



City of Edmond

NOTICE OF PUBLIC MEETING

The City of Edmond 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 to make the necessary accommodations. The City may waive the 48-hour rule if signing is not the necessary accommodation.

**EDMOND CITY COUNCIL MEETING
EDMOND PUBLIC WORKS AUTHORITY MEETING
SPECIAL MEETING
20 S. Littler, Edmond, Oklahoma
12:00 p.m., July 29, 2011**

1. Call to Order by Mayor Douglas.
2. General Consent Items:
 - A. Consideration of Approval of Administrative Items:
 1. Approval of Supplemental Appropriations for Citylink to fund Route 3; \$71,277.47. **(3)**
 - B. Approval of Purchases:
 1. Consideration of Contract Amendment No. 2 with McDonald Transit and Associates for the addition of Citylink Route 3. **(4-5)**
3. Discussion and Consideration of a New Multipurpose Public Safety Center Project to include the following: **(7-39)**
 - A. Public Hearing And Consideration Of Ordinance No. _____ Amending Existing Sales Tax Ordinances And Levying And Assessing A Sales Tax Of One-Half Of One Percent (1/2 %) For A Period Of Five (5) Years, In Addition To The Present City, County And State Excise Taxes Levied And Assessed Upon The Gross Proceeds Or Gross Receipts Derived From All Sales To Any Person Taxable Under The Sales Tax Laws Of Oklahoma; Providing For The Purpose Of Sales Tax And Requiring Same To Be Expended To Fund The Cost Of Site Preparation And Planning, Designing, Constructing, Equipping, Furnishing And Improving A New Multipurpose Public Safety Center Including Parking In The Downtown Area Of Edmond, Oklahoma, As Well As An Ancillary Offsite Facility For Evidence Storage, Lab Work And Related Activities, Or To Secure And Pay Debt Service On Obligations Issued For Such Projects By A Public Trust Of Which The City Is Beneficiary, Provided The Project May Also Be Funded From Other Revenue Sources If They Become Available And Provided

Further Surplus Proceeds Of The Tax May Be Used For The Early Redemption Of Such Obligations Or To Pay The Cost Of Repairing And Improving The Projects Or Providing Other Capital Improvements For The City; Also Providing For The Establishment Of A Limited Purpose Tax Fund; Providing For Tax Rate, Sales Subject To Tax, Exemptions And Other Exempt Transfers, When Tax Due, Returns And Records; Providing For Method Of Payment Of Tax; Providing Tax Constitutes Debt; Classification Of Taxpayers; Vendor's Duty To Collect Tax; Returns And Remittances-Discount; Tax Collector Defined; Providing For Definitions, Interest And Penalties-Delinquency, Waiver Of Interest And Penalties, Erroneous Payments-Claims For Refund, Fraudulent Returns; Providing For Confidential Records; Amendments, Provisions Cumulative And Provisions Severable; Providing For Effective And Operative Dates And Providing For Repealer And Severability.

- B. Discussion And Consideration Of Resolution No. _____ Authorizing The Calling And Holding Of An Election In The City Of Edmond, State Of Oklahoma On The 11th Day Of October, 2011 For The Purpose Of Submitting To The Registered Qualified Voters Of Said City, The Question Of Approval Of Ordinance No. _____ To Provide Funds For A New Multipurpose Public Safety Center Project , And Other Related Matters.
 - C. Discussion And Consideration Of Election Proclamation And Notice Calling For A Special Election To Be Held On October 11, 2011 Related To A New Multipurpose Public Safety Center Project, And Other Related Matters.
4. Adjournment.

City Council Special Meeting**Item # 2. A. 1.****Meeting Date:** 07/29/2011**Submitted For:** Shannon Entz**Submitted By:** Shannon Entz,
Planning/Zoning

Information**Item**

Approval of Supplemental Appropriations for Citylink to fund Route 3; \$71,277.47.

Background

On June 27, 2011 the City Council approved the addition of Citylink Route 3, as recommended by the Edmond Public Transportation Committee. Supplemental funds in the amount of \$71,277.47 are necessary to pay for 11 months of the new route.

Time Frame

FY 2011-2012 Budget

Issue

To proceed, a Supplemental Appropriation is necessary in order to establish budgetary authority. The revenue hours will increase to 16,195.73 and the new contract amount will be \$965,427.47.

Recommendations

Staff recommends approval.

Action Needed

Motion to approve supplemental appropriation.

Public Notification

Agenda posted as required.

Fiscal Impact**Funding/Cost:** \$71,277.47**Budgeted Item Y/N or N/A:** N**Account:**

FROM: General Fund- Reserve for Emergencies & Shortfalls

TO: General Fund - Citylink Contract Services 001941-8361

City Council Special Meeting**Item # 2. B. 1.****Meeting Date:** 07/29/2011**Submitted For:** Shannon Entz**Submitted By:** Shannon Entz,
Planning/Zoning

Information**Item**

Consideration of Contract Amendment No. 2 with McDonald Transit and Associates for the addition of Citylink Route 3.

Background

On June 27, 2011, the City Council approved the addition of Route 3 to Citylink service, as recommended by the Edmond Public Transportation Committee. A contract amendment is necessary due to the increase in contracted revenue hours.

Time Frame

Route 3 will begin on August 1, 2011. The increase in revenue hours will be added to each year of the five-year agreement with McDonald Transit and Associates. The revenue hours will increase from 15,000 to 16,195.73 and the new contract amount will be \$965,427.47.

Issue

Staff respectfully requests a contract amendment in the amount of \$71,277.47, reflecting 1,195.73 additional revenue hours for Route 3. The amount budgeted is for 11 months of the year since service is starting August 1, 2011, rather than July 1st. Staff has submitted a grant application to the OK Department of Transportation to help offset the additional cost of the route.

Recommendations

The EPTC and staff respectfully recommend approval of this request.

Action Needed

Motion to approve contract amendment.

Public Notification

Agenda posted as required.

Fiscal Impact**Funding/Cost:** N/A**Budgeted Item Y/N or N/A:** N/A**Account:**

N/A

AttachmentsCitylink Amendment #2

AMENDMENT 2
MANAGEMENT CONTRACT – TRANSPORTATION SYSTEM

THE ORIGINAL AGREEMENT, made and entered into on May 26, 2009, by and between the **EDMOND PUBLIC WORKS AUTHORITY**, a public trust, located in Oklahoma, County herein hereinafter referred to as "EPWA", and **MCDONALD TRANSIT ASSOCIATES, INC.**, a Texas corporation, hereinafter referred to as "MTA".

WHEREAS, the EPWA has contracted with MTA for the management and operation of Citylink, Edmond's public transportation service; and

WHEREAS, the 2011-2012 Management Contract consists of about 15,000 revenue hours of service at a cost of \$59.61 per revenue hour which is \$894,071.

