

ORDINANCE NO. 2464 NS

AN ORDINANCE AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF SHAWNEE, STATE OF OKLAHOMA (THE "CITY"), ON THE 14TH DAY OF FEBRUARY, 2012, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF (I) APPROVAL OR REJECTION OF ORDINANCE NO. 2463 NS OF THE CITY RELATING TO A ONE HALF OF ONE PERCENT (0.5%) EXCISE TAX (SALES TAX), IN ADDITION TO ALL PRESENT CITY, COUNTY AND STATE EXCISE TAXES, FOR CAPITAL EXPENDITURES FOR THE USE AND BENEFIT OF THE CITY OF SHAWNEE, OKLAHOMA, OR DEBT SERVICE IN CONNECTION WITH CAPITAL EXPENDITURES, AS MORE SPECIFICALLY SET OUT IN ORDINANCE NO. 2463 NS OF SAID CITY; (II) THE ISSUANCE OF THE BONDS OF SAID CITY PURSUANT TO ARTICLE X, SECTION 27 OF THE OKLAHOMA CONSTITUTION IN AN AMOUNT NOT TO EXCEED THE SUM OF NINETEEN MILLION DOLLARS (\$19,000,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS (A) FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING POOL FACILITIES AT WOODLAND VETERANS PARK, ALL TO BE OWNED EXCLUSIVELY BY THE CITY, (B) FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING PUBLIC SAFETY COMMUNICATION SYSTEMS, ALL TO BE OWNED EXCLUSIVELY BY THE CITY, AND (C) FOR THE PURPOSE OF CONSTRUCTING STREET IMPROVEMENTS, TO INCLUDE RIGHT OF WAY ACQUISITION, UTILITY RELOCATION, WIDENING, SIDEWALKS, CURB AND GUTTERING, SIGNALIZATION, LIGHTING, LANDSCAPING, AND OTHER RELATED IMPROVEMENTS, AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY SUFFICIENT TO PAY THE INTEREST ON SAID BONDS AS IT FALLS DUE, AND ALSO TO CONSTITUTE A SINKING FUND FOR THE PAYMENT OF PRINCIPAL THEREON WHEN DUE; AND (III) THE ISSUANCE OF THE BONDS OF SAID CITY PURSUANT TO ARTICLE X, SECTION 35 OF THE OKLAHOMA CONSTITUTION IN AN AMOUNT NOT TO EXCEED THE SUM OF SEVEN MILLION DOLLARS (\$7,000,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSE OF ECONOMIC AND COMMUNITY DEVELOPMENT IN THE CITY, TO INCLUDE FUNDS FOR ECONOMIC DEVELOPMENT PROGRAMS, FUNDS FOR SIDEWALK CONSTRUCTION, AND FUNDS FOR NEIGHBORHOOD REDEVELOPMENT PROGRAMS; AND LEVYING AND COLLECTING A SPECIAL ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY SUFFICIENT TO PAY THE INTEREST ON SAID BONDS AS IT FALLS DUE, AND ALSO TO CONSTITUTE A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL THEREOF WHEN DUE; PROVIDED HOWEVER, THAT IN NO EVENT SHALL THE REAL AND PERSONAL TAXABLE PROPERTY IN

SAID CITY BE SUBJECT TO A SPECIAL TAX IN EXCESS OF FIVE MILLS ON THE DOLLAR FOR ALL BONDS ISSUED PURSUANT TO SECTION 35, ARTICLE X OF THE OKLAHOMA CONSTITUTION; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, it is deemed advisable and necessary by the Board of Commissioners of the City to submit to the registered qualified electors of the City the question of approval or rejection of Ordinance No. 2463 NS of the City pertaining to the levy and collection of a one half of one percent (0.5%) excise tax (sales tax); and

WHEREAS, it is deemed advisable and necessary by the Board of Commissioners of the City (i) to acquire, construct, and improve pool facilities at Woodland Veterans Park, all to be owned exclusively by the City, (ii) to acquire, construct, and improve public safety communication systems, all to be owned exclusively by the City, and (iii) to construct street improvements, to include right of way acquisition, utility relocation, widening, sidewalks, curb and guttering, signalization, lighting, landscaping, and other related improvements; and

WHEREAS, the estimated amount necessary for such purposes is Nineteen Million Dollars (\$19,000,000); and

WHEREAS, there are no funds in the treasury for such purposes, and power is granted said City by Section 27, Article X, of the Oklahoma Constitution and laws of the State of Oklahoma, to issue bonds to provide funds for such purposes, provided the same be authorized by the registered qualified electors thereof, voting at an election held for that purpose; and

