

The City Clerk of the City of Tulsa, OK, a Municipal Corporation, hereby certifies that the foregoing is a true and correct copy of attachment herewith set out as appears of record in the City Clerk's Office, 175 E 2nd Street, Suite 260, Tulsa, OK, this 2nd day of December 2020 by [Signature]

Deputy City Clerk

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RESOLUTION NO. 20047

A RESOLUTION OF THE CITY OF TULSA, OKLAHOMA, REQUESTING THE TULSA COUNTY ELECTION BOARD TO CONDUCT A NON-PARTISAN ELECTION ON AUGUST 25, 2020 TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY OF TULSA A PROPOSED AMENDMENT TO THE CITY CHARTER, PURSUANT TO ARTICLE XVIII, SECTION 3(a) OF THE OKLAHOMA CONSTITUTION, TITLE 11 OKLAHOMA STATUTES SECTIONS 13-106, 13-107, AND 13-111, AND ARTICLE XII CITY CHARTER SECTION 20; PUTTING TO A VOTE OF THE PEOPLE THE QUESTION OF WHETHER THE CHARTER OF THE CITY OF TULSA SHOULD BE AMENDED; PROPOSING AN AMENDMENT TO ARTICLE III, "MAYOR", SECTION 4, "CITY ATTORNEY" BY STATING, AT SECTION 4.C., THAT THE CITY ATTORNEY ASSISTS AND ADVISES THE MAYOR, THE CITY AUDITOR, THE CITY COUNCIL AND COUNCILORS, AND FURTHER STATING, AT SECTION 4.D., THAT THE CITY ATTORNEY APPROVES AS TO FORM AND LEGALITY ALL ORDINANCES AND RESOLUTIONS, OR DECLARES, IN WRITING IF REQUESTED, THE REASONS FOR NOT APPROVING THEM, PROVIDED THAT ABSENCE OF APPROVAL SHALL NOT PREVENT THE COUNCIL AND MAYOR FROM DULY ENACTING THE ORDINANCES OR RESOLUTIONS; SETTING FORTH THE BALLOT LANGUAGE; REQUESTING THE MAYOR OF THE CITY OF TULSA TO CALL AND PROCLAIM THE HOLDING OF THE ELECTION IN THE CITY OF TULSA ON AUGUST 25, 2020, IN ACCORDANCE WITH ARTICLE VI OF THE CITY CHARTER, SECTION 4, "CALLING ELECTIONS"; GIVING NOTICE TO THE TULSA, OSAGE, ROGERS, AND WAGONER COUNTY ELECTION BOARDS OF SAID ELECTION, PURSUANT TO TITLE 26 OKLAHOMA STATUTES SECTION 13-102; SETTING OUT THE PROCEDURES FOR CONDUCTING SAID ELECTION; PROVIDING THAT THE SAID ELECTION SHALL BE NON-PARTISAN; REQUIRING ELECTION RETURNS TO BE CANVASSED BY THE SAID ELECTION BOARD AND BY THE CITY COUNCIL; PROVIDING FOR THE USE OF ABSENTEE BALLOTS; REQUIRING THAT THE PROPOSED CHARTER AMENDMENT MUST BE APPROVED BY A MAJORITY OF VOTERS VOTING ON THE QUESTION, IN ORDER TO BE ADOPTED; ADDRESSING VOTING PRECINCTS THAT ARE PARTIALLY WITHIN THE CITY LIMITS, AND VOTING PRECINCTS THAT ARE UNINHABITABLE; APPLYING STATE ELECTION LAW, WHERE APPLICABLE; DIRECTING THAT A TRUE COPY OF THIS RESOLUTION BE DELIVERED TO THE TULSA COUNTY ELECTION BOARD AS REQUIRED BY LAW; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article II, Section 14, and Article XII, Section 20 of the Amended Charter of the City of Tulsa, it is deemed necessary by a majority of the legislative body of the City of Tulsa, the City Council, and power is granted to said legislative body by Article XVIII, Section 3(a), of the Oklahoma Constitution, and Title 11 Oklahoma Statutes Sections 13-106, 13-107, and 13-111, to submit to the qualified voters of the City the question (copy attached) of whether the City Charter, Article III, "Mayor", Section 4, "City Attorney" should be amended, by stating, at Section 4.C., that the City Attorney assists and advises the Mayor, the City Auditor, the City Council and Councilors, and further stating, at Section 4.D., that the City Attorney approves as to form and legality all ordinances and resolutions, or declares, in writing if requested, the reasons for not approving them, provided that absence of this approval shall not prevent the Council and Mayor from duly enacting the ordinances or resolutions; and

