



MEMORANDUM

Council Agenda
Item No XI. L.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 Police Sales Tax appropriations.
2. Resolution regarding appropriations for the Police Department for Fiscal Year 2022-2023; stating Council's intent regarding General Fund appropriations for the Police Department; stating Council's intent regarding Police Sales Tax appropriations for the Police Department; and approving certain Police Sales Tax expenditures and/or projects; including Police "listed" projects and "other" projects:

Exhibit "A" 219 employment positions for fully equipped uniformed Police Officers, estimated at \$26,975,211;

Exhibit "B" Maintenance and operation costs for police vehicles and equipment, estimated at \$2,510,506;

Exhibit "C" Police Compensation Project, not to exceed \$12,820,790;

Exhibit "D" Police Legal Services, not to exceed \$249,004;

Exhibit "E" Police Non-Commissioned Support Personnel, not to exceed \$2,691,133;

Exhibit "F" DNA Laboratory, not to exceed \$574,082;

Exhibit "G" Capital and Non-Capital Improvements, not to exceed \$4,422,853;

Exhibit "H" Recruit Services, Supplies and Equipment, not to exceed \$1,124,844;

Exhibit "I" Property Crime Specialist Program, not to exceed \$1,405,321;

Exhibit "J" Supplies, Equipment and Services not to exceed \$2,023,268;

Exhibit "K" Senior Crime Analysts, not to exceed \$311,728.

Background:

Prior to Fiscal Year 2004, City management, in cooperation with the Municipal Counselor's Office, 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." The terms "Listed Projects" and "Other Projects" were created by the Journal Entry of Judgment, (the "JE"), 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 single Resolution presented to Council beginning in Fiscal Year 2004 serves the same function as the two Resolutions presented in past years, plus it expresses Council's intent to make certain General Fund appropriations of \$163,911,659 for the Police Department for Fiscal Year 2022-2023, which include funding for 1,015 General Fund Police Officer employment positions. In addition, the Resolution will declare Council's intent to make certain Police Sales Tax appropriations for the Police Department for Fiscal Year 2022-2023 and specifically approve a

Police Sales Tax Expenditure for 219 sworn Police Officer employment positions for the Police Department to be fully funded from the Police Sales Tax. Finally, the Resolution will also approve one Police Listed Project (Exhibit B) and nine Police Other Projects (Exhibits C-K).

This Resolution is presented to Council to more accurately state 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 "Whereas" clauses in the attached Resolution 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 Police 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 the 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 Police Other Projects. It contains descriptions of nine "other projects" for the Police Department. The Police Other Projects (Exhibits C-K) for Fiscal Year 2022-2023 presented for consideration are:

C. "Police Compensation Project" as listed in the Journal Entry. This project will fund the wage adjustment, uniform allowance, and hepatitis vaccination projects for the Police Department; \$12,820,790.

D. "Police Legal Services" project to fund 1.2 full time equivalents of Assistant Municipal Counselor positions dedicated to the Police Department (i.e. the "Police Legal Advisor"); \$249,004.

E. "Police Non-Commissioned Support Personnel" project to fund a number of post-tax non-commissioned personnel; \$2,691,133.

F. "DNA Laboratory" project to continue the operation of the DNA Laboratory; \$574,082.

G. "Capital and Non-Capital Improvements" project to fund capital and non-capital police equipment and facility improvements; \$4,422,853.

H. "Recruit Services, Supplies and Equipment" project to fund services, supplies and equipment for recruits; \$1,124,844.

I. “Property Crime Specialist” project to fund eight civilian employment positions and one police sworn employment position; \$1,405,321.

J. “Supplies, Equipment and Services” project to fund new, additional and/or improved supplies, equipment and services; \$2,023,268.

K. “Senior Crime Analyst” project to fund four full-time Senior Crime Analysts for the Special Projects Group; \$311,728.

Source of Funds: General Fund and Police Sales Tax Fund (Limited-Purpose Fund)

Review: Police Department

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