WHEREAS, it is deemed advisable and necessary by the Board of Commissioners of the City to pursue economic and community development in the City which will include, but not by way of limitation, the funding of sidewalk improvements in the sum of One Million Dollars (\$1,000,000), the funding of neighborhood redevelopment and revitalization programs in the sum of One Million Dollars (\$1,000,000), and the funding of economic development programs targeted at the creation and retention of jobs in the sum of Five Million Dollars (\$5,000,000) ; and

WHEREAS, the estimated amount necessary for such purposes is Seven Million Dollars (\$7,000,000); and

WHEREAS, there are no funds in the treasury for such purposes, and power is granted said City by Section 35, Article X, of the Oklahoma Constitution and laws of the State of Oklahoma, to issue bonds to provide funds for such purposes, provided the same be authorized by the registered qualified electors thereof, voting at an election held for that purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1. Propositions. That the Mayor of the City be, or in her absence or incapacity, the duly qualified Vice-Mayor, be and hereby is authorized and directed to call a special election

to be held in the City on the 14th day of February, 2012, for the purpose of submitting to the registered qualified electors of the City, the following propositions:

PROPOSITION NO. 1

“SHALL THE CITY OF SHAWNEE, STATE OF OKLAHOMA (THE “CITY”) BE AUTHORIZED TO LEVY AND ASSESS A CITY EXCISE TAX (SALES TAX) OF ONE HALF OF ONE PERCENT (0.5%), IN ADDITION TO ALL OTHER CITY, COUNTY AND STATE EXCISE TAXES PRESENTLY BEING LEVIED OR ASSESSED, UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE AS SET OUT IN ORDINANCE NO. 2463 NS OF THE CITY; PROVIDED SAID TAX SHALL BECOME EFFECTIVE JULY 1, 2012 AND SHALL TERMINATE AND SHALL CEASE TO BE LEVIED ON JUNE 30, 2022; PROVIDING THAT THE PURPOSE OF SUCH ADDITIONAL ONE HALF OF ONE PERCENT (0.5%) EXCISE TAX SHALL BE TO PROVIDE REVENUES FOR FUNDING CAPITAL EXPENDITURES FOR THE USE AND BENEFIT OF THE CITY, AND DEBT SERVICE IN CONNECTION WITH CAPITAL EXPENDITURES, INCLUDING IMPROVEMENTS AT THE HEART OF OKLAHOMA EXPOSITION CENTER (EXPO) COSTING APPROXIMATELY TWO AND ONE HALF MILLION DOLLARS (\$2,500,000), AND FURTHER INCLUDING THE DESIGN, CONSTRUCTION, AND EQUIPPING, OF A FAMILY ACTIVITY PARK COSTING APPROXIMATELY NINETEEN MILLION DOLLARS (\$19,000,000), ALL FOR THE USE AND BENEFIT OF THE CITY, AS MORE SPECIFICALLY SET OUT IN ORDINANCE NO. 2463 NS OF SAID CITY?”

/ _____ /

YES - FOR THE ABOVE PROPOSITION

/ _____ /

NO - AGAINST THE ABOVE PROPOSITION

[Remainder of Page Left Blank Intentionally]

PROPOSITION NO. 2

"SHALL THE CITY OF SHAWNEE, STATE OF OKLAHOMA (THE "CITY"), INCUR AN INDEBTEDNESS BY ISSUING ITS BONDS PURSUANT TO ARTICLE X, SECTION 27 OF THE OKLAHOMA CONSTITUTION IN THE SUM OF THREE MILLION DOLLARS (\$3,000,000) TO PROVIDE FUNDS FOR THE PURPOSE OF RENOVATING THE EXISTING POOL, CONSTRUCTING A SPLASH PAD, AND MAKING PARKING LOT IMPROVEMENTS AT WOODLAND VETERANS PARK, ALL TO BE OWNED EXCLUSIVELY BY THE CITY, SAID PROJECTS TO BE ACCOMPLISHED WITH OR WITHOUT THE USE OF OTHER FUNDS; AND LEVY AND COLLECT AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY SUFFICIENT TO PAY THE INTEREST ON SAID BONDS AS IT FALLS DUE, AND ALSO TO CONSTITUTE A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL THEREOF WHEN DUE, SAID BONDS TO BEAR INTEREST AT NOT TO EXCEED THE RATE OF TEN PERCENTUM (10%) PER ANNUM, PAYABLE SEMI-ANNUALLY AND TO BECOME DUE SERIALLY WITHIN TWENTY (20) YEARS FROM THEIR DATE?"

