

RESOLUTION NO. 23-75

A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 2022-59 SPECIFYING THE ADMINISTRATIVE INTENT OF THE MAYOR AND COUNCIL OF THE CITY OF LAWTON, OKLAHOMA WITH REGARD TO THE NEW EXCISE TAX OF TWO AND ONE-EIGHTH PERCENT (2.125%) THAT COMBINED AND REPLACED THE EXISTING SEVEN-EIGHTHS OF ONE PERCENT (7/8%) CAPITAL IMPROVEMENT/OPERATIONAL EXPENDITURE SALES TAX AND THE ONE AND ONE-QUARTER PERCENT (1.25%) CAPITAL IMPROVEMENT SALES TAX AS APPROVED BY THE REGISTERED VOTERS OF THE CITY OF LAWTON, OKLAHOMA AT AN ELECTION HELD FOR SUCH PURPOSE ON FEBRUARY 11, 2020.

WHEREAS, adoption of the sales tax by Citywide vote of the citizens of Lawton on February 11, 2020, left the City's sales tax rate at its current level and funded enhancements to the overall quality of life in Lawton, Oklahoma; and

WHEREAS, Resolution 19-116, expressed the administrative intent of the Mayor and Council (hereafter referred to as "the Council") as to how such quality of life enhancements would be financed, implemented, and managed; and

WHEREAS, Resolution 20-28, repealed and replaced Resolution 19-116, and expressed the revised administrative intent of the Council by adding a category of economic development funding for infrastructure and financial support of new and existing retail development and retention in accordance with the City's retail development policy; and

WHEREAS, Resolution 21-64, repealed and replaced Resolution 20-28, and expressed the revised administrative intent of the Council by adding a category for Program Administration to include funding for the development of a program management system/tool, bond/financing fees and associated legal expenses, and other administrative costs as approved by the Council; and

WHEREAS, Resolution 22-59, repealed and replaced Resolution 21-64, and expressed the revised administrative intent of the Council by: (1) removing the reference to the "Lawton Arts and Humanities Council" previously referenced in the section of Resolution 21-64 pertaining to "Parks & Recreational Facilities and Arts & Humanities," and replacing the reference to the "Lawton Arts and Humanities Council" with the "McMahon Auditorium Authority;" and (2) correcting an inadvertent omission to Resolution 20-28 that removed a reference in Resolution 19-116 to an estimated \$20,000,000 expenditure in the Parks and Recreational Area. That inadvertent omission was again carried forward with Resolution 21-64, but was corrected in Resolution 22-59.

WHEREAS, this Resolution, which repeals and replaces Resolution 22-59, expresses the further revised administrative intent of the Council by allocating an estimated additional \$5,472,607 to

the Section C(3) of the resolution pertaining to “Improvements to City Buildings/Facilities.” This additional \$5,472,607 is available to be used in any of the three categories [i.e. subparagraphs (a), (b) and (c)] listed in Section C(3) of the resolution. Pursuant to Section 4 hereof, this allocation is being made, following input from the citizens at no less than two open meetings of the Council, due to an anticipated one-time annual excess of revenue above \$23,500,000 from July 1, 2022 to June 30, 2023. Also, through this Resolution the purpose of subparagraph (c) “Continuation of renovation and remodeling of City Hall and facilities” of Section C(3) is being clarified that it includes: (1) the expansion of the parking lot immediately west of City Hall and (2) the construction of a stand-alone building for utility bill paying at or near said parking lot.

WHEREAS, as set forth in this Resolution below, it is the intent of the Council to complete the projects being funded and to be funded by the extended seven-eighths of one percent (7/8%) tax and the one and one-quarter percent (1.25%) tax upon their replacement with the new excise tax of two and one-eighth percent (2.125%) as approved by the voters on February 11, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Council declares its administrative intent regarding continuation and extension of the aforesaid sales tax, as follows:

1. This Resolution details intended allocations of anticipated revenues. In addition to the allocations of revenues for capital projects, this Resolution details the allocations of certain identified operating funds. All allocations of the revenues from the new excise tax of two and one-eighth percent (2.125%) shall require the approval of the Council. Notwithstanding any other provision in this Resolution, all such intended allocations will prioritize requirements on all prior encumbrances of the sales tax in a first priority position and are subject to prior encumbrances.

