



# McAlester City Council

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## NOTICE OF MEETING

### Special City Council Meeting Agenda

Tuesday, July 21, 2015 – 5:30 pm  
McAlester City Hall – Council Chambers  
28 E. Washington

Steve Harrison.....	Mayor
Weldon Smith.....	Ward One
John Titsworth .....	Ward Two
Travis Read, Vice-Mayor.....	Ward Three
Robert Karr.....	Ward Four
Buddy Garvin .....	Ward Five
Jason Barnett.....	Ward Six
Peter J. Stasiak.....	City Manager
William J. Ervin.....	City Attorney
Cora M. Middleton .....	City Clerk

*This agenda has been posted at the McAlester City Hall, distributed to the appropriate news media, and posted on the City website: [www.cityofmcalester.com](http://www.cityofmcalester.com) within the required time frame.*

*The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.*

*The McAlester City Hall is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 918.423.9300, Extension 4956.*

### CALL TO ORDER

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*Announce the presence of a Quorum.*

### ROLL CALL

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### PUBLIC HEARING

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*All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.*

- **An ordinance of the City of McAlester relating to the imposition of a city excise tax (sales tax) of one half percent (.5%) in addition to any and all other excise taxes now in force, for the purpose of funding street construction, repairs, maintenance, and**

**improvements, as well as related infrastructure improvements within the project areas.**

- **An ordinance of the City of McAlester, amending prior ordinance 2159, relating to the imposition of a city excise tax (sales tax) of one half percent (.5%) in addition to any and all other excise taxes now in force; extending said excise tax, and from the date of said extension, repurposing the one half percent (.5%) excise tax presently being levied pursuant to said ordinance no. 2159 for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas.**

## **SCHEDULED BUSINESS**

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1. Consider and act to approve an ordinance of the City of McAlester relating to the imposition of a city excise tax (sales tax) of one half percent (.5%) in addition to any and all other excise taxes now in force, for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas. (*William J. Ervin, Jr., City Attorney*)
2. Consider and act to approve an ordinance of the City of McAlester, amending prior ordinance 2159, relating to the imposition of a city excise tax (sales tax) of one half percent (.5%) in addition to any and all other excise taxes now in force; extending said excise tax, and from the date of said extension, repurposing the one half percent (.5%) excise tax presently being levied pursuant to said ordinance no. 2159 for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas. (*William J. Ervin, Jr., City Attorney*)
3. Consider and act to approve resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said city the question of approval or rejection of the ordinances contained in items 1 and 2 above. (*William J. Ervin, Jr., City Attorney*)

## **RECESS COUNCIL MEETING**

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### **CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

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*Majority of a Quorum required for approval*

- Confirm action taken on City Council Agenda Item 1, an ordinance of the City of McAlester relating to the imposition of a city excise tax (sales tax) of one half percent (.5%) in addition to any and all other excise taxes now in force, for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas. (*William J. Ervin, Jr., City Attorney*)

- Confirm action taken on City Council Agenda Item 2, an ordinance of the City of McAlester, amending prior ordinance 2159, relating to the imposition of a city excise tax (sales tax) of one half percent (.5%) in addition to any and all other excise taxes now in force; extending said excise tax, and from the date of said extension, repurposing the one half percent (.5%) excise tax presently being levied pursuant to said ordinance no. 2159 for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas. (*William J. Ervin, Jr., City Attorney*)
- Confirm action taken on City Council Agenda Item 3, resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said city the question of approval or rejection of the ordinances contained in items 1 and 2 above. (*William J. Ervin, Jr., City Attorney*)

#### ADJOURN MPWA

#### RECONVENE COUNCIL MEETING

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#### ADJOURNMENT

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#### CERTIFICATION

*I certify that this Notice of Meeting was posted on this \_\_\_\_\_ day of \_\_\_\_\_ 2015 at \_\_\_\_\_ a.m./p.m. as required by law in accordance with Section 303 of the Oklahoma Statutes and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of McAlester website: [www.cityofmcalester.com](http://www.cityofmcalester.com).*

