

## Ordinance

Version 2.7 released on 10/8/18

Approved By  
City Council On  
APR 03 2019

24106



## CITY COUNCIL USE ONLY

Date Received: \_\_\_\_\_  
Committee Date: 3-27-19  
1st Agenda Date: 3-27-19

Tracking #: 19-225-1Committee: UED

Hearing Date: \_\_\_\_\_

2nd Agenda Date: 4-3-19

## CITY CLERK USE ONLY

Date: 04-08-2019  
Item #: 215.1

**All department items requiring Council approval must be submitted through the Mayor's Office.**

Dept. Tracking No.	Board Approval	Other Board Name	City Council Approval <input checked="" type="radio"/> Yes <input type="radio"/> No
Department Mayors Office	Contact Name Jack Blair	Email jblair@cityoftulsa.org	Phone 918-576-5199
Subject (Description) Amending Title 6 Section 205 - Annual Transfer from Enterprise Utilities	Ordinance Type Amending Previous Ordinance		
Section	Township	Range	Lot
Block	Address		BA / CT Number
Amending Ord. No. 23742	TRO Title No. 6	TRO Subtitle <u>Chapter 2, Section 205</u>	Property/Non-Property
Council District	Zoning No.	PUD No.	Planning District
Funding Source(s)			

Department:

Legal:

Board:

Mayor:

Other:

TOTAL:

Date: 2.15.19Date: 2.18.2019

Date: \_\_\_\_\_

Date: FEB 25 2019

Date: \_\_\_\_\_

## Background Information

This modification to the transfer rate formula reflects water and sewer lease agreements between the City, TUB, and TMUA, which provide that the parties will "bill and collect rates, fees, tariffs and charges to each and every user of the SYSTEM...and not to permit any free use of the SYSTEM and the facilities and services thereof **except as may be furnished to or used by the CITY for municipal purposes and functions** (emphasis added)." By addressing this provision through an equivalent adjustment to the transfer rate, rather than by waiving charges for municipal water use, we will continue to meter municipal water usage, thereby discouraging waste.

## Summation of the Requested Action

Request City Council and Mayor approval

## Emergency Clause?

☒ Yes☐ No

## Reason for Emergency Clause

This ordinance will impact FY20 budget preparation and development.

## Post Execution Processing

☐ Mail vendor copy (add'l signature copies attached)☐ Must be filed with other governmental entity☐ Add'l governmental entity approval(s) required

## Additional Routing and Processing Details

This will be presented to the TMUA board for review.

(Published in the Tulsa Business  
& Legal News,  
April 14, 2019.)

ORDINANCE NO. 24106

**AN ORDINANCE AMENDING TITLE 6, TULSA REVISED ORDINANCES, "FINANCE DEPARTMENT", CHAPTER 2, "BUDGET", SECTION 205 ENTITLED "ANNUAL TRANSFER FROM ENTERPRISE UTILITIES TO GENERAL FUND"; BY THE ADDITION OF A NEW PARAGRAPH, PARAGRAPH "C" PROVIDING FOR TRANSFER OF A PORTION OF WATER AND SEWER INCOME TO GENERAL FUND; ESTABLISHING SEVERABILITY; AND REQUIRING REPEAL OF CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.**

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

*Section 1. That Title 6, Tulsa Revised Ordinances, Chapter 2, Section 205, be and the same is hereby amended to read as follows:*