WHEREAS, on June 27, 2011, the Edmond City Council approved a recommendation from the Edmond Public Transportation Committee to add 1195.73 revenue hours for a route known as Route 3 at an additional cost of \$71,277.47; and

WHEREAS, the revenue hours will increase to 16,195.73 and the new contract amount will be \$965,427.47

NOW THEREFORE, it is agreed by and between the EPWA and MTA that this AMENDMENT is necessary for the provision and funding for the new contract amount of \$965,427.47. The remaining terms and conditions of the Agreement are hereby reaffirmed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT on the 25th day of July, 2011.

EDMOND PUBLIC WORKS AUTHORITY

MCDONALD TRANSIT ASSOCIATES, INC.

By: _____
Patrice Douglas, Chairman

By: _____
Robert T. Babbitt, President

ATTEST

ATTEST

City Clerk

Secretary

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City Council Special Meeting**Item # 3.****Meeting Date:** 07/29/2011**Submitted For:** Steve Murdock**Submitted By:**Jennifer Teel, City
Attorney's Office

Information**Item**

Discussion and Consideration of a New Multipurpose Public Safety Center Project to include the following:

Background

Please find attached the following documents related to the New Multipurpose Public Safety Center Project. To place these items before the voters on October 11, 2011, we will need to have approved documents submitted to the Oklahoma County Election Board no later than August 11, 2011.

- a. Ordinance No. _____ Amending Existing Sales Tax ordinances to provide for a temporary 5 year 1/2% sales tax commencing on April 1, 2012 and ending on March 31, 2017 to provide funding for the Public Safety Center Project. (This ordinance would go into effect upon approval of the voters.)
- b. Consideration of Resolution No. _____ Authorizing the Calling and Holding of the Election. (There are four alternative Resolutions for your review and selection of only one.)
 1. No. 1 Alternative – with two propositions;
 2. No. 2 Alternative – with two propositions which includes expanded language to include added investments beyond revenue anticipation notes;
 3. No. 3 Alternative – with one proposition only;
 4. No. 4 Alternative – with two propositions which includes additional language different than Alternative 2.
- c. Election Proclamation and Notice – depending on which of the four alternative Resolutions you choose, the Proclamation will be modified to reflect the appropriate language for the Proposition(s).

Time Frame

In order to hold an election on October 11, 2011, approved documents must be sent to the Oklahoma County Election Board by August 8, 2011.

Issue

Submission of items to the voters for approval of the New Multipurpose Public Safety Center Project.

Recommendations

Staff recommends approval.

Action Needed

Approval of the City Council of all documents necessary to submit matter to the voters.

Public Notification

Posting of Special Meeting agenda and publication when appropriate.

Fiscal Impact

Funding/Cost: N/A

Budgeted Item Y/N or N/A: N/A

Account:

N/A

Attachments

Ordinance

1 with 2 props

2-2 props

3 with one prop only

4-2 props

Election Proclamation and Notice

ORDINANCE NO. _____

AN ORDINANCE AMENDING EXISTING SALES TAX ORDINANCES AND LEVYING AND ASSESSING A SALES TAX OF ONE-HALF OF ONE PERCENT (1/2 %) FOR A PERIOD OF FIVE (5) YEARS, IN ADDITION TO THE PRESENT CITY, COUNTY AND STATE EXCISE TAXES LEVIED AND ASSESSED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAWS OF OKLAHOMA; PROVIDING FOR THE PURPOSE OF SALES TAX AND REQUIRING SAME TO BE EXPENDED TO FUND THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES, OR TO SECURE AND PAY DEBT SERVICE ON OBLIGATIONS ISSUED FOR SUCH PROJECTS BY A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY, PROVIDED THE PROJECT MAY ALSO BE FUNDED FROM OTHER REVENUE SOURCES IF THEY BECOME AVAILABLE AND PROVIDED FURTHER SURPLUS PROCEEDS OF THE TAX MAY BE USED FOR THE EARLY REDEMPTION OF SUCH OBLIGATIONS OR TO PAY THE COST OF REPAIRING AND IMPROVING THE PROJECTS OR PROVIDING OTHER CAPITAL IMPROVEMENTS FOR THE CITY; ALSO PROVIDING FOR THE ESTABLISHMENT OF A LIMITED PURPOSE TAX FUND; PROVIDING FOR TAX RATE, SALES SUBJECT TO TAX, EXEMPTIONS AND OTHER EXEMPT TRANSFERS, WHEN TAX DUE, RETURNS AND RECORDS; PROVIDING FOR METHOD OF PAYMENT OF TAX; PROVIDING TAX CONSTITUTES DEBT; CLASSIFICATION OF TAXPAYERS; VENDOR'S DUTY TO COLLECT TAX; RETURNS AND REMITTANCES-DISCOUNT; TAX COLLECTOR DEFINED; PROVIDING FOR DEFINITIONS, INTEREST AND PENALTIES-DELINQUENCY, WAIVER OF INTEREST AND PENALTIES, ERRONEOUS PAYMENTS-CLAIMS FOR REFUND, FRAUDULENT RETURNS; PROVIDING FOR CONFIDENTIAL RECORDS; AMENDMENTS, PROVISIONS CUMULATIVE AND PROVISIONS SEVERABLE; PROVIDING FOR EFFECTIVE AND OPERATIVE DATES AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF EDMOND, OKLAHOMA:

SECTION 1. Title 3 of the Edmond Municipal Code is hereby amended to add new Section 3.04.180 to read as follows:

3.04.180 City of Edmond Sales Tax Ordinance of 2011

1. CITATION AND CODIFICATION: This ordinance shall be known and may be cited as the "City of Edmond Sales Tax Ordinance of 2011," and shall be codified with the ordinances of the City of Edmond at Section 3.04.180 and is hereinafter referred to as "Ordinance."

2. SUBSISTING STATE PERMITS: All valid and subsisting permits to do business by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purposes of this Ordinance, hereby ratified, confirmed, and adopted in lieu of any requirement for an additional City permit for the same purpose.

3. EFFECTIVE DATE AND TERMINATION. This Ordinance shall become and be effective on and after April 1, 2012, subject to the approval of a majority of the registered voters of the City of Edmond voting on the same in the manner prescribed by law and shall terminate March 31, 2017, or prior thereto by action of the City Council provided all indebtedness payable from such tax has been paid or defeased.

4. PURPOSE OF REVENUES. The excise tax levied hereunder, along with any state and/or federal matched funds shall be expended for the following project:

The cost of site preparation and planning, designing, constructing, equipping, furnishing and improving a new multipurpose public safety center including parking in the downtown area of Edmond, Oklahoma, as well as an ancillary offsite facility for evidence storage, lab work and related activities or to secure and pay debt service on obligations issued for such project by a public trust of which the city is beneficiary, provided surplus proceeds of the tax may be used for the early redemption of such obligations or to pay the cost of repairing and improving the project or providing other capital improvements for the city and that the above project may also be funded from other revenue sources if they become available.

