

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT CITY COUNCIL

6:00 PM

**Roscoe J. Hatfield
Council Chambers
300 West Evergreen
Durant, Oklahoma
SPECIAL AGENDA**

December 7, 2023

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

ORDER OF BUSINESS

1. Administration

- a. Consider and Take Action with Respect to a Resolution Authorizing the Calling and Holding of an Election in the City of Durant, State of Oklahoma (the "City") for the Purpose of Submitting to the Registered Qualified Electors of Said City, the Question of Approval or Rejection of an Ordinance of the City, Which Amends Ordinance No. 1430 of the City and Ordinance No. 1431 of the City by Eliminating the Termination Date, for the Collection of the Excise Tax (Sales Tax) Levied Pursuant to Said Ordinances and by Modifying the Purpose of Said Tax; and Containing Other Provisions Relating Thereto (R-2023-25)
- b. Consider and Take Action with Respect to an Ordinance of the City of Durant, Oklahoma (the "City"), Amending Ordinance No. 1430 and 1431 of the City, by Eliminating the September 30, 2024 Termination Date for the Collection of the Excise Tax (Sales Tax) Levied Pursuant to Said Ordinances and by Modifying the Purpose of Said Tax Levied Pursuant to Said Ordinances; Providing for the Effective Date; Providing Remainder of Ordinances Remain Unchanged; Providing that the Provisions of this Ordinance are Cumulative and in Addition to Any and All Taxing Provisions of Other City Ordinances; Providing for Severability of Provisions; and Containing Other Provisions Related Thereto (O-2023-19)

ADJOURNMENT

CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 4th day of December, 2023 and that an agenda of said meeting was posted at the place of such meeting at 12:45 p.m. on the 6th day of December, 2023.



Cynthia J. Price, City of Durant



The City of Durant

Memorandum

Date: 12/7/2023
To: Mayor and City Council
From: Rick Rumsey, Interim City Manager
Re: Consider and Take Action with Respect to a Resolution Authorizing the Calling and Holding of an Election in the City of Durant, State of Oklahoma (the "City") for the Purpose of Submitting to the Registered Qualified Electors of Said City, the Question of Approval or Rejection of an Ordinance of the City, Which Amends Ordinance No. 1430 of the City and Ordinance No. 1431 of the City by Eliminating the Termination Date, for the Collection of the Excise Tax (Sales Tax) Levied Pursuant to Said Ordinances and by Modifying the Purpose of Said Tax; and Containing Other Provisions Relating Thereto (R-2023-25)

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

1. R-2023-25 Resolution Calling Election
2. Special Election Proclamation and Notice

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE CITY COUNCIL OF THE CITY OF DURANT, OKLAHOMA (THE “CITY”) MET IN SPECIAL SESSION IN SAID CITY ON THE 7TH DAY OF DECEMBER, 2023, AT 6:00 O’CLOCK P.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following resolution was introduced and caused to be read by the Mayor. Councilmember ____ moved passage of the Resolution and Councilmember _____ seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE:

NAY:

The Resolution so approved is as follows:

RESOLUTION NO. R-2023-25

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF DURANT, STATE OF OKLAHOMA (THE “CITY”), FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF AN ORDINANCE OF THE CITY, WHICH AMENDS ORDINANCE NO. 1430 OF THE CITY AND ORDINANCE NO. 1431 OF THE CITY BY ELIMINATING THE TERMINATION DATE FOR THE COLLECTION OF THE EXCISE TAX (SALES TAX) LEVIED PURSUANT TO SAID ORDINANCES AND BY MODIFYING THE PURPOSE OF SAID TAX; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, the City adopted Ordinance No. 1430 on March 9, 2004 (“Ordinance 1430”), which Ordinance levied a one-quarter of one percent (0.25%) excise tax (sales tax), with said tax being levied for the purpose of funding community facilities and to provide for a City of Durant multi-sports complex and other sports and recreation facilities development and upgrades thereof, all as more specifically set forth in Ordinance No. 1430, and with said one-quarter of one percent (0.25%) tax terminating September 30, 2024; and

WHEREAS, the City adopted Ordinance No. 1431 on March 9, 2004 (“Ordinance 1431”), which Ordinance levied a one-quarter of one percent (0.25%) excise tax (sales tax), with said tax

being levied for the purpose of funding an arena and community center and other related sports and recreation facilities development and upgrades thereof, with said facilities located on the Durant campus of Southeastern Oklahoma State University, all as more specifically set forth in Ordinance No. 1431, and with said one-quarter of one percent (0.25%) tax terminating September 30, 2024; and

WHEREAS, Ordinance No. 1430 and Ordinance No. 1431 shall be referred to collectively herein as the “Ordinance” or the “Ordinances”; and

WHEREAS, the combined one-half of one percent (0.50%) excise tax (sales tax) levied pursuant to the Ordinances shall be referred to herein as the “excise tax (sales tax)” or the “tax”; and

WHEREAS, the City desires to eliminate the September 30, 2024 termination date with respect to the collection of said excise tax (sales tax); and

WHEREAS, the City further desires to modify the purpose for which the proceeds of said tax can be expended.

