



# MEMORANDUM

Council Agenda  
Item No. XI. K.1&2  
6/21/2022

## The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

1. Second public hearing regarding Fire Sales Tax appropriations.
2. Resolution regarding appropriations for the Fire Department for fiscal year 2022-2023; stating Council's intent regarding General Fund appropriations for the Fire Department; stating Council's intent regarding Fire Sales Tax appropriations for the Fire Department; and approving certain Fire Sales Tax expenditures and/or projects, including Fire "listed" projects and Fire "other" projects:
  - Exhibit "A" Funding 202 employment positions for fully equipped uniformed firefighters, estimated at \$25,523,725;
  - Exhibit "B" Fire Fighting Tools and Equipment, estimated at \$4,690,000;
  - Exhibit "C" Fire Compensation Project, not to exceed \$13,854,712;
  - Exhibit "D" Fire Support Personnel Project, not to exceed \$1,253,906;
  - Exhibit "E" Advanced Life Support, not to exceed \$100,000;
  - Exhibit "F" Wellness, not to exceed \$400,000;
  - Exhibit "G" Fire Technology, not to exceed \$644,708;
  - Exhibit "H" Fire Recruit Overage Salaries, Benefits and Uniforms, not to exceed \$1,560,000;
  - Exhibit "I" Fire Facility Repairs, not to exceed \$1,000,000;
  - Exhibit "J" Fire Station Construction/Remodels, not to exceed \$1,500,000.

### Background:

In past years, City management in cooperation with the Municipal Counselor's Office has prepared and presented Council with two Resolutions relating to the Public Safety Sales Tax. One Resolution approved certain "Listed Projects"; the other Resolution approved certain "Other Projects." "Listed Projects" and "Other Projects" are terms created by the Journal Entry of Judgment entered on January 12, 1993, in Oklahoma County District Court case number CJ-92-3864-09, styled The City of Oklahoma City vs Charles L. Stone, et al. (the "JE").

Since Fiscal Year 2003-2004, a single Resolution has been presented to Council which serves the same function as the two Resolutions presented in prior years. It will express Council's intent to make certain General Fund appropriations for the Fire Department for Fiscal Year 22-23, including funding for 815 General Fund firefighter employment positions. In addition, the Resolution will declare Council's intent to make certain Fire Sales Tax appropriations for the Fire Department for Fiscal Year 22-23 and also specifically approve a Fire Sales Tax Expenditure (Exhibit A to the Resolution) for 202 firefighter employment positions in the Fire Department to be fully funded from the Fire Sales Tax with an estimated cost of \$25,523,725. Finally, the Resolution will also

approve one Fire Listed Project (Exhibit B) budgeted at \$4,690,000 and eight Fire Other Projects (Exhibits C, D, E, F, G, H, I, and J) budgeted at \$12,770,847, \$1,253,906, \$100,000, \$400,000, \$644,708, \$1,560,000, \$1,000,000, and \$1,500,000 respectively.

The Municipal Counselor's Office drafted the Resolution with a view toward accurately stating municipal finance and municipal initiative petition law, so that there is no mistake concerning the City's legal position regarding the Council's legal discretion over appropriations of City funds and over the administrative details involved in setting funding levels for City departments, determining levels of services, etc. The basic legal power to make such decisions rests within the discretion of the City Council and no City ordinance (such as Ordinance No. 19,226) can constitutionally be construed as imposing multiyear legal obligations on Council concerning such matters or as usurping the legal discretion over such matters vested in Council pursuant to both State statutes and the common law. Thus, the Municipal Counselor's Office has prepared the "Whereas" clauses in the attached Resolution to more fully state the City's legal position concerning this matter in the event of further discussions regarding Ordinance No. 19,226.

In regard to Fire Other Projects, the JE states in Conclusion No. 12 that if "other projects" are to be considered for funding by the Council, there shall be complete descriptions of the proposed "other projects" presented during two separate public hearings. The description is to include (1) specification of what is to be included by item, (2) the cost thereof, (3) the purpose for said projects, and (4) how said projects will provide "new", "additional", or "increased" police, fire-fighting, or fire-rescue services and/or "new", "additional", and/or "improved" facilities or equipment to the Oklahoma City Police or Fire Departments.

This Resolution is also presented to Council to meet the procedural requirements set out in the Journal Entry for Fire Other Projects. It contains descriptions of eight "other projects" for the Fire Department. These projects have been presented to Council in previous years and declared "other projects." The Fire Other Projects (Exhibits C, D, E, F, G, H, I, and J) presented for consideration for Fiscal Year 2022-2023 are:

C. "Fire Compensation Project" as listed in the Journal Entry. This project will fund the wage adjustment project for the Fire Department. This project is budgeted at \$12,770,847 in FY 2022-2023 and will likely be adjusted based on the final total of sales tax revenue in FY 2021-2022, however it may not exceed \$13,854,712.

D. "Fire Support Personnel" to support the additional personnel and equipment funded by Ordinance No. 19,226 and/or to improve fire fighting and fire-rescue services, not to exceed \$1,253,906.

E. "Advanced Life Support" to increase fire-rescue services to the public by funding training costs for new paramedics, not to exceed \$100,000.

F. "Wellness" to increase the effectiveness of firefighters, while reducing injuries and the possibility of cardiovascular related illness, not to exceed \$400,000.

G. "Fire Technology" to increase the efficiency of firefighters by providing computer equipment

and software required to complete administrative and training tasks which support firefighting activities, not to exceed \$644,708.

H. “Fire Recruit Overage Salaries, Benefits and Uniforms” to increase fire protection services for the citizens of Oklahoma City by providing for the hiring of more fire recruits to fill overage positions, not to exceed \$1,560,000.

I. “Fire Facility Repairs” to increase funding for repair of aging fire facilities, not to exceed \$1,000,000.

J. “Fire Station Construction/Remodels” to increase funding for the construction of new fire station facilities, as well as the improvement of existing facilities through remodeling projects that exceed the scope of maintenance, not to exceed \$1,500,000.

**Source of Funds:**

General Fund and Fire Sales Tax Fund (Limited-Purpose Fund)

**Review:**

Fire

**Recommendation:** Public hearing be held and resolution be set for second public hearing and adoption on June 21, 2022.