**"SECTION 205. ANNUAL TRANSFER FROM ENTERPRISE UTILITIES TO GENERAL FUND.**

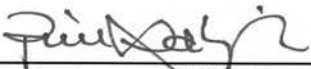
- A. In lieu of fees and taxes assessed on other public service utilities, a portion of the income derived from water service, sanitary sewer user charges, stormwater drainage system service charges, and refuse collection, shall be transferred to the City General Fund.
- B. The amount of said portion shall be calculated thus: the average rate of all franchise fees paid by public utilities as of July 1 of a given year PLUS the City of Tulsa sales tax as of July 1 of said year.
- C. In lieu of the provision of water and sewer services for municipal purposes described in Article III(B) of the Water System Lease Agreement and Operation and Maintenance Contract, dated February 1, 1984, and the Wastewater System Lease Agreement and Operation and Maintenance Contract, dated July 1, 1989, by and between the City of Tulsa, the Tulsa Utility Board, and the Tulsa Metropolitan Utility Authority, as those agreements may be amended or extended from time to time, an additional increment of Seventy-Five One Hundredths of One Percent (0.75%) of water service income will be transferred from the TMUA-Water Operating Fund to the General Fund.

Section 2. SEVERABILITY CLAUSE: If any section, sentence, clause or phrase of this ordinance 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 ordinance or any part thereof.

Section 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 4. EMERGENCY CLAUSE. That the amendments hereby enacted are essential to the proper, orderly and ethical conduct of the business of the City of Tulsa by its City Officials; therefore, an emergency is hereby declared to exist for the preservation of the public peace, health, and safety, by reason whereof this ordinance shall take effect immediately upon its passage, approval, and publication.

Adopted by the Council: APR 3 2019  
Date

  
Chairman of the Council

Adopted as an emergency measure: APR 3 2019  
Date

  
Chair of the Council


#### OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_  
Date Time

G. T. Bynum, Mayor

By \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: APR 08 2019  
Date  
at \_\_\_\_\_  
Time

  
Mayor

(Seal)

ATTEST:

Melissa C. [Signature]  
City Clerk



APPROVED AS TO FORM AND  
LEGALITY:

[Signature] M.D.s  
City Attorney

# City of Tulsa, Legal Department Assignment Detail

<b>File #</b>	A19-0260				
	Amendment Title 6 Section 205 Annual Transfer from Enterprise				
<b>Attorney 1</b>	Swiney, Mark D.			<b>Staff</b>	
<b>Attorney 2</b>				<b>Investigator</b>	
<b>Attorney 3</b>					
<b>Attorney 4</b>					
<b>Attorney 5</b>					
<b>Outside Counsel</b>				<b>Action</b>	Review as to Form
<b>Category</b>	Ordinances			<b>TRACK</b>	
<b>Type</b>	Other			<b>Priority</b>	Normal
<b>Dept</b>	Mayor's Office			<b>Acct</b>	
<b>Received</b>	02/14/2019	<b>Target</b>	02/28/2019	<b>Completed</b>	
<b>Status Desc</b>				<b>Status Code</b>	Open

## Disposition

## Description

Amending Ord. No. 23742  
Added Paragraph "C" to Title 6

C. In lieu of the provision of water and sewer services for municipal purposes described in Article III(B) of the Water System Lease Agreement and Operation and Maintenance Contract, dated February 1, 1984, and the Wastewater System Lease Agreement and Operation and Maintenance Contract, dated July 1, 1989, by and between the City of Tulsa, the Tulsa Utility Board, and the Tulsa Metropolitan Utility Authority, as those agreements may be amended or extended from time to time, an additional increment of Seventy-Five One Hundredths of One Percent (0.75%) of water service income will be transferred from the TMUA-Water Operating Fund to the General Fund.

## Documents

Modified	Staff	Title	Type
		Category	
02/12/2019	SS	FW: Amendment to Water Fund Transfer Rate [EMAIL]	Import
		\\T1ITPCITYLAW01\CITYLAW\CYCOM32\WPDOCS\D014\P012\00224677.MSG	
02/12/2019	SS	FW: TITLE 6, TULSA REVISED ORDINANCES, "FINANCE DEPARTMENT", CHAPTER 2, "BUDGI [EMAIL]	Import
		\\T1ITPCITYLAW01\CITYLAW\CYCOM32\WPDOCS\D014\P012\00224676.MSG	
02/12/2019	SS	Re: TITLE 6, TULSA REVISED ORDINANCES, "FINANCE DEPARTMENT", CHAPTER 2, "BUDGE [EMAIL]	Import
		\\T1ITPCITYLAW01\CITYLAW\CYCOM32\WPDOCS\D014\P012\00224675.MSG	