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

SECTION 1. That the Mayor of the City be, and he is hereby authorized and directed to call a special election to be held in said City on the 13th day of February, 2024, for the purpose of submitting to the registered, qualified voters thereof the following proposition:

PROPOSITION

Shall Ordinance No. O-2023-19 of the City of Durant, State of Oklahoma, be authorized, which Ordinance amends Ordinance No. 1430 and Ordinance No. 1431 of the City both dated March 9, 2004, which collectively levy a one-half of one percent (0.5%) excise tax (sales tax) in order that the September 30, 2024 termination date of said one-half of one percent (0.5%) excise tax (sales tax) shall be eliminated and in order that the proceeds of said tax shall be used to fund capital improvements including street, water and wastewater improvements, all for the use and benefit of the City, and/or for the payment of debt service in connection with obligations heretofore issued or to be issued by the City and any public trust having the City as beneficiary thereof to finance or refinance said capital improvements and related costs, all as more specifically set forth in Ordinance No. O-2023-19 of the City?

/___/ Yes - For the above Proposition

/___/ No -Against the above Proposition

SECTION 2. That such call for said election shall be by Proclamation, signed by the Mayor and attested by the City Clerk, setting forth the Proposition to be voted upon; the ballots for the registered, qualified voters shall set forth the Proposition noted above, to be voted upon, substantially as set out in Section 1 hereof; the special election shall be held at the same places and in the same manner prescribed by law for conducting county and state elections and the numbers and locations of the polling places and the names the persons who conduct said election shall be

the same as for county and state elections, all as respectively designated and prescribed by the county election board for Bryan County, all to be in accordance with Title 26 O.S. Section 13-110; the polls for said special election shall be opened at 7:00 o'clock a.m. and shall remain open continuously until and be closed at 7:00 o'clock p.m.; and the returns of said election shall be made to and canvassed and certified to by the Bryan County Election Board as provided by law.

SECTION 3. That with respect to the election to be held on February 13, 2024:

- a. The Secretary of the Bryan County Election Board shall be notified that a special municipal election shall be held in the City of Durant, Oklahoma, on February 13, 2024 in order to submit to the registered, qualified voters of said City the proposition as set forth in Section 1 above.
- b. The exact wording of the proposition to be submitted to the registered, qualified voters of the City is set forth in Section 1 above (Proposition).
- c. The question of the approval of the Proposition shall be decided by voting by the qualified, registered voters who reside within the limits and boundaries of the City.
- d. The special election shall be of a nonpartisan nature.
- e. The election laws of the State of Oklahoma shall apply to the special election.
- f. That the City Clerk is directed to immediately submit to the Bryan County Election Board (i) this resolution, (ii) a current map defining the municipal limits and ward boundaries of the City as required by Section 13-107 of Title 26 of the Oklahoma Statutes and (iii) any other information or documents which the said Secretary of the County Election Board may request.

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PASSED AND APPROVED this 7th day of December, 2023.

(SEAL)

Mayor

ATTEST:

City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF BRYAN)

I, the undersigned, the duly qualified and acting Clerk of the City of Durant, Oklahoma, hereby certify that the foregoing is a true and complete copy of a Resolution authorizing the calling and holding of an election for the purpose therein set out adopted by the governing body of said municipality and transcript of proceedings of said governing body had at a special meeting thereof 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 Notice of Special Meeting of the governing body of the City of Durant, Oklahoma having been given in writing to the City Clerk of said City prior to 5:00 PM on December 5, 2023, and public notice of this meeting, setting forth the date, time, place and agenda was posted at the place of this meeting in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week at 12:45 o'clock p.m., on the 6th day of December, 2023, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act (as attached hereto).

WITNESS my hand and the seal of said City this 7th day of December, 2023.

(SEAL)

City Clerk

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk (580.931.6645) at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

NOTICE OF SPECIAL MEETING

DURANT CITY COUNCIL

THURSDAY, DECEMBER 7, 2023

6:00 PM

**DURANT CITY HALL
COUNCIL CHAMBERS
300 WEST EVERGREEN
DURANT OK 74701**

CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting, was filed with the City Clerk of Durant at 3:45 p.m. on the 4TH day of December, 2023. Agenda of said meeting shall be posted at the place of such meeting prior to 6:00 PM on the 6th day of December, 2023.

