

ORDINANCE NO. 27,506

ORDINANCE AMENDING THE OKLAHOMA CITY MUNICIPAL CODE, 2020, AMENDING THE NAME OF THE FINANCE DIRECTOR TO CHIEF FINANCIAL OFFICER, BY AMENDING CHAPTER 2, RELATING TO ADMINISTRATION, BY AMENDING SECTION 2-281 GENERALLY, SECTION 2-358 SURPLUS PROPERTY, SECTION 2-382 GENERAL FUNCTIONS, SECTION 2-441 GENERALLY, SECTION 2-801. CLAIMS OF PRIVATE ENTITIES AND PAYROLL, SECTION 2-802 JUDGMENTS AND CLAIMS OF PUBLIC ENTITIES AND SECTION 2-902 CONTRACTS FOR OR PURCHASES OF PROFESSIONAL SERVICES FOR OTHER THAN PUBLIC CONSTRUCTION PROJECTS; AND AMENDING CHAPTER 16, RELATING TO DRAINAGE AND FLOOD CONTROL, BY AMENDING SECTION 16-22 ENFORCEMENT; AND AMENDING CHAPTER 26, RELATING TO LICENSES AND PERMITS, BY AMENDING SECTION 26-17 APPEAL FROM DENIAL; AND AMENDING CHAPTER 40, RELATING TO PERSONNEL AND RETIREMENT SYSTEMS, BY AMENDING SECTION 40-92 MEMBERS AND SECTION 40-133 DEFERRED COMPENSATION BOARD CREATED; AND AMENDING CHAPTER 47, RELATING TO SEWERS AND SEWAGE DISPOSAL, BY AMENDING SECTION 47-484 SPECIAL PROVISIONS FOR RESALE OF WATER; AND AMENDING CHAPTER 50, RELATING TO STREETS AND SIDEWALKS, BY AMENDING SECTION 50-81 RECORD; AND AMENDING CHAPTER 52, RELATING TO TAXATION, BY AMENDING SECTION 52-23 ADDITIONAL LIMITED-TERM EXCISE TAX ON GROSS RECEIPTS FOR FUNDING OF METROPOLITAN PROJECTS, AND SECTION 52-62.1. DEFINITIONS; AND AMENDING CHAPTER 55, RELATING TO UTILITIES, BY AMENDING SECTION 55-16 DEFINITIONS; AND AMENDING CHAPTER 60, RELATING TO THE GENERAL SCHEDULE OF FEES, BY AMENDING SECTION 60-2-2 OTHER FEES.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Sections 2-281, 2-358, 2-382, 2-441, 2-801, 2-802, and 2-902 of Chapter 2 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

Chapter 2 – Administration

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Article IV. Financial Affairs

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Division 2. Finance Department

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§ 2-281. Generally.

- (a) For purposes of performing the fiscal and financial functions of the City there is hereby created a Finance Department under the supervision of a ~~Finance Director~~ Chief Financial Officer. The ~~Finance Director~~ Chief Financial Officer shall be the Encumbering Officer for the City and keep appropriation and expenditure records.
- (b) *[Reserved.]*
- (c) The office of Management and Budget is established within the Finance Department.

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Article V. Purchasing Policies

Division 1. Generally

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§ 2-358. Surplus property.

- (a) All using agencies shall submit to the ~~Finance Director~~ Chief Financial Officer or designee, at such times and in such forms as the ~~Finance Director~~ Chief Financial Officer or designee shall prescribe, reports showing all surplus property in the using agency's possession.
- (b) Surplus property may be sold, exchanged and/or traded in for new property, or otherwise disposed of, in accordance with Sections 2-411 and 2-441 of the Code. All money received from such sales, exchanges, trade-ins, or disposals shall be placed back into the particular fund from which the property was first purchased. If the original funding source is unknown, the funds will be deposited into the general fund.
- (c) Donations to other government agencies of surplus property with a value exceeding \$10,000.00 must be approved by a resolution of the City Council. Donations to other government agencies of surplus property with a value of \$10,000.00 or less shall be approved by the ~~Finance Director~~ Chief Financial Officer.

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Division 2. City Procurement Purchasing Agent

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§ 2-382. General functions.

- (a) The agent shall prepare all forms and papers for the purchasing and contracting of all supplies and contractual services needed by any using agency in accordance with purchasing procedures as prescribed by this article and rules and regulations as the agent shall adopt for the internal management and operation of the Procurement Division and other rules and regulations as shall be prescribed by the ~~Finance Director~~ Chief Financial Officer, the City Manager or the Council. No using agency shall be excepted from the rules and regulations provided for by this article for the purchasing of services and supplies.
- (b) In addition to any other powers and duties conferred by this division, the agent shall:
 - (1) act to procure for the City the highest quality in supplies and contractual services at least expense;
 - (2) discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;
 - (3) establish, and amend when necessary, procedures to operate the Procurement Division in accordance with the rules and regulations authorized by this article;
 - (4) keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations;
 - (5) prescribe and maintain such forms as he shall find reasonably necessary to the operation of the Procurement Division;
 - (6) exploit the possibilities of buying in bulk, so as to take full advantage of discounts;
 - (7) act so as to procure for the City all Federal and State tax exemptions to which it is entitled.

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Division 4. Open Market Procedure

§ 2-441. Generally.

- (a) All purchases of supplies and/or contractual services of an estimated value of \$50,000.00 or less in City funds shall be made by the City procurement purchasing agent on the open market, without newspaper advertisement and without observing the procedure prescribed by Division 3 of this article. The City procurement purchasing agent is authorized and may execute purchasing agreements and contracts with a value of \$50,000.00 or less, with the

forms for such purchasing agreements and contracts to be approved by the City Manager and Municipal Counselor; provided, the agent shall have the approval of the ~~Finance Director~~ Chief Financial Officer prior to signing any such purchasing agreements or contracts. The City procurement purchasing agent shall also have the sole authority to sign renewal documents for these agreements and contracts as deemed appropriate.

