

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

Bill Nations and Dick Reynolds,

Plaintiffs,

v.

City of Norman and the Cleveland
County Election Board,

Defendants.

)
STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

Case No.

CV-2024-2035

JUL 09 2024

)
In the office of the
Court Clerk MARILYN WILLIAMS

**PETITION FOR DECLARATORY RELIEF AND FOR
WRIT OF MANDAMUS AND/OR INJUNCTIVE RELIEF**

In accordance with Oklahoma Statutes on Declaratory Relief, 12 O.S. § 1651, *et seq.*, Plaintiffs, Bill Nations and Dick Reynolds (“Plaintiffs”) hereby file this Petition for Declaratory Relief and Writ of Prohibition and/or Mandamus against Defendants, the City of Norman and the Cleveland County Election Board (“Defendants”), and allege and state as follows:

INTRODUCTION

1. On August 27, 2024, or some later unknown date, residents of Norman will be asked to vote on the City Council of the City of Norman, Oklahoma (“City Council”) Resolution No. 2324-150 (the “Resolution”), a nonbinding resolution on whether the City Council ***should*** approve the establishment of Increment District No. 4, a sales tax increment district (TIF 4), and Increment District No. 5, an ad valorem increment district (TIF 5), which, ***if approved by the City Council***, would divert future tax revenues for a period of up to twenty-five (25) years and total up to \$600 million in assistance in development financing for the purpose of developing an arena and associated infrastructure in the Rock Creek Entertainment District located on certain real property

in the city of Norman east of Interstate 35 between W. Tecumseh Road and W. Robinson Street. See Ex. A, Resolution 2324-150, Norman City Council (June 11, 2024).

2. The Resolution is deficient in form as it does not actually involve the exercise of legislative power. Instead, it merely advises the City Council of the voting public's preference and opinion on a topic. It is clear that the Resolution is not an initiative petition as it does not attempt to "enact or reject [a bill or law] at the polls independent of legislative assembly." *Wyatt v. Clark*, 1956 OK 210, ¶ 6, 299 P.2d 799, 801–02. Nor is the Resolution a referendum petition whereby the "people of a state or local subdivision thereof to have submitted for their approval or rejection any act, or part of an act, item, section, or part of any bill, passed by the legislature." *Id.* Instead, the Resolution seeks to provide the City Council notice of the electorate's *preference* on an issue—but it does not, itself, exercise the "legislative authority" reserved to the people of a municipal corporation by Article 18, Section 4(a) of the Oklahoma Constitution.

3. Further, even assuming it was a proper legislative act, the legislative vehicle utilized by the City Council was ineffective and invalid. The Norman City Charter plainly requires that all special elections be called by "ordinance" which must follow carefully required procedures, and which must "specify the object and time for holding of such elections." Norman City Charter, Article II, Section 9. These requirements were plainly violated as the City Council (1) called for the special election by *resolution*, not by ordinance, (2) did not call the special election on a date certain, and (3) failed to follow the procedures of passing an ordinance.

4. For these as well as other reasons set forth in this petition, Plaintiffs ask this Court to declare Resolution 2324-150 invalid and strike the provision from the August 27, 2024, ballot and/or issue other equitable relief as deemed appropriate.

PARTIES, JURISDICTION AND VENUE

5. Plaintiff Bill Nations is a resident, taxpayer and former Mayor of the City of Norman, Oklahoma.

6. Plaintiff Dick Reynolds is a resident, taxpayer and former Mayor of the City of Norman, Oklahoma.

7. Defendant City of Norman is a duly constituted and qualified municipality under the laws of the State of Oklahoma and operating under a home rule charter, created and existing pursuant to 11 O.S. § 22-101, *et seq.*, under the governance of the Norman City Council, which is the governing body that adopted the Resolution at issue.

8. Defendant Cleveland County Election Board is a statutory agency of the state of Oklahoma created pursuant to 26 O.S. § 2-110 charged with administering elections for Cleveland County. The members of the Cleveland County Election Board as follows: Lisa Snow serves as the Chair of the Cleveland County Election Board; Bob Anthony serves as the Vice Chair of the Cleveland County Election Board, and Bryant Rains serves as the Secretary of the Cleveland County Election Board.

9. Jurisdiction is proper as Plaintiffs' claims for declaratory and injunctive relief are authorized by 12 O.S. §§ 1651 and 1381 and by the general equitable power of this Court.

10. Venue is appropriate under 12 O.S. § 133 because the acts that form the basis of the claims brought herein by Plaintiffs took place in Cleveland County, Oklahoma.

BACKGROUND FACTS

11. On June 11, 2024, the Norman City Council held a regularly scheduled Meeting.

12. Item 21 of the Agenda of the June 11, 2024 Norman City Council Meeting was related to consideration of adoption, rejection, amendment, and/or postponement of Resolution No. 2324-150. *See* Ex. B, City of Norman, OK, City Council Regular Meeting (June 11, 2024).

13. After discussion and deliberation, the Norman City Council voted to approve the Resolution by a vote of 6 to 3.

14. On June 12, 2024, Larry Heikkila, Mayor of the City of Norman, issued a Special Election Proclamation and Notice of Election, dated June 11, 2024, directing that the Proposition set forth by Resolution 2324-150 be placed on the ballot for an election on August 26, 2024, or some date thereafter. *See* Ex. C, Special Election Proclamation and Notice of election, dated June 11, 2024.

LEGAL BACKGROUND

15. Article 10, Section 6(C) of the Oklahoma Constitution provides that “[t]he Legislature . . . may grant incorporated cities, towns, or counties the ability to provide incentives, exemptions and other forms of relief from taxation for historic preservation, reinvestment, or enterprise areas that are exhibiting economic stagnation or decline,” Okla. Const. art. 10, § 6(C). Consistent with this provision, the Legislature adopted the Oklahoma Local Development Act (“Act”), 62 O.S. § 850, et seq., which provides the specific procedure whereby a city, town or county may implement the tax relief, incentives and increments authorized by Article 10, Section 6(C).

16. The Act makes clear that any “ordinance or resolution establishing an increment district shall constitute a **legislative** act. . .”. 62 O.S. § 856(C). The Act likewise guarantees the right of the people to participate in this process via the initiative or referendum process, pursuant to the requirements of 62 O.S. § 868. *Id.* This directive is consistent with the rights guaranteed under Article 18, Section 4 of the Oklahoma Constitution which declares that “[t]he powers of initiative and referendum, reserved by this Constitution to the people of the State and respective counties and districts therein, are hereby reserved **to the people** of every municipal corporation . . . with reference to all **legislative** authority which it may exercise . . .” (Emphasis added).