5. LIMITED PURPOSE TAX FUND ESTABLISHED. There is hereby established a limited-purpose tax fund to be known as the "Public Safety Center Tax Fund," into which the revenue collected pursuant to Ordinance No. _____, shall be deposited. Monies in said account shall be accumulated from year to year if not

expended for the purpose provided herein and shall be invested in accordance with the laws of the State of Oklahoma, and the Charter of the City of Edmond, and the interest which accrues in said fund shall be retained in the fund. The monies in said fund shall be expended only as accumulated and only for the limited purposes as set forth in Section 4 of this Ordinance. Monies in the limited purpose tax fund may only be appropriated for the authorized purposes as provided by law.

6. EXEMPTIONS. There is hereby specifically exempted from the tax levied by this Ordinance the gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code, including all items listed under the applicable sections of the Oklahoma Sales Tax Code, as such may be amended from time to time.

7. THIS TAX IN ADDITION TO TAXES CURRENTLY LEVIED; ADMINISTRATIVE PROCEDURES. The tax levied hereby is in addition to any and all other excise taxes levied or assessed by the City pursuant to existing City Ordinances (the "Existing Ordinances"); provided, however, that those provisions, if any, of said Existing Ordinances relating to Definitions; Tax Collector Defined; Classification of Taxpayers - Permit to Do Business; Subsisting State Permits; the portion of Tax Rate - Sales Subject to Tax, pertaining to Sales Subject to Tax (not rate of Tax); The Provisions of said Existing Ordinances regarding Exemptions and Other Exempt Transfers; The Provisions of said Existing Ordinances regarding Tax Due When--Returns--Records; The portion of said Existing Ordinances regarding tax constituting debt; Vendor's Duty to Collect Tax; Returns and Remittances - Discounts; Interest and Penalties--Delinquency; Waiver of Interest and Penalties; Erroneous Payments--Claim for Refund; Fraudulent Returns; and Records Confidential shall apply to the excise tax levied and assessed by this Ordinance. For purposes of this Ordinance, references in said Existing Ordinances, to specific provisions of the Oklahoma Statutes shall be deemed to be references to said statutory provisions, as amended.

8. TAX DUE WHEN - RETURNS - RECORDS. The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the State Sales Tax under the Oklahoma Sales Tax Code.

9. PAYMENT OF TAX. The tax herein levied shall be paid to the Tax Collector at the time and in the form and manner provided for payment of State Sales Tax and under the Oklahoma Sales Tax Code.

10. TAX CONSTITUTES DEBT. Such taxes, penalty, and interest due hereunder shall at all times constitute a prior, superior, and paramount claim as against the claims of unsecured creditors and may be collected by suit as any other debt.

11. CLASSIFICATION OF TAXPAYERS. For the purpose of this Ordinance the classification of taxpayers hereunder shall be as prescribed by State Law for the purpose of the Oklahoma Sales Tax Code.

12. VENDOR'S DUTY TO COLLECT TAX.

(a) The tax levied hereunder shall be paid by the consumer or user to the vendor, and it shall be the duty of each and every vendor in this City to collect from the consumer or user the full amount of the tax levied by this Ordinance, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

(b) Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

(c) A vendor, as defined in the Oklahoma Sales Tax Code, who willfully or intentionally fails, neglects, or refuses to collect the full amount of the tax levied herein, or willfully or intentionally fails, neglects, or refuses to comply with the provisions, or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax levied herein, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax or in any manner whatsoever, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than Five Hundred Dollars (\$500.00), and upon conviction for a second or other subsequent offense, shall be fined not more than One Thousand Dollars (\$1,000.00), or

incarcerated for not more than sixty (60) days, or both, pursuant to Title 68, O.S. 2001, §1361(C).

13. RETURNS AND REMITTANCES-DISCOUNT. Returns and remittances of the tax levied herein and collected shall be made to the Tax Collector at the time and in the manner, form, and amount as prescribed for returns and remittances required by the Oklahoma Sales Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for collection of State sales tax.

14. TAX COLLECTOR DEFINED. The term "Tax Collector" as used herein means the department of the City government or the official agency of the State duly designated according to the law or contract authorized by law to administer the collection of the tax herein levied.

15. DEFINITIONS. The definitions of words, terms, and phrases contained in the Oklahoma Sales Tax Code, §1352, Title 68, O.S. 2001, as may be amended, are hereby adopted by reference and made a part of this Ordinance.

16. INTEREST AND PENALTIES-DELINQUENCY. Section 217 of Title 68, O.S. 2001, is hereby adopted and made a part of this Ordinance and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by said Ordinance. Provided, that the failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by said Ordinance shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under said Ordinance.

17. WAIVER OF INTEREST AND PENALTIES. The interest or penalty or any portion thereof accruing by reason of the taxpayer's failure to pay the tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State sales tax provided in Title 68, O.S. 2001, §220; and to accomplish the purposes of this section, the applicable provisions of said §220 are hereby adopted by reference and made a part of this Ordinance.

18. ERRONEOUS PAYMENTS-CLAIMS FOR REFUND. Refund of erroneous payment of the sales tax herein levied may be made to any taxpayer making such erroneous payment in the manner and procedures, and under the same limitations of time, as provided for administration of the State sales tax as set forth in Title 68, O.S. 2001, §227, and to accomplish the purposes of this section, the applicable provisions of said §227 are hereby adopted by reference and made a part of this Ordinance.

19. FRAUDULENT RETURNS. In addition to all civil penalties provided by this Ordinance, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this Ordinance, shall be guilty of a felony, and upon conviction thereof the offending taxpayer shall be subject to a fine of not less than One Thousand Dollars (\$1,000.00), and not more than Fifty Thousand Dollars (\$50,000.00), or shall be imprisoned for not less than two (2) years or more than five (5) years, or shall be punished by both said fine and imprisonment.

20. RECORDS CONFIDENTIAL. The confidential and privileged nature of the records and files concerning the administration of the sales tax is legislatively recognized and declared, and to protect the same, the provisions of Title 68, O.S. 2001, §205, of the Oklahoma Sales Tax Code and each subsection thereof is hereby adopted by reference and made fully effective and applicable to the administration of the sales tax as if herein set forth in full.

21. AMENDMENTS. The people of Edmond, Oklahoma, by their approval of this Ordinance at the election herein above provided, hereby authorize the City Council of the City of Edmond, by Ordinances duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness, except that the rate of the tax herein provided and the purposes of revenues which shall not be changed without approval of the qualified electors of the City as provided by law.