- (b) All purchases of supplies and/or contractual services with an estimated value that exceeds \$50,000.00 may only be made on the open market by City Council action. This action is in the form of a resolution that waives competitive bidding and authorizes the open market purchase.
- (c) All sales or other disposals of City surplus property with an estimated value of \$50,000.00 or less may be made by the ~~Finance Director~~ Chief Financial Officer or designee on the open market, without newspaper advertisement and without observing the procedure prescribed by Division 3 of this article. The ~~Finance Director~~ Chief Financial Officer or designee shall approve all sales or other disposals of surplus property of any value.

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Article IX. Payment of Municipal Funds

Division 1. Claims

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§ 2-801. Claims of private entities and payroll.

(a) Claims which are made pursuant to an invoice for payment to private entities, including, without limitation, contractors, suppliers, engineers, architects or professional service contractors pursuant to 11 O.S. § 17-102 and 62 O.S. § 310.1; or claims pursuant to The Governmental Tort Claims Act, 51 O.S. § 151 et seq. (hereinafter referred to as "Tort Claims Act"), will be processed in the following manner:

(1) The City Manager, or designee, is authorized to administer contracts, verify performance and approve payments of invoices.

(2) Claims for payment for goods and services may be paid pursuant to a valid invoice. The claimant shall make their federal identification number or social security number available to the Procurement Services Division prior to submitting any invoice for payment. When submitted, claimant's invoice shall include:

- a. the claimant's name and address;
- b. description of each item purchased (name of item or stock number) or service provided;
- c. unit price of each item (if applicable);

- d. number and/or volume of each item purchased (if applicable);
- e. total price;
- f. invoice total;
- g. delivery date;
- h. purchase order number; and
- i. any other information required by the applicable contract/agreement/purchase order.

(3) Pursuant to 62 O.S. § 304.1, claims for payment of payroll shall be paid upon approval by the authorized department's payroll manager or designee at the authorized rate of pay or salary and disbursed to verified employees on designated pay days.

Payroll-related disbursements (withheld Federal tax, F.I.C.A., withheld Oklahoma tax, payments for provision of approved benefits, etc.) shall be disbursed as required by applicable regulations or procedures.

(4) Pursuant to 61 O.S. Section 123, all statements or invoices submitted to the City for work performed on construction projects or other projects pursuant to the Oklahoma Competitive Bidding Act shall contain a certification by the supervising architect or engineer, or other supervisory official if no supervisory architect or engineer is employed for the project, that the work for which payment is claimed has been performed and that such work conforms to the plans and specifications for the project. No invoice shall be paid by the City without such certification. The execution of a certificate, as herein provided, shall not constitute a defense or in any other manner affect any cause of action which the City might otherwise have against the contractor for nonperformance of a public construction contract. If progress payments are based on the City's estimated quantities of materials provided and work performed, certifications are not required. Progress payments of estimates shall not constitute a defense or in any manner affect any cause of action which the City might have against the contractor for failure to properly perform in accordance with the contract/agreement/purchase order. Final estimates shall contain a sworn certification signed by the contractor that the work performed and the material provided conform to the requirements of the contract/agreement/purchase order.

(5) Vendors submitting invoices for any goods or services related to a City public construction project, including invoices not falling under the Oklahoma Competitive Bidding Act shall submit a sworn statement swearing that: (1) the invoice or claim the vendor submitted is true and correct; (2) the goods and services for which the invoice is being submitted were completed or supplied in accordance with the contract/agreement/or request of the City; and (3) the vendor has made no payment of money or anything of value for the purpose of obtaining payment from the City, directly or indirectly, to any elected official, officer, or employee of the City.

(6) Claims submitted for the collection of damages against the City pursuant to the Tort Claims Act shall be submitted in writing to the City Clerk within the statutory term after the alleged loss or injury. The claim must be submitted on a claim voucher for property damage or personal injury; it must be verified by the claimant, or claimant's attorney or agent, and must contain the following information:

- a. the date, time and location of the incident.
- b. the circumstances surrounding the incident.
- c. the amount of compensation demanded.
- d. claimant's Federal identification number or social security number.
- e. claimant's mailing address.

The City Clerk will forward such claims to the office of the Municipal Counselor. After investigation of the claim, the Municipal Counselor will make an appropriate recommendation to City Council for approval, denial, or confession of judgment based upon the applicable law. Upon approval of the tort claim by the City Council, the claim may be paid as a confession of judgment or as otherwise provided elsewhere in this section.

(7) Claims for payment shall be processed by attaching the documentation required herein, together with any other supporting documentation, to the claim voucher, comparing and reconciling these documents with the purchase order, and forwarding all documentation for inclusion on a claims and payroll listing for payment.

(8) Disbursements to pay claims, except as noted in Section 2-801(a)(4), shall be authorized by the department administering the provision of goods or services. The City Manager shall designate disbursement cycles and related internal control procedures to promote compliance with laws and regulations, the safeguarding of City assets, and the timely release of checks by the City's Controller.