WHEREAS, Article XVIII, Section 3(a), of the Oklahoma Constitution and Title 11 Oklahoma Statutes Sections 13-106, 13-107, 13-111 and 16-101 require that a resolution of announcement and notice of the proposed Charter amendment and announcement of the date for such an election on the proposed Charter amendment be published in a newspaper of general circulation within the City of Tulsa, Oklahoma, for at least twenty-one (21) days; and

WHEREAS, Title 26 Oklahoma Statutes Sections 3-101, 13-102 and Title 11 Oklahoma Statutes Section 16-102 require the City of Tulsa to give seventy-five (75) days' notice, by resolution of an election, to the Tulsa, Osage, Rogers, and Wagoner County Election Boards, stating therein the date of said election, the questions to be voted upon at said election, and other information necessary for conducting the said election; and

WHEREAS, Article VI, Section 4, of the Charter of the City of Tulsa requires the Mayor to issue proclamations and notices calling all elections in the City; and

WHEREAS, Title 10 Tulsa Revised Ordinances, Chapter 1, Section 100 provides for use of absentee ballots in all elections in the City of Tulsa, Oklahoma, in the manner and in accordance with the provisions now established by the laws of Oklahoma, Title 26 Oklahoma Statutes Sections 14-101, 14-136 et seq. and the Federal government (42 USCA Section 1973ff-1; "Military and Overseas Voter Act" etc.);

**BE IT RESOLVED BY THE CITY OF TULSA:**

Section 1. That pursuant to Article II, Section 14, and Article XII, Section 20 of the Amended Charter of the City of Tulsa, it is deemed necessary by a majority of the Council to submit to the qualified electors of the City of Tulsa a proposed amendment to the City Charter. See attached Exhibit, labeled "Proposed Charter Amendment No. 5".

Section 2. That notice be and the same is hereby given of a non-partisan election to be held in the City of Tulsa, Oklahoma, on Tuesday, August 25, 2020, to submit to the qualified voters of the City of Tulsa the question of whether the Amended Charter of the City of Tulsa, Article III, "Mayor", Section 4, "City Attorney" should be amended, by stating, at Section 4.C., that the City

Attorney assists and advises the Mayor, the City Auditor, the City Council and Councilors, and further stating, at Section 4.D., that the City Attorney approves as to form and legality all ordinances and resolutions, or declares, in writing if requested, the reasons for not approving them, provided that absence of this approval shall not prevent the Council and Mayor from duly enacting the ordinances or resolutions.

Section 3. That under and by virtue of Article XVIII, Section 3(a), of the Oklahoma Constitution, and Title 11 Oklahoma Statutes Sections 13-106, 13-107, and 13-111, and City Charter Article II, Section 14 and Article XII, Section 20, and any and all amendments thereto, the ballot setting forth the following Proposition shall be submitted to the qualified voters of the City of Tulsa, Oklahoma, at said election, to wit:

**"Tulsa City Charter Amendment Proposition No. 5"**

**"City Charter—City Attorney Duties Listed in the City Charter"**

**"This is a proposed amendment to Tulsa's City Charter. The current Charter states that the City Attorney assists and advises the Mayor. In fact, the City Attorney advises not only the Mayor, but also the City Auditor, the City Council, and Councilors. Likewise, the City Attorney is required to approve as to form and legality all City ordinances and resolutions, but the current City Charter does not state what effect absence of approval has on an ordinance or resolution. In fact, the absence of the City Attorney's approval would not necessarily prevent the enactment of an ordinance or resolution."**

**"Shall the City Charter of the City of Tulsa, Article III, "Mayor", Section 4, "City Attorney" be amended, by stating, at Section 4.C., that the City Attorney assists and advises the Mayor, the City Auditor, the City Council and Councilors, and by further stating, at Section 4.D., that the City Attorney approves as to form and legality all ordinances and resolutions, or declares, in writing if requested, the reasons for not approving them, provided that absence of this approval shall not prevent the Council and Mayor from duly enacting an ordinance or resolution?"**

The ballot setting forth the above Proposition shall also contain in connection therewith the following words and symbols:

**FOR the Above Proposition--Yes**

***"If the voter desires to vote for the above Proposition, the voter shall fill in the box to the left of the word 'FOR.' "***

**AGAINST the Above Proposition--No**

***"If the voter desires to vote against the above Proposition, the voter shall fill in the box to the left of the word 'AGAINST'."***

Section 4. That the Mayor of the City of Tulsa, Oklahoma, pursuant to Article VI of the City Charter, Section 4, is hereby requested to call and proclaim an election to be held on Tuesday, August 25, 2020, for the purpose of submitting to the qualified voters of the City of Tulsa the above-stated Proposition for approval or rejection.