22. PROVISIONS CUMULATIVE. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of the City Ordinances.

23. PROVISIONS SEVERABLE. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 2. Effective and Operative Dates.

(a) This ordinance shall become effective upon passage as provided by law, but shall not become operative unless and until approved by a vote of the people in accordance with paragraph (b) hereof.

(b) This ordinance shall become operative the 1st day of April, 2012, if properly approved by vote of the people at a special election proclaimed by the Mayor and Council for such purpose.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 4. SEVERABILITY. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED AND APPROVED the _____ day of _____, 2011.

MAYOR

Attest:

City Clerk

APPROVED as to form and legality this the _____ day of _____, 2011.

CITY ATTORNEY

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No.1 with 2 Props
RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF EDMOND, IN THE STATE OF OKLAHOMA ON THE 11th DAY OF OCTOBER, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED VOTERS OF SAID CITY, THE QUESTION OF APPROVAL OF ORDINANCE NO. _____ TO PROVIDE FUNDS TO PAY THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES, OR TO SECURE AND PAY DEBT SERVICE ON OBLIGATIONS ISSUED FOR SUCH PROJECT BY A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY, PROVIDED THE PROJECTS MAY ALSO BE FUNDED FROM OTHER REVENUE SOURCES IF THEY BECOME AVAILABLE AND PROVIDED FURTHER SURPLUS PROCEEDS OF THE TAX MAY BE USED FOR THE EARLY REDEMPTION OF SUCH OBLIGATIONS OR TO PAY THE COST OF REPAIRING AND IMPROVING THE PROJECTS OR PROVIDING OTHER CAPITAL IMPROVEMENTS FOR THE CITY; AND OF THE APPROVAL OR REJECTION OF A PROPOSITION AUTHORIZING THE CITY OF EDMOND AND THE EDMOND PUBLIC WORKS AUTHORITY TO LOAN THE PROCEEDS OF SALE OF THE EDMOND MEMORIAL HOSPITAL TO THE CITY OF EDMOND OR A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE CONSTRUCTION OF CAPITAL IMPROVEMENTS FOR THE CITY OF EDMOND?

WHEREAS, it has been deemed advisable by the City of Edmond, in the State of Oklahoma, to improve the community by making funds available for the construction of a Public Safety Center including parking in the downtown area of Edmond, Oklahoma, as well as an ancillary offsite facility for evidence storage, lab work and related activities; and

WHEREAS, there are no funds in the treasury for such additional capital improvements and power is granted said City by Section 84 of the Charter of the City of Edmond, Oklahoma, and pursuant to Title 68, Oklahoma Statutes, Sections 2701 and 2705, inclusive, Title 11, Oklahoma Statutes, Section 16-112, and laws supplementary and amendatory thereof, to call an election to approve a sales tax for the purpose of providing funds (the "Sales Tax Revenues") for such purpose; provided the same be authorized by the registered, qualified electors thereof, voting at an election held for that purpose; and

WHEREAS, the City and The Edmond Public Works Authority (the "Authority") pursuant to a contract dated July 10, 1980, sold the City owned Edmond Memorial Hospital to

Edmond Community Hospital, Inc. and deposited the proceeds of the hospital sale to a special escrow account (the "Hospital Sale Fund") held by The Liberty National Bank and Trust Company of Oklahoma, (currently held by The Bank of New York Mellon Trust Company, N.A.) pursuant to a Trust Agreement dated January 19, 1981; and

WHEREAS, after the satisfaction of certain obligations set forth in the Trust Agreement and the lapse of certain options to repurchase the Hospital which have now expired, the earnings on the Hospital Sale Fund may be used, at the direction of the Authority, for the purpose of providing capital improvements for the City or the Authority, but the principal of the Hospital Sale Fund may not be used unless the question of the expenditure has been submitted to and approved by the electors of the City at an election called for such purpose; and

WHEREAS, the City is advised that the rate of return on the investment of the Hospital Sale Fund has significantly declined during the past two years, reducing the amount of funds available to the City for capital improvements; and

WHEREAS, the City expects that at least some tax anticipation notes (the "Safety Center Notes") will be required to be issued for the purpose of entering into portions of the contracts for the construction of the Projects prior to the availability of all of the Sales Tax Receipts; and

WHEREAS, the City and the Authority have considered the possibility of the Authority acquiring at least a portion of the Safety Center Notes to provide a means of funding a portion of the Projects in anticipation of Sales Tax Revenues; and

WHEREAS, the City and the Authority have determined that an interest rate on the Safety Center Notes can be established which is below the current market rate, but which would provide the Authority with a higher return than it is now receiving on the investment of the Hospital Sale Fund, with the result that the yield on the Hospital Sale Fund investments can be increased while at the same time reducing the interest rate paid on the Safety Center Notes as well as reducing the cost of borrowing for the Projects; and

WHEREAS, the City and the Authority agree that it would be beneficial to amend the Hospital Sale Fund Trust Agreement to provide for similar investments from time to time of the Hospital Sale Fund in obligations of the City or a public trust of which the City is the sole beneficiary (the "Other Notes") provided the obligations to be purchased are being issued to provide funds for capital improvements for the City; and

WHEREAS, as a condition precedent to the purchase of the Safety Center Notes or the Other Notes such Notes shall be structured to be repayable within no more than __ years and bearing interest at not less than comparable maturities of United States Treasury obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF EDMOND, OKLAHOMA:

SECTION 1. That the Mayor of the City of Edmond, be and hereby is authorized and directed to call an Election to be held in the City of Edmond, Oklahoma, on the 11th day of October, 2011, for the purpose of submitting to the qualified electors of the City of Edmond for their approval or rejection, the following propositions:

PROPOSITION NO. 1

SHALL ORDINANCE NO. ____ OF THE CITY OF EDMOND, STATE OF OKLAHOMA, BE APPROVED AUTHORIZING THE CITY OF EDMOND TO LEVY AND ASSESS A CITY EXCISE (SALES) TAX OF ONE-HALF OF ONE PERCENT (1/2%) FOR A PERIOD OF FIVE (5) YEARS COMMENCING APRIL 1, 2012, AND ENDING MARCH 31, 2017, SAID FUNDS TO BE USED TO PAY THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES, OR TO SECURE AND PAY DEBT SERVICE ON OBLIGATIONS ISSUED FOR SUCH PROJECTS BY A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY, PROVIDED THE PROJECTS MAY ALSO BE FUNDED FROM OTHER REVENUE SOURCES IF THEY BECOME AVAILABLE AND PROVIDED FURTHER SURPLUS PROCEEDS OF THE TAX MAY BE USED FOR THE EARLY REDEMPTION OF SUCH OBLIGATIONS OR TO PAY THE COST OF REPAIRING AND IMPROVING THE PROJECTS OR PROVIDING OTHER CAPITAL IMPROVEMENTS FOR THE CITY?