Cynthia J. Price

Cynthia J. Price, City Clerk
City of Durant

SPECIAL ELECTION PROCLAMATION AND NOTICE

Under and by virtue of the Statutes of the State of Oklahoma, and Acts complementary, supplementary, and enacted pursuant thereto, and Resolution No. R-2023-25 of the City of Durant, Oklahoma, dated December 7, 2023, authorizing the calling of an election on the proposition hereinafter set forth, I, the undersigned Mayor of the City of Durant, Oklahoma, hereby call a special election and give notice thereof to be held in the City of Durant, Oklahoma, on the 13th day of February, 2024, for the purpose of submitting to the registered, qualified voters in said City, the following proposition:

PROPOSITION

Shall Ordinance No. O-2023-19 of the City of Durant, State of Oklahoma, be authorized, which Ordinance amends Ordinance No. 1430 and Ordinance No. 1431 of the City both dated March 9, 2004, which collectively levy a one-half of one percent (0.5%) excise tax (sales tax) in order that the September 30, 2024 termination date of said one-half of one percent (0.5%) excise tax (sales tax) shall be eliminated and in order that the proceeds of said tax shall be used to fund capital improvements including street, water and wastewater improvements, all for the use and benefit of the City, and/or for the payment of debt service in connection with obligations heretofore issued or to be issued by the City and any public trust having the City as beneficiary thereof to finance or refinance said capital improvements and related costs, all as more specifically set forth in Ordinance No. O-2023-19 of the City?

/_____/ Yes – For the above Proposition

/_____/ No – Against the above Proposition

That only the registered, qualified voters of the City of Durant, Oklahoma, may vote upon the proposition as above set forth.

The polls shall be opened at 7:00 o'clock a.m. and shall remain open continuously until and be closed at 7:00 o'clock p.m.

Such election shall be conducted by those precinct officers designated by the County Election Board of Bryan County, Oklahoma, which officers shall also act as counters and certify the results thereof as required by law.

The number and location of the polling places for the election shall be the same as prescribed by the County Election Board for state and county elections and shall include all precincts totally or partially contained within the geographic boundaries of the City.

WITNESS my hand as Mayor of the City of Durant, Oklahoma and the Seal of said City affixed hereto on the 7th day of December, 2023.

(SEAL)

Mayor

ATTEST:

City Clerk



The City of Durant

Memorandum

Date: 12/7/2023
To: Mayor and City Council
From: Rick Rumsey, Interim City Manager
Re: Consider and Take Action with Respect to an Ordinance of the City of Durant, Oklahoma (the "City"), Amending Ordinance No. 1430 and 1431 of the City, by Eliminating the September 30, 2024 Termination Date for the Collection of the Excise Tax (Sales Tax) Levied Pursuant to Said Ordinances and by Modifying the Purpose of Said Tax Levied Pursuant to Said Ordinances; Providing for the Effective Date; Providing Remainder of Ordinances Remain Unchanged; Providing that the Provisions of this Ordinance are Cumulative and in Addition to Any and All Taxing Provisions of Other City Ordinances; Providing for Severability of Provisions; and Containing Other Provisions Related Thereto (O-2023-19)

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

1. O-2023-19

ORDINANCE NO. O-2023-19

AN ORDINANCE OF THE CITY OF DURANT, OKLAHOMA (THE “CITY”), AMENDING ORDINANCE NO. 1430 AND 1431 OF THE CITY, BY ELIMINATING THE SEPTEMBER 30, 2024 TERMINATION DATE FOR THE COLLECTION OF THE EXCISE TAX (SALES TAX) LEVIED PURSUANT TO SAID ORDINANCES AND BY MODIFYING THE PURPOSE OF SAID TAX LEVIED PURSUANT TO SAID ORDINANCES; PROVIDING FOR THE EFFECTIVE DATE; PROVIDING REMAINDER OF ORDINANCES REMAIN UNCHANGED; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City adopted Ordinance No. 1430 on March 9, 2004 (“Ordinance 1430”), which Ordinance levied a one-quarter of one percent (0.25%) excise tax (sales tax), with said tax being levied for the purpose of funding community facilities and to provide for a City of Durant multi-sports complex and other sports and recreation facilities development and upgrades thereof, all as more specifically set forth in Ordinance No. 1430, and with said one-quarter of one percent (0.25%) tax terminating September 30, 2024; and