17. The power of the initiative “is the power reserved to the people by the constitution to propose bills and laws and to enact or reject them at the polls independent of legislative assembly.” *Wyatt v. Clark*, 1956 OK 210, ¶ 6, 299 P.2d 799, 801–02. This is distinct from the power of the referendum, which is the “right reserved by the constitution to the people of a state or local subdivision thereof to have submitted for their approval or rejection any act, or part of an act, item, section, or part of any bill, passed by the legislature, and which, in most cases, would without action on the part of the electors become a law.” *Id.* But importantly, both powers are **legislative** in nature, either in the power to propose new law, or to suspend or reject law approved by the local governing body.

18. While the Oklahoma Constitution and statutes clearly authorize the people of a municipality to place legislative initiative and referendums related to tax increment measures on the ballot, it does not endow the City Council with an equivalent authority. Indeed, it is a “generally accepted principle of election law that an election cannot be held in absence of legislation clearly authorizing the same.” 1985 OK AG 54 (*citing generally, Grant v and McNamee v. Payne*, 107 P.2d 307 (Nev. 1940); *School District No. 1 v. Gleason*, 168 P.2d 347 (Ore. 1946); *Stone v. Reynolds*, 54 P. 555 (Okl. 1898)). Thus, similar to counties, a city council may not submit to the voters “a question regarding a subject or subject matter which no current statute specifically authorizes to be put to a county-wide popular vote; nor may said board submit to the voters the question of approval or disapproval of a ‘non-binding expression of sentiment’ on such subjects.” 1985 OK AG 54.

COUNT I: DECLARATORY RELIEF

19. Plaintiffs hereby adopt and incorporate by reference all of the statements and allegations contained above as if fully set forth herein.

20. Pursuant to 12 O.S. § 1651, “[d]istrict courts may, in cases of actual controversy, determine rights, status or other legal relations, including but not limited to a determination of the construction or validity of . . . any statute, municipal ordinance, or other governmental regulation. . . .”. 12 O.S. § 1651.

21. An actual controversy exists between Plaintiffs and the City with respect to the validity of the Resolution.

22. “Declaratory judgment may be sought to determine the validity of any statute, municipal ordinance or other governmental regulation, whether or not other relief is or could be claimed”. *Osage Nation v. Bd. of Commissioners of Osage Cnty.*, 2017 OK 34, ¶ 58, 394 P.3d 1224, 1243.

23. The City Council’s attempt to place a Proposition on the ballot through the Resolution is inconsistent with the requirements of state law as well as the Norman City Charter.

24. First, as will be discussed in subsection (A) below, state law does not authorize the governing board of a municipality to place a measure related to a TIF district on a ballot—instead, it reserves those powers to the people, to be exercised by process that generally governs the initiative and referendum petitions found in Title 34. *See* 62 O.S. § 868 (requiring that initiative and referendum powers to exercised substantially as provided in 34 O.S. §§ 1-2). Further, state law requires adequate notice of the election, which was clearly deficient here by the inclusion of inconsistent dates in the Resolution and the Proclamation.

25. Second, the City Council’s attempt to place the Resolution on the ballot is ineffective per the Norman City Charter. The Norman City Charter specifically requires that measures be placed on the ballot via ordinance. NORMAN CITY CHARTER, art. II, § 9. The Charter further stipulates that any such ordinance must specify the “time for holding of such election.” *Id.*

Moreover, the Charter requires that any such ordinance must be passed through specific detailed procedures. None of those requirements were met here.

26. Third and finally, the City Council has no authority under state law or the Norman City Charter to submit to the voters a question of approval or disapproval of a non-binding expression of sentiment.

27. The holding of a special election on the Resolution is thus unauthorized under both state law as well as the Norman City Charter.

A. The Resolution is not authorized by state law.

28. The Local Development Act reserves the right to the people of Norman to call for a vote on a tax increment measure via an initiative or referendum petition but does not allow a city council to place such a measure on the ballot.

29. Article 18, Section 4 of the Oklahoma Constitution reserves the right of initiative and referendum to the people, but it grants no similar authority to the municipal's legislative body. As explained by the Oklahoma Supreme Court, "The powers to enact legislation by initiative and referendum are reserved to the people of Oklahoma by Article 5, §§ 1 and 2 of the Oklahoma Constitution. These powers are specifically extended to the people of every municipal corporation in the state by the terms of Article 18, § 4." *Quinn v. City of Tulsa*, 1989 OK 112, ¶ 42, 777 P.2d 1331, 1339.

30. The general authorization to file initiative and referendum petitions reserved by the people under Article 18, Section 4, are specifically extended by statute to include initiative and referendum that relate to projects previously authorized by the Local Development Act. This authority is conferred by 62 O.S. § 868, which states: "The powers of initiative and referendum, reserved by the Oklahoma Constitution to the people, are reserved to the people of every city, town

or county with reference to the tax relief or incentives or exemptions or increment captured as authorized by Section 6C of Article X of the Oklahoma Constitution and as provided for in this act.”

31. Through this process, when properly filed, an initiative or referendum petition related to a project already authorized under the Local Development Act may be put to a vote of the people. Indeed, the procedure for placing a measure on the ballot under Section 868 of the Local Development Act, much like its sister statute for general municipal petitions (11 O.S. § 15-103), expressly incorporates identical requirements for municipal petitions as for state petitions, as set forth at Title 34, Sections 1 and 2.

32. Importantly, the general grant of authority under Article 18, Section 4 of the Oklahoma Constitution, as well as the specific grant of authority under 62 O.S. § 868 are consistent. Both authorize “the people” to submit matters related to a vote of the public by virtue of filing an initiative or referendum petition. But noticeably absent from these provisions is a process whereby a municipal governing body—here, the City Council—can exercise the right to put these measures on the ballot outside of these statutory confines.

33. Nor may a municipal governing body grant *itself* this authority absent statutory authorization. “As such corporations, counties, cities and towns, have no inherent power or authority, but possess, and can exercise, only those powers granted in express words or necessarily or fairly implied or incidental to the powers expressly granted.” *Shipp v. Se. Oklahoma Indus. Auth.*, 1972 OK 98, ¶ 15, 498 P.2d 1395, 1398 (citing *Development Industries, Inc., v. City of Norman* (1966), Okl., 412 P.2d 953). This is particularly true in the confines of holding a public election, which must be authorized by statute. *See* 1983 OK AG 217 (explaining that “[t]he authority to hold an election must come from statute.”)