PROPOSITION NO. 2

SHALL THE CITY OF EDMOND AND THE EDMOND PUBLIC WORKS AUTHORITY BE AUTHORIZED TO USE THE PROCEEDS OF THE PREVIOUS SALE OF THE EDMOND MEMORIAL HOSPITAL, WHICH SALE PROCEEDS ARE CURRENTLY HELD IN TRUST BY A BANK, TO ACQUIRE REPAYABLE INTEREST BEARING NOTES FROM OR MAKE REPAYABLE INTEREST BEARING LOANS TO THE CITY OF EDMOND OR A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY FOR THE PURPOSE OF PROVIDING FUNDS TO PAY FOR CAPITAL IMPROVEMENTS SELECTED BY RESOLUTION OF THE EDMOND CITY COUNCIL, INCLUDING THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES AND IF DEEMED NECESSARY TO AMEND THE PROVISIONS OF THE TRUST AGREEMENT WITH SAID BANK?

SECTION 2. That such call for said election shall be by Proclamation and Notice of Election, signed by the Mayor, attested by the City Clerk, setting forth the Propositions to be voted upon, and a statement regarding the polling places, and the hours of opening and closing the polls; that the ballots shall set forth the Propositions to be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be made to and canvassed by the Oklahoma County Election Board.

SECTION 3. That the number and location of the polling places and the persons who shall conduct the election shall be the same as the regular polling places and persons prescribed and selected by the Oklahoma County Election Board for elections in the City of Edmond.

SECTION 4. That the Proclamation and Notice of Election of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling said election is hereby approved in all respects, and the Mayor is hereby authorized to execute said Proclamation and Notice of Election, and to cause a copy of said Proclamation and Notice of Election to be published as required by law, and a copy thereof delivered to the County Election Board of Oklahoma County, Oklahoma.

SECTION 5. That the City Clerk shall serve, or cause to be served, a copy of the Resolution and the Proclamation and Notice of Election upon the office of the County Election Board of Oklahoma County, Oklahoma, at least sixty (60) days prior to the date of this election.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion of this Resolution.

PASSED AND APPROVED this _____ day of _____, 2011.

CITY OF EDMOND, OKLAHOMA

By: _____
MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND LEGALITY this _____ day of _____, 2011.

CITY ATTORNEY

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**No. 2-2props and expanded amendment to included added
investments beyond revenue anticipation notes.
RESOLUTION NO. _____**

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF EDMOND, IN THE STATE OF OKLAHOMA ON THE 11th DAY OF OCTOBER, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED VOTERS OF SAID CITY, THE QUESTION OF APPROVAL OF ORDINANCE NO. _____ TO PROVIDE FUNDS TO PAY THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES, OR TO SECURE AND PAY DEBT SERVICE ON OBLIGATIONS ISSUED FOR SUCH PROJECT BY A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY, PROVIDED THE PROJECTS MAY ALSO BE FUNDED FROM OTHER REVENUE SOURCES IF THEY BECOME AVAILABLE AND PROVIDED FURTHER SURPLUS PROCEEDS OF THE TAX MAY BE USED FOR THE EARLY REDEMPTION OF SUCH OBLIGATIONS OR TO PAY THE COST OF REPAIRING AND IMPROVING THE PROJECTS OR PROVIDING OTHER CAPITAL IMPROVEMENTS FOR THE CITY; AND OF THE APPROVAL OR REJECTION OF A PROPOSITION AMENDING THE HOSPITAL SALE TRUST AGREEMENT TO ALLOW FOR THE INVESTMENT OF FUNDS IN SECURITIES AS ALLOWED UNDER THE CITY OF EDMOND GENERAL AND OPERATING AND PUBLIC WORKS AUTHORITY FUNDS INVESTMENT POLICY WHICH WOULD AUTHORIZE THE PURCHASE UNDER THE TRUST AGREEMENT OF REVENUE ANTICIPATION NOTES ISSUED BY THE CITY OF EDMOND OR A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE CONSTRUCTION OF CAPITAL IMPROVEMENTS FOR THE CITY OF EDMOND?

WHEREAS, it has been deemed advisable by the City of Edmond, in the State of Oklahoma, to improve the community by making funds available for the construction of a Public Safety Center including parking in the downtown area of Edmond, Oklahoma, as well as an ancillary offsite facility for evidence storage, lab work and related activities; and

WHEREAS, there are no funds in the treasury for such additional capital improvements and power is granted said City by Section 84 of the Charter of the City of Edmond, Oklahoma, and pursuant to Title 68, Oklahoma Statutes, Sections 2701 and 2705, inclusive, Title 11, Oklahoma Statutes, Section 16-112, and laws supplementary and amendatory thereof, to call an election to approve a sales tax for the purpose of providing funds (the "Sales Tax Revenues") for such purpose;

provided the same be authorized by the registered, qualified electors thereof, voting at an election held for that purpose; and

WHEREAS, the City and The Edmond Public Works Authority (the "Authority") pursuant to a contract dated July 10, 1980, sold the City owned Edmond Memorial Hospital to Edmond Community Hospital, Inc. and deposited the proceeds of the hospital sale to a special escrow account (the "Hospital Sale Fund") held by The Liberty National Bank and Trust Company of Oklahoma, (currently held by The Bank of New York Mellon Trust Company, N.A.) pursuant to a Trust Agreement dated January 19, 1981; and

WHEREAS, after the satisfaction of certain obligations set forth in the Trust Agreement and the lapse of certain options to repurchase the Hospital which have now expired, the earnings on the Hospital Sale Fund may be used, at the direction of the Authority, for the purpose of providing capital improvements for the City or the Authority, but the principal of the Hospital Sale Fund may not be used unless the question of the expenditure has been submitted to and approved by the electors of the City at an election called for such purpose; and

WHEREAS, the City is advised that the rate of return on the investment of the Hospital Sale Fund has significantly declined during the past two years, reducing the amount of funds available to the City for capital improvements; and

WHEREAS, the City expects that at least some tax anticipation notes (the "Safety Center Notes") will be required to be issued for the purpose of entering into portions of the contracts for the construction of the Projects prior to the availability of all of the Sales Tax Receipts; and

WHEREAS, the City and the Authority have considered the possibility of the Authority acquiring at least a portion of the Safety Center Notes to provide a means of funding a portion of the Projects in anticipation of Sales Tax Revenues; and

WHEREAS, the City and the Authority have determined that an interest rate on the Safety Center Notes can be established which is below the current market rate, but which would provide the Authority with a higher return than it is now receiving on the investment of the Hospital Sale Fund, with the result that the yield on the Hospital Sale Fund investments can be increased while at the same time reducing the interest rate paid on the Safety Center Notes as well as reducing the cost of borrowing for the Projects; and

WHEREAS, the City and the Authority agree that it would be beneficial to amend the Hospital Sale Fund Trust Agreement to provide for investments consistent with those allowed under The City of Edmond, Oklahoma General and Operating and Public Works Authority Funds Investment Policy, including obligations of the City or a public trust of which the City is the sole beneficiary (the "Other Notes") including the Safety Center Notes and other obligations to be issued to provide funds for capital improvements for the City; and

WHEREAS, as a condition precedent to the purchase of the Safety Center Notes or the

Other Notes such Notes shall be structured to be repayable within no more than __ years and bearing interest at not less than comparable maturities of United States Treasury obligations.