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**Cora M. Middleton, City Clerk**

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT AND THE MCALESTER CITY CHARTER INCLUDING THE POSTING OF THE ORDINANCE AND THE NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") MET IN SPECIAL SESSION IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 28 EAST WASHINGTON AVENUE, IN SAID CITY ON THE \_\_\_\_\_ DAY OF JULY, 2015, AT \_\_\_\_:00 O'CLOCK P.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following Ordinance was introduced and caused to be read by the Mayor. Councilmember \_\_\_\_\_ moved passage of the Ordinance and Councilmember \_\_\_\_\_ seconded the motion. The motion carrying with it the approval of said Ordinance was approved by the following vote:

AYE:

NAY:

The Ordinance so approved is as follows:

[see next page]

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE HALF PERCENT (.5%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE); SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATES AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City of McAlester, Oklahoma (the “City”) currently levies a three and one half percent (3.5%) excise tax (sales tax); and

WHEREAS, of said three and one half percent (3.5%) excise tax, two percent (2%) is levied pursuant to Ordinance No. 1166 of the City, as amended by Ordinance No. 1310 of the City (collectively, the “General Purpose Ordinance”), and the purpose of said General Purpose Ordinance is to provide revenue for the support of the functions of the municipal government of the City of McAlester, and with the term of said General Purpose Ordinance being unlimited in duration; and

WHEREAS, of said three and one half percent (3.5%) excise tax, one-half of one percent (0.5%) is levied pursuant to Ordinance No. 2159, as it amends the Two Percent Ordinance (said amendment to the General Purpose Ordinance being referred to as the “Half Percent Ordinance”), and the purpose of said Half Percent Ordinance is to provide revenues to be used (i) one-quarter of one percent (0.25%) for construction of education facilities and (ii) one-quarter of one percent (0.25%) for economic development, and with the term of said Half Percent Ordinance expiring on July 1, 2018; and

WHEREAS, of said three and one half percent (3.5%) excise tax, one percent (1%) is levied pursuant to various amendments to the General Purpose Ordinance, which amendments include, but not by way of limitation, Ordinance No. 1576, Ordinance No. 1983, Ordinance No. 2036, Ordinance No. 2037, Ordinance No. 2038, Ordinance No. 2091, and Ordinance No. 2144, and Ordinance No. (the amendments to the General Purpose Ordinance being collectively referred to as the “Prior One Percent Ordinance”), and the purpose of said One Percent Ordinance is to provide revenue for the support of payment of principal and interest on indebtedness incurred on behalf of the City by The McAlester Public Works Authority and any indebtedness incurred to refund or

advance refund the same and for providing capital improvements of said City, and with the term of said Prior One Percent Ordinance expiring on November 30, 2031; and

WHEREAS, pursuant to this Ordinance No. \_\_\_\_\_ of the City, the registered qualified voters of the City are being asked to approve the said excise tax and the purpose for which the proceeds of said excise tax can be expended.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, AS FOLLOWS:

Section 1. Citations and Codification. This Ordinance shall be known and may be cited as the City of McAlester Half Cent Sales Tax Ordinance of 2015, and the same shall be codified and incorporated into the Code of Ordinances of the City of McAlester, Oklahoma (the “City”).

Section 2. Tax Imposed. There is hereby imposed an excise tax of one half percent (.5%), in addition to any and all other excise taxes now in force; said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

Section 3. Purpose of Revenues. It is hereby declared to be the purpose of this Ordinance and the excise tax levied hereunder is to provide revenues to be used by the City, or any public trust having the City as beneficiary thereof, for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas.

Section 4. Effective Date and No Stated Termination Date. The provisions of this Ordinance and the collection of the excise tax referenced herein shall become effective on and after January 1, 2016, subject to approval by a majority of the qualified electors of the City of McAlester, Oklahoma, voting on the same in the manner prescribed by law. The provisions of this Ordinance and the collection of the excise tax referenced herein shall terminate and shall cease to be levied after December 31, 2023.