34. Applied in this context, it is clear the City Council wholly lacked authority to place a measure related to a project authorized by the Local Development Act on the ballot. And notably, the City Council was aware of this fact at the June 11, 2024, meeting where such election was authorized. During the Council Meeting, City Attorney Kathryn Walker was asked to give an opinion on whether such an election was authorized. In response, Ms. Walker stated:

The Local Development Act does not authorize the calling of an election for tax increment finance districts, neither does Title 11 which is applicable to municipalities. In those cases, the elections is considered advisory because it is not a requirement. There is an election provided in the Local Development Act but it is by referendum, so if the project plan was to pass it is passed by ordinance and the referendum section would be in play.

We were doing research over the last week or two after we got this request about the issue of an election and there is an Attorney General's opinion out there, that I advised counsel about, that said, looking at a county issue, ***if there isn't legislation clearly authorizing the election, it is a generally accepted principle of election law that the election law that the election cannot be held.***

Further, the Attorney General went on to say, "you cannot submit to voters"—again this is a county issue—but similarly municipal statutes do not authorize this type of election other than the referendum—they said "you may not submit to voters of the county any regular or special election a question regarding a subject or subject matter which no current statute specifically authorizes to be put to a popular vote, nor may said board submit to voters the question of approval or disapproval of a non-binding expression of sentiment on such subject." I advised Council of this concern that this could be challenged. There was another concern as well and that's that our Charter requires elections to be called by ordinance, not by resolution, and we talked through that last week as well.¹ (emphasis added).

35. The illegal election is not without cost. According to an article published by the OU Daily, the costs for the last special election in Norman approximated \$20,000, but the Cleveland County Election Board anticipates that the costs of this election "may be greater."²

¹ Norman City Council Meeting (June 11, 2024), available at <https://www.youtube.com/watch?v=v05SyLc2eew>, at 2:52:19.

² Ana Barboza, *City Council to discuss hearing residents' vote on proposed Rock Creek Entertainment District TIFs*, OU Daily (June 11, 2024), https://www.oudaily.com/news/norman-city-council-resident-vote-proposed-rock-creek-entertainment-tif-tax-increment-finance-district/article_a04304d8-2754-11ef-9ee9-bb3a035f81de.html.

36. Plaintiffs, as residents and taxpayers of the City of Norman, have standing to challenge illegal expenditure of funds. “This Court has long recognized the right of a taxpayer to seek relief in a court of equity to challenge illegal taxation or expenditure of public funds.” *Immel v. Tulsa Pub. Facilities, Auth.*, 2021 OK 39, ¶ 12, 490 P.3d 135, 141 (internal citations omitted).³

37. When an act is not within the scope of the powers of a municipal corporation, it is ultra vires, and void in toto. *Field v. City of Shawnee*, 1898 OK 47, 7 Okla. 73, 54 P. 318, 319.

38. Further, the Notice of Election was, itself, defective under state law. The Special Election Proclamation and Notice of Election issued by the Mayor on June 11, 2024, and filed with the Cleveland County Election Board on June 12, 2024, *see* Ex. C, stated:

Under and by virtue of the Statutes of the State of Oklahoma and acts complimentary, supplementary and enacted pursuant thereto, and Resolution R-2324-150 dated June 11, 2024, authorizing the calling of an election on the Proposition hereinafter set forth, I, the undersigned Mayor of the City of Norman, Oklahoma, hereby call a special election and give notice thereof to be held in the City of Norman, Oklahoma, ***on the 26 day of August, 2024***, for the purpose of submitting to the registered qualified voters in said City the proposed Proposition... (emphasis added).

39. But the special election is ***not*** set for August 26, 2024—it is set for August 27, 2024. Indeed, the Resolution itself states that the Mayor “is authorized and directed to call a special election to be held in the City of Norman, Oklahoma on the 27th day of August 2024, or the next legally permissible Municipal Election date thereafter. . .”. *See* Ex. A.

40. State law plainly states that the Notice of Election ***shall*** include “date(s) of the elections or elections” and requires that notice be filed with the secretary of the county election board “not fewer than sixty (60) days before such election[.]” 26 O.S. § 13-102(A). In fact, the

³ While this action does not seek monetary damages at this time for the applicable Councilmembers’ unauthorized approval of an election, it is noted that per City of Norman Charter, Article XVII, Section 10, “Every officer who shall approve, allow or pay any demand on the treasury of the City, not authorized by law, ordinance or this Charter, shall be liable to the City individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.”

Oklahoma Supreme Court recently invalidated a county election for failure to strictly follow the statutory notice requirements (there, publication requirements). *Cathey v. Bd. of Cnty. Commissioners for McCurtain Cnty.*, 2024 OK 50, ¶ 15. In so doing, the Supreme Court reasoned that, “Notice is elementary and fundamental in the law.” *Id.* at ¶ 15. “Okla. Const., art. 3, § 4, vests the Oklahoma Legislature with the authority to prescribe the time and manner of holding all elections. . . The Legislature's use of the word ‘shall’ connotes a mandatory duty equivalent to a command.” *Id.* at ¶ 30. Thus, when a statutory notice requirement is “not ambiguous”, “requiring anything less than strict compliance would result in judicial legislation.” *Id.*

41. In short, the Resolution and Proclamation contain two fatal defects under state law. First, the City Council plainly did not possess the requisite statutory authority to place the measure on the ballot as that power is reserved to the people and may only be exercised in tandem with the statutory process for initiative and referendum petitions. And second, the Proclamation’s inclusion of an inaccurate election date constitutes defective notice under the plain requirements of 26 O.S. § 13-102(A).

42. For these reasons alone, the Resolution and Proclamation should be declared void and of no effect.

B. The Resolution violates the requirements of the Norman City Charter.

43. The City Council’s attempt to place a matter on the ballot (1) by means of a resolution, (2) without a date certain for the election, and (3) without following requirements of passing an ordinance, was equally unlawful under the Norman City Charter. Article II, Section 9 of the Norman City Charter plainly states:

The City Council of the City shall, by ordinance, order the holding of all special elections, except as otherwise provided in this Charter, or by the Constitution of this State. Such ordinances shall specify the object of and the time for holding such elections. Such election ordinances shall be printed in a newspaper of general

circulation printed in the City of Norman at least ten (10) days prior to the time appointed for holding such election.