(9) Internal control procedures should provide reasonable assurance that one person does not control every aspect of a financial transaction to protect the City from loss or fraud and that the City is in compliance with laws and regulations. Where applicable, such procedures should include, but not be limited to:

- a. appropriate segregation of duties;
- b. assurance that purchasing transactions comply with provisions of the City's budget and applicable budgetary laws and regulations and that appropriations are adequate to pay claims;
- c. assurance that purchase orders, receiving reports and other purchasing documents are properly prepared, authorized, and comply with any applicable contractual provisions;

d. verification that goods and services are received in acceptable condition and/or to specifications; and

e. verification that related purchasing documents (i.e., purchase order, receiving report, invoice, etc.) are consistent as to terms, conditions, pricing, authorizations, and other matters.

(10) A listing of claims and payroll approved for payment shall be posted on the City's website and submitted as an information item on the next following regularly scheduled City Council agenda.

(11) The City Auditor shall timely evaluate and report to the City Council and the City Manager on the adequacy and the effectiveness of the internal control structure established and utilized over the payment of municipal funds as contemplated within this ordinance.

- (b) Payment for some services may be made in a manner other than pursuant to an invoice. In very limited circumstances as approved by the City Manager or designee, payments may be deducted by the service provider from City funds held or collected by the service provider. If payment by fee deduction is allowed by the City Manager or designee, the department administering the contract shall follow procedures established by the ~~Finance Director~~ Chief Financial Officer to address financial reporting, budgetary, contractual, and internal control requirements.

§ 2-802. Judgments and claims of public entities.

- (a) Judgments shall be paid pursuant to the provisions of 62 O.S. §§ 361—365.6, or as otherwise provided by law.
- (b) Claims for payment to public entities, including, without limitation, Federal, State, County, and local government entities, public trusts of which the City is beneficiary, and legal entities of which the City is a component part, will be processed as provided in Section 2-801 above; provided, identification numbers and signatures may be waived by the ~~Finance Director~~ Chief Financial Officer with the advice and consent of the City Auditor and the Municipal Counselor.

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Article XI. Professional Services Contracts

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§ 2-902. Contracts for or purchases of professional services for other than public construction projects.

- (a) All City professional services contracts, in an amount that exceeds \$50,000.00, for other than public construction projects, shall be entered into and approved by Council, signed by the Mayor and attested by the City Clerk.

- (b) All purchases of professional services by the City that are in an amount of \$50,000.00 or less and that are not related to a City public construction project, as defined in Article X of this chapter, may be made on the open market. The department head of the requesting City department may request that the City procurement purchasing agent execute the necessary contracts, with the forms for such contracts to be approved by the City Manager and Municipal Counselor, provided, the agent shall have the approval of the ~~Finance Director~~ Chief Financial Officer prior to signing any such purchasing agreements or contracts. The City procurement purchasing agent shall also have the sole authority to sign renewal documents for these contracts when required.
- (c) All City professional services contracts covered by the provisions of the Guidelines and Procedures for Professional Consultant selection shall be made and entered into pursuant to such guidelines and procedures, and all such contracts shall be entered into and approved by Council, signed by the Mayor and attested by the City Clerk.
- (d) All City contracts or purchase orders for professional services shall contain a certificate of encumbrance as required by 62 O.S. § 310.1, as currently existing or as subsequently amended by the Oklahoma legislature.

SECTION 2. That Section 16-22 of Chapter 16 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

Chapter 16. Drainage and Flood Control

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§ 16-22. Enforcement.

The City Engineer, Director, the Utilities Director, the ~~Finance Director~~ Chief Financial Officer, or their designated representatives, have full authority to enforce the provisions of this chapter.

SECTION 3. That Section 26-17 of Chapter 26 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

Chapter 26. Licenses and Permits

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§ 26-17. Appeal from denial.

Any applicant aggrieved by the action of the Supervisor of Licenses in the denial of a business permit or business license, and for which another appeals procedure has not been provided, shall have the right of appeal therefrom to the License Appeals Board, which shall consist of the City Manager or designate, the ~~Finance Director~~ Chief Financial Officer or designate, and the Public Works Director or designate. Such appeal shall be filed in writing with the Supervisor of Licenses, within 14 days after notice of the action complained of has been mailed to the last known address of the applicant or given to the applicant personally. The Board shall set a time and place for a

hearing on such appeal and notice of such hearing shall be sent by mail to the last known address of the applicant at least ten days prior to the date set for hearing. The decision and order of the Board on such appeal shall be perfected to the District Court as provided by State law.

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SECTION 4. That Sections 40-92 and 40-133 of Chapter 40 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

Chapter 40. Personnel and Retirement Systems

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Article III. Pensions and Retirement

Division 1. Employee Retirement Programs

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Part C. Board of Trustees of the Employee Retirement System

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§ 40-92. Members.

- (a) The Board of Trustees shall be composed of 11 members. Two members shall be employees appointed by the City Council from the various departments. Three members shall be appointed by the City Council who are residents of Oklahoma City and who have demonstrated professional experience in investment or funds management, public funds management, public or private pension fund management or retirement system management. The appointed members may be removed at any time by the City Council. The ~~Finance Director~~ Chief Financial Officer shall be a member of the Board. The City Auditor shall be a member of the Board. Three employees shall be elected as provided in Subsection (b). One member of the Board shall be elected by the retired City employees as provided in Subsection (c). The City Treasurer shall serve as an ex officio, non-voting member of the Board and shall act as the treasurer of the System. The City Clerk shall serve as an ex officio, non-voting member of the Board and shall act as clerk and secretary of the Board.
- (b) The City employees shall each year elect by ballot one of their fellow Employees to serve for a term of three years upon the Board of Trustees.
- (c) The retired City employees shall elect by ballot one of their fellow retirees to serve for a term of two years upon the Board of Trustees.
- (d) No person shall receive Compensation for his/her service on the Board.

- (e) If at any time a vacancy occurs in the Board of Trustees, the vacancy may be filled for the unexpired term, and if it is filled, it shall be filled in the same manner that office was previously filled.