Section 5. Subsisting State Permits. All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purposes of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

Section 6. Payment of Tax. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form prescribed for payment of the state sales tax under the State Tax Law of the State of Oklahoma.

Section 7. This Tax in Addition to Taxes Currently Levied; Administrative Procedures. The tax levied hereby is in addition to any and all other excise taxes levied or assessed by the City pursuant to existing City Ordinances (the “Existing Ordinances”); provided, however, that those provisions, if any, of said Existing Ordinances relating to Definitions; Tax Collector Defined; Classification of Taxpayers - Permit to Do Business; Subsisting State Permits; the portion of Tax Rate - Sales Subject to Tax, pertaining to Sales Subject to Tax (not rate of Tax); the provisions of

said Existing Ordinances regarding Exemptions and Other Exempt Transfers; the provisions of said Existing Ordinances regarding Tax Due When--Returns--Records; the portion of said Existing Ordinances regarding tax constituting debt; Vendor's Duty to Collect Tax; Returns and Remittances - Discounts; Interest and Penalties--Delinquency; Waiver of Interest and Penalties; Erroneous Payments--Claim for Refund; Fraudulent Returns; and Records Confidential shall apply to the excise tax levied and assessed by this Ordinance. For purposes of this Ordinance, references in said Existing Ordinances, to specific provisions of the Oklahoma Statutes shall be deemed to be references to said statutory provisions, as amended.

Section 8. Amendments. The people of the City of McAlester, Oklahoma, by their approval of this Ordinance at the election hereinabove provided for, hereby authorize the City by Ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness or in order to make the same consistent with the Oklahoma Sales Tax Code, as amended, except that the rate of the tax herein provided for shall not be changed without approval of the qualified electors of the City as provided by law.

Section 9. Provisions Cumulative. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.

Section 10. Severability. The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF JULY, 2015.

CITY OF MCALESTER, OKLAHOMA

(SEAL)

By: \_\_\_\_\_  
Name: Steve Harrison  
Title: Mayor

ATTEST:

By: \_\_\_\_\_  
Name: Cora Middleton  
Title: City Clerk



PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT AND THE MCALESTER CITY CHARTER INCLUDING THE POSTING OF THE ORDINANCE AND THE NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") MET IN SPECIAL SESSION IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 28 EAST WASHINGTON AVENUE, IN SAID CITY ON THE \_\_\_\_\_ DAY OF JULY, 2015, AT \_\_\_\_:00 O'CLOCK P.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following Ordinance was introduced and caused to be read by the Mayor. Councilmember \_\_\_\_\_ moved passage of the Ordinance and Councilmember \_\_\_\_\_ seconded the motion. The motion carrying with it the approval of said Ordinance was approved by the following vote:

AYE:

NAY:

The Ordinance so approved is as follows:

[see next page]

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING PRIOR ORDINANCE 2159, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE HALF PERCENT (.5%) IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; EXTENDING, AND FROM THE DATE OF SAID EXTENSION, REPURPOSING A ONE HALF PERCENT (.5%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO SAID ORDINANCE NO. 2159 OF THE CITY, SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City of McAlester, Oklahoma (the "City") currently levies a three and one half percent (3.5 %) excise tax (sales tax); and

WHEREAS, of said three and one half percent (3.5 %) excise tax, two percent (2%) is levied pursuant to Ordinance No. 1166 of the City, as amended by Ordinance No. 1310 of the City (collectively, the "Two Percent Ordinance"), and the purpose of said two percent (2%) excise tax is to provide revenue for the support of the functions of the municipal government of the City of McAlester, and with the term of said two percent (2%) excise tax being unlimited in duration; and

WHEREAS, of said three and one half percent (3.5 %) excise tax, one percent (1%) is levied pursuant to various amendments to the Two Percent Ordinance, which amendments include Ordinance No. 1576, Ordinance No. 1983, Ordinance No. 2036, Ordinance No. 2037, Ordinance No. 2038, Ordinance No. 2091, Ordinance No. 2144Ordinance No. 2144; and

