



ADDENDUM TO THE CITY OF MIDWEST CITY COUNCIL AGENDA

City Hall - Midwest City Council Chambers, 100 N. Midwest Boulevard

June 27, 2023 – 6:00 PM

D. DISCUSSION ITEMS.

- 3.** Discussion, consideration, and possible action of passing and approving the amended Resolution 2023-10 and Proclamation of the City of Midwest City, Oklahoma, authorizing the calling and holding of a special election in the City of Midwest City, County of Oklahoma, State of Oklahoma, on Tuesday, September 12, 2023 for the purpose of submitting to the qualified electors of the City of Midwest City, Oklahoma, the question for their approval or rejection of approving Ordinance No. 3514 relating to the excise tax. (City Manager - T. Lyon)



City Manager
100 N. Midwest Boulevard
Midwest City, OK 73110
tlyon@midwestcityok.org
Office: 405.739.1201
www.midwestcityok.org

MEMORANDUM

TO: Honorable Mayor and Councilmembers

FROM: Tim Lyon, City Manager

DATE: June 27, 2023

SUBJECT: Discussion, consideration, and possible action of passing and approving the amended Resolution 2023-10 and Proclamation of the City of Midwest City, Oklahoma, authorizing the calling and holding of a special election in the City of Midwest City, County of Oklahoma, State of Oklahoma, on Tuesday, September 12, 2023 for the purpose of submitting to the qualified electors of the City of Midwest City, Oklahoma, the question for their approval or rejection of approving Ordinance No. 3514 relating to the excise tax.

Please see the attached amended Resolution 2023-10 and Proclamation which authorizes the calling and holding of a special election to vote upon the proposed Ordinance 3514 which provides for continuation of the four thousand fifteen ten thousandths (.4015) of one (1) percent of the sales tax.

The original items were passed and approved by the City Council on May 16, 2023. Upon submittal to the Oklahoma County Election Board, it was stated the proposition language must be 200 words or less. The documents have been amended to meet this requirement.

Action is at the Council's discretion.

Regards,



Tim L. Lyon, City Manager

1 **RESOLUTION NO. 2023-10**

2 **A RESOLUTION OF THE CITY OF MIDWEST CITY, OKLAHOMA, AUTHORIZING**
3 **THE CALLING AND HOLDING OF A SPECIAL ELECTION, IN THE CITY OF MID-**
4 **WEST CITY, COUNTY OF OKLAHOMA, STATE OF OKLAHOMA, ON TUESDAY,**
5 **SEPTEMBER 12, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED**
6 **ELECTORS OF THE CITY OF MIDWEST CITY, OKLAHOMA, THE QUESTION FOR**
7 **THEIR APPROVAL OR REJECTION OF APPROVING ORDINANCE NO. 3514 RELAT-**
8 **ING TO THE LEVY OF SALES TAX.**

9 **RESOLUTION**

10 WHEREAS, on the 16th day of May, 2023 the Council of the City of Midwest City, Okla-
11 homa enacted Ordinance No. 3514 amending the City Code of Midwest City, chapter 40, taxa-
12 tion, article ii, sales tax, section 40-44, limited-purpose tax; sales subject to tax; fifty-five hun-
13 dreds (0.55) of one (1) percent; to change the purpose of seventy-three percent (73%) or four
14 thousand fifteen ten thousandths (.4015) of one percent (1%) of the tax from payment of debt for
15 the northside wastewater treatment plant to eighty percent (80%) for capital improvement pro-
16 jects and twenty percent (20%) for maintenance and upgrades to city parks; and to remove the
17 sunset from said tax.

18 WHEREAS, Ordinance No. 3514 specifies the limited purposes for which the funds may
19 be expended and specifies the limited-purpose tax funds into which the proceeds of the tax must
20 be deposited.

21 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MID-
22 WEST CITY:

23 **SECTION 1.** The Mayor of the City of Midwest City, Oklahoma, be and he is hereby authorized
24 and directed to call a special election to be held in the City of Midwest City, Oklahoma, on Tues-
25 day, the 12th of September 2023, for the purpose of submitting to the qualified electors of the City
26 of Midwest City, Oklahoma, for their approval or rejection of the following proposition:

27 **PROPOSITION**

28 Shall Ordinance No. 3514 be approved, amending the City Code of Midwest City,
29 Chapter 40, Taxation, ~~Article II, Sales Tax~~; Section 40-44 (a)(1), Limited-purpose tax;
30 sales subject to tax:

31 ~~Seventy-three (73) percent~~ 73% or ~~four thousand fifteen ten thousandths (.4015) of~~
32 ~~one (1) percent~~ 1% of the additional excise tax levied pursuant to this section shall be
33 expended and used for the following purposes and in the following manner:

34 a. ~~Four-fifths or eighty percent (80%)~~ shall be expended and used to pay for capital
35 improvement projects for the City. As used in this section, the term “capital improve-
ment project” shall mean a project for the construction of new, repairs or improve-
ments to existing drainage/stormwater conveyances; improvement or repairs to roads
and/or bridges; ~~the~~ construction and/or maintenance of trails; repair, improvements,
and/or replacement to the wastewater resource and recovery facility and/or water
treatment plant; improvements or repairs to raw water lines; or construction of new,
improvements to or repairs to either ~~the~~ water distribution lines, or ~~the~~ wastewater
collection lines; and for any personnel requirements and/or consulting or supporting
contracts thereto.

b. One-fifth or ~~twenty percent (20%)~~ shall be expended and used to pay for ~~the~~ con-
struction of new, improvement or repair to, or operation of all current and future city
parks, and for any personnel requirements and/or consulting or supporting contracts
thereto.

SECTION 2. The call for such special election shall be by proclamation, signed by the Mayor and
attested by the City Clerk, setting for the proposition to be voted upon, and the hours of opening

1 and closing of the polls. The returns of such election shall be made to and canvassed by the Ok-
2 lahoma County Election Board.

3 BE IT FURTHER RESOLVED that the City of Midwest City, through the adoption of
4 Ordinance 1872, has provided for absentee ballots to be cast in the City of Midwest City's munic-
5 ipal elections.

6 BE IT FURTHER RESOLVED that the polling places for the election, if held, shall be
7 opened at 7:00 o'clock a.m. and shall remain open until and be closed at 7:00 o'clock p.m. on
8 September 12, 2023.

9 Pursuant to Title 26 of the Oklahoma Statutes, Section 13-103(c), all precincts totally or partially
10 contained within the limits of the City of Midwest City shall be open for election, except the City
11 authorizes Precinct 244 to be closed. Precinct 244 is only partially contained within the limits and
12 no registered voters reside within that portion.

13 PASSED AND APPROVED by the mayor and council of the City of Midwest City, Okla-
14 homa this ____ day of _____, 2023.

15 CITY OF MIDWEST CITY, OKLAHOMA

16 _____
17 MATTHEW D. DUKES II, Mayor

18 ATTEST:

19 _____
20 SARA HANCOCK, City Clerk

21 APPROVED as to form and legality this ____ day of May, 2023.

22 _____
23 DONALD D. MAISCH, City Attorney

24 I, the undersigned City Clerk of the City of Midwest City, Oklahoma, hereby certify that the fore-
25 going is true, correct and complete copy of a resolution of said city duly adopted by the governing
26 body of said city at a meeting held on the date therein stated as the same appears in the minutes of
27 said meeting on file in my office as part of the official records thereof.

28 (Seal)

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30 SARA HANCOCK, City Clerk

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RESOLUTION NO. 2023-10

A RESOLUTION OF THE CITY OF MIDWEST CITY, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION, IN THE CITY OF MIDWEST CITY, COUNTY OF OKLAHOMA, STATE OF OKLAHOMA, ON TUESDAY, SEPTEMBER 12, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF MIDWEST CITY, OKLAHOMA, THE QUESTION FOR THEIR APPROVAL OR REJECTION OF APPROVING ORDINANCE NO. 3514 RELATING TO THE LEVY OF SALES TAX.

RESOLUTION

WHEREAS, on the 16th day of May, 2023 the Council of the City of Midwest City, Oklahoma enacted Ordinance No. 3514 amending the City Code of Midwest City, chapter 40, taxation, article ii, sales tax, section 40-44, limited-purpose tax; sales subject to tax; fifty-five hundreds (0.55) of one (1) percent; to change the purpose of seventy-three percent (73%) or four thousand fifteen ten thousandths (.4015) of one percent (1%) of the tax from payment of debt for the northside wastewater treatment plant to eighty percent (80%) for capital improvement projects and twenty percent (20%) for maintenance and upgrades to city parks; and to remove the sunset from said tax.