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Division 2. Deferred Compensation Program

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§ 40-133. Deferred Compensation Board created.

For the purposes of oversight and administration of the Deferred Compensation Program, which includes both the § 457 Deferred Compensation Plan(s) and the 401(a) governmental Money Purchase Plan(s) described in Section 40-51(20) and (21), there is hereby created a Board of the Deferred Compensation Program. The purposes of the Board include, but are not limited to, monitoring and overseeing the Deferred Compensation Program, the development and monitoring of a slate of investment options available to Program participants in terms of variety of investment options, past performance of the options, the amount of fees and costs associated with the investment options, and to monitor and inform employees of the fees and costs associated with the available and selected investment options. The Board shall, subject to available funding, hire and retain such administrators, vendors, agents, consultants, experts and attorneys as needed to allow them to carry out their mission. Funding for administration and oversight shall be provided by the City subject to annual appropriations by the City Council and no funds of the Oklahoma City Employee Retirement System shall be used however plan expenses may be paid from the respective City deferred compensation plan.

(a) Membership of the Board.

(1) The Board of the Deferred Compensation Program (Board) shall be composed of nine (9) voting members, all selected and appointed by the City Manager as set forth herein. One member shall be either the ~~Finance Director~~ Chief Financial Officer or ~~an Assistant Finance Director designee~~. One shall be the City Treasurer or an Assistant City Treasurer. One shall be the City Auditor, or Assistant City Auditor. One shall be the Chief Human Resources Officer or the Assistant Human Resources Director, or the Total Rewards Manager. Four shall be employees and participants in a deferred compensation plan with one from each of the three recognized collective bargaining units selected by the City Manager from a list of three (3) names provided by each of the Presidents of the local collective bargaining units and one non-represented selection. One shall be an employee participant in one of the Money Purchase Plans. The City Clerk shall act as ex-officio, non-voting member of the Board and shall act as clerk and secretary of the Board.

(2) The Board members selected by the City Manager and serving by virtue of their position shall serve as long as they hold that position unless removed at the sole discretion of the City Manager. The City Auditor, while serving by virtue of such position shall serve as long as they hold that position unless removed at the sole discretion of the Mayor or Council. The Board members selected by the City Manager from the deferred compensation plan participants shall serve for terms of three (3) years. The Board member selected by the City

Manager as the Money Purchase Plan participant shall serve for a term of four (4) years. All Board members may be removed with or without cause, at any time by the City Manager, excluding the City Auditor or Assistant City Auditor.

(3) No person shall receive compensation for his/her service on the Board.

(4) If at any time a vacancy occurs in the Board, the vacancy may be filled for the unexpired term, and if it is filled, it shall be filled in the same manner that the position was previously filled.

(b) Chair and Vice Chair. The Board shall elect a Chair and Vice Chair from its members. The Chair and Vice Chair shall serve until a successor is elected. In the event the Chair and/or Vice Chair ceases to be a member of the Board, the Board shall elect from its members a successor to serve the unexpired term. The Board may adopt a policy or procedure for terms of the Chair and Vice Chair.

(c) Meetings.

(1) The Board shall hold at least quarterly meetings pursuant to a regular schedule set by the Secretary as determined by the Board. The Board may meet upon the call of its Chair, and at such

other times as the Chair deems necessary. Except as may otherwise be provided herein, Robert's Rules of Order Newly Revised shall govern the conduct of all meetings of the Board.

(2) The Board shall keep a public record in summary form of its proceedings.

(3) The majority of all members of the Board shall constitute a quorum and the quorum shall have the power to transact business. No modifications to any of the deferred compensation plans shall ever be made except upon a vote of a majority of all the members of the Board. No actions related to the Plans shall be made except upon a vote of a majority of all the members of the Board. The vote on such changes shall be taken by "yeas" and "nays" and the vote of each member shall be entered upon the proceedings.

(d) General duties and powers of the Board. The Board, in addition to other powers contained in this division, shall have the power to administer the City's deferred compensation plans including the power and duties to:

(1) Monitor the overall success of the investment program.

(2) Develop, review, and revise the Investment Policy Statement.

(3) Review the reasonableness of investment and other plan-related costs.

(4) Select, monitor and evaluate the investment fund line-up.

- (5) Monitor the performance and management of the investment options on a regular basis.
- (6) Review investment performance with each plan's investment consultant at least quarterly.
- (7) Establish and follow a prudent process in the selection of investment professionals.
- (8) Appoint and remove investment professionals who assist in administering the investment program.
- (9) Communicate regularly with the investment related parties to ensure proper functioning and oversight of the investment program.
- (10) Provide for payment of all necessary expenses, as needed or required.
- (11) Formulate procedures, rules and regulations needed for its guidance in conformity with this Division.
- (12) Subject to funding by the City, work with the administrator and staff of the Oklahoma City Employee Retirement System to carry out the administration of the Deferred Compensation Program and enter into any contracts necessary to administer the Deferred Compensation Program.
- (13) Develop such procedures and require such information as it deems necessary to reasonably conclude that a potential rollover contribution is a valid rollover contribution under Section 1.401(a)(31)-1, Q&A-14(b)(2), of the Income Tax Regulations, as may be subsequently amended.
- (14) Select vendor(s) to assist in the administration of the City's deferred compensation plans.
- (15) Authorize and direct disbursements from the City's deferred compensation plans, including payment of plan expenses.
- (16) Construe, interpret and enforce the terms of the City's deferred compensation plans.
- (17) Appoint and retain for each of the City's deferred compensation plans any agents as it may deem necessary or appropriate and authorize an agent or designee to execute or deliver any instrument, receive any notice, process and approve benefits applications, or make any payment on its behalf.
- (18) Delegate to one or more of the members of the Board the right to act on its behalf in all matters connected with the administration of each of the City's deferred compensation plans and trusts.