WHEREAS, Prior Ordinance 2159 provided that "...the purpose of the revenues provided by the one-half of one percent (1/2%) excise tax not to exceed one-half thereof, to provide revenues for the purpose of financing the acquisition, construction and equipment of educational facilities on behalf of the City by The McAlester Public Works Authority (the "Authority"), and paying the principal of and interest on indebtedness

incurred on behalf of said City for said purpose by the Authority and the balance to provide revenue for economic development by said Authority and paying the principal of and interest on indebtedness incurred by the Authority for said purpose”; and

WHEREAS, Prior Ordinance 2159 provided that “this Ordinance shall not be subject to repeal until the said indebtedness shall have been paid”; and

WHEREAS, the excise tax levied pursuant to City Ordinance 2159 is currently set to terminate on or after June 30, 2018; and

WHEREAS, pursuant to this Ordinance \_\_\_\_\_ of the City, which will extend, and from the date of such extension, repurpose the one-half of one percent (.5 %) excise tax authorized by City Ordinance 2159, the registered qualified voters of the City are being asked to (i) modify the purpose for which the proceeds of said excise tax can be expended on or after July 1, 2018 and (ii) modify the termination date from June 30, 2018 to December 31, 2023 for the collection of the excise tax levied under the Ordinance No. 2159, and to be levied after June 30, 2018 pursuant to this Ordinance No. \_\_\_\_\_, all as more specifically set forth herein.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, AS FOLLOWS:

Section 1. Citations and Codification. This Ordinance shall be known and may be cited as the City of McAlester One-Half Cent Sales Tax Repurpose Ordinance of 2015, and the same shall be codified and incorporated into the Code of Ordinances of the City of McAlester, Oklahoma (the "City").

Section 2. Tax Imposed. There is hereby imposed an excise tax of one-half of one percent (.5 %) in addition to any and all other excise taxes now in force; provided that said excise tax shall extend, and from the date of said extension, repurpose and succeed a current one-half of one percent (.5 %) excise tax presently being levied pursuant to Ordinance No. 2159 of the City, said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

Section 3. Purpose of Revenues. It is hereby declared to be the purpose of this Ordinance and the excise tax levied hereunder, collected on or after July 1, 2018) is to provide revenues to be used by the City, or any public trust having the City as beneficiary thereof, for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas.

Section 4. Effective Date and Stated Termination Date. The provisions of this Ordinance and the collection of the excise tax referenced herein shall become effective on and after July 1, 2018, subject to approval by a majority of the qualified electors of the City of McAlester, Oklahoma, voting on the same in the manner prescribed by law. The provisions of this Ordinance

and the collection of the excise tax referenced herein shall terminate and shall cease to be levied after December 31, 2023. Any excise tax revenues levied or collected pursuant to Ordinance 2159 prior to July 1, 2018 shall be used for the purposes set forth in said City Ordinance 2159.

Section 5. Subsisting State Permits. All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purposes of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

Section 6. Payment of Tax. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form prescribed for payment of the state sales tax under the State Tax Law of the State of Oklahoma.

Section 7. This Tax in Addition to Taxes Currently Levied; Administrative Procedures. The tax levied hereby is in addition to any and all other excise taxes levied or assessed by the City (except as provided in Section 2 hereof with respect to the extension and repurposing of the one half percent (.5%) currently being levied) pursuant to existing City Ordinances (the "Existing Ordinances"); provided, however, that those provisions, if any, of said Existing Ordinances relating to Definitions; Tax Collector Defined; Classification of Taxpayers - Permit to Do Business; Subsisting State Permits; the portion of Tax Rate - Sales Subject to Tax, pertaining to Sales Subject to Tax (not rate of Tax); The Provisions of said Existing Ordinances regarding Exemptions and Other Exempt Transfers; The Provisions of said Existing Ordinances regarding Tax Due When--Returns--Records; The portion of said Existing Ordinances regarding tax constituting debt; Vendor's Duty to Collect Tax; Returns and Remittances - Discounts; Interest and Penalties--Delinquency; Waiver of Interest and Penalties; Erroneous Payments--Claim for Refund; Fraudulent Returns; and Records Confidential shall apply to the excise tax levied and assessed by this Ordinance. For purposes of this Ordinance, references in said Existing Ordinances, to specific provisions of the Oklahoma Statutes shall be deemed to be references to said statutory provisions, as amended.

