



MEMORANDUM

Council Agenda
Item No. XI. Q
9/26/2023

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Resolution No. II: Resolution relating to the special election authorized by the Council and called by the Mayor of The City of Oklahoma City for December 12, 2023, for the purpose of submitting Ordinance No. 27,420, levying a 1% excise tax for a limited term of seventy-two (72) months, to city voters; setting forth the facts required by Section 13-102 of Title 26 of the Oklahoma Statutes; directing the City Clerk to submit this Resolution to the Secretary of the Oklahoma County Election Board prior to 5:00 p.m. on September 27, 2023; further directing the City Clerk to forthwith provide the Oklahoma County Election Board with a map designating the municipal limits and ward boundaries of The City of Oklahoma City and a current certified copy of the Oklahoma City Charter, as respectively required by Sections 13-107 and 13-109 of Title 26 of the Oklahoma Statutes.

Background:

Oklahoma City opened new publicly-owned arenas to improve and maintain the city's quality of life in 1937, 1972 and 2002. The most recent arena helped the city to secure major league professional sports for the first time. Beginning with the 2008-2009 NBA season, the Oklahoma City Thunder of the National Basketball Association has called Oklahoma City home, due to a use license agreement signed by both parties in 2008. In 2023, the initial term of the 2008 use license agreement expired. The Thunder exercised an option to extend the agreement for three years. Over the past 14 months, Oklahoma City and Thunder leadership have been engaged in discussions concerning the concepts that would allow for the Thunder and the City to agree to a new long-term use license agreement. Earlier this month, representatives of the parties preliminarily agreed to a letter of intent that establishes mutual agreement for a new use license agreement that will keep the Thunder in Oklahoma City beyond 2050. A new state-of-the-art arena is required to receive this long-term commitment from the Thunder.

Ordinance No. 27,420, as presented today, proposes to levy a temporary special sales tax of one percent (1%) for the special purpose of funding all expenses related in any manner to constructing, establishing, providing, or maintaining an arena facility to be owned by the City. Other items on today's Council agenda would call a special election for approval of the tax levy and set the election date for December 12, 2023. There is also an item on today's agenda to authorize the Mayor to sign the letter of intent on behalf of the City.

The attached Resolution No. II is one of the “other items” on today’s agenda, as referenced above. Title 26 of the Oklahoma Statutes regulates elections conducted by the State and county election boards. Certain requirements are imposed for the holding of municipal special elections.

Under 26 O.S. § 13-102, 60 days’ prior notice to the local county election board that will conduct the municipal special election is normally required. However, if a Federal or State election will also be held on the same date as the municipal special election, 75 days’ prior notice is required by 26 O.S. § 3-101(E). As a State special election is currently scheduled for December 12, 2023, 75 days’ notice is required to be given to the Oklahoma County Election Board Secretary by the City Clerk. 26 O.S. §13-102 also requires that the municipality submit certain additional information, including the proposed Ballot for the election, when notice of the election is given to the Oklahoma County Election Board.

Resolution No. II, as attached, will provide 75 days’ notice to the Oklahoma County Election Board that the City Council has authorized and the Mayor has called a special election for approval or disapproval of Ordinance No. 27,420 by City voters for Tuesday, December 12, 2023. Resolution No. II will also direct the City Clerk to deliver such Resolution to the Oklahoma Election Board Secretary prior to 5:00 pm on September 27, 2023, thus providing 75 days’ notice of the City special election. This Resolution also directs certain further actions by the Clerk. The proposed Ballot for the election is attached to Resolution No. II as Exhibit A.

Review:

Municipal Counselor's Office

Recommendation: Resolution be adopted.