WHEREAS, Ordinance No. 3514 specifies the limited purposes for which the funds may be expended and specifies the limited-purpose tax funds into which the proceeds of the tax must be deposited.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDWEST CITY:

SECTION 1. The Mayor of the City of Midwest City, Oklahoma, be and he is hereby authorized and directed to call a special election to be held in the City of Midwest City, Oklahoma, on Tuesday, the 12th of September 2023, for the purpose of submitting to the qualified electors of the City of Midwest City, Oklahoma, for their approval or rejection of the following proposition:

PROPOSITION

Shall Ordinance No. 3514 be approved, amending the City Code of Midwest City, Chapter 40, Taxation; Section 40-44 (a)(1), Limited-purpose tax; sales subject to tax:

73% or .4015 of 1% of the additional excise tax levied pursuant to this section shall be expended and used for the following purposes and in the following manner:

a. Four-fifths or 80% shall be expended and used to pay for capital improvement projects for the City. As used in this section, the term “capital improvement project” shall mean a project for the construction of new, repairs or improvements to existing drainage/stormwater conveyances; improvement or repairs to roads and/or bridges; construction and/or maintenance of trails; repair, improvements, and/or replacement to the wastewater resource and recovery facility and/or water treatment plant; improvements or repairs to raw water lines; or construction of new, improvements to or repairs to either water distribution lines, or wastewater collection lines; and for any personnel requirements and/or consulting or supporting contracts thereto.

b. One-fifth or 20% shall be expended and used to pay for construction of new, improvement or repair to, or operation of all current and future city parks, and for any personnel requirements and/or consulting or supporting contracts thereto.

SECTION 2. The call for such special election shall be by proclamation, signed by the Mayor and attested by the City Clerk, setting for the proposition to be voted upon, and the hours of opening and closing of the polls. The returns of such election shall be made to and canvassed by the Oklahoma County Election Board.

1 BE IT FURTHER RESOLVED that the City of Midwest City, through the adoption of
2 Ordinance 1872, has provided for absentee ballots to be cast in the City of Midwest City's munic-
3 ipal elections.

4 BE IT FURTHER RESOLVED that the polling places for the election, if held, shall be
5 opened at 7:00 o'clock a.m. and shall remain open until and be closed at 7:00 o'clock p.m. on
6 September 12, 2023.

7 Pursuant to Title 26 of the Oklahoma Statutes, Section 13-103(c), all precincts totally or partially
8 contained within the limits of the City of Midwest City shall be open for election, except the City
9 authorizes Precinct 244 to be closed. Precinct 244 is only partially contained within the limits and
10 no registered voters reside within that portion.

11 PASSED AND APPROVED by the mayor and council of the City of Midwest City, Okla-
12 homa this ____ day of _____, 2023.

13 CITY OF MIDWEST CITY, OKLAHOMA

14 _____
15 MATTHEW D. DUKES II, Mayor

16 ATTEST:

17 _____
18 SARA HANCOCK, City Clerk

19 APPROVED as to form and legality this ____ day of May, 2023.

20 _____
21 DONALD D. MAISCH, City Attorney

22 I, the undersigned City Clerk of the City of Midwest City, Oklahoma, hereby certify that the fore-
23 going is true, correct and complete copy of a resolution of said city duly adopted by the governing
24 body of said city at a meeting held on the date therein stated as the same appears in the minutes of
25 said meeting on file in my office as part of the official records thereof.

26 (Seal)

27 _____
28 SARA HANCOCK, City Clerk

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1 **ELECTION PROCLAMATION**

2
3 Pursuant to Resolution No. 2023-10, duly adopted by the governing body of the City of Midwest
4 City, Oklahoma, the Mayor of the City of Midwest City, for the purpose of an election to amend
5 City of Midwest City Ordinance, Chapter 40, Taxation; Article II, Sales; Section 40-44, Limited-
6 Purpose Tax; Sales Subject to Tax; Fifty-Five Hundredths (0.55) of One Percent (1%), hereby calls
7 in the City of Midwest City, County of Oklahoma, State of Oklahoma:

8 **PROPOSITION**

9 Shall Ordinance No. 3514 be approved, amending the City Code of Midwest City,
10 Chapter 40, Taxation, ~~Article II, Sales Tax~~; Section 40-44 (a)(1), Limited-purpose tax;
11 sales subject to tax:

12 ~~Seventy-three (73) percent~~ 73% or ~~four thousand fifteen ten thousandths (.4015)~~ of
13 ~~one (1) percent~~ 1% of the additional excise tax levied pursuant to this section shall be
14 expended and used for the following purposes and in the following manner:

15 a. ~~Four-fifths or eighty percent (80%)~~ shall be expended and used to pay for capital
16 improvement projects for the City. As used in this section, the term “capital improve-
17 ment project” shall mean a project for the construction of new, repairs or improve-
18 ments to existing drainage/stormwater conveyances; improvement or repairs to roads
19 and/or bridges; ~~the~~ construction and/or maintenance of trails; repair, improvements,
20 and/or replacement to the wastewater resource and recovery facility and/or water
21 treatment plant; improvements or repairs to raw water lines; or construction of new,
22 improvements to or repairs to either ~~the~~ water distribution lines, or ~~the~~ wastewater
23 collection lines; and for any personnel requirements and/or consulting or supporting
24 contracts thereto.

