



CITY OF SHAWNEE

Investigative Audit

March 1, 2022

Cindy Byrd, CPA
State Auditor & Inspector

**City of Shawnee
Pottawatomie County, Oklahoma**

**Investigative Audit Report
March 1, 2022**



Cindy Byrd, CPA | State Auditor & Inspector

2300 N. Lincoln Blvd., Room 123, Oklahoma City, OK 73105 | 405.521.3495 | www.sai.ok.gov

March 1, 2022

TO THE HONORABLE ALLAN GRUBB, DISTRICT ATTORNEY, DISTRICT 23

Presented herein is the investigative audit report of the City of Shawnee.

The goal of the State Auditor and Inspector is to promote accountability and fiscal integrity in state and local government. Maintaining our independence as we provide this service to the taxpayers of Oklahoma is of utmost importance.

We wish to take this opportunity to express our appreciation for the assistance and cooperation extended to our office during our engagement.

This report is addressed to, and is for the information and use of, the District Attorney, as provided by statute. This report is also a public document pursuant to the Open Records Act, 51 O.S. §§ 24A.1, et seq.

Sincerely,

A handwritten signature in blue ink that reads "Cindy Byrd".

CINDY BYRD, CPA
OKLAHOMA STATE AUDITOR & INSPECTOR





City of Shawnee Investigative Audit Report July 1, 2013 through June 30, 2020

Why We Performed This Audit

In accordance with 74 O.S. §212(H), District Attorney Allan Grubb requested the State Auditor & Inspector's office to perform an investigative audit of the City of Shawnee in response to allegations of inappropriate handling of earmarked funds related to streets and roads, and technology and communication support. The audit period is July 1, 2013, through June 30, 2020.

Objectives

The following objectives were developed to respond to the request of the District Attorney:

1. Determine if the City of Shawnee complied with the sales tax ballots and city ordinances related to streets and roads by confirming that earmarked funds were properly deposited, expended, and transferred as allowed.
2. Determine if the City of Shawnee complied with the city ordinance regarding city court fees specifically designated for technology and communications support, by confirming that earmarked funds were properly deposited, expended, and transferred as allowed.

What We Found

- Sales tax revenues received by the City of Shawnee (the City) from the Oklahoma Tax Commission (OTC) that are related to streets and roads have been properly deposited and allocated for the audit period.
- As of June 30, 2020, the City had collected \$4.9 million in tax revenues related to the 2018 ½ cent 10-year *Capital Improvement* sales tax (City Ordinance 2633NS). During that same time period, the City spent \$2.3 million of those funds on expenditures that **complied** with the ordinance requirements. The City's approach to expending the revenue collected has been to consider the entire 10-year period versus spending the entire amount collected each year.

- During the audit period, the City collected \$41.9 million in tax revenues related to the permanent City Ordinance 1910NS 1% sales tax. During that same time period, the city spent \$44.9 million on expenditures for *capital improvement, economic development, or debt service* that **complied** with the ordinance requirements.
- During the audit period, the City was **not in compliance** with Ordinance 2574NS. They did not have separate funds to account for the *Technology and Communication Support fees*, to ensure the fees were properly expended and that any remaining balances were carried forward to the subsequent fiscal year.
 - designated technology fees collected in court fees during the audit period totaled \$108,470. During that same time period, the City spent \$86,497 on technology. Individual expenditures reviewed **complied** with the ordinance requirements; however, the City **did not comply** with the city ordinance requirement because they under spent the revenue collected by \$21,973.
 - designated communication support fees collected in court fees during the audit period totaled \$108,455. During that same time period, the City spent \$334,212 on communication support. Individual expenditures reviewed **complied** with the ordinance requirements and the City **complied** with the ordinance requirement by expending all of the revenue collected.

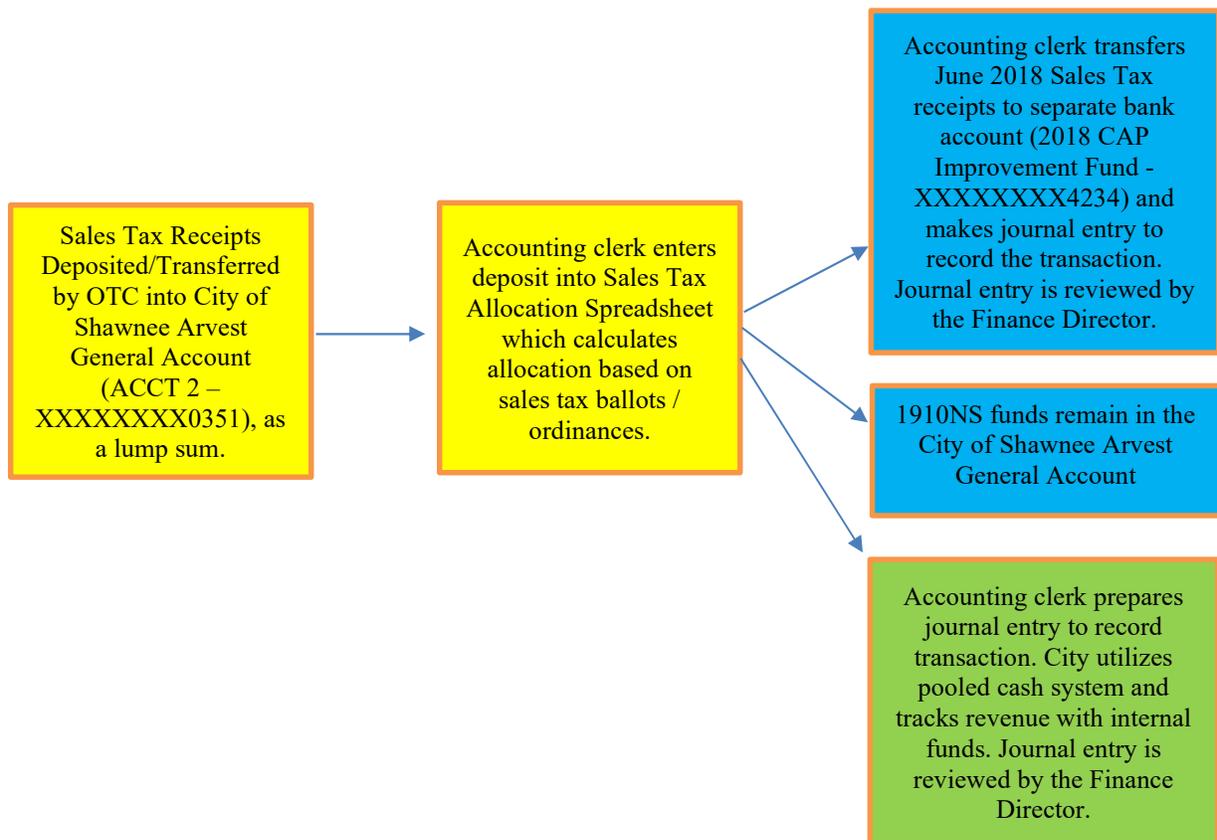
Background

Sales Tax Revenue

Sales tax revenues are remitted on a monthly basis to the City of Shawnee (City) by the Oklahoma Tax Commission (OTC). We determined that sales tax ordinances 1910NS¹ and 2633NS² were significant to the objective and in effect during the audit period.

- **1910NS:** 1% permanent sales tax (replaced previous taxes) by City of Shawnee voters in March of 1