/ _____ /

YES - FOR THE ABOVE PROPOSITION

/ _____ /

NO - AGAINST THE ABOVE PROPOSITION

[Remainder of Page Left Blank Intentionally]

PROPOSITION NO. 3

"SHALL THE CITY OF SHAWNEE, STATE OF OKLAHOMA (THE "CITY"), INCUR AN INDEBTEDNESS BY ISSUING ITS BONDS PURSUANT TO ARTICLE X, SECTION 27 OF THE OKLAHOMA CONSTITUTION IN THE SUM OF THREE MILLION DOLLARS (\$3,000,000) TO PROVIDE FUNDS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING PUBLIC SAFETY COMMUNICATION SYSTEMS, INCLUDING THE UPGRADE AND INSTALLATION OF ADDITIONAL 911 COMMUNICATION TOWERS, RENOVATION OF A COMBINED COUNTYWIDE 911 DISPATCH CENTER TO INCLUDE ADDITIONAL COMMUNICATION CONSOLES TO BE LOCATED AT SHAWNEE CITY HALL, ALL TO BE OWNED EXCLUSIVELY BY THE CITY, SAID PROJECTS TO BE ACCOMPLISHED WITH OR WITHOUT THE USE OF OTHER FUNDS; AND LEVY AND COLLECT AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY SUFFICIENT TO PAY THE INTEREST ON SAID BONDS AS IT FALLS DUE, AND ALSO TO CONSTITUTE A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL THEREOF WHEN DUE, SAID BONDS TO BEAR INTEREST AT NOT TO EXCEED THE RATE OF TEN PERCENTUM (10%) PER ANNUM, PAYABLE SEMI-ANNUALLY AND TO BECOME DUE SERIALLY WITHIN TWENTY (20) YEARS FROM THEIR DATE?"

/____/

YES - FOR THE ABOVE PROPOSITION

/____/

NO - AGAINST THE ABOVE PROPOSITION

[Remainder of Page Left Blank Intentionally]

PROPOSITION NO. 4

"SHALL THE CITY OF SHAWNEE, STATE OF OKLAHOMA (THE "CITY"), INCUR AN INDEBTEDNESS BY ISSUING ITS BONDS PURSUANT TO ARTICLE X, SECTION 27 OF THE OKLAHOMA CONSTITUTION IN THE SUM OF THIRTEEN MILLION DOLLARS (\$13,000,000) TO PROVIDE FUNDS FOR THE PURPOSE OF CONSTRUCTING STREET IMPROVEMENTS, TO INCLUDE RIGHT OF WAY ACQUISITION, UTILITY RELOCATION, WIDENING, SIDEWALKS, CURB AND GUTTERING, SIGNALIZATION, LIGHTING, LANDSCAPING, AND OTHER RELATED IMPROVEMENTS, SAID PROJECTS TO BE ACCOMPLISHED WITH OR WITHOUT THE USE OF OTHER FUNDS; AND LEVY AND COLLECT AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY SUFFICIENT TO PAY THE INTEREST ON SAID BONDS AS IT FALLS DUE, AND ALSO TO CONSTITUTE A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL THEREOF WHEN DUE, SAID BONDS TO BEAR INTEREST AT NOT TO EXCEED THE RATE OF TEN PERCENTUM (10%) PER ANNUM, PAYABLE SEMI-ANNUALLY AND TO BECOME DUE SERIALY WITHIN TWENTY (20) YEARS FROM THEIR DATE?"

/_____/

YES - FOR THE ABOVE PROPOSITION

/_____/

NO - AGAINST THE ABOVE PROPOSITION

[Remainder of Page Left Blank Intentionally]

PROPOSITION NO. 5

"SHALL THE CITY OF SHAWNEE, STATE OF OKLAHOMA (THE "CITY"), INCUR AN INDEBTEDNESS BY ISSUING ITS BONDS PURSUANT TO ARTICLE X, SECTION 35 OF THE OKLAHOMA CONSTITUTION IN THE SUM OF SEVEN MILLION DOLLARS (\$7,000,000) TO PROVIDE FUNDS FOR THE PURPOSE OF ECONOMIC AND COMMUNITY DEVELOPMENT IN THE CITY, TO INCLUDE, BUT NOT BY WAY OF LIMITATION, FUNDS FOR SIDEWALK IMPROVEMENTS IN THE SUM OF ONE MILLION DOLLARS (\$1,000,000), FUNDS FOR NEIGHBORHOOD REDEVELOPMENT AND REVITALIZATION PROGRAMS IN THE SUM OF ONE MILLION DOLLARS (\$1,000,000), AND FUNDS FOR ECONOMIC DEVELOPMENT PROGRAMS TARGETED AT THE CREATION AND RETENTION OF JOBS IN THE SUM OF FIVE MILLION DOLLARS (\$5,000,000), SAID PROJECTS TO BE ACCOMPLISHED WITH OR WITHOUT THE USE OF OTHER FUNDS; AND LEVY AND COLLECT A SPECIAL ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY SUFFICIENT TO PAY THE INTEREST ON SAID BONDS AS IT FALLS DUE, AND ALSO TO CONSTITUTE A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL THEREOF WHEN DUE, SAID BONDS TO BEAR INTEREST AT NOT TO EXCEED THE RATE OF TEN PERCENTUM (10%) PER ANNUM, PAYABLE SEMI-ANNUALLY AND TO BECOME DUE SERIALY WITHIN TWENTY (20) YEARS FROM THEIR DATE; PROVIDED HOWEVER , THAT IN NO EVENT SHALL THE REAL AND PERSONAL TAXABLE PROPERTY IN SAID CITY BE SUBJECT TO A SPECIAL TAX IN EXCESS OF FIVE MILLS ON THE DOLLAR FOR ALL BONDS ISSUED PURSUANT TO SECTION 35, ARTICLE X OF THE OKLAHOMA CONSTITUTION?"