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NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF EDMOND, OKLAHOMA:

SECTION 1. That the Mayor of the City of Edmond, be and hereby is authorized and directed to call an Election to be held in the City of Edmond, Oklahoma, on the 11th day of October, 2011, for the purpose of submitting to the qualified electors of the City of Edmond for their approval or rejection, the following propositions:

PROPOSITION NO. 1

SHALL ORDINANCE NO. _____ OF THE CITY OF EDMOND, STATE OF OKLAHOMA, BE APPROVED AUTHORIZING THE CITY OF EDMOND TO LEVY AND ASSESS A CITY EXCISE (SALES) TAX OF ONE-HALF OF ONE PERCENT (1/2%) FOR A PERIOD OF FIVE (5) YEARS COMMENCING APRIL 1, 2012, AND ENDING MARCH 31, 2017, SAID FUNDS TO BE USED TO PAY THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES, OR TO SECURE AND PAY DEBT SERVICE ON OBLIGATIONS ISSUED FOR SUCH PROJECTS BY A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY, PROVIDED THE PROJECTS MAY ALSO BE FUNDED FROM OTHER REVENUE SOURCES IF THEY BECOME AVAILABLE AND PROVIDED FURTHER SURPLUS PROCEEDS OF THE TAX MAY BE USED FOR THE EARLY REDEMPTION OF SUCH OBLIGATIONS OR TO PAY THE COST OF REPAIRING AND IMPROVING THE PROJECTS OR PROVIDING OTHER CAPITAL IMPROVEMENTS FOR THE CITY?

PROPOSITION NO. 2

SHALL THE CITY OF EDMOND AND THE EDMOND PUBLIC WORKS AUTHORITY BE AUTHORIZED TO AMEND THE TRUST AGREEMENT RELATING TO THE USE AND INVESTMENT OF THE PROCEEDS OF THE PREVIOUS SALE OF THE EDMOND MEMORIAL HOSPITAL, WHICH SALE PROCEEDS ARE CURRENTLY HELD IN TRUST BY A BANK, TO PROVIDE FOR THE INVESTMENT OF THE EDMOND HOSPITAL SALE FUND IN SECURITIES AS ALLOWED BY THE CITY OF EDMOND, GENERAL AND OPERATING AND PUBLIC WORKS AUTHORITY FUNDS INVESTMENT POLICY WHICH WOULD ALLOW THE SALE FUND TO BE INVESTED IN A REPAYABLE INTEREST BEARING NOTE OF THE CITY OR A PUBLIC TRUST OF WHICH THE CITY IS THE SOLE BENEFICIARY TO PROVIDE INTERIM FUNDING FOR THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES?

SECTION 2. That such call for said election shall be by Proclamation and Notice of Election, signed by the Mayor, attested by the City Clerk, setting forth the Propositions to be voted upon, and a statement regarding the polling places, and the hours of opening and closing the polls; that the ballots shall set forth the Propositions to be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be made to and canvassed by the Oklahoma County Election Board.

SECTION 3. That the number and location of the polling places and the persons who shall conduct the election shall be the same as the regular polling places and persons prescribed and selected by the Oklahoma County Election Board for elections in the City of Edmond.

SECTION 4. That the Proclamation and Notice of Election of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling said election is hereby approved in all respects, and the Mayor is hereby authorized to execute said Proclamation and Notice of Election, and to cause a copy of said Proclamation and Notice of Election to be published as required by law, and a copy thereof delivered to the County Election Board of Oklahoma County, Oklahoma.

SECTION 5. That the City Clerk shall serve, or cause to be served, a copy of the Resolution and the Proclamation and Notice of Election upon the office of the County Election Board of Oklahoma County, Oklahoma, at least sixty (60) days prior to the date of this election.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion of this Resolution.

PASSED AND APPROVED this _____ day of _____, 2011.

CITY OF EDMOND, OKLAHOMA

By: _____
MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND LEGALITY this _____ day of _____, 2011.

CITY ATTORNEY

No. 3 with One Prop ONLY
RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF EDMOND, IN THE STATE OF OKLAHOMA ON THE 11th DAY OF OCTOBER, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED VOTERS OF SAID CITY, THE QUESTION OF APPROVAL OF ORDINANCE NO. _____ TO PROVIDE FUNDS TO PAY THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES, OR TO SECURE AND PAY DEBT SERVICE ON OBLIGATIONS ISSUED FOR SUCH PROJECT BY A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY, PROVIDED THE PROJECTS MAY ALSO BE FUNDED FROM OTHER REVENUE SOURCES IF THEY BECOME AVAILABLE AND PROVIDED FURTHER SURPLUS PROCEEDS OF THE TAX MAY BE USED FOR THE EARLY REDEMPTION OF SUCH OBLIGATIONS OR TO PAY THE COST OF REPAIRING AND IMPROVING THE PROJECTS OR PROVIDING OTHER CAPITAL IMPROVEMENTS FOR THE CITY

WHEREAS, it has been deemed advisable by the City of Edmond, in the State of Oklahoma, to improve the community by making funds available for the construction of a Public Safety Center including parking in the downtown area of Edmond, Oklahoma, as well as an ancillary offsite facility for evidence storage, lab work and related activities; and

WHEREAS, there are no funds in the treasury for such additional capital improvements and power is granted said City by Section 84 of the Charter of the City of Edmond, Oklahoma, and pursuant to Title 68, Oklahoma Statutes, Sections 2701 and 2705, inclusive, Title 11, Oklahoma Statutes, Section 16-112, and laws supplementary and amendatory thereof, to call an election to approve a sales tax for the purpose of providing funds (the "Sales Tax Revenues") for such purpose; provided the same be authorized by the registered, qualified electors thereof, voting at an election held for that purpose; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF EDMOND, OKLAHOMA:

SECTION 1. That the Mayor of the City of Edmond, be and hereby is authorized and directed to call an Election to be held in the City of Edmond, Oklahoma, on the 11th day of October, 2011, for the purpose of submitting to the qualified electors of the City of Edmond for their approval or rejection, the following proposition:

PROPOSITION

SHALL ORDINANCE NO. _____ OF THE CITY OF EDMOND, STATE OF OKLAHOMA, BE APPROVED AUTHORIZING THE CITY OF EDMOND TO LEVY AND ASSESS A CITY EXCISE (SALES) TAX OF ONE-HALF OF ONE PERCENT (1/2%) FOR A PERIOD OF FIVE (5) YEARS COMMENCING APRIL 1, 2012, AND ENDING MARCH 31, 2017, SAID FUNDS TO BE USED TO PAY THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES, OR TO SECURE AND PAY DEBT SERVICE ON OBLIGATIONS ISSUED FOR SUCH PROJECTS BY A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY, PROVIDED THE PROJECTS MAY ALSO BE FUNDED FROM OTHER REVENUE SOURCES IF THEY BECOME AVAILABLE AND PROVIDED FURTHER SURPLUS PROCEEDS OF THE TAX MAY BE USED FOR THE EARLY REDEMPTION OF SUCH OBLIGATIONS OR TO PAY THE COST OF REPAIRING AND IMPROVING THE PROJECTS OR PROVIDING OTHER CAPITAL IMPROVEMENTS FOR THE CITY?

SECTION 2. That such call for said election shall be by Proclamation and Notice of Election, signed by the Mayor, attested by the City Clerk, setting forth the Proposition to be voted upon, and a statement regarding the polling places, and the hours of opening and closing the polls; that the ballots shall set forth the Proposition to be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be made to and canvassed by the Oklahoma County Election Board.

SECTION 3. That the number and location of the polling places and the persons who shall conduct the election shall be the same as the regular polling places and persons prescribed and selected by the Oklahoma County Election Board for elections in the City of Edmond.

SECTION 4. That the Proclamation and Notice of Election of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling said election is hereby approved in all respects, and the Mayor is hereby authorized to execute said Proclamation and Notice of Election, and to cause a copy of said Proclamation and Notice of Election to be published as required by law, and a copy thereof delivered to the County Election Board of Oklahoma County, Oklahoma.

SECTION 5. That the City Clerk shall serve, or cause to be served, a copy of the Resolution and the Proclamation and Notice of Election upon the office of the County Election Board of Oklahoma County, Oklahoma, at least sixty (60) days prior to the date of this election.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion of this Resolution.

PASSED AND APPROVED this _____ day of _____, 2011.

CITY OF EDMOND, OKLAHOMA

By: _____
MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND LEGALITY this _____ day of _____, 2011.

CITY ATTORNEY

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No. 4-2props somewhat distinct.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF EDMOND, IN THE STATE OF OKLAHOMA ON THE 11th DAY OF OCTOBER, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED VOTERS OF SAID CITY, THE QUESTION OF APPROVAL OF ORDINANCE NO. _____ TO PROVIDE FUNDS TO PAY THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES, OR TO SECURE AND PAY DEBT SERVICE ON OBLIGATIONS ISSUED FOR SUCH PROJECT BY A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY, PROVIDED THE PROJECTS MAY ALSO BE FUNDED FROM OTHER REVENUE SOURCES IF THEY BECOME AVAILABLE AND PROVIDED FURTHER SURPLUS PROCEEDS OF THE TAX MAY BE USED FOR THE EARLY REDEMPTION OF SUCH OBLIGATIONS OR TO PAY THE COST OF REPAIRING AND IMPROVING THE PROJECTS OR PROVIDING OTHER CAPITAL IMPROVEMENTS FOR THE CITY; AND OF THE APPROVAL OR REJECTION OF A PROPOSITION AMENDING THE HOSPITAL SALE TRUST AGREEMENT TO ALLOW FOR THE INVESTMENT OF FUNDS IN INVESTMENTS AUTHORIZED BY TITLE 62, OKLAHOMA STATUTES, SECTIONS 348.1 OR 348.3 AND THE CITY OF EDMOND GENERAL AND OPERATING AND PUBLIC WORKS AUTHORITY FUNDS INVESTMENT POLICY?

WHEREAS, it has been deemed advisable by the City of Edmond, in the State of Oklahoma, to improve the community by making funds available for the construction of a Public Safety Center including parking in the downtown area of Edmond, Oklahoma, as well as an ancillary offsite facility for evidence storage, lab work and related activities; and

WHEREAS, there are no funds in the treasury for such additional capital improvements and power is granted said City by Section 84 of the Charter of the City of Edmond, Oklahoma, and pursuant to Title 68, Oklahoma Statutes, Sections 2701 and 2705, inclusive, Title 11, Oklahoma Statutes, Section 16-112, and laws supplementary and amendatory thereof, to call an election to approve a sales tax for the purpose of providing funds (the "Sales Tax Revenues") for such purpose; provided the same be authorized by the registered, qualified electors thereof, voting at an election held for that purpose; and

WHEREAS, the City and The Edmond Public Works Authority (the "Authority") pursuant to a contract dated July 10, 1980, sold the City owned Edmond Memorial Hospital to Edmond Community Hospital, Inc. and deposited the proceeds of the hospital sale to a special escrow account (the "Hospital Sale Fund") held by The Liberty National Bank and Trust Company of Oklahoma, (currently held by The Bank of New York Mellon Trust Company, N.A.) pursuant to a Trust Agreement dated January 19, 1981; and

WHEREAS, after the satisfaction of certain obligations set forth in the Trust Agreement and the lapse of certain options to repurchase the Hospital which have now expired, the earnings on the Hospital Sale Fund may be invested only in specified securities issued or guaranteed by United States and certain other obligations and those provisions may not be amended unless approved by the electors of the City at an election called for such purpose; and

WHEREAS, the City is advised that the rate of return on the investment of the Hospital Sale Fund in currently authorized investments has significantly declined during the past two years, reducing the amount of funds available to the City for capital improvements; and

WHEREAS, the City and the Authority agree that it would be beneficial to amend the Hospital Sale Fund Trust Agreement to provide for investments consistent with those allowed under title 62 Oklahoma Statutes, Section 348.1, provided the investments are also authorized by the City of Edmond, Oklahoma General and Operating and Public Works Authority Funds Investment Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF EDMOND, OKLAHOMA:

SECTION 1. That the Mayor of the City of Edmond, be and hereby is authorized and directed to call an Election to be held in the City of Edmond, Oklahoma, on the 11th day of October, 2011, for the purpose of submitting to the qualified electors of the City of Edmond for their approval or rejection, the following propositions:

PROPOSITION NO. 1

SHALL ORDINANCE NO. _____ OF THE CITY OF EDMOND, STATE OF OKLAHOMA, BE APPROVED AUTHORIZING THE CITY OF EDMOND TO LEVY AND ASSESS A CITY EXCISE (SALES) TAX OF ONE-HALF OF ONE PERCENT (1/2%) FOR A PERIOD OF FIVE (5) YEARS COMMENCING APRIL 1, 2012, AND ENDING MARCH 31, 2017, SAID FUNDS TO BE USED TO PAY THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES, OR TO SECURE AND PAY DEBT SERVICE ON OBLIGATIONS ISSUED FOR SUCH PROJECTS BY A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY, PROVIDED THE PROJECTS MAY ALSO BE FUNDED FROM OTHER REVENUE SOURCES IF THEY BECOME AVAILABLE AND PROVIDED FURTHER SURPLUS PROCEEDS OF THE TAX MAY BE USED FOR THE EARLY REDEMPTION OF SUCH OBLIGATIONS OR TO PAY THE COST OF REPAIRING AND IMPROVING THE PROJECTS OR PROVIDING OTHER CAPITAL IMPROVEMENTS FOR THE CITY?