44. Three primary requirements can be drawn from Article II, Section 9 of the Norman City Charter: first, that the City Council authorize the calling of special elections only by **ordinance**; second, that the ordinance specify the **object** of the election; and third, that the ordinance specify the **time** of the election.

45. It is a foundational requirement that a city's actions conform with the City Charter—the “organic law of the city”—in order to be valid. *Edwards v. City of Sallisaw*, 2014 OK 86, ¶ 10, 339 P.3d 870, 874. “As with Oklahoma's own governing document, we strictly construe a charter's terms to give effect to the intent of the framers and the people adopting it. If the terms are ‘plain and unambiguous,’ the meaning and intent of the document is found on its face ‘without resort to judicial rules’ of construction.” *Id* at ¶ 9 (internal citations omitted).

46. Just as elections must be held in conformance with the statutory requirements, so too must the City Council exercise its authority consistent with the Norman City Charter.

47. Article II, Section 9 of the Charter plainly states that elections “shall” be called by ordinance. This requirement was plainly violated when the Norman City Council attempted to do so via resolution.

48. Further, Article II, Section 9 of the Charter plainly states that the ordinance calling the special election must specify the **time** of the election. This requirement is consistent with the statutory requirement for a notice of elections found in Title 26, Section 13-102 of the Oklahoma Statutes, requiring that notice include “[t]he dates of the election or elections”. 26 O.S. § 13-102(A).

49. During the City Council meeting, City Attorney Kathryn Walker advised the Norman City Council that she had legal concerns about omitting a date certain, stating:

I just want to point out, in Title 26, which is the title of the statutes dealing with elections, the statute sets out what has to be required—or what’s required to be in a notice of an election—and it says it shall contain the following facts—“the date of the election.” So I’m a little worried about putting something in there that doesn’t set forth an actual date but—I just wanted to share that with you.⁴

In response, Councilmember Montoya stated: “That’s okay, I hear rumors this might legally be challenged so maybe a judge will be the one to decide.”

50. This requirement in the City Charter and state statute was plainly violated when the Norman City Council amended the Resolution to call the special election “on the 27th day of August 2024 *or the next legally permissible municipal election date thereafter.*” (emphasis added).

51. Further, even if the Resolution had been put forth as an ordinance, as was required for a special election, it still did not meet the requirements of ordinances per the City Charter, such as follows:

- a. The Resolution failed to meet the requirements for ordinances per Norman City Charter, Article XII, Section 4, which requires that: “No ordinance shall be adopted on the day of its introduction before the Council; but all ordinances, after being introduced, shall lay over for at least one week before being finally voted on and adopted, but this provision shall not apply to emergency ordinances.” The Resolution was first introduced on the Agenda of the June 11, 2024 Norman City Council, and was immediately passed on the same day. No subsequent vote was taken a week or more later and no declaration of emergency was attached to the Resolution.

⁴ Norman City Council Meeting (June 11, 2024), available at <https://www.youtube.com/watch?v=v05SyLc2eew>, at 3:42:09.

- b. The Resolution failed to meet the requirements for ordinances per Norman City Charter, Article XII, Section 1, which requires that: "The style of all ordinances shall be, "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN." The Resolution was not styled as such.

52. The Resolution failed to meet the requirements of Norman City Charter, Article XII, Section 3, which requires that: "All ordinances passed by the Council; except emergency ordinances, shall take effect and become valid at the end of thirty days from the date of passage of such ordinance. All ordinances shall be published in full or by title in a newspaper meeting the requirements of the statutes of the State of Oklahoma in respect to legal publications, published and of general circulation within the City of Norman, such publication to be within ten days from the passage of the ordinance." The City failed to wait for the thirty (30) day period before taking any action, as the City hastily delivered the Resolution to the Election Board on June 12, 2024, one day after first hearing it and passing it on June 11, 2024. Further, the City did not ever publish the Resolution in any newspaper, and certainly not within ten (10) days of its passage.

53. The proper remedy is to declare the Resolution in violation of the requirements of the City Charter, and thus invalid, void and of no effect.

C. Resolution 2324-150 is unauthorized by law as it is not a legislative act, as it is merely a non-binding expression of popular opinion.

54. An affirmative or negative vote on the Resolution serves to only advise the City Council of the individual's preference but is not "legislative" act in nature. Specifically, the Resolution seeks to submit the following question to the people:

Shall the City Council approve the establishment of Increment District No. 4, a sales tax increment district (TIF 4), and Increment District No. 5, an ad valorem increment district (TIF 5), diverting one hundred percent (100%) of future tax revenues for a period of up to twenty-five (25) years generating revenues for assistance in development financing up to \$600 million for purposes of developing

an arena and associated infrastructure in the Rock Creek Entertainment District located on certain real property in the city east of Interstate 35 between Tecumseh Road and Robinson Street.

55. A review of the language of the question makes clear that the people are not taking action—merely advising the City Council of what they believe it “*should*” do related to the establishment of Increment District No. 4 and Increment District No. 5, an ad valorem increment district. Because this question does not purport to exercise any legislative authority, it does not constitute a valid exercise of the initiative or referendum power, which would allow it to be placed on the ballot, under Article 18, Section 4 of the Constitution. *See* Okla. Const. art. 18, § 4 (reserving the powers of the initiative and referendum to the people of a municipality “with reference to all legislative authority.”) Nor is there any statutory authority for the City Council to place it on the ballot in the Local Development Act, which similarly requires that any vote of the people arise out of the initiative or referendum processes. 62 O.S. § 868.

56. Importantly, an Oklahoma Attorney General Opinion from 1985 analyzed very similar factual circumstances in the county context. In 1985 OK AG 54, the Attorney General was asked: (1) may a Board of County Commissioners, on its own motion, submit to the voters of the county at any regular or special election a question regarding a subject or subject matter, such as so-called “right to work” legislation, which no current statute specifically authorizes to be put to county-wide popular vote? (2) would your answer to the first question be the same if the voters of the county were only asked to approve or disapprove a “non-binding expression of sentiment” as to the same question?