Section 8. Amendments. The people of the City of McAlester, Oklahoma, by their approval of this Ordinance at the election hereinabove provided for, hereby authorize the City by Ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness or in order to make the same consistent with the Oklahoma Sales Tax Code, as amended, except that the rate of the tax herein provided for shall not be changed without approval of the qualified electors of the City as provided by law.

Section 9. Provisions Cumulative. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.

Section 10. Severability. The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

PASSED AND APPROVED this \_\_\_\_ day of July, 2015.

CITY OF MCALESTER, OKLAHOMA

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk



PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") MET IN SPECIAL SESSION IN THE CITY HALL, IN SAID CITY ON THE 21ST DAY OF JULY, 2015, AT 5:30 O'CLOCK P.M.

PRESENT:

ABSENT:

Thereupon, the following resolution was introduced and caused to be read by the Mayor. Councilmember \_\_\_\_\_ moved passage of the Resolution and Councilmember \_\_\_\_\_ seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE:

NAY:

The Resolution so approved is as follows:

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF MCALESTER, STATE OF OKLAHOMA, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF ORDINANCE NO. \_\_\_\_\_ RELATING TO A ONE HALF PERCENT (.5%) EXCISE TAX (SALES TAX), IN ADDITION TO ALL PRESENT CITY, COUNTY, AND STATE EXCISE TAXES; AND THE QUESTION OF APPROVAL OR REJECTION OF ORDINANCE NO. \_\_\_\_\_ AMENDING PRIOR ORDINANCE NO. 2159, AND RELATING TO THE EXTENSION AND REPURPOSING OF A ONE HALF PERCENT (.5%) EXCISE TAX (SALES TAX) PRESENTLY BEING LEVIED BY THE CITY; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, the City of McAlester, Oklahoma (the "City") currently levies a three and one half percent (3 ½%) excise tax (sales tax); and

WHEREAS, the City of McAlester, Oklahoma has a critical need to secure funding for street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas; and.

WHEREAS, the City Council has determined to call a special election on October 16, 2015 for the purpose of submitting the hereinafter-referenced propositions to the registered qualified voters of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA:

SECTION 1. That the Mayor of the City be, and he is hereby authorized and directed to call a special election to be held in said City on the 13<sup>th</sup> day of October, 2015, for the purpose of submitting to the registered, qualified voters thereof the following propositions:

PROPOSITION 1

“Shall Ordinance No. \_\_\_\_\_ of the City of McAlester, Oklahoma, be approved. Said ordinance providing for the levy of a one half percent (.5%) excise tax, in addition to any and all other excise taxes now in force, upon the gross proceeds or gross receipts derived from all sales taxable under the Sales Tax Law of Oklahoma for the purpose of providing revenues to be used by the City, or any public trust having the City as beneficiary thereof, for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas. Said Ordinance to become effective on January 1, 2016 and to terminate January 1, 2023.”

/\_\_\_\_\_/

YES - FOR THE ABOVE PROPOSITION

/\_\_\_\_\_/

NO - AGAINST THE ABOVE PROPOSITION

PROPOSITION 2

“Shall Ordinance No. \_\_\_\_\_ of the City of McAlester, Oklahoma, be approved. Said ordinance being an ordinance amending prior Ordinance 2159, which provided for the levy of a one half percent (.5%) excise tax upon the gross proceeds or gross receipts derived from all sales taxable under the Sales Tax Law of Oklahoma. Extending the levy, and from the date of said extension, repurposing the one half percent (.5%) presently being levied pursuant to said Ordinance 2159, for the new purpose of providing revenues to be used by the City, or any public trust having the City as beneficiary thereof, for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas. Said extension and repurposing to become effective July 1, 2018 and to terminate after December 31, 2023”.