2. The allocations for capital projects and operating funds specified herein are based on a revenue estimate of \$23,500,000 annually during the limited term of the tax.

3. An implementation plan and timing for allocation of both capital projects and operating funds will be developed and adopted by the Council. It is the intent of the Council that if revenues are received in amounts at least equal to the revenue estimate, that the operating funds allocations shall not be lessened.

4. It is the intent of the Council that should revenues from the tax ultimately exceed \$23,500,000 annually during the limited term of the tax, such funds will be considered excess funds and those excess funds will be allocated by the Council upon the receipt of input from citizens at no less than two open meetings of the Council. Should revenues ultimately fall short of such revenue estimate, allocations for projects and operating funds will be reduced as deemed appropriate by the Council with the goal of funding as many of the intended projects/expenditures specified below as revenues allow.

5. It is the intent of the Council that when capital projects identified herein as conditional are not implemented due to the failure of conditions to be met, the previously allocated funds for any such projects and related operational funds, if applicable, shall first be reallocated to make up for any shortage of estimated revenue as necessary to complete other intended projects/expenditures and,

if not necessary, shall be considered excess funds to be allocated as set forth in paragraph 4.

6. It is the intent of the Council that all projects be implemented with prioritization on sustainable design.

NOW, THEREFORE, BE IT FURTHER RESOLVED that, subject to available revenues, the Council's administrative intent is for the proceeds of the sales tax, or proceeds of borrowings by the City or a public trust of which the City is beneficiary payable from the sales tax, to be expended for the purposes established by the Council of the City from time to time, to include the following specific projects/expenditures to the extent legal and practical as funding generated by the approval of Ordinance No. 19-30 allows:

A. Completion of Projects/Expenditures from the 2015 Public Safety and Capital Improvements/Operational Expenditures Sales Tax

1. Public Safety Purposes:

a. Construct and equip a new City police, jail, fire and municipal court facility, and demolish the existing police station (City staff estimates an aggregate \$39,104,186 expenditure for these purposes over the life of the tax);

b. Funding to provide the cost of hiring and equipping new police and fire personnel as well as provide for pay increases for police and fire personnel with said funding not to exceed \$2,684,000 in any one year and to be at all times in the discretion of the governing body of the City (one-half of one percent (1/2 %) of the two and one-eighth percent (2.125%) is designated to fund the amount not to exceed \$2,684,000 in any one year in addition to also funding water/sewer system improvements and an annual deposit of \$250,000 into the City's emergency fund).

2. Roads and Bridges:

a. Acquire right of way and reconstruct Rogers Lane to five lanes from I-44 to Village Drive (matching funds from Oklahoma Dept. of Transportation are expected) (City staff estimates \$4,500,000 expenditure);

b. Acquire right of way and reconstruct Gore Boulevard from 67th Street to 82nd Street (matching funds from Oklahoma Dept. of Transportation are expected) (City staff estimates \$5,000,000 expenditure).

3. Water and Sewer System Improvements:

Replace water and sewer lines, paint water tanks, replace pump at treatment plant, install water monitoring system and complete water supply study (City staff estimates an aggregate expenditure of \$4,411,114).

4. Public Buildings, Libraries and Recreational Purposes:

- a. Heating and air conditioning system improvements for McMahon Auditorium; remodel main and/or branch libraries as needed, including restroom and lobby updates, new indoor furniture, and technology upgrades; playground/fitness equipment; outdoor walking paths/walking trail lighting; restore existing sports facilities to include upgrades to McMahon Ballparks and youth sports fields; and the eventual demolition of the City Hall Annex (City staff estimates an aggregate expenditure of \$4,534,700 for these purposes over the life of the tax);
 - b. Funds for summer youth programs (City staff estimates an aggregate expenditure of \$200,000 for these purposes over the life of the tax).
5. Americans Disabilities Act compliance improvements:
- Repair existing sidewalks and install new sidewalks and other improvements within the City for removal of barriers faced by the disabled, as required by lawsuit (City staff estimates \$1,000,000 will be available for these purposes over the life of the tax).
6. Provide revolving fund for demolition of dilapidated buildings (not to exceed \$150,000).