57. The Attorney General’s analysis of the questions presented in 1985 OK AG 54 was unequivocal—(1) the county had no independent authority to call for an election unauthorized by statute, and (2) the county had no authority to submit to the voters a question of approval or

disapproval of a “non-binding expression of sentiment” on the subject. *Id.* at ¶ 7. The Attorney General’s reasoning was clear—elections must be authorized by statute and an “election cannot be held in the absence of legislation not authorizing the same.” *Id.* at ¶ 6 (*citing Grant and McNamee v. Payne*, 107 P.2d 307 (Nev. 1940); *School District No. 1 v. Gleason*, 168 P.2d 347 (Ore. 1946); *Stone v. Reynolds*, 54 P. 555 (Okla. 1898)). The same analysis applies here—the City Council has no “inherent power or authority, but possesses, and can exercise, only those powers granted in express words or necessarily or fairly implied or incidental to the powers expressly granted” by statute. *Dev. Indus., Inc. v. City of Norman*, 1966 OK 59, 412 P.2d 953.

58. In sum, the City possesses no authority under the Constitution or statutory framework to put a proposition on the ballot related to a “non-binding expression of sentiment” on a public matter.

59. The City of Norman, acting through its City Council, has taken action that is clearly and plainly in violation of the requirements of the Norman City Charter and otherwise unauthorized by law. This violates the City Council’s legal duty to the rights of its citizens to comply with the terms of its Charter and not expend City resources on an unlawful election. *See Walton v. Donnelly*, 1921 OK 258, ¶ 4, 83 Okla. 233, 201 P. 367, 369 (“A charter is the municipal organic law which no ordinance may override.”)

60. Plaintiffs are therefore entitled to a declaration that the City Council must fully comply with and abide by its legal duties and obligations, including the plain terms of the City Charter.

61. Additionally, Plaintiffs are entitled to a declaration that the Resolution is unauthorized by law, and thus void and of no effect.

COUNT II: INJUNCTIVE RELIEF

62. Plaintiffs hereby adopt and incorporate by reference all of the statements and allegations contained above as if fully set forth herein.

63. Plaintiffs seek an injunction against Defendants, their agents, servants, employees, assigns and all persons directly or indirectly, acting on their behalf, under direction or control, and/or in active concert or participation with them, enjoining them from taking any steps toward placing the Resolution on the August 27, 2024 runoff primary election ballot (or any future ballot), to preserve the status quo pursuant to 12 O.S. § 1381, *et. seq.*

64. Plaintiffs have a reasonable likelihood of success on the merits.

65. The Cleveland County Election Board will, at the proper time, begin the process of preparing and printing ballots. Entry of an injunction would impact Defendants as it would prevent the waste of resources on an authorized election on the Resolution.

66. Due to the costs associated with the Special Election, there is a strong likelihood that Plaintiffs, as citizens and taxpayers of Norman, will suffer irreparable harm in the absence of injunctive relief.

67. An injunction will serve the public interest in preventing the waste of resources inherent in placing an unlawful measure on the ballot for a vote of the people.

68. In addition, irreparable harm will be suffered due to the confusing nature of the resolution, and the mere holding of a vote on a resolution which is neither authorized by law, nor of any legal effect. Further, a looming election, which is certain to be voided, sets up a false pretense such that will prejudicially impede upon the Norman City Council's important statutory deliberations of whether the City Council should approve the establishment of Increment District No. 4 and Increment District No. 5.

69. Likewise, a number of Norman residents do not fully understand that a “yes” or “no” vote on the Resolution is not *legally operative* or a valid exercise of legislative power. For instance, in arguing in favor of the Resolution at the June 11, 2024, City Council Meeting, Norman resident Marguerite Larson stated, “It is imperative that this comes to a vote of the people. This is the people’s money, this is the people’s future, it’s the people who decide where they want to spend the money.”⁵ But the Resolution does not actually allow the people of the City of Norman to decide “where they want to spend the money” as it is of no legal effect.

70. Plaintiffs should not be required to post a bond or other security upon issuance of a preliminary injunction.

71. Plaintiffs ask that the Court issue an injunction against Defendants, their agents, servants, employees, assigns and all persons directly or indirectly, acting on their behalf, under direction or control, and/or in active concert or participation with them, enjoining them from taking any steps toward placing the Resolution’s Proposition on the August 27, 2024, runoff primary election ballot or any future ballot, including the printing of ballots, to preserve the status quo, pursuant to 12 O.S. § 1381, *et. seq.*, without requirement of a bond.

COUNT III: WRIT OF MANDAMUS

72. Plaintiffs hereby adopt and incorporate by reference all of the statements and allegations contained above as if fully set forth herein.

73. The issuance of a writ of mandamus requires: “(1) a clear legal right vested in the petitioner, (2) respondent’s refusal to perform a plain legal duty which does not involve the

⁵ Andrea Hancock, *By popular request, City Council authorizes TIF vote; attorney says vote 'non-binding' and could face legal challenge*, The Norman Transcript (June 12, 2024), available at https://www.normantranscript.com/news/by-popular-request-city-council-authorizes-tif-vote-attorney-says-vote-non-binding-and-could/article_590b720a-287e-11ef-b032-7f0d5ddf5cd6.html.

exercise of discretion and (3) adequacy of the writ and inadequacy of other relief.” *Morton v. Adair County Excise Bd.*, 1989 OK 174, ¶ 4, 780 P.2d 707, 709.

74. Mandamus may also issue to review the actions of a board or administrative body “and determine whether [that body] acted within or beyond its jurisdiction and power, and its acts in excess of authority vested will be vacated and proper directions made by writ of mandamus.” *Bare v. Patterson*, 1948 OK 148, ¶ 5, 200 Okla. 420, 422, 195 P.2d 281, 283.

75. As described *supra*, plaintiffs, as residents and taxpayers of the City of Norman, have standing to challenge illegal expenditure of funds. *See Immel v. Tulsa Pub. Facilities, Auth.*, 2021 OK 39, ¶ 12, 490 P.3d 135, 141 (internal citations omitted)

76. The City Council has no “inherent power or authority, but possesses, and can exercise, only those powers granted in express words or necessarily or fairly implied or incidental to the powers expressly granted” by statute. *Dev. Indus., Inc. v. City of Norman*, 1966 OK 59, 412 P.2d 953. Moreover, elections must be authorized by statute and an “election cannot be held in the absence of legislation not authorizing the same. 1985 OK AG 45, ¶ 7.