/ \_\_\_\_\_ /

YES - FOR THE ABOVE PROPOSITION

/ \_\_\_\_\_ /

NO - AGAINST THE ABOVE PROPOSITION

SECTION 2. That such call for said election shall be by proclamation, signed by the Mayor of the City and attested by the City Clerk, setting forth the propositions to be voted upon and the hours of opening and closing of the polls. That the ballots shall set forth the propositions to be voted upon substantially as set out in Section 1 hereof, and that the returns of said election shall be made to and canvassed by the Pittsburg County Election Board.

PASSED AND APPROVED this \_\_\_\_\_ day of July, 2015.

By: \_\_\_\_\_

Name: Steve Harrison

Title: Mayor

ATTEST:

By: \_\_\_\_\_

Name: Cora Middleton

Title: City Clerk

(SEAL)



# SAVE OUR STREETS

## PHASE II

One  
Extra



For  
Each



- Save Our Streets Phase I is currently underway. Voters approved refinancing of existing city bonds allowing us to lower interest rates and realize \$12 million in net savings to invest in street projects.
- Save Our Streets Phase II will generate \$25 million in sales tax revenue that will be dedicated to “funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas.”
- Two ballot questions to be placed before the voters. The first will increase the city sales tax rate by 1/2 percent (from 3.5% to 4.0%). This tax would be in place from January 1, 2016 through June 30, 2023 (7 1/2 years). During this time, it is expected to generate \$15 million. The second question will extend the two current 1/4 cent sales taxes from the time they currently expire (June 30, 2018) for a period of five years until June 30, 2023. The extensions would be repurposed to streets. During this five year period, the 1/2 cent extension should generate \$10 million.
- An independent engineering survey of all city streets has determined the condition of each and produced a detailed plan to maintain our streets at their current rating. The plan estimates an annual cost of \$2.55 million over each of the next five years. It does not include cost of replacing any related infrastructure (sewer and water lines). It also only maintains the current condition - a condition that is universally considered unacceptable by the public.
- Over 7 1/2 years, SOS Phase II would generate \$25 million, an average of \$3.33 million per year. This should allow for a gradual improvement in our overall street condition.
- The program is “pay as you go.” No borrowing will be authorized. Therefore, all the money generated will go into street maintenance and improvement. Each fiscal year, the available funds will be allocated for the highest priority needs. By law, all money generated by these two taxes will be placed in a separate fund - allowing for optimum transparency and accountability.
- It is a temporary tax. The program is designed to give future voters and future city councils the option of extending or revising it, or allowing it to terminate.