To the extent any of the City's deferred compensation plans provide that the employer or City take certain actions that Section 40-133 authorizes the Board to take, then the City hereby delegates the authority to take such action to the Board.

- (e) Secretary's report. The System Administrator, if retained, or the Secretary of the Board, with assistance from the City Treasurer or System Administrator shall report annually the condition of the Deferred Compensation Program, in such terms as requested and available to the Board.
- (f) Legal services. The Municipal Counselor or the Municipal Counselor's designee shall be the legal advisor of the Board and shall appear on behalf of the Board in all suits brought by or against the Board.
- (g) Liability Limited. In administering the Deferred Compensation Program, neither the Board or any member thereof, nor the City or any official or Employee thereof, shall be liable for any acts of omission or commission, except for his/her or its own individual willful and intentional malfeasance, misfeasance or nonfeasance. The employer and its officials and Employees, and each member of the Board shall be entitled to rely conclusively on all tables, valuations, certifications, opinions and reports which shall be furnished by the Municipal Counselor or by an accountant, attorney, investment consultant, insurance company or any other consultant or expert who shall be appointed, employed or otherwise engaged by the Board.

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SECTION 5. That Section 47-484 of Chapter 47 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

Chapter 47. Relating to Sewers and Sewage Disposal

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Article VIII. Rates, Charges, Billing and Collection Procedures

Division 1. Generally

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§ 47-484. Special provisions for resale of water.

If water is sold by the City and metered to a person for resale to water consumers who are users of the City's sewerage system, such first purchasers shall be responsible to the City for the billing and collecting of all sewer service charges of such consumer and shall account to the City for all such sewer service charges at the time such first purchaser pays his water bill. If requested by the ~~Director of Finance~~ Chief Financial Officer, a purchaser of water for resale to consumers shall furnish and certify the number and addresses of all of his water customers who are users of the City's sanitary sewerage system.

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SECTION 6. That Sections 50-81 of Chapter 50 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

Chapter 50. Streets and Sidewalks

*** * *Article II. Excavations, Curb Cuts, Etc.**

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Division 3. Curb Cuts

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Part B. Permit

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§ 50-81. Record.

A record of the permits issued when a fee is charged under this division shall be included in the Public Works Director's report to the ~~Finance Director~~ Chief Financial Officer.

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SECTION 7. That Sections 52-23 and 52-62.1 of Chapter 52 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

Chapter 52. Taxation

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Article II. Sales Tax Code

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§ 52-23. Additional limited-term excise tax on gross receipts for funding of metropolitan projects.

- (a) In addition to, and cumulative of, the excise tax of two percent levied by Section 52-20 of this chapter upon the gross proceeds or gross receipts derived from all sales taxable under the sales tax laws of this State, the excise tax of $\frac{3}{4}$ percent levied by Section 52-21 of this chapter upon the gross proceeds or gross receipts derived from all sales taxable under the sales tax laws of this State, and the excise tax of $\frac{1}{8}$ percent levied by Section 52-22 of this chapter upon the gross proceeds or gross receipts derived from all sales taxable under the sales tax laws of this State, a limited-term excise tax in the additional amount of one percent is hereby levied upon the gross proceeds or gross receipts derived from all sales taxable under the sales tax laws of this State, including but not limited to the specific taxable sales and service transactions enumerated in Paragraphs (1) through (11), inclusive, of Subsection (a) of Section 52-20 of

this chapter. The limited term of the additional excise tax levied pursuant to this Subsection 52-23(a) is specified in Subsection 52-23(h) below.

- (b) The additional limited-term excise tax levied pursuant to Subsection 52-23(a) above may be expended only for the following limited purposes (the "main projects"):

(1) improvements related to the North Canadian River (which may include without limitation the construction or installation of dams, the construction of a canal, and/or the construction, installation, or provision of public amenities such as landscaping, trails, docks, picnic areas, recreation areas, parking facilities, and/or lighting);

(2) a metropolitan learning center (to include but not be limited to a main library facility);

(3) a baseball park meeting not less than "AAA" professional baseball standards;

(4) the improvement of the Myriad Convention Center and/or related facilities;

(5) the improvement of the civic center music hall and/or related facilities;

(6) the improvement of the Oklahoma City fairgrounds and/or related facilities;

(7) an indoor sports/convention facility meeting not less than National Hockey League (NHL) or National Basketball Association (NBA) standards;

(8) all or part of a transportation system and/or related facilities to provide access between Interstate Highway 40 and Meridian Avenue and downtown Oklahoma City; provided, said system and/or facilities shall be funded only if a Federal grant covering not less than 50 percent of applicable costs is obtained;

(9) site acquisition, site preparation, site improvements, infrastructure, parking facilities, personal property, engineering fees, architectural fees, and/or legal fees related to one or more of the main projects listed above in Subsections 52-23(b)(1) through (b)(8), inclusive;

(10) the payment of principal and interest on and the costs of issuance of notes or other short-term obligations in support of one or more of the main projects listed above in Subsections 52-23(b)(1) through (b)(9), inclusive, issued by a public trust of which the City is the sole beneficiary; and/or

(11) the payment of senior citizens tax refunds authorized by Subsection 52-23(f) below and administrative costs related thereto.

The main projects listed above in Subsections 52-23(b)(1) through (b)(10), inclusive, may be commenced, continued, completed, and/or concluded, in whole or in part, as and in the order deemed appropriate by Council.