77. Thus, a writ of mandamus is proper to declare that the City Council acted beyond its power and in excess of authority, and vacate any actions taken by the City Council in authorizing the Resolution and/or any act taken to effectuate any portion thereof.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the Court enter an order (1) declaring Resolution 2324-150 and any resulting vote on the Resolution as void and invalid as a matter of law; (2) enjoining the Election Board from printing ballots or taking any other steps toward placing Resolution 2324-150 on the August 27, 2024 runoff primary ballot; and/or (3) issuing an appropriate writ declaring that the City of Norman (by and through the City Council) acted in

violation of the law in adopting the Resolution, and enjoining all acts to effectuate that Resolution. In addition to the declaratory and injunctive relief requested above, Plaintiffs respectfully request any such other further relief, whether legal or equitable, that may be necessary to implement this Court's declaration and issuance of injunctive relief. Plaintiffs also seek their costs for bringing this action and such other and further relief, whether legal or equitable, as the Court may deem just and proper.

Respectfully submitted,



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-and

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Attorneys for Plaintiffs

FILED IN OFFICE
CLEVELAND COUNTY
ELECTION BOARD

June 12 2024 at 5:43 p.m.
Bryant Rains, Secretary

RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF NORMAN, STATE OF OKLAHOMA (THE CITY) ON THE 27TH DAY OF AUGUST 2024, OR THE NEXT LEGALLY PERMISSIBLE MUNICIPAL ELECTION DATE THEREAFTER, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING THE ESTABLISHMENT OF INCREMENT DISTRICT NO. 4, A SALES TAX INCREMENT DISTRICT (TIF 4), AND INCREMENT DISTRICT NO. 5, AN AD VALOREM DISTRICT (TIF 5), LOCATED IN THE ROCK CREEK ENTERTAINMENT DISTRICT (ENTERTAINMENT DISTRICT) LOCATED ON CERTAIN REAL PROPERTY IN THE CITY EAST OF INTERSTATE 35 BETWEEN TECUMSEH ROAD AND ROBINSON STREET.

WHEREAS, the Local Development Act, 62 O.S. § 850, *et seq.* ("Act"), was passed by the Oklahoma Legislature to implement Section 6C of Article X of the Oklahoma Constitution, which empowers the governing bodies of cities, towns, and counties to apportion tax increments to help finance the public costs of economic development; and

WHEREAS, the City Council of the City of Norman, Oklahoma ("City Council") may consider the creation of a tax increment district and seek appropriate expertise, public input, and analysis to inform its decision-making; and

WHEREAS, as defined by 62 O.S. 690.2, Oklahoma's Enterprise Zones (EZs) are economically distressed areas based on declining population, lower than average per capita income and higher than average poverty rates and also include areas grandfathered prior to 2000; and

WHEREAS, the TIF 4 and TIF 5 are requested for property in a grandfathered enterprise zone that has recently undergone significant development and investment such that the property can no longer be considered unproductive, undeveloped, underdeveloped or blighted; and

WHEREAS, the TIF 4 and TIF 5 are requested for property that has previously been included in an increment district and as such would involve the diversion of public funds for a second time and without consideration of the loss of sales tax producing commercial enterprises which relocate into the Entertainment District; and

WHEREAS, the TIF 4 and TIF 5 would divert of one hundred percent (100%) of sales and ad valorem taxes generated in the district for a period up to 25-years and total up to \$600 million in assistance in development financing which is in excess of any public bond issuance in the City, for Norman Public Schools or in the County of Cleveland; and

WHEREAS, the TIF 4 and TIF 5, totaling up to \$600 million, would be the largest TIF in the State of Oklahoma's history; and



WHEREAS, the proposed Entertainment District would not produce tax increment revenues for the 25-year period to finance the normal public functions and services in the proposed project area and TIF districts including but not limited to public safety, street maintenance, stormwater management, traffic and transit improvements, and public schools; and

WHEREAS, by adoption of Resolution No. R-2324-89, the City Council also appointed a review committee, as defined in 62 O.S. § 855 ("Review Committee"), to review and make a recommendation concerning the proposed project plan and increment district(s), to consider and make findings and recommendations with respect to the conditions establishing the eligibility of the proposed increment district(s), and to consider and determine whether the project plan and Project will have a financial impact on any taxing jurisdiction within the increment district(s) and to report its findings and make its recommendations to the City Council; and

WHEREAS, the Review Committee found that the Entertainment District may result in significant increases in demands for public services by or costs to affected taxing jurisdictions, but asserted without evidence or economic analysis that such increases would be offset by additional tax revenues generated outside of the TIF 4 and TIF 5; and

WHEREAS, the Review Committee received analyses that projected only seventeen percent (17%) of projected tax revenues would be generated by net new enterprises at the Entertainment District, and found that the economic benefits of the project would only "partially offset the adverse financial impacts" to the affected taxing jurisdictions; and

WHEREAS, important aspects of the project plan, which will affect costs and functionality associated with the Entertainment District, have not been specified or finalized as commitments of the developer regarding necessary traffic improvements, transit services, a public school site, a business improvement district, a proposed weather museum, and stormwater improvements; and

WHEREAS, elections provide an opportunity for the public to signal their support for and acceptance of the risks and obligations imposed on the community by tax increment financing; and

WHEREAS, increases in sales tax levies and ad valorem bonds require approval of the voters of the taxing jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN:

Section 1. That the Mayor of the City of Norman, Oklahoma, or in his absence or incapacity, the duly qualified Mayor Pro Tempore, be and hereby is authorized and directed to call a special election to be held in the City of Norman, Oklahoma, on the 27th day of August 2024, or the next legally permissible Municipal Election date thereafter, for the purpose of submitting to the registered, qualified voters of said City of Norman, Oklahoma, for their approval or rejection the following proposition:

PROPOSITION

Shall the City Council approve the establishment of Increment District No. 4, a sales tax increment district (TIF 4), and Increment District No. 5, an ad valorem increment district (TIF 5), diverting one hundred percent (100%) of future tax revenues for a period of up to twenty-five (25) years generating revenues for assistance in development financing up to \$600 million for purposes of developing an arena and associated infrastructure in the Rock Creek Entertainment District located on certain real property in the city east of Interstate 35 between Tecumseh Road and Robinson Street.

Section 2. That such call for said election shall be by Proclamation and Notice of Election, signed by the Mayor or Mayor Pro Tempore and attested by the City Clerk, setting forth the Proposition to be voted upon; 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 Cleveland 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 Cleveland County Election Board, for elections in The City of Norman, Oklahoma.