/ _____ /

YES - FOR THE ABOVE PROPOSITION

/ _____ /

NO - AGAINST THE ABOVE PROPOSITION

[Remainder of Page Left Blank Intentionally]

Section 2. Description of Projects and Use of Proceeds.

(Proposition No. 2)
Woodland Veterans Park Project

The specific projects for which at least seventy percent (70%) of the proceeds of the Woodland Veterans Park Bonds shall be expended and the dollar amount of each such project shall be as follows:

Renovations to the existing swimming pool, the construction of a new splash pad and appurtenances, and parking lot improvements, all to be located at Woodland Veterans Park.	\$3,000,000
---	-------------

(Proposition No. 3)
Public Safety Communication System Project

The specific projects for which at least seventy percent (70%) of the proceeds of the Public Safety Communication System Bonds shall be expended and the dollar amount of each such project shall be as follows:

Public safety communication system upgrades to include the upgrade and installation of additional 911 communication towers and renovation of a combined countywide 911 dispatch center to include additional communication consoles to be located at Shawnee City Hall.	\$3,000,000
---	-------------

(Proposition No. 4)
Street Project

The street improvements in the City of Shawnee, Oklahoma, include but are not limited to the construction and resurfacing of streets, to include right of way acquisition, utility relocation, widening, sidewalks, curb and guttering, signalization, lighting, landscaping, and other related improvements. The specific projects for which at least seventy percent (70%) of the proceeds of the aforesaid street bonds shall be expended and the dollar amount of such projects shall be as follows:

The reconstruction and resurfacing of 45 th Street from Kickapoo to Bryan to include widening said street and the construction of sidewalks, curb and guttering, and the provision of signalization and lighting.	\$4,620,000
The reconstruction and resurfacing of Kickapoo from the spur to Farrall to include the acquisition of right of way, utility relocation, widening said street, and the construction of sidewalks, curb and guttering, and the provision of signalization and lighting.	\$2,940,000
The reconstruction and resurfacing of one half (1/2) mile of Westech immediately west of Kickapoo to include widening said street, and the construction of sidewalks and the provision of signalization.	\$700,000

The reconstruction and resurfacing of Main Street from Beard Street to Philadelphia to include the provision of signalization and landscaping.	\$840,000
TOTAL (70% of \$13,000,000)	\$9,100,000

(Proposition No. 5)
Economic and Community Development Project

The projects for which the proceeds of the \$7,000,000 Economic and Community Development Bonds shall be expended shall be limited to qualified economic and community development purposes as defined in Title 62, Section 802 of the Oklahoma Statutes, which may be accomplished through participation with other governmental agencies and others, and which may be accomplished in phases, and will include, but not by way of limitation, funds for sidewalk improvements in the sum of One Million Dollars (\$1,000,000), funds for neighborhood redevelopment and revitalization programs in the sum of One Million Dollars (\$1,000,000), and funds for economic development programs targeted at the creation and retention of jobs in the sum of Five Million Dollars (\$5,000,000).

Section 3. Election Proclamation. That such call for said election shall be by proclamation and notice, signed by the Mayor or Vice-Mayor of the City and attested by the City Clerk, setting forth the propositions to be voted upon, the number and location of the polling places, the hours of opening and closing of the polls, and the names of the officers who shall conduct said election. 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 Pottawatomie County Election Board.


Section 4. Service on County Election Board. That a copy of this Ordinance and Special Election Proclamation and Notice shall be personally delivered to the office of the County Election Board of Pottawatomie County, State of Oklahoma, at least sixty (60) days prior to the date of said election.

[Remainder of Page Left Blank Intentionally]

PASSED AND APPROVED THIS 5TH DAY OF DECEMBER, 2011.

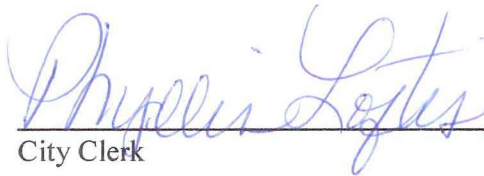
CITY OF SHAWNEE, OKLAHOMA

(SEAL)



Mayor

ATTEST:



City Clerk