

RESOLUTION NO. 2019-117

A RESOLUTION AUTHORIZING THE MAYOR TO ISSUE A PROCLAMATION CALLING A SPECIAL ELECTION SUBMITTING ORDINANCE NO. 2019-30 TO THE REGISTERED VOTERS OF THE CITY OF LAWTON, OKLAHOMA, FOR THEIR APPROVAL OR DISAPPROVAL; IF APPROVED BY VOTERS, ORDINANCE NO. 2019-30 WOULD AMEND THE CITY SALES TAX CODE, CHAPTER 10, ARTICLE II, OF THE LAWTON CITY CODE, 2015, BY THE ENACTMENT OF A NEW PARAGRAPH (D) UNDER SECTION 10-2-205, LEVYING AN EXCISE TAX OF TWO AND ONE-EIGHTH PERCENT (2.125%) ON ALL SALES TAXABLE UNDER THE SALES TAX LAWS OF THE STATE OF OKLAHOMA; PROVIDING FOR A LIMITED TERM OF THE TAX BEGINNING APRIL 1, 2020, AND ENDING DECEMBER 31, 2034, WITH THE EXCEPTION ONE-HALF OF ONE PERCENT (1/2%) OF THE TWO AND ONE-EIGHTH PERCENT (2.125%) TAX WILL BE FOR AN INDEFINITE PERIOD; SPECIFYING THE PROPOSITION TO BE SUBMITTED TO VOTERS; PROVIDING THAT THE CALL FOR THE ELECTION SHALL BE BY MAYORAL PROCLAMATION; PROVIDING FOR PUBLICATION OF THIS RESOLUTION AND THE PROCLAMATION ISSUED BY THE MAYOR TO CALL THE SAID ELECTION; AND FURTHER PROVIDING THAT THE RETURNS THEREOF SHALL BE CANVASSED BY THE COUNTY ELECTION BOARD PURSUANT TO STATE LAW AND CERTIFIED TO THE MAYOR AND COUNCIL.

WHEREAS, on November 26, 2019, the City Council of the City of Lawton passed Ordinance No. 2019-30 amending the City Sales Tax Code, Chapter 10, Article II, of the Lawton City Code, 2015, by the enactment of a new paragraph ( D) under Section 10-2-205, which levies an excise tax of two and one-eighth percent (2.125%) on all sales taxable under the sales tax laws of the State of Oklahoma for a limited term beginning April 1, 2020 and ending December 31, 2034, with the exception one-half of one percent (1/2%) of the two and one-eighth percent (2.125%) tax will be for an indefinite period; and

WHEREAS, 68 OS. § 2705 provides that no levy of a tax by a municipal corporation shall be valid unless approved by a majority vote of the qualified electors of such municipal corporation; and

WHEREAS, 11 O.S. § 16-101 provides that notice of a special municipal election shall be given by publishing the resolution of the municipal governing body calling for the election at least ten (10) days before the date of the special election; and

WHEREAS, 11 O.S. § 16-112 provides that when the municipal governing body shall deem it advisable, it may, by resolution or ordinance, authorize the Mayor to call a special election for any purpose authorized by law; and

WHEREAS, by passage of this Resolution, the Council of The City of Lawton desires to provide for the calling and holding of a special election in accordance with the authority of 68 O.S. § 2705 and 11 O.S. § 16-112, with such special election to be held on Tuesday, February 11, 2020, for

submitting the proposed excise tax to a vote of the qualified electors of The City of Lawton for their approval or disapproval; and

WHEREAS, by passage of this Resolution pursuant to authority of 68 O.S. § 2705 and 11 O.S. §16-112, the Council of The City of Lawton desires to authorize the Mayor of said City to issue a Special Election Proclamation calling the aforesaid special election; and

WHEREAS, by passage of this Resolution pursuant to authority of 68 O.S. § 2705 and 11 O.S. § 16-112, the Council of The City of Lawton further desires to provide for the legally required notice of the aforesaid special election, which notice shall be by publication of both this Resolution and the Mayoral Proclamation on December 6, 2019 and January 24, 2020 and January 31, 2020, or such other dates as to comply with statutory requirements; and