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 or Mayor Pro Tempore is hereby authorized to execute said Proclamation and Notice of Election on behalf of the City, and the City Clerk is hereby authorized to attest and affix the seal of the City to 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 Cleveland County Election Board.

Section 5. That the City Clerk shall serve or cause to be served, a copy of this Resolution and the Proclamation and Notice of Election upon the office of the Cleveland County Election Board, at least seventy-five (75) days prior to the date of the election.

[Remainder of Page Intentionally Left Blank]

PASSED AND ADOPTED AND SIGNED BY THE MAYOR THIS 11th DAY OF JUNE, 2024

Mayor, The City of Norman, Oklahoma

[Signature]

(SEAL)

ATTEN:

[Signature]





CITY OF NORMAN, OK CITY COUNCIL REGULAR MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Tuesday, June 11, 2024 at 6:30 PM

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CITY COUNCIL, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY

You are required to sign up in advance of the meeting on the City's webpage, by calling the City Clerk's Office (405-366-5406), or at the Council Chambers prior to the start of the meeting with your name, ward, and item you wish to speak to including whether you are a proponent or opponent. When the time comes for public comments, the Clerk will call your name and you can make your way to the podium. Comments may be limited on items of higher interest, if so, the Mayor will announce that at the beginning of the meeting. Participants may speak one time only up to 3 minutes per person per item. There will be no yielding of time to another person. Sign up does not guarantee you will get to speak if the allotted time for that item has already been exhausted. If there is time remaining after those registered to speak have spoken, persons not previously signed up may have the opportunity to speak. Comments received must be limited to the motion on the floor only.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. CONSIDERATION OF ACKNOWLEDGMENT, ACCEPTANCE, REJECTION, AND/OR POSTPONEMENT OF PROCLAMATION P-2324-38: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING WEDNESDAY, JUNE 19, 2024, AS JUNETEENTH DAY IN THE CITY OF NORMAN.

COUNCIL ANNOUNCEMENTS



CONSENT DOCKET

This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 2 through Item 19 be placed on the consent docket.

APPROVAL OF MINUTES

2. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:

CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MEETING MINUTES OF NOVEMBER 30, 2023.

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MEETING MINUTES OF DECEMBER 7, 2023.

First Reading Ordinance

3. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-42 UPON FIRST READING BY TITLE:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION ELEVEN (11), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (EAST OF 36TH AVENUE N.W., NORTH OF W. TECUMSEH ROAD, AND WEST OF I-35)
4. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-48 UPON FIRST READING BY TITLE:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHEAST QUARTER (SE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION SEVEN (7), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT, AND PLACE THE SAME IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (716 SONIA DRIVE)

5. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-52 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSURE OF A TWENTY FOOT (20') WIDTH RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 12, 13 AND 14, BLOCK 1, STATE UNIVERSITY ADDITION.

Appointments

6. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE PROPOSED APPOINTMENTS OF DREW NICHOLS AS PRESIDING JUDGE; GAIL BLAYLOCK AND BLAINE NICE AS ASSOCIATE JUDGES, AND DAVID POARCH AS ACTING JUDGE OF THE MUNICIPAL CRIMINAL COURT EACH FOR A TERM BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2026.

Reports/Communications

7. CONSIDERATION OF SUBMISSION, ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR REJECTION OF RECEIPT OF THE CITY MANAGER'S CONTRACT AND CHANGE ORDER REPORT AND DIRECTING THE FILING THEREOF.

Request for Payment

8. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF PAYMENT OF QUALITY JOBS INCENTIVE TO THE NORMAN ECONOMIC DEVELOPMENT COALITION IN THE AMOUNT OF \$104,615 IN ACCORDANCE WITH CONTRACT K-1314-106, UNIVERSITY NORTH PARK TAX INCREMENT FINANCE DISTRICT #2 (UNP TIF) DEVELOPMENT AGREEMENT 6, AS AMENDED; AND APPROPRIATION OF UNP TIF FUND BALANCE.

Donation

9. CONSIDERATION OF ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A DONATION IN THE AMOUNT OF \$12,000, FOR THE PURCHASE OF EMMA CAPNOGRAPHY AIRWAY DEVICES FROM THE CLEVELAND COUNTY PUBLIC SAFETY SALES TAX COMMITTEE (CCPSST) TO BE USED BY THE NORMAN FIRE DEPARTMENT AND APPROPRIATE THE FUNDS AS OUTLINED IN THE STAFF REPORT.

10. CONSIDERATION OF ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A DONATION IN THE AMOUNT OF \$400 FROM NORMAN PUBLIC SCHOOLS TO BE USED AT THE NORMAN ANIMAL WELFARE CENTER.

Easement

11. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF NORMAN RURAL CERTIFICATE OF SURVEY COS-2324-3: FOR COOK FAMILY FARM AND EASEMENT NUMBERS E-2324-146 AND E-2324-147 (LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF TECUMSEH ROAD AND 48th AVENUE NE.)
12. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2324-148: A PUBLIC RIGHT-OF-WAY EASEMENT; EASEMENT E-2324-149: A PUBLIC UTILITY EASEMENT; EASEMENT E-2324-150: A TEMPORARY CONSTRUCTION EASEMENT; EASEMENT E-2324-151: A PUBLIC RIGHT-OF-WAY EASEMENT; EASEMENT E-2324-152: A TEMPORARY CONSTRUCTION EASEMENT; EASEMENT E-2324-153: A TEMPORARY CONSTRUCTION EASEMENT, ALL DONATED BY THE CITY OF NORMAN FOR THE JENKINS AVENUE WIDENING 2019 BOND PROJECT.

Contracts

13. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT TWO TO CONTRACT K-2021-39: BY AND BETWEEN THE CITY OF NORMAN AND FREESE AND NICHOLS, INC., IN THE AMOUNT OF \$34,175, TO CONDUCT FEASIBILITY STUDIES FOR BEST MANAGEMENT PRACTICE INSTALLATION IN WOODCREST CREEK WATERSHED AS OUTLINED IN THE STAFF REPORT.
14. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE FINAL ACCEPTANCE OF CONTRACT K-2324-126: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND HAPPY PLAYGROUNDS L.L.C., FOR THE FALLS-LAKEVIEW PARK PLAYGROUND PROJECT AND FINAL PAYMENT OF \$135,000.

15. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-128: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER, LLC., IN THE AMOUNT OF \$730,343, FOR PROFESSIONAL SERVICES FOR THE NORMAN WASTEWATER RECLAMATION FACILITY BIOSOLIDS AND CONTAMINANTS OF EMERGING CONCERN SAMPLING PROJECT AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.
16. CONSIDERATION OF ACCEPTANCE, APPROVAL REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-143: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND DAVEY RESOURCE GROUP, INC, FOR URBAN FORESTRY SERVICES FOR THE PARKS AND RECREATION DEPARTMENT AS OUTLINED IN THE STAFF REPORT.
17. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-185: AN AGREEMENT BETWEEN THE CITY OF NORMAN, OKLAHOMA AND THE BOARD OF COUNTY COMMISSIONERS, CLEVELAND COUNTY, OKLAHOMA, FOR A COOPERATIVE INTERLOCAL AGREEMENT FOR THE MAINTENANCE, CONSTRUCTION, AND REPAIR OF SECTION LINE ROADS, SHARED MOWING RESPONSIBILITIES, AND PROVIDING FOR CERTAIN ON-CALL SERVICES DURING INCLEMENT WEATHER FOR THE 2024-2025 FISCAL YEAR.

Resolutions

18. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-148: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADOPTING A SAFE ROUTES TO SCHOOL POLICY.
19. CONSIDERATION OF APPROVAL, ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-149: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN ACCEPTING THE AWARD OF \$776,714 THROUGH THE FEDERAL TRANSIT ADMINISTRATION'S FISCAL YEAR 2023 LOW-OR NO-EMISSION VEHICLE GRANT PROGRAM AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT, EXECUTE, AND FILE AN APPLICATION ON BEHALF OF THE CITY OF NORMAN TO FORMALLY PROGRAM THE PROJECT AWARD; AND ADOPTION OF BUDGET APPROPRIATION AND TRANSFERS AS OUTLINED IN THE STAFF REPORT.

NON-CONSENT ITEMS

20. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-55 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 6-105 ("PERMIT FEE SCHEDULE") IN ARTICLE 6-I ("BUILDINGS AND BUILDING REGULATIONS IN GENERAL") AND 6-209 ("ADOPTION OF THE RESIDENTIAL CODE") IN ARTICLE 6-II ("CONSTRUCTION CODES"), BOTH IN CHAPTER 6 ("BUILDINGS AND BUILDING REGULATIONS") IN ORDER TO ESTABLISH AN ENERGY INCENTIVE PROGRAM FOR RESIDENCES ACHIEVING A HERS/ERI SCORE NO LESS THAN SEVEN (7) POINTS LOWER THAN THE RESIDENTIAL ENERGY CODE REQUIREMENT AS ADOPTED BY THE CITY OF NORMAN AT A GIVEN TIME; AND PROVIDING FOR THE SEVERABILITY THEREOF.
21. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-150: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF NORMAN, STATE OF OKLAHOMA (THE CITY) ON THE 27TH DAY OF AUGUST 2024 FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING THE ESTABLISHMENT OF INCREMENT DISTRICT NO. 4, A SALES TAX INCREMENT DISTRICT (TIF 4), AND INCREMENT DISTRICT NO. 5, AN AD VALOREM DISTRICT (TIF 5), LOCATED IN THE ROCK CREEK ENTERTAINMENT DISTRICT (ENTERTAINMENT DISTRICT) LOCATED ON CERTAIN REAL PROPERTY IN THE CITY EAST OF INTERSTATE 35 BETWEEN TECUMSEH ROAD AND ROBINSON STREET.
22. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-156: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DIRECTING THE CITY MANAGER TO ENGAGE A QUALIFIED FIRM TO CONDUCT A SURVEY OF NORMAN RESIDENTS REGARDING THE PROPOSED ROCK CREEK ENTERTAINMENT DISTRICT TO GAUGE COMMUNITY SUPPORT FOR THE PROPOSED TAX INCREMENT FINANCING OF THE PROJECT, WITH RESULTS TO BE PROVIDED TO CITY COUNCIL PRIOR TO ITS CONSIDERATION OF THE ROCK CREEK ENTERTAINMENT DISTRICT PROPOSAL, AND PROVIDING FOR AN APPROPRIATION OF FUNDS IN THE AMOUNT OF \$15,000.

MISCELLANEOUS COMMENTS

This is an opportunity for citizens to address City Council. Due to Open Meeting Act regulations, Council is not able to participate in discussion during miscellaneous comments. Remarks should be directed to the Council as a whole and limited to three minutes or less.

Executive Session

23. CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 §307(B)(4) TO DISCUSS PENDING LITIGATION IN THE CASE OF SMITH VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE CIV-22-1002 JD (WDOK 2022).

ADJOURNMENT

**SPECIAL ELECTION
PROCLAMATION AND NOTICE OF ELECTION**

Under and by virtue of the Statutes of the State of Oklahoma and acts complimentary, supplementary and enacted pursuant thereto, and Resolution R-2324-150 dated June 11, 2024, authorizing the calling of an election on the Proposition hereinafter set forth, I, the undersigned Mayor of the City of Norman, Oklahoma, hereby call a special election and give notice thereof to be held in the City of Norman, Oklahoma, on the 26 day of August, 2024, for the purpose of submitting to the registered qualified voters in said City the proposed Proposition:

PROPOSITION I

Shall the City Council approve the establishment of Increment District No. 4, a sales tax increment district (TIF 4), and Increment District No. 5, an ad valorem increment district (TIF 5), diverting one hundred percent (100%) of future tax revenues for a period of up to twenty-five (25) years generating revenues for assistance in development financing up to \$600 million for purposes of developing an arena and associated infrastructure in the Rock Creek Entertainment District located on certain real property in the city east of Interstate 35 between Tecumseh and Robinson Street?

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

1st ☐ YES - FOR THE ABOVE PROPOSITION
2nd ☐ NO - AGAINST THE ABOVE PROPOSITION

(If the voter desires to vote for the above Proposition, he shall mark the ballot accordingly; if he desires to vote against the above Proposition, he shall mark the ballot accordingly.)

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

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

The special election shall be held at the same places and in the same manner prescribed by law for conducting county and state elections and the numbers and locations of the polling places and the persons who shall conduct said election shall be the same as for county and state elections, all as respectively designated and prescribed by the County Election Board of Cleveland County, Oklahoma.

WITNESS my hand as Mayor of the City of Norman, Oklahoma, and the Seal of said City affixed hereto on the 11th day of June, 2024.


Mayor

(SEAL)

ATTEST:


City Clerk