Section 5. That the call for the election shall be by proclamation signed by the Mayor of the City of Tulsa, and attested by the City Clerk, setting forth the Proposition to be voted upon, the numbers and locations of the polling places, the date of the election, and the hours of opening and closing the polls, providing that said election shall be conducted by those precinct officials designated by the Tulsa County, Osage County, Rogers County and Wagoner County Election Boards, which officials shall also act as counters; that the ballots used at the election shall set forth the Proposition to be voted upon substantially as set out in Section 3, above.

Section 6. That as provided in Section 2.1 of Article VI of the Amended City Charter and Title 26 Oklahoma Statutes Section 13-102.A.5 and Section 13-103.B, this election shall be non-partisan.

Section 7. That the returns of the election shall be made to, and canvassed by, the County Election Board of Tulsa County, in the State of Oklahoma, in accordance with Title 11 Oklahoma Statutes Section 13-104, and be certified to the Council of the City of Tulsa, who shall canvass the results as in the case of a regular election and certify the results thereof as required by law, and that the election shall be conducted in all respects as provided by law, as required by Section 5 of Article VI of the Amended Charter of the City of Tulsa.

Section 8. That Title 10, Chapter 1, Section 100, of the Tulsa Revised Ordinances, provides for the use of absentee ballots in all elections in the City of Tulsa, in the manner and in accordance with the provisions now established by the laws of Oklahoma (Title 26 Oklahoma Statutes Section 14-101 et seq.) and the Federal government (Title 42 United States Code Section 1973ff-1; "Military and Overseas Voter Act" etc.).

Section 9. That only the qualified electors registered to vote under the laws of Oklahoma, in the City of Tulsa, Oklahoma, may vote upon the Proposition as above set forth; and that the Proposition, as above set forth, must be approved by a majority of the voters voting on the Proposition, in order to be adopted.

Section 10. That those election precincts which are partially contained within the city limits of the City of Tulsa may remain open during the election, in accord with Title 26 Oklahoma Statutes Section 13-102.A.7 and Section 13-103.C. Those precincts that are uninhabitable, namely Precincts No. 174, 175 and 176, may remain closed.

Section 11. That the Tulsa County Election Board be and is hereby notified that all elections in said City shall be held in the manner provided by the general election laws of

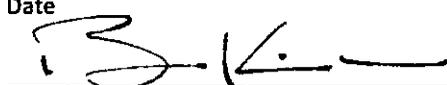
Oklahoma, as far as the same may be applicable, and in other respects in accordance with the provisions of the Charter of the City of Tulsa and ordinances of the City made by authority thereof, in accordance with Title 26 Oklahoma Statutes Section 13-101 and Section 5 of Article VI of the Amended Charter of the City of Tulsa.

Section 12. That a true and correct copy of this Resolution be and the same is hereby ordered and directed to be submitted to the Secretary of the Tulsa County Election Board at least seventy-five (75) days prior to the election on the proposed Charter amendment, pursuant to Title 26 Oklahoma Statutes Sections 13-102 and 3-101.E.

Section 13. *Severability Clause.* If any section, sentence, clause or phrase of this Resolution or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Resolution or any part thereof.

Section 14. *Emergency Clause.* That an emergency is hereby declared to exist for the preservation of the public peace, health, and safety, by reason whereof this Resolution shall take effect immediately upon its first publication.

ADOPTED by the Council:           MAY 20 2020          .

Date  
  
\_\_\_\_\_

Chairman of the Council

ADOPTED as an emergency measure:           MAY 20 2020          .

Date  
  
\_\_\_\_\_

Chairman of the Council

OFFICE OF THE MAYOR

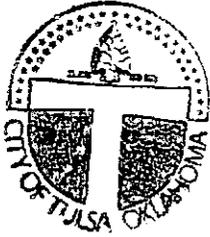
Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_.

Date

Time

APPROVED by the Mayor of the City of Tulsa, Oklahoma: MAY 27 2020

Date



A handwritten signature in black ink, appearing to read "G. T. Bynum", written over a horizontal line.

G. T. Bynum, Mayor

(Seal)

ATTEST:

A handwritten signature in black ink, appearing to read "L. H. [unclear]", written over a horizontal line.

City Clerk

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "D. E. [unclear]", written over a horizontal line. To the right of the signature are the initials "CK-MDS".

City Attorney

FILED  
CITY OF TULSA  
STATE OF OKLAHOMA

2020 MAY 27 1 04 PM CDT

CITY CLERK  
CITY OF TULSA