plan - Priority Projects Identified in the Bicycle/Pedestrian Master Plan	$3,125,000
Route 66 Village Train Depot	$3,000,000
Tulsa Arts Commission	$2,250,000

Tulsa Performing Arts Center Trust - for planning and design to modernize the PAC, including, but not limited to, the renovation of the four existing theaters	$1,000,000
SUBTOTAL	**$510,634,000**

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 project entitled 'South Tulsa/Jenks Lake and Related Amenities' is contingent on additional funding to be provided by the City of Jenks, the Muscogee (Creek) Nation, and/or other potential funding partners, for other aspects of the entire project, which includes a long-term operating and maintenance endowment for both dams and related amenities.

The City of Tulsa will contribute no more than $64,214,000, to the project entitled 'South Tulsa/Jenks Lake and Related Amenities,' as described above. If a Memorandum of Understanding is not executed on or before December 31, 2016, pledging that the other funding partners will provide a minimum of $32,862,000, for the project (including design, permits, and construction of the South Tulsa/Jenks dam, access and abutment improvements; environmental mitigation, bank stabilization, and outfall protection; trails; debt service on bonds issued for these purposes; and the operating and maintenance endowment), funding hereby allocated by the City of Tulsa for this project ($64,214,000) will be reallocated according to the provisions of this ordinance, provided that Eighteen Million Dollars ($18,000,000) will first be reallocated to a long-term operating and maintenance endowment for Zink Lake and Related Amenities.

If other projects and purposes described in Section 100(B) above cannot be completed due to circumstances beyond the control of the City of Tulsa, funding allocated for such projects and purposes will be reallocated according to the provisions of this ordinance.

E. The Mayor and the City Council shall determine project priority on an annual basis through the budget process.

F. 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.

G. If at the special election on April 5, 2016 the 2017 Limited-Purpose Economic Development Temporary 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. Sales Tax Overview Committee.

A. **Sales Tax Overview Committee created.** There is hereby created a committee which shall be known as the 2017 Limited-Purpose Economic Development 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 2017 Limited-Purpose Economic Development Temporary Sales Tax have been expended, or when the tax shall have expired.

B. **Appointment and terms.** Members of the current STOC shall continue to serve as the 2017 Limited-Purpose Economic Development 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 2017 Limited-Purpose Economic Development 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 2017 Limited-Purpose Economic Development 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 December, 2016. 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 January, 2017, 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 January, 2017, until the sales tax revenues have been fully expended for the projects and programs set forth in this title.

Section 102. Establishment of a special fund for revenue from the 2017 Limited-Purpose Economic Development Temporary Sales Tax.

A. There is hereby established a special revenue fund which shall be known as the 2017 Limited-Purpose Economic Development 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 2017 Limited-Purpose Economic Development Temporary Sales Tax, including interest received from the investment thereof, to be deposited into the 2017 Limited-Purpose Economic Development Temporary Sales Tax Fund as soon as received by the City of Tulsa.

C. None of the monies in the 2017 Limited-Purpose Economic Development 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 2017 Limited-Purpose Economic Development 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 2017 Limited-Purpose Economic Development 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 2017 Limited-Purpose Economic Development 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 2017 Limited-Purpose Economic Development 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: MAR 0 3 2016

Date

Chair of the Council

ADOPTED as an emergency measure: MAR 0 3 2016

Date

Chair of the Council

MDS:eg 3/3/2016

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:

MAR 07 2016, at _____.
Date Time

Dewey F. Bartlett Jr.
Mayor

(Seal)
CITY OF TULSA OKLAHOMA
ATTEST:

City Clerk

APPROVED:

City Attorney MDS

MDS:eg 3/3/2016