WHEREAS, the City adopted Ordinance No. 1431 on March 9, 2004 (“Ordinance 1431”), which Ordinance levied a one-quarter of one percent (0.25%) excise tax (sales tax), with said tax being levied for the purpose of funding an arena and community center and other related sports and recreation facilities development and upgrades thereof, with said facilities located on the Durant campus of Southeastern Oklahoma State University, all as more specifically set forth in Ordinance No. 1431, and with said one-quarter of one percent (0.25%) tax terminating September 30, 2024; and

WHEREAS, Ordinance No. 1430 and Ordinance No. 1431 shall be referred to collectively herein as the “Ordinance” or the “Ordinances”; and

WHEREAS, the combined one-half of one percent (0.50%) excise tax (sales tax) levied pursuant to the Ordinances shall be referred to herein as the “excise tax (sales tax)” or the “tax”; and

WHEREAS, the City desires to eliminate the September 30, 2024 termination date with respect to the collection of said excise tax (sales tax); and

WHEREAS, the City further desires to modify the purpose for which the proceeds of said tax can be expended.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DURANT, OKLAHOMA, AS FOLLOWS:

Section 1. Amendment Relating to the Purpose of Said Tax. The provisions of Ordinance No. 1430 and Ordinance No. 1431 relating to the purpose of said tax as set forth in Section 3 of Ordinance No. 1430 and Section 3 of Ordinance No. 1431 shall be deleted in their entirety. The purpose of the combined one-half of one percent (0.50%) excise tax (sales tax) is modified in order that the proceeds of said tax shall be used to fund street improvements, including, but not limited to, constructing, reconstructing, improving, rehabilitating, resurfacing, and repairing streets, including sidewalks, lighting, street enhancement improvements, drainage improvements, and signalization, all for the use and benefit of the City, and/or for the payment of debt service in connection with obligations heretofore issued or to be issued by the City and any public trust having the City as beneficiary thereof to finance or refinance said street improvements and related costs.

Section 2. Amendment to Section 4 of Ordinance No. 1430 and Ordinance No. 1431.

Section 4 of Ordinance No. 1430 and Section 4 of Ordinance No. 1431 each currently read as follows:

“Section 4. Effective Date; Termination Date; Voter Approval. The provisions of this Ordinance and the collection of the excise tax referenced herein shall become effective on and after October 1, 2004, subject to and conditioned upon, the approval by a majority of the registered voters of the City of Durant, Oklahoma, voting on the same in the manner prescribed by law, at a municipal election called and held for that purpose on May 11, 2004. Subject to voter approval, this Ordinance shall be and become effective on and after October 1, 2004 and remain in effect until September 30, 2024, or until lawfully repealed.”

Section 4 of Ordinance No. 1430 and Section 4 of Ordinance No. 1431 are each hereby amended to read as follows:

“Section 4. Effective Date; Termination Date. The provisions of this Ordinance and the collection of the excise tax referenced herein shall become effective October 1, 2004 and shall have no stated termination date.”

Section 3. Effective Date. The provisions of this Ordinance shall become effective on and after October 1, 2024, subject to approval by a majority of the qualified electors of the City of Durant, Oklahoma, voting on the same in the manner prescribed by law.

Section 4. Remainder of Ordinance No. 1430 and Ordinance No. 1431, Remain Unchanged. Except as amended herein, the remaining provisions of Ordinance No. 1430 and Ordinance No. 1431 shall remain unchanged.

Section 5. Provisions Cumulative. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.

Section 6. Severability. The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

[Remainder of Page Intentionally Left Blank]

PASSED AND APPROVED this 7th day of December, 2023.

CITY OF DURANT, OKLAHOMA

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE
OF
CITY COUNCIL ACTION

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of the City of Durant, Oklahoma.

I further certify that the City Council of the City of Durant, Oklahoma, held a Special Called Meeting at 6:00 o'clock P.M., on December 7, 2023, after due notice was given in full compliance with the Oklahoma Open Meeting Act.

I further certify that attached hereto is a full and complete copy of Ordinance No. O-2023-19 that was passed and approved by said City Council at said meeting as the same appears in the official records of my office.

I further certify that below is listed those Councilmembers present and absent at said meeting; those making and seconding the motion that said Ordinance be passed and approved, and those voting for and against such motion:

PRESENT:

ABSENT:

MOTION MADE BY:

MOTION SECONDED BY:

AYE:

NAY:

WITNESS MY HAND THIS 7TH DAY OF DECEMBER, 2023.

CITY OF DURANT, OKLAHOMA

(SEAL)

City Clerk