- (c) Upon conclusion of the main projects listed above in Subsections 52-23(b)(1) through (b)(10), inclusive, the additional limited-term excise tax levied pursuant to Subsection 52-23(a) above may be expended for the following supplemental limited purposes (the "supplemental projects"):

(1) additional improvements to the Oklahoma City fairgrounds and/or related facilities not funded under the main project listed above in Subsection 52-23(b)(6);

(2) all or part of a transportation system and/or related facilities to provide access between downtown Oklahoma City and the vicinity of Remington Park; provided, said system and/or facilities shall be funded only if a Federal grant covering not less than 50 percent of applicable costs is obtained;

(3) art, natural history, history, cultural, or educational museums and/or facilities;

(4) site acquisition, site preparation, site improvements, infrastructure, parking facilities, personal property, engineering fees, architectural fees, and/or legal fees related to one or more of the supplemental projects listed above in Subsections 52-23(c)(1) through (c)(3), inclusive;

(5) the payment of operating costs, maintenance costs, and/or capital replacement costs related to one or more of the main or supplemental projects listed above in Subsections 52-23(b)(1) through (b)(9), inclusive, or Subsections 52-23(c)(1) through (c)(4), inclusive, as applicable; and/or

(6) the payment of principal and interest on and the costs of issuance of notes or other short-term obligations in support of one or more of the supplemental projects listed above in Subsections 52-23(c)(1) through (c)(5), inclusive, issued by a public trust of which the City is the sole beneficiary.

The supplemental projects listed above in Subsections 52-23(c)(1) through (c)(6), inclusive, may be commenced, continued, completed, and/or concluded, in whole or in part, as and in the order deemed appropriate by Council.

As used in Subsection 52-23(c), the phrase "conclusion of the main projects" shall mean the final funding of the main projects in the amount(s) determined by Council.

- (d) There is hereby established a limited-purpose tax fund to be known as the "Oklahoma City metropolitan projects tax fund" into which all revenues collected pursuant to Subsection 52-23(a) above shall be deposited. Monies in said limited-purpose tax fund shall be accumulated from year to year. Said fund shall be placed in an insured interest-bearing account and the interest which accrues on the fund shall be retained in the fund. Said limited-purpose tax fund shall be non-fiscal and shall not be considered in computing any levy when the City makes its estimate to the Excise Board for needed appropriations. Monies in said limited-purpose tax fund shall be expended only as accumulated and only for the limited purposes ("main projects" or "supplemental projects") described in Subsection 52-23(b) or Subsection 52-23(c), as applicable.

(e) Prior to expenditure of any monies in the Oklahoma City metropolitan projects tax fund, Council shall establish or designate a Citizens Oversight Board to review expenditures of such monies and submit recommendations to Council regarding such expenditures.

(f) Refunds of the additional limited-term excise tax levied under Subsection 52-23(a) above are hereby authorized in accordance with the following provisions:

(1) a person who is a resident of the City, who actually paid the additional limited-term excise tax of one percent levied under Subsection 52-23(a) above, and who was a senior citizen at all times during the calendar year in which the tax was paid, may file a claim with the City for a refund of tax payments made during the applicable calendar year. Only one refund claim shall be filed or allowed per person per calendar year. The amount of any refund allowed hereunder shall not exceed \$32.00 per person per calendar year.

(2) claims for refunds of taxes paid during a calendar year shall be filed with the ~~Finance Director~~ Chief Financial Officer on claim forms provided by the ~~Director~~ Chief Financial Officer or designee and shall be filed no earlier than January 1 of the succeeding calendar year and no later than March 1 of the succeeding calendar year. Failure to file a claim on or before March 1 of the succeeding calendar year shall constitute a forfeiture of a person's right to receive a refund for taxes paid during the preceding calendar year. Only one claim may be filed per person per calendar year.

(3) no person shall be entitled to a refund based on a claim filed under Subsection 52-23(f)(1) above unless there shall be attached to and made a part of such claim a statement, signed under the penalty of perjury, on a form approved by the Council and provided by the ~~Director~~ Chief Financial Officer or designee, containing appropriate certifications to verify said claim.

(4) a. The ~~Director~~ Chief Financial Officer or designee shall review all claims received by him and shall examine the statements attached thereto as to the claimant's eligibility to receive a refund; and may request such further information and documentation, including without limiting the generality thereof any documents listed below, as needed to verify the claimant's eligibility. Any documents submitted shall be confidential, handled so as to protect the privileged nature of the same, and returned to the claimant after the ~~Director~~ Chief Financial Officer or designee has reviewed the same. The documents referred to above are:

1. acceptable proof of residence, which may include without limitation a driver's license or voter identification card;

2. acceptable proof of age, which may include without limitation a driver's license or Medicare identification card; and/or

3. any other information deemed necessary by the Director.

b. if a person shall otherwise be eligible for a refund under other provisions hereof, the ~~Director~~ Chief Financial Officer or designee may recommend payment of the claim if he

is satisfied that the claimant has not willfully made any false statement in the claim for the purpose of obtaining a refund and if the claimant cooperated with the ~~Director's~~ request of the Chief Financial Officer or designee for information and documentation under Subsection 52-23(f)(4)a above.

c. the Director shall submit each claim to the Council together with his recommendation for approval or disapproval of same. If the ~~Director's~~ recommendation of the Chief Financial Officer or designee shall be that a claim be disapproved, the Director shall accompany his recommendation to the Council with a concise statement of reasons for such recommendation.

(5) if the Council shall determine, in its discretion, that the claimant is eligible for a refund of taxes paid under the provisions of this Subsection 52-23(f), it shall approve the claim for refund, but without interest, subject to the limitations as to amount contained in Subsection 52-23(f)(1) above.