**City of Tulsa, Legal Department  
Assignment Detail**

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**Archive Information**

**Date**

**File Location**

**Box**

**Destroyed**      No

**Locator**

**Destroyed Date**

**Remarks**

# TULSA WORLD

P.O. Box 1770 Tulsa, Oklahoma 74102-1770 | [tulsa-world.com](http://tulsa-world.com)

Account Number

1030936

CITY OF TULSA  
Attn: City Clerk's Office  
175 E. 2ND ST. SUITE 260  
TULSA, OK 74107

Date

April 14, 2019

Date	Category	Description	Ad Size	Total Cost
04/14/2019	Legal Notices	ORD 24106	2 x 88.00 CL	112.64

559227  
Published in the Tulsa World, Tulsa County, Oklahoma, April 14, 2019

## ORDINANCE NO. 24106

AN ORDINANCE AMENDING TITLE 6, TULSA REVISED ORDINANCES, "FINANCE DEPARTMENT", CHAPTER 2, "BUDGET", SECTION 205 ENTITLED "ANNUAL TRANSFER FROM ENTERPRISE UTILITIES TO GENERAL FUND"; BY THE ADDITION OF A NEW PARAGRAPH, PARAGRAPH "C" PROVIDING FOR TRANSFER OF A PORTION OF WATER AND SEWER INCOME TO GENERAL FUND; ESTABLISHING SEVERABILITY; AND REQUIRING REPEAL OF CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

### BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 6, Tulsa Revised Ordinances, Chapter 2, Section 205, be and the same is hereby amended to read as follows:

#### "SECTION 205. ANNUAL TRANSFER FROM ENTERPRISE UTILITIES TO GENERAL FUND.

A. In lieu of fees and taxes assessed on other public service utilities, a portion of the income derived from water service, sanitary sewer user charges, stormwater drainage system service charges, and refuse collection, shall be transferred to the City General Fund.

B. The amount of said portion shall be calculated thus: the average rate of all franchise fees paid by public utilities as of July 1 of a given year PLUS the City of Tulsa sales tax as of July 1 of said year.

C. In lieu of the provision of water and sewer services for municipal purposes described in Article III(B) of the Water System Lease Agreement and Operation and Maintenance Contract, dated February 1, 1984, and the Wastewater System Lease Agreement and Operation and Maintenance Contract, dated July 1, 1989, by and between the City of Tulsa, the Tulsa Utility Board, and the Tulsa Metropolitan Utility Authority, as those agreements may be amended or extended from time to time, an additional increment of Seventy-Five One Hundredths of One Percent (0.75%) of water service income will be transferred from the TMUA-Water Operating Fund to the General Fund.

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ADOPTED by the Council this 3rd Day of April 2019

ADOPTED as an emergency measure this 3rd Day of April 2019

Phil Lakin, Jr., Chairman of the Council

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this 8th Day of April 2019

G. T. Bynum, Mayor

ATTEST: Melissa C. Stice, City Clerk

APPROVED: David E. O'Mellia, City Attorney



## Affidavit of Publication

I, Melissa Marshall, of lawful age, am a legal representative of the Tulsa World of Tulsa, Oklahoma, a daily newspaper of general circulation in Tulsa County, Oklahoma, a legal newspaper qualified to publish legal notices, as defined in 25 O.S. § 106 as amended, and thereafter, and complies with all other requirements of the laws of Oklahoma with reference to legal publication. That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the DATE(S) LISTED BELOW

04/14/2019

Newspaper reference: 0000559227

M. Marshall  
Legal Representative

Sworn to and subscribed before me this date:

APR 15 2019

Nancy Carol Moore  
Notary Public

My Commission expires

DEC 08 2022

NOTARY SEAL  
NANCY CAROL MOORE  
Notary Public  
State of Oklahoma  
Commission # 06011684 Expires 12/08/22