WHEREAS, by passage of this Resolution pursuant to authority of 68 O.S. § 2705 and 11 O.S. § 16-112, the Council of the City of Lawton further desires to provide for the publication of Ordinance No. 2019-30 as required by the Lawton City Charter, Art. C-2, §C-2-15, after final passage of such Ordinance by the City Council on November 26, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Council of The City of Lawton, as required by 68 O.S. § 2705 and 11 O.S. § 16-112, does hereby authorize the Mayor of said City, to issue a Special Election Proclamation calling a special election for submitting Ordinance No. 2019-30, levying an excise tax of two and one-eighth percent (2.125%) for a limited term beginning April 1, 2020 and ending December 31, 2034, with the exception one-half of one percent (1/2%) of the two and one-eighth percent (2.125%) tax will be for an indefinite period, to a vote of the qualified electors of The City of Lawton for their approval or disapproval.

AND BE IT FURTHER RESOLVED that, pursuant to the aforesaid authorities, the Council does hereby designate Tuesday, February 11, 2020, as the date on which said special election shall be had and held within The City of Lawton.

AND BE IT FURTHER RESOLVED by the Council that the question to be voted upon at said special election shall be as follows: See Exhibit A attached to and incorporated into this Resolution;

AND BE IT FURTHER RESOLVED that the Council of the City of Lawton does hereby direct the City Clerk of The City of Lawton to cause this Resolution and the Mayoral Proclamation to be published in a legally qualified newspaper on the following dates, to—wit: December 6, 2019 and January 24, 2020 and January 31, 2020, or such other dates as to comply with statutory requirements, said publication being for giving at least ten (10) days' notice of the aforesaid special election, as required by 11 OS. § 16-101.

AND BE IT FURTHER RESOLVED that the Council of The City of Lawton does hereby direct the City Clerk of The City of Lawton to cause Ordinance No. 2019-30 to be published in a legally qualified newspaper with said publication being to meet the ordinance publication requirement of Lawton City Charter, Art. C-2, § C-2-15.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF NOVEMBER 2019.

THE CITY OF LAWTON, OKLAHOMA

(SEAL)

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this 26<sup>th</sup> day of November 2019.

\_\_\_\_\_  
ROBERT L. ROSS, INTERIM CITY ATTORNEY



EXHIBIT "A"  
PROPOSITION

"SHALL CITY OF LAWTON ORDINANCE NO. 19-30 BE APPROVED, WHICH DOES NOT INCREASE CITY OF LAWTON SALES TAX, BUT AUTHORIZES ASSESSING AND LEVYING AN EXCISE TAX OF TWO AND ONE-EIGHTH PERCENT (2.125%), IN PLACE OF THE EXISTING SEVEN-EIGHTHS OF ONE PERCENT (0.875%) SALES TAX AND THE EXISTING ONE AND ONE-QUARTER PERCENT (1.25%) SALES TAX WHICH WILL BE REPEALED UPON APPROVAL OF THE ORDINANCE, SUBJECT TO PRIOR ENCUMBRANCES, IT BEING THE INTENT THAT THE TWO AND ONE-EIGHTH PERCENT (2.125%) TAX REPLACE THE REPEALED TAXES, AND WILL BE IN ADDITION TO OTHER EXCISE OR SALES TAXES LEVIED BY THE CITY OR ANY OTHER TAXING AUTHORITY, UPON GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING A LIMITED TERM OF THE EXCISE TAX BEGINNING APRIL 1, 2020 AND ENDING DECEMBER 31, 2034, WITH THE EXCEPTION ONE-HALF OF ONE PERCENT (1/2%) OF THE TOTAL TWO AND ONE-EIGHTH PERCENT (2.125%) EXCISE TAX WILL BE FOR AN INDEFINITE PERIOD?"

FOR THE ORDINANCE        YES [ ]

AGAINST THE ORDINANCE    NO [ ]