25 b. One-fifth or ~~twenty percent (20%)~~ shall be expended and used to pay for ~~the~~ con-
26 struction of new, improvement or repair to, or operation of all current and future city
27 parks, and for any personnel requirements and/or consulting or supporting contracts
28 thereto.

29 The polling places for the election, if held, shall be opened at 7:00 o’clock a.m. and shall remain
30 open until and be closed at 7:00 o’clock p.m. on September 12, 2023.

31 Pursuant to Title 26 of the Oklahoma Statutes, Section 13-103(c), all precincts totally or partially
32 contained within the limits of the City of Midwest City shall be open for election, except the City
33 authorizes Precinct 244 to be closed. Precinct 244 is only partially contained within the limits and
34 no registered voters reside within that portion.

35 Be it further resolved that the City of Midwest City, through the adoption of Ordinance 1872, has
provided for absentee ballots to be cast in the City of Midwest City’s municipal elections.

All registered qualified electors residing within the boundaries of Midwest City shall be entitled
to vote for the amendment.

DATED AND ISSUED this _____ day of June, 2023.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

1 APPROVED as to form and legality this _____ day of November, 2021.

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DONALD D. MAISCH, City Attorney

I, the undersigned City Clerk of the City of Midwest City, Oklahoma, hereby certify that the foregoing is true, correct and complete copy of a proclamation of said city duly adopted by the governing body of said city at a meeting held on the date therein stated as the same appears in the minutes of said meeting on file in my office as part of the official records thereof.

SARA HANCOCK, City Clerk

(Seal)

1 **ELECTION PROCLAMATION**

2
3 Pursuant to Resolution No. 2023-10, duly adopted by the governing body of the City of Midwest
4 City, Oklahoma, the Mayor of the City of Midwest City, for the purpose of an election to amend
5 City of Midwest City Ordinance, Chapter 40, Taxation; Article II, Sales; Section 40-44, Limited-
6 Purpose Tax; Sales Subject to Tax; Fifty-Five Hundreds (0.55) of One Percent (1%), hereby calls
7 in the City of Midwest City, County of Oklahoma, State of Oklahoma:

8 **PROPOSITION**

9 Shall Ordinance No. 3514 be approved, amending the City Code of Midwest City,
10 Chapter 40, Taxation; Section 40-44 (a)(1), Limited-purpose tax; sales subject to tax:

11 73% or .4015 of 1% of the additional excise tax levied pursuant to this section shall
12 be expended and used for the following purposes and in the following manner:

13 a. Four-fifths or 80% shall be expended and used to pay for capital improvement
14 projects for the City. As used in this section, the term “capital improvement project”
15 shall mean a project for the construction of new, repairs or improvements to existing
16 drainage/stormwater conveyances; improvement or repairs to roads and/or bridges;
17 construction and/or maintenance of trails; repair, improvements, and/or replacement
18 to the wastewater resource and recovery facility and/or water treatment plant; im-
19 provements or repairs to raw water lines; or construction of new, improvements to or
20 repairs to either water distribution lines, or wastewater collection lines; and for any
21 personnel requirements and/or consulting or supporting contracts thereto.

22 b. One-fifth or 20% shall be expended and used to pay for construction of new, im-
23 provement or repair to, or operation of all current and future city parks, and for any
24 personnel requirements and/or consulting or supporting contracts thereto.

25 The polling places for the election, if held, shall be opened at 7:00 o’clock a.m. and shall remain
26 open until and be closed at 7:00 o’clock p.m. on September 12, 2023.

27 Pursuant to Title 26 of the Oklahoma Statutes, Section 13-103(c), all precincts totally or partially
28 contained within the limits of the City of Midwest City shall be open for election, except the City
29 authorizes Precinct 244 to be closed. Precinct 244 is only partially contained within the limits and
30 no registered voters reside within that portion.

31 Be it further resolved that the City of Midwest City, through the adoption of Ordinance 1872, has
32 provided for absentee ballots to be cast in the City of Midwest City’s municipal elections.

33 All registered qualified electors residing within the boundaries of Midwest City shall be entitled
34 to vote for the amendment.

35 DATED AND ISSUED this _____ day of June, 2023.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

1 APPROVED as to form and legality this _____ day of November, 2021.

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DONALD D. MAISCH, City Attorney

I, the undersigned City Clerk of the City of Midwest City, Oklahoma, hereby certify that the foregoing is true, correct and complete copy of a proclamation of said city duly adopted by the governing body of said city at a meeting held on the date therein stated as the same appears in the minutes of said meeting on file in my office as part of the official records thereof.

SARA HANCOCK, City Clerk

(Seal)