City sales tax rates as of May 5, 2015

Alphabetical				High to Low - City rate only		High to Low - Total rate				
City	County	State	Total							
Ada	4.000%	0.875%	4.500%	9.375%	1	Bristow	5.000%	1	Bristow	10.500%
Altus	3.750%	0.500%	4.500%	8.750%	2	Kiowa	5.000%	2	Kiowa	10.500%
Ardmore	3.750%	0.750%	4.500%	9.000%	3	Savanna	5.000%	3	Savanna	10.500%
Atoka	3.000%	2.000%	4.500%	9.500%	4	Wetumka	5.000%	4	Clinton	10.000%
Bartlesville	3.000%	1.000%	4.500%	8.500%	5	Clinton	4.500%	5	Eufaula	10.000%
Bethany	4.000%	0.000%	4.500%	8.500%	6	Drumright	4.500%	6	Hugo	10.000%
Bixby	3.500%	0.917%	4.500%	8.917%	7	Elk City	4.500%	7	Sallisaw	9.917%
Bristow	5.000%	1.000%	4.500%	10.500%	8	Fort Gibson	4.500%	8	Owasso	9.833%
Broken Arrow	3.000%	0.917%	4.500%	8.417%	9	Durant	4.375%	9	Woodward	9.825%
Catoosa	3.250%	1.833%	4.500%	9.583%	10	Lawton	4.125%	10	Drumright	9.813%
Chickasha	3.969%	0.500%	4.500%	8.969%	11	Ada	4.000%	11	Henryetta	9.750%
Claremore	3.000%	1.833%	4.500%	9.333%	12	Bethany	4.000%	12	Okmulgee	9.750%
Clinton	4.500%	1.000%	4.500%	10.000%	13	Cushing	4.000%	13	Seminole	9.750%
Collinsville	3.750%	0.917%	4.500%	9.167%	14	El Reno	4.000%	14	Stillwell	9.750%
Cushing	4.000%	0.813%	4.500%	9.313%	15	Glenpool	4.000%	15	Weleetka	9.750%
Del City	3.500%	0.000%	4.500%	8.000%	16	Guymon	4.000%	16	Wetumka	9.750%
Drumright	4.500%	0.813%	4.500%	9.813%	17	Henryetta	4.000%	17	Wewoka	9.750%
Duncan	3.500%	0.700%	4.500%	8.700%	18	Krebs	4.000%	18	Wilburton	9.750%
Durant	4.375%	0.500%	4.500%	9.375%	19	Muskogee	4.000%	19	Fort Gibson	9.650%
Edmond	3.750%	0.000%	4.500%	8.250%	20	Mustang	4.000%	20	Catoosa	9.583%
El Reno	4.000%	0.350%	4.500%	8.850%	21	Okmulgee	4.000%	21	Atoka	9.500%
Elk City	4.500%	0.300%	4.500%	9.300%	22	Purcell	4.000%	22	Guymon	9.500%
Enid	3.500%	0.350%	4.500%	8.350%	23	Sallisaw	4.000%	23	Krebs	9.500%
Eufaula	3.500%	2.000%	4.500%	10.000%	24	Sapulpa	4.000%	24	Miami	9.500%
Fort Gibson	4.500%	0.650%	4.500%	9.650%	25	Seminole	4.000%	25	Poteau	9.500%
Glenpool	4.000%	0.917%	4.500%	9.417%	26	Stroud	4.000%	26	Sapulpa	9.500%
Grove	3.400%	1.400%	4.500%	9.300%	27	Weleetka	4.000%	27	Stigler	9.500%
Guthrie	3.000%	0.750%	4.500%	8.250%	28	Wewoka	4.000%	28	Stroud	9.500%
Guymon	4.000%	1.000%	4.500%	9.500%	29	Woodward	4.000%	29	Tahlequah	9.500%
Haileyville	3.000%	1.000%	4.500%	8.500%	30	Yukon	4.000%	30	Vinita	9.500%
Hartshorne	3.250%	1.000%	4.500%	8.750%	31	Chickasha	3.969%	31	Glenpool	9.417%
Henryetta	4.000%	1.250%	4.500%	9.750%	32	Oklahoma City	3.875%	32	Ada	9.375%
Hugo	3.500%	2.000%	4.500%	10.000%	33	Midwest City	3.850%	33	Durant	9.375%
Idabel	3.000%	1.750%	4.500%	9.250%	34	Altus	3.750%	34	Claremore	9.333%
Jenks	3.000%	0.917%	4.500%	8.417%	35	Ardmore	3.750%	35	Cushing	9.313%