Completion of Projects from the 2016 Capital Improvement Sales Tax

1. Improvements to Existing Water Resources:
Improvements to water resources existing on the effective date of Ordinance No. 15-11, as determined necessary to provide an adequate water supply depending on drought conditions, including development of such existing sources that will contribute to the goal of an adequate water supply.
2. Sewer System, Landfill and Street Improvements
 - a. Phase II of the United States Government Environmental Protection Agency (EPA) ordered sewer system rehabilitation program;
 - b. Construction of additional cells for the City's landfill and purchase of additional land for operational purposes as necessary;
 - c. Reconstruct SE 45th Street to five lanes from Lee Boulevard to Bell Avenue
 - d. Overlay and reconstruction of residential streets within the City;
3. LATS Transportation Improvements:
Lawton Area Transit System (LATS) improvements, particularly including, but not limited to the purchase of buses.
4. Infrastructure in Furtherance of Industrial Development:
Infrastructure and related improvements determined to be necessary in furtherance of achieving the City's and Lawton Industrial Development Authority's goals in the vital area of industrial development.
5. Improvements to Information Technology Systems:

Improvements to the City's information technology systems including hardware and software upgrades, replacement and protection of these critical systems.

B. Additional Capital Improvement Projects/Expenditures Funded by the Replacement of the Combined 2015 and 2016 Two and One-Eighth Percent (2.125%) Sales Tax

1. Water and Sewer System Improvements:

- a. Improvements to the existing water and sewer systems of the City, including but not limited to the water treatment plants and sewer treatment plants, and hardware and software upgrades, replacement and protection of these critical systems (one-half of one percent (1/2 %) of the two and one-eighth percent (2.125%) is designated to fund water/sewer system improvements in addition to also funding the amount not to exceed \$2,684,000 in any one year for new police and fire personnel, pay increases for police and fire personnel and capital equipment costs, and an annual deposit of \$250,000 into the City's emergency fund).
- b. Construction of a new water treatment plant for the treatment of alternate water sources (City staff estimates seventeen million dollar (\$17,000,000) expenditure).

2. Street/Sidewalk Improvements and Maintenance:

- a. Improvements to arterial streets and construction of new sidewalks and repair of existing sidewalks along arterial streets (City staff estimates eighteen million-dollar (\$18,000,000) expenditure for streets and five million dollar (\$5,000,000) expenditure for sidewalks).
- b. Maintenance and preventative maintenance of streets to include sealing of cracks, filling potholes, and striping of streets (City staff estimates ten million-dollar (\$10,000,000) expenditure).

3. Improvements to City Buildings/Facilities:

- a. Renovation and remodeling of the Lawton Airport and facilities (matching funds in the amount of fourteen million dollars (\$14,000,000) are anticipated from the Federal Aviation Administration) (City staff estimates two million-dollar (\$2,000,000) expenditure).
- b. Renovation and remodeling of the McMahon Auditorium and facilities (City staff estimates four million, five hundred thousand-dollar (\$4,500,000) expenditure).
- c. Continuation of renovation and remodeling of City Hall and facilities (City staff estimates six million dollar (\$6,000,000) expenditure).

With the passage of Resolution 23-75, an additional estimated \$5,472,607 is being added to the preexisting Section (C)(3) "Improvements to City Buildings/Facilities." This additional \$5,472,607 is available to be used in any of the three categories [i.e. subparagraphs (a), (b) and (c)] listed in Section C(3) of the resolution. This additional \$5,472,607 is not reflected in the estimated expenditure amounts listed in subparagraphs (a), (b) and (c) above. Also, through Resolution 23-75, the purpose of subparagraph (c) "Continuation of renovation and remodeling of City Hall and facilities" is being clarified that it includes: (1) the expansion of the parking lot immediately west of City Hall and (2) the construction of a stand alone building for utility bill paying at or near said parking lot.

4. Parks & Recreational Facilities and Arts & Humanities:
 - a. Development of a parks master plan by a parks and recreation consultant and implementation of the plan to include, but not limited to, Elmer Thomas Park, 38th Street Park, existing ballfields and a new sports complex (City staff estimates twenty million dollar (\$20,000,000) expenditure, with not to exceed eight million dollars (\$8,000,000) of the twenty million dollars (\$20,000,000) for a new sports complex from the City with the remaining funding for the new sports complex coming from other public and/or private sources).
 - b. Arts and Humanities programs and activities in partnership with the McMahon Auditorium Authority (not to exceed two hundred and fifty thousand dollar (\$250,000) expenditure).
5. Youth Programs:

Programs to be recommended by a Council Member/Citizen Committee with specific qualifications to study and evaluate opportunities for youth of all ages in the City to develop life and career enhancing skills and avoid involvement in the criminal justice system (City staff estimates six million dollar (\$6,000,000) expenditure).
6. Industrial Development/Retention:

Infrastructure and support of projects in furtherance of industrial development and retention in accordance with the City's industrial development policy (twenty-eight million seven hundred fifty thousand dollars (\$28,750,000) in addition to remaining funding designated for such purposes in the 2016 Capital Improvements Sales Tax, as amended).
7. Information Technology Improvements:

Improvements to the City's information technology systems including hardware and software upgrades, replacement and protection of these critical systems (City staff estimates twelve million dollar (\$12,000,000) expenditure).
8. Beautification Improvements:
 - a. Development and implementation of an eight (8) year bulk trash pickup program including the purchase of the equipment to implement the program.
 - b. Mowing of City right of way and easements and abatement of high grass, weeds and trash on private property including the purchase of necessary equipment. (City staff estimates eight million dollar (\$8,000,000) expenditure for programs in subparagraphs a & b)
 - c. Demolition of structures declared by the City Council to be dilapidated and a public nuisance including personnel cost associated with the abatement process (not to exceed three million, seven-hundred and fifty thousand (\$3,750,000) expenditure).
9. Emergency Fund:

On an annual basis the amount of two-hundred and fifty thousand dollars (\$250,000) shall be deposited in the City's existing emergency fund created in Article 16, Chapter 10 of the Lawton City Code for the funding of qualifying emergencies and events listed in the emergency fund ordinance (one-half of one percent (1/2 %) of the two and one-

eighth percent (2.125%) is designated to fund the annual deposit of \$250,000 into the City's emergency fund in addition to also funding the amount not to exceed \$2,684,000 in any one year for new police and fire personnel, pay increases for police and fire personnel and capital equipment costs, and water/sewer system improvements).

10. Retail Development/Retention.

Infrastructure and financial support of new and existing retail development and retention in accordance with the City's retail development policy.

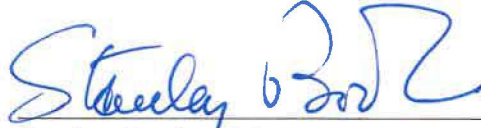
11. Program Administration:

Includes the development of a program management system/tool, bond/financing fees and associated legal expenses, and other administrative costs as approved by the City Council. The total cost of Program Administration shall not exceed one million dollars (\$1,000,000).

Effective Date/Repeal. This Resolution shall repeal Resolution No. 2022-59 and be immediately effective on the date of its passage by the Council of the City of Lawton. Repeal of this Resolution shall require an affirmative vote of two-thirds of the entire Council of the City of Lawton.

PASSED AND APPROVED THIS 9th DAY OF MAY 2023.

THE CITY OF LAWTON, OKLAHOMA



Stanley Booker, Mayor

(SEAL)
ATTEST:



Traci Hushbeck, City Clerk

APPROVED as to form and legality this 9th day of May 2023.



City Attorney

STATE OF OKLAHOMA)
) SS
COUNTY OF COMANCHE)

I, the undersigned, the duly qualified and acting Clerk of The City of Lawton, Oklahoma, hereby certify that the foregoing is a true and complete copy of a Resolution specifying the administrative intent of the Mayor and Council of the City of Lawton, Oklahoma with regard to the replacement of the existing seven-eighths of one percent (7/8%) sales tax and the one and one-quarter percent (1.25%) sales tax with a new excise tax of two and one-eighth percent (2.125%) as approved by registered voters of the City, adopted by the governing body of said municipality and Transcript of Proceedings of said governing body at a regular meeting thereof duly held on the date therein set out, insofar as the same relates to the introduction, reading, and adoption thereof as the same appears of record in my office.

I further certify that attached hereto is a true and complete copy of the public notice given to the City Clerk of Lawton, Oklahoma, and of the public notice posted in prominent public view at entry to City Hall, 212 S.W. 9th, Lawton, Oklahoma, at least twenty-four (24) hours prior to the meeting wherein said Resolution was approved, excluding Saturdays, Sundays, and State designated legal holidays.

WITNESS my hand and seal this 24th day of May 2023.

(SEAL)



Traci Hushbeck, City Clerk