(6) a person who shall willfully make a false statement in any claim for a refund or who signs a false or fraudulent claim for the purpose of defrauding the City shall be guilty of an offense against the City and may be declared to be ineligible to receive refunds of taxes levied under Subsection 52-23(a) above for such period of time as the Council, in its discretion, may deem appropriate.

(7) the following words, terms, and phrases when used in this Subsection 52-23(f) shall have the meanings ascribed to them below:

a. Calendar year means the 12-month period commencing on January 1 of any year and ending on December 31 of the same year.

b. Director means the ~~Director of Finance~~ Chief Financial Officer of the City; and

c. Senior citizen means a person 65 years of age or older.

(8) in addition to all other powers granted to the Director under this chapter, he is hereby authorized and empowered:

a. to make, adopt and amend rules and regulations appropriate to carrying out this Subsection 52-23(f);

b. to delegate his functions under this Subsection 52-23(f) to an assistant or other employee or employees of the City; and

c. to prescribe methods for determining the eligibility for a refund under this Subsection 52-23(f).

(g) Except as specifically defined in this article, the words and terms used in this Section 52-23 shall have and be given their plain, ordinary, and customary meaning.

- (h) The additional excise tax levied pursuant to Subsection 52-23(a) above shall be for a limited term of five and one-half years beginning at 12:00 a.m. on January 1, 1994, and ending at 12:00 a.m. on July 1, 1999.

* * *

Article III. Hotel Tax

* * *

§ 52-62.1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) Director means the ~~Finance Director~~ Chief Financial Officer or designee his/her designated representative.

(2) Hotel means any building(s), structure(s), trailer(s), or any other facility(ies) of any kind or nature, in which the public may, for consideration, obtain sleeping accommodations and in which two or more rooms are used for the accommodation of such guests (regardless of whether such rooms are located in one or several buildings, structures, trailers or facilities). The term shall include hotels, motels, tourist homes, houses or courts of any kind or nature, lodging houses, inns, rooming houses, bed and breakfast inns, corporate lodgings, trailer houses, trailer motels, dormitory space where bed space is rented to individuals or groups, apartments of any kind or nature, and all other similar facilities where rooms or any other space with sleeping facilities are furnished for a consideration. The term shall not include hospitals, sanitariums or nursing homes.

(3) Commission means the Oklahoma City Convention and Visitors Commission.

(4) Hotel tax or tax means the tax levied pursuant to this article.

(5) Individual means a human being.

(6) Occupancy means the use or possession, or the right to the use or possession, of any room in a hotel, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room.

(7) Occupant means a person, who for a consideration, uses, possesses, or has the right to the use or possession of any room in a hotel under any lease, concession, permit, right of access, license to use, or other agreement.

(8) Operator means any person operating a hotel in this City, including, but not limited to, the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, manager or similar agent.

(9) Permanent resident means an individual who has resided in a room in a hotel for not less than 30 consecutive days, with permanent residency to end when any break in such residency occurs.

(10) Person means any individual, corporation, company, partnership, voluntary association, firm, club, society, organization or any other entity of whatever kind or nature.

(11) Rent means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the operator to the occupant, without any deduction(s) whatever.

(12) Report means the monthly room tax report filed or required to be filed as provided in this article.

(13) Room means any room or rooms of any kind in any part or portion of a hotel that are available for or let out for use or possessed for any purpose other than a place of assembly. As used herein, "place of assembly" means a room or space which is capable of being occupied by 75 or more persons and which is used for educational, recreational or amusement purposes and shall include: dancehalls; cabarets; nightclubs; restaurants; any room or space for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard; bowling and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreational rooms; concert halls; broadcasting studios; and all other places of similar type of occupancy.

SECTION 8. That Section 55-16 of Chapter 55 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

Chapter 55. Utilities

* * *

§ 55-16. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(A.1) Accountholder shall mean any person(s) or entity that makes application to the Utility Customer Service Division for utility services. As used in this Chapter, accountholder will include the spouse of an accountholder, which spouse will be equally and jointly responsible for payment of charges under this Code and for compliance with this Code.

(B.1) Reserved.

(C.1) Curb stop lock means a metal boot or coupling which attaches to a cutoff valve to which a lock is attached to deny access or use of the cutoff valve and water service.

(C.2) Customer means the party or parties requesting, receiving, or using utility services provided or made available by the City. Utility customer shall also mean any person or entity requesting, receiving or using utility services provided or made available by the City.

(C.3) Customer Service Superintendent means the authorized representative of the Director as the chief administrator of the Customer Service Division of the Utilities Department or the Customer Service Superintendent's designated representative.

(D.1) DEQ means the Oklahoma State Department of Environmental Quality, its successors, designees and assigns.

(D.2) Director means the Utilities Department Director or his/her designated representatives.

(F.1) Finance Department means the Finance Department and shall include all authorized employees and deputies thereof, except as otherwise clearly shown by context.

(F.2) ~~Finance Director~~ Chief Financial Officer means the Chief Financial Officer or designee ~~his designated representative~~.

(G.1) Reserved.

(H.1) Reserved.

(I.1) Irrigation only account means an account for private water service to a separately metered, separate private irrigation water system with no connection to any non-irrigation water system. It shall be the obligation of the accountholder to demonstrate compliance and continued compliance with the requirements of this provision and the obligation of the accountholder to provide the City access to the property served and all water systems on the property served to test and verify compliance. Should it be determined that the system is not in compliance, it will be the responsibility of the customer to bring the system into compliance within 30 days of written notice.

(J.1) Reserved.

(K.1) Reserved.

(L.1) Latch means the spring mechanism or gravity activated mechanism on the meter cover. The purpose of the latch is the protection of the integrity of the meter and associated facilities.

