

# REQUEST FOR ACTION: ORDINANCE

Version: 01/10/2013

AGENDA FOR:  MAYOR  COUNCIL AUTHORITY:  DATE: August 22, 2013  
Tulsa City Clerk's Office: 596-7513 or 596-7514

**FOR INFORMATION CONTACT:**

DEPARTMENT: LEGAL CONTACT NAME: Mark Swiney  
ADDRESS: 175 E. 2nd St., Suite 685 TELEPHONE: (918) 596-7717

ORDINANCE # 22921

SUBJECT: Extended 1.1% Sales Tax

ORDINANCE TYPE: AMENDING TULSA REVISED ORDINANCES BA or CT #: \_\_\_\_\_  
AMENDMENT OF ORD#: \_\_\_\_\_ TRO TITLE: \_\_\_\_\_ TRO SUBTITLE: \_\_\_\_\_ PLANNING DISTRICT: \_\_\_\_\_  
ZONING #: \_\_\_\_\_ SSID: \_\_\_\_\_ PUD #: \_\_\_\_\_ PROP/NON-PROP: \_\_\_\_\_ COUNCIL DISTRICT: \_\_\_\_\_

**SUMMARY:**

Attached are amendments to Title 43, the City's Sales Tax Code, which will extend the temporary one and one-tenth percent (1.1%) sales tax, in addition to the permanent 2% sales tax, until \$563,700,000.00 is collected, at which point the 1.1% tax will expire. This tax will appear on the ballot at the November 12, 2013 election. If the voters do not approve it, the extended temporary sales tax will be null and void, but the permanent 2% sales tax will remain.

Approved By  
City Council On  
AUG 22 2013

APPROVED BY MAYOR  
CITY OF TULSA  
AUG 27 2013

**BUDGET: FINANCE DIRECTOR APPROVAL:**

FUNDING SOURCE: This ordinance has been reviewed and approved by the Finance Department.

**REQUEST FOR ACTION: All department items requiring Council approval must be submitted through the Mayor's Office.**

Legal Department recommends Mayor's and Council's execution at once. When fully executed, please return document to Legal Department, ATTN: Mark Swiney

DEPARTMENT HEAD APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
CITY ATTORNEY APPROVAL: Mark Swiney (SWINEY) August 23, 2013  
BOARD APPROVAL: \_\_\_\_\_  
MAYORAL APPROVAL: [Signature] AUG 27 2013  
OTHER: \_\_\_\_\_

FOR CITY COUNCIL OFFICE USE ONLY: 13-643-2 DATE RECEIVED: \_\_\_\_\_  
COMMITTEE: \_\_\_\_\_ COMMITTEE DATE(S): \_\_\_\_\_ FIRST AGENDA DATE: \_\_\_\_\_  
HEARING DATE: \_\_\_\_\_ SECOND AGENDA DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_

For City Clerk's Office Use Only (Agenda Date: MMDDYYYY; Sec #; Dept #, Item #, Sub-Item #, Status: S=Synopsis):

8 - 26 - 2013    2    13    1

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& Legal News,

SEPTEMBER <sup>3,</sup> 2013.)

ORDINANCE NO. 22921

AN ORDINANCE AMENDING TULSA REVISED ORDINANCES TITLE 43, "CITY OF TULSA SALES TAX CODE", THE SALES TAX ORDINANCE OF THE CITY OF TULSA, OKLAHOMA; ENACTING A NEW SECTION 100, "SALES TAX LEVIED", SETTING AN EXTENDED TEMPORARY SALES TAX LEVY OF ONE AND ONE-TENTH PERCENT (1.1%) IN ADDITION TO THE CURRENT PERMANENT TWO PERCENT (2%) SALES TAX, FOR THE PERIOD OF TIME BEGINNING JULY 1, 2014 AND CONTINUING UNTIL THE FULL AMOUNT OF FIVE HUNDRED SIXTY-THREE MILLION, SEVEN HUNDRED THOUSAND DOLLARS AND NO CENTS (\$563,700,000.00) HAS BEEN COLLECTED, BUT IN NO EVENT CONTINUING BEYOND SEVEN (7) YEARS, THAT IS, JUNE 30, 2021, AT WHICH TIME THE SAID SALES TAX SHALL BE REDUCED FROM THREE AND ONE-TENTH PERCENT (3.1%) TO THE SAID PERMANENT TWO PERCENT (2%); PROVIDING NOTICE TO THE OKLAHOMA TAX COMMISSION WHEN SUCH AMOUNT OR DATE HAS BEEN REACHED AND SAID SALES TAX CAN BE SO REDUCED; ENACTING A NEW SECTION 118, "PURPOSES OF REVENUE", DECLARING THE PURPOSE OF THIS SALES TAX TO BE PROVIDING REVENUE FOR THE SUPPORT OF THE FUNCTIONS OF MUNICIPAL GOVERNMENT OF THE CITY OF TULSA, AND ALL REVENUE FROM THE SAID SALES TAX IN EXCESS OF THE PERMANENT TWO PERCENT (2%) SHALL BE EXPENDED ON CAPITAL IMPROVEMENTS AS LISTED IN DETAIL IN TITLE 43-H OF TULSA REVISED ORDINANCES, "2014 SALES TAX POLICY"; REPEALING SECTION 120, "TERMINATION DATE"; PROVIDING THAT IF ON NOVEMBER 12, 2013 THE VOTERS OF THE CITY OF TULSA DO NOT PASS AND APPROVE SAID SALES TAX, THE AMENDMENTS STATED HEREIN SHALL BE NULL AND VOID AND OF NO FURTHER EFFECT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Section 1. That Section 100 of said Title 43 Tulsa Revised Ordinances is hereby amended to read as follows:

**"Section 100. - Sales tax levied.**

*Text operative on and after July 1, 2014*

There is hereby levied, pursuant to 68 O.S. § 2701.A., an extended temporary excise tax, also known as a sales tax, of one and one-tenth percent (1.1%) in addition to the currently existing permanent excise tax of two percent (2%) of the gross proceeds or gross receipts derived from all sales taxable under the sales tax code of Oklahoma, including any and all amendments thereto and revisions thereof, and additionally upon the sale of natural or artificial gas and electricity when sold exclusively for residential use as authorized by 68 O.S. § 1357(8). The said temporary one and one-tenth percent (1.1%) sales tax shall remain in effect until the end of the next available calendar quarter as soon as the full amount of five hundred sixty-three million, seven hundred thousand dollars and no cents (\$563,700,000.00) shall have been collected, but in no event later than seven (7) years, that is, June 30, 2021, at which time the said extended temporary one and one-tenth percent (1.1%) sales tax shall expire, and the permanent two percent (2%) sales tax shall be left unchanged.

The Mayor or his/her designee shall give notice to the Oklahoma Tax Commission, as provided by law, to reduce the sales tax levied pursuant to this Chapter from three and one-tenth percent (3.1%) to two percent (2%) at the end of the next available calendar quarter as soon as five hundred sixty-three million, seven hundred thousand dollars and no cents (\$563,700,000.00) is collected from the funds raised from the incremental increase of the tax levy from two percent (2%) to three and one-tenth percent (3.1%) or after seven (7) years, that is, June 30, 2021, whichever is earlier; provided, the Mayor or his/her designee may give notice to the Oklahoma Tax Commission upon a reasonable estimate that collections shall meet or exceed five hundred sixty-five million dollars and no cents (\$563,700,000.00) during the then-current calendar quarter.”

Section 2. That Section 118 of said Title 43 Tulsa Revised Ordinances is hereby amended to read as follows:

**“Section 118. - Purposes of revenue.**

*Text operative on and after July 1, 2014*

It is hereby declared to be the purpose of this chapter to provide revenues for the support of the functions of the municipal government of the City of Tulsa; any and all revenue derived from the extended temporary one and one-tenth percent (1.1%) sales tax levied by Section 100, above, in excess of the permanent two percent (2%) sales tax, shall be expended by the governing body of the City of Tulsa for the purpose of making capital improvements to and paying the costs and expenses of operation and maintenance relating to the repair, construction and reconstruction of streets, bridges and other infrastructure of the City; and making other capital improvements of the City as hereinafter defined and as set forth in detail in Title 43-H of Tulsa Revised Ordinances, “2014 Sales Tax Policy”.

The term "capital improvements" as used herein is defined to comprehend all items and articles not consumed with use, but only diminished in value with prolonged use, including, but not

limited to, the purchase, lease or rental of machinery, equipment, traffic control devices and street lighting systems, furniture and fixtures; the acquisition of all real properties; the construction, reconstruction and repair of buildings, appurtenances and improvements to real property; the construction, reconstruction and repair of roads, highways, bridges and/or streets and alleys, including the acquisition of rights-of-way and other real property necessary for such construction; and the construction, reconstruction and repair of water lines, sanitary and storm sewers and related facilities, including the acquisition of rights-of-way and other real property necessary for such construction.”

Section 3. That Section 120 of Title 43 of Tulsa Revised Ordinances, “Termination Date” is hereby repealed.

Section 4. That if on November 12, 2013 the voters of the City of Tulsa do not pass and approve said sales tax, the amendments stated herein shall be null and void and of no further effect.

Section 5. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

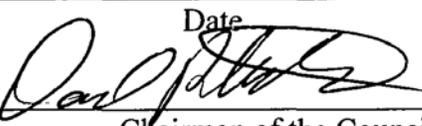
Section 6. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 7. 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:           AUG 22 2013          

Date  
  
Chairman of the Council

ADOPTED as an emergency measure:           AUG 22 2013          

Date  
  
Chairman of the Council