Kiowa	5.000%	1.000%	4.500%	10.500%	36	Collinsville	3.750%	36	Elk City	9.300%
Krebs	4.000%	1.000%	4.500%	9.500%	37	Edmond	3.750%	37	Grove	9.300%
Lawton	4.125%	0.375%	4.500%	9.000%	38	Moore	3.750%	38	Idabel	9.250%
McAlester	3.500%	1.000%	4.500%	9.000%	39	Miami	3.650%	39	Collinsville	9.167%
Miami	3.650%	1.350%	4.500%	9.500%	40	Bixby	3.500%	40	Muskogee	9.150%
Midwest City	3.850%	0.000%	4.500%	8.350%	41	Del City	3.500%	41	Ardmore	9.000%
Moore	3.750%	0.250%	4.500%	8.500%	42	Duncan	3.500%	42	Lawton	9.000%
Muskogee	4.000%	0.650%	4.500%	9.150%	43	Enid	3.500%	43	McAlester	9.000%
Mustang	4.000%	0.350%	4.500%	8.850%	44	Eufaula	3.500%	44	Purcell	9.000%
Norman	3.500%	0.250%	4.500%	8.250%	45	Hugo	3.500%	45	Chickasha	8.969%
Oklahoma City	3.875%	0.000%	4.500%	8.375%	46	McAlester	3.500%	46	Bixby	8.917%
Okmulgee	4.000%	1.250%	4.500%	9.750%	47	Norman	3.500%	47	Sand Springs	8.917%
Owasso	3.500%	1.833%	4.500%	9.833%	48	Owasso	3.500%	48	El Reno	8.850%
Ponca City	3.500%	0.667%	4.500%	8.667%	49	Ponca City	3.500%	49	Mustang	8.850%
Poteau	3.000%	2.000%	4.500%	9.500%	50	Sand Springs	3.500%	50	Yukon	8.850%
Purcell	4.000%	0.500%	4.500%	9.000%	51	Stillwater	3.500%	51	Stillwater	8.813%
Sallisaw	4.000%	1.417%	4.500%	9.917%	52	Stillwell	3.500%	52	Wagoner	8.800%
Sand Springs	3.500%	0.917%	4.500%	8.917%	53	Wilburton	3.500%	53	Altus	8.750%
Sapulpa	4.000%	1.000%	4.500%	9.500%	54	Grove	3.400%	54	Hartshorne	8.750%
Savanna	5.000%	1.000%	4.500%	10.500%	55	Catoosa	3.250%	55	Duncan	8.700%
Seminole	4.000%	1.250%	4.500%	9.750%	56	Hartshorne	3.250%	56	Ponca City	8.667%
Shawnee	3.000%	1.000%	4.500%	8.500%	57	Tahlequah	3.250%	57	Tulsa	8.517%
Skiatook	3.000%	0.917%	4.500%	8.417%	58	Tulsa	3.100%	58	Bartlesville	8.500%
Stigler	3.000%	2.000%	4.500%	9.500%	59	Atoka	3.000%	59	Bethany	8.500%
Stillwater	3.500%	0.813%	4.500%	8.813%	60	Bartlesville	3.000%	60	Haileyville	8.500%
Stillwell	3.500%	1.750%	4.500%	9.750%	61	Broken Arrow	3.000%	61	Moore	8.500%
Stroud	4.000%	1.000%	4.500%	9.500%	62	Claremore	3.000%	62	Shawnee	8.500%
Tahlequah	3.250%	1.750%	4.500%	9.500%	63	Guthrie	3.000%	63	Broken Arrow	8.417%
Tulsa	3.100%	0.917%	4.500%	8.517%	64	Haileyville	3.000%	64	Jenks	8.417%
Vinita	3.000%	2.000%	4.500%	9.500%	65	Idabel	3.000%	65	Skiatook	8.417%
Wagoner	3.000%	1.300%	4.500%	8.800%	66	Jenks	3.000%	66	Oklahoma City	8.375%
Weleetka	4.000%	1.250%	4.500%	9.750%	67	Poteau	3.000%	67	Enid	8.350%
Wetumka	5.000%	0.250%	4.500%	9.750%	68	Shawnee	3.000%	68	Midwest City	8.350%
Wewoka	4.000%	1.250%	4.500%	9.750%	69	Skiatook	3.000%	69	Norman	8.250%
Wilburton	3.500%	1.750%	4.500%	9.750%	70	Stigler	3.000%	70	Edmond	8.250%
Woodward	4.000%	1.325%	4.500%	9.825%	71	Vinita	3.000%	71	Guthrie	8.250%
Yukon	4.000%	0.350%	4.500%	8.850%	72	Wagoner	3.000%	72	Del City	8.000%