

RESOLUTION NO. 2019-118

A RESOLUTION RELATING TO THE SPECIAL ELECTION CALLED BY THE MAYOR AND COUNCIL OF THE CITY OF LAWTON FOR FEBRUARY 11, 2020, FOR THE PURPOSE OF SUBMITTING TO CITY VOTERS ORDINANCE NO. 2019-30, LEVYING A TWO AND ONE-EIGHTH PERCENT (2.125%) EXCISE TAX 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; SETTING FORTH THE FACTS REQUIRED BY SECTION 13-102 OF TITLE 26 OF THE OKLAHOMA STATUTES; DIRECTING THE CITY CLERK TO SUBMIT THIS RESOLUTION TO THE SECRETARY OF THE COMANCHE COUNTY ELECTION BOARD BEFORE DECEMBER 12, 2019; FURTHER DIRECTING THE CITY CLERK TO FORTHWITH SUBMIT A CURRENT, CERTIFIED COPY OF THE LAWTON CITY CHARTER TO SAID ELECTION BOARD AS REQUIRED BY LAW AND DIRECTING THE CITY CLERK TO FORTHWITH PROVIDE THE COMANCHE COUNTY ELECTION BOARD WITH A MAP DESIGNATING THE MUNICIPAL LIMITS AND WARD BOUNDARIES OF THE CITY OF LAWTON AS REQUIRED BY SECTION 13-107 OF TITLE 26 OF THE OKLAHOMA STATUTES.

WHEREAS, it has been determined by the Mayor and Council of The City of Lawton that a special election will be held in Lawton on Tuesday, the 11th day of February 2020, for the purpose of allowing the registered voters of the City to approve or reject Ordinance No. 2019-30 of The City of Lawton; which levies a two and one-eighth percent (2.125%) excise tax within the City 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, the Secretary of the Comanche County Election Board has notified the City Clerk that February 11, 2020, is a date allowed by State law for the holding of a municipal special election; and

WHEREAS, pursuant to 26 Okla. Stat., § 13-102, a municipality must notify the county election board conducting a municipal special election not fewer than sixty (60) days before a special municipal election; and that the governing board of any municipality shall submit a resolution to the secretary of the county election board conducting said election and that said resolution shall contain the following facts:

1. The dates of the election or elections;
2. The offices to be filled or the questions to be voted upon at said election or elections;
3. Qualifications for said offices;
4. Designation of which offices shall be filled by voting by ward and which offices shall be filled by voting at large;

5. Indication of whether the election will be partisan or nonpartisan;
6. For charter cities where the charter is silent, indication of any portion of state law which will apply;
7. A list of precincts partially contained within the limits of the municipality which are eligible to be closed pursuant to the provisions of subsection C of Section 13-103 of this title, and a certification of whether such precincts shall be open or not open for the election; and
8. Any other information necessary for conducting said election or elections; and

WHEREAS, the deadline for providing sixty (60) days' notice of the February 11, 2020, City Special Sales Tax Election is December 12, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of The City of Lawton, Oklahoma, that in compliance with both 26 Okla. Stat, §§ 3-101(E) and 13-102, they do hereby notify the Secretary of the Comanche County Election Board that they have called and will give published legal notice of a special municipal election to be held on Tuesday, February 11, 2020, in The City of Lawton, Oklahoma, for the purpose of allowing the registered voters of the City to approve or disapprove Ordinance No. 2019-30 of The City of Lawton, which levies a two and one-eighth percent (2.125%) excise tax within the City 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

BE IT FURTHER RESOLVED that the proposition (ballot) to be submitted to the registered voters of The City of Lawton at the special election to be held on Tuesday, February 11, 2020, shall be as follows:

PROPOSITION  
[SEE EXHIBIT "A" FOR PROPOSITION]

BE IT FURTHER RESOLVED that the election to be held in the City on Tuesday, February 11, 2020, will be open to all City registered voters, that such election will be held at the same places and in the same manner prescribed by law for the conduct of state and county elections, that all polling places within The City of Lawton will be open at 7:00 a.m. and remain open continuously until 7:00 p.m., and that absentee ballots will be authorized during the conduct of the said special election as provided by law; and

BE IT FURTHER RESOLVED, no voting precincts need be closed; all voting precincts shall be open; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this Resolution to the Secretary of the Comanche County Election Board, together with a certified copy of Ordinance No. 2019-30 of The City of Lawton, a certified copy of the Charter of The City of Lawton, a map designating the municipal limits and ward boundaries, and certified

copies of any other document or documents that may be required by the Comanche County Election Board for holding the Tuesday, February 11, 2020 special election in The City of Lawton.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 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

STATE OF OKLAHOMA                    )  
  ) SS  
COUNTY OF COMANCHE                )

I, the undersigned, the duly qualified and acting Clerk of The City of Lawton, Oklahoma, hereby certify that the foregoing is a true and complete copy of a Resolution notifying the Comanche County Election Board of calling a special election submitting Ordinance No. 2019-30 levying an excise tax of two and one-eighth percent (2.125%) to the registered voters of The City of Lawton, Oklahoma, for their approval or disapproval, as adopted by the governing body of said municipality at a regular meeting thereof duly held on the date therein set out, insofar as the same relates to the introduction, reading, and adoption thereof as the same appears of record in my office.

I further certify that attached hereto is a true and complete copy of the public notice given to the City Clerk of Lawton, Oklahoma, and of the public notice posted in prominent public view at entry to City Hall, 212 S.W. 9th, Lawton, Oklahoma, at least twenty-four (24) hours prior to the meeting wherein said Resolution was approved, excluding Saturdays, Sundays, and State designated legal holidays.

WITNESS my hand and seal this 26th day of November, 2019.

(SEAL)

\_\_\_\_\_  
City Clerk

**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 [ ]