(L.2) Lock means a combination or key style lock commonly used to deny access to a facility. "Lock" shall not mean the latch on the meter cover.

(M.1) Manufacturing customer means non-residential retail customer with a history of treated water usage over the prior 12 months of at least five million gallons per month (excluding irrigation water, which irrigation water must be separately metered) and with a peak to average monthly treated water use ratio of 1.25 or less. Provided however, new customers, with anticipated usage meeting these requirements, will be billed at the manufacturing customer rate subject to recalculation after 12 months of billing history should the manufacturing customers fail to comply with these requirements.

(M.2) Meter tile cover means the plate on the tile opening which provides access to the meter.

(M.3) Meter face means the series of dials or digital registers with a glass cover which demonstrates the water flow through the meter.

(M.4) Meter setting means the installation of a water meter connected to the service connection either at the curblin or at the beginning of extension service line.

(M.5) Meter tile means the cast iron, concrete, plastic or other approved material structure which provides housing for the meter.

(M.6) Multifamily means four or more housekeeping units within a building or structure, which include but are not limited to, residential multiplexes, residential apartment complexes, residential mobile home parks, and other similarly-situated multiple unit residential customers. Multifamily customers will be served off a master meter in a dedicated easement on a public street.

(N.1) Reserved.

(O.1) Reserved.

(P.1) Reserved.

(Q.1) Reserved.

(R.1) Reserved.

(S.1) Service extension line means the extension of the water service connection from the outlet of the meter at the point of meter setting.

(T.1) Tailpiece means the copper line connecting the meter assembly to the private service extension line. The tailpiece shall be considered a part of the meter.

(U.1) Utility Customer Service Division means the division of the Utilities Department responsible for billing customers of the City's water, sewer and refuse operations, and related functions including reading meters, responding to inquiries, replacement of dead and damaged meters, uncovering and raising meters, maintaining accounts for all customers, and

enforcement of ordinances relating to provision of water, sewer, and refuse service through scheduled water service disconnections and the assessment of penalties and fees.

(U.2) Utilities Department or Department means the Utilities Department of the City and shall include all authorized employees and deputies thereof, except as otherwise clearly shown by context. The Utilities Department was formerly referred to as the Water and Wastewater Utilities Department or Water Resources Department.

(V.1) Reserved.

(W.1) Water distribution lines means water mains smaller than 12 inches in diameter.

(W.2) Water municipal system means a public water supply system constructed, operated and maintained by a municipality or trust for the benefit of such a municipality.

(W.3) Water service includes the general municipal service of providing, maintaining and distributing water, and providing, maintaining and operating all facilities and procedures legally under the control of the Utilities Department for the purposes of said service.

(W.4) Water service connection means the service pipe connected to a City water main and extending therefrom to the curblin or meter setting premises served or subject to be served by the water service.

(W.5) Water service installation means the water service connection with the meter setting and meter box, but shall not include the turning on of water through said lines and meter connected thereto.

(W.6) Water system means all of the property covered by a lease agreement between the trustees of the Oklahoma City Water Utilities Trust, formerly Oklahoma City Municipal Improvement Authority, and the City dated August 1, 1960, as amended, plus any additional facilities, extensions or improvements acquired by said trustees, the title to which shall become vested in the City in the future as provided in said lease agreement.

(X.1) Reserved.

(Y.1) Reserved.

(Z.1) Reserved.

* * *

SECTION 9. That Section 60-2-2 of Chapter 50 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

* * *

Title 2. Administration

* * *

Article II. Fees

* * *

§ 60-2-2. Other fees.

- (a) notary fee \$3.00.
- (b) handling charge to prepare documents for mailing or shipping, per request, per quarter hour of labor or any portion thereof, plus postage, if applicable \$4.00.
- (c) certification, official seal affixed, per page \$1.00.
- (d) facsimile cost for documents sent by fax, per page faxed \$0.25.
- (e) Council agenda packet subscription service \$300.00.
- (f) municipal code book, as per schedule promulgated by the ~~Director of Finance~~ Chief Financial Officer and on file in the Office of the City Clerk.
- (g) creation of fingerprint record card, each \$13.00.
- (h) creation of photo I.D. card or replacement, when not included in administrative fee \$14.00.
- (i) creation of custom photograph on photo paper in addition to all other fees, if available and resources allow, each quarter hour of labor or any portion thereof \$6.00.
- (j) expungement of records (when authorized by court order) \$150.00.
- (k) creation fee for other documents when document or data does not exist as a public record in the form requested and must be created, if resources allow, per quarter hour of labor or any portion thereof \$7.25.
- (l) copy of existing photograph pursuant to court order or subpoena \$3.00.
- (m) copying service provided to private individuals or firms that request that personal or business documents be copied, price per copy:
 - (1) b & w copy, any size, per page \$2.50.

(2) color copy, any size, per page\$3.80.

- (n) payment in advance of fees listed under this section may be required by the department director or his/her designee.

* * *

INTRODUCED and **CONSIDERED** in open meeting of the Council of the City of Oklahoma City this 19TH day of DECEMBER, 2023.

PASSED by the Council of the City of Oklahoma City this 16TH day of JANUARY, 2024.

SIGNED by the Mayor of the City of Oklahoma City this 16TH day of JANUARY, 2024.

ATTEST: (Seal)

Amy K. Simpson
City Clerk

David Holt
MAYOR

The seal of the City of Oklahoma City is circular. It features a central shield with a cross, surrounded by a wreath. The words "SEAL OF THE CITY OF OKLAHOMA CITY" are inscribed around the perimeter of the seal.

REVIEWED for form and legality.

Craig Keith
Assistant Municipal Counselor