PROPOSITION NO. 2

SHALL THE CITY OF EDMOND AND THE EDMOND PUBLIC WORKS AUTHORITY BE AUTHORIZED TO AMEND THE TRUST AGREEMENT RELATING TO THE INVESTMENT OF THE PROCEEDS OF THE PREVIOUS SALE OF THE EDMOND MEMORIAL HOSPITAL, WHICH SALE PROCEEDS ARE CURRENTLY HELD IN TRUST BY A BANK, TO PROVIDE FOR THE INVESTMENT OF THE EDMOND HOSPITAL SALE FUND IN INVESTMENTS AUTHORIZED BY TITLE 62 OF THE OKLAHOMA STATUTES, SECTION 348.1 OR 348.3 AND THE CITY OF EDMOND, GENERAL AND OPERATING AND PUBLIC WORKS AUTHORITY FUNDS INVESTMENT POLICY?

SECTION 2. That such call for said election shall be by Proclamation and Notice of Election, signed by the Mayor, attested by the City Clerk, setting forth the Propositions to be voted upon, and a statement regarding the polling places, and the hours of opening and closing the polls; that the ballots shall set forth the Propositions to be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be made to and canvassed by the Oklahoma County Election Board.

SECTION 3. That the number and location of the polling places and the persons who shall conduct the election shall be the same as the regular polling places and persons prescribed and selected by the Oklahoma County Election Board for elections in the City of Edmond.

SECTION 4. That the Proclamation and Notice of Election of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling said election is hereby approved in all respects, and the Mayor is hereby authorized to execute said Proclamation and Notice of Election, and to cause a copy of said Proclamation and Notice of Election to be published as required by law, and a copy thereof delivered to the County Election Board of Oklahoma County, Oklahoma.

SECTION 5. That the City Clerk shall serve, or cause to be served, a copy of the Resolution and the Proclamation and Notice of Election upon the office of the County Election Board of Oklahoma County, Oklahoma, at least sixty (60) days prior to the date of this election.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion of this Resolution.

PASSED AND APPROVED this _____ day of _____, 2011.

CITY OF EDMOND, OKLAHOMA

By: _____
MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND LEGALITY this _____ day of _____, 2011.

CITY ATTORNEY

ELECTION PROCLAMATION AND NOTICE

Under and by virtue to Title 68, Oklahoma Statutes, Sections 2701 and 2705, inclusive, Title 11, Oklahoma Statutes, Section 16-112, and laws supplementary and amendatory thereof, and pursuant to Section 84 of the Charter of the City of Edmond, Oklahoma, authorizing the calling of an election passed and approved by the Council of the City of Edmond, Oklahoma, on the _____ day of _____, I, the undersigned Mayor of said City hereby call a Election to be held in said City on the 11th day of October, 2011, for the purpose of submitting to the qualified voters of said City the following propositions, to-wit:

PROPOSITION NO. 1

SHALL ORDINANCE NO. _____ OF THE CITY OF EDMOND, STATE OF OKLAHOMA, BE APPROVED AUTHORIZING THE CITY OF EDMOND TO LEVY AND ASSESS A CITY EXCISE (SALES) TAX OF ONE-HALF OF ONE PERCENT (1/2%) FOR A PERIOD OF FIVE (5) YEARS COMMENCING APRIL 1, 2012 AND ENDING MARCH 31, 2017, SAID FUNDS TO BE USED TO PAY THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES, OR TO SECURE AND PAY DEBT SERVICE ON OBLIGATIONS ISSUED FOR SUCH PROJECTS BY A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY, PROVIDED THE PROJECTS MAY ALSO BE FUNDED FROM OTHER REVENUE SOURCES IF THEY BECOME AVAILABLE AND PROVIDED FURTHER SURPLUS PROCEEDS OF THE TAX MAY BE USED FOR THE EARLY REDEMPTION OF SUCH OBLIGATIONS OR TO PAY THE COST OF REPAIRING AND IMPROVING THE PROJECTS OR PROVIDING OTHER CAPITAL IMPROVEMENTS FOR THE CITY?

- ☐ YES - FOR THE ABOVE PROPOSITION
- ☐ NO - AGAINST THE ABOVE PROPOSITION

PROPOSITION NO. 2

SHALL THE CITY OF EDMOND AND THE EDMOND PUBLIC WORKS AUTHORITY BE AUTHORIZED TO USE THE PROCEEDS OF THE PREVIOUS SALE OF THE EDMOND MEMORIAL HOSPITAL, WHICH SALE PROCEEDS ARE CURRENTLY HELD IN TRUST BY A BANK, TO ACQUIRE A NOTE FROM THE CITY OF EDMOND OR A PUBLIC TRUST OF WHICH THE CITY IS BENEFICIARY FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF SITE PREPARATION AND PLANNING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW MULTIPURPOSE PUBLIC SAFETY CENTER INCLUDING PARKING IN THE DOWNTOWN AREA OF EDMOND, OKLAHOMA, AS WELL AS AN ANCILLARY OFFSITE FACILITY FOR EVIDENCE STORAGE, LAB WORK AND RELATED ACTIVITIES?

- ☐ YES - FOR THE ABOVE PROPOSITION
- ☐ NO - AGAINST THE ABOVE PROPOSITION

The ballot used at said election shall set out the Propositions as above set forth, and shall also contain the words:

(The voter shall complete the arrow pointing to your choice.)

The polling places and officials shall be the same as those prescribed for conduct of state and county elections for elections in the City of Edmond; provided, however, that substitutions of election officials, if necessary, shall be made by the Oklahoma County Election Board. Such officers shall also act as counters and certify the results thereof as required by law. The polls shall be opened at 7:00 o'clock A.M., and remain open continuously until and be closed at 7:00 o'clock P.M.

WITNESS our hands as Mayor and City Clerk of the City of Edmond, Oklahoma, and seal of said City this ____ day of _____, 2011.

MAYOR

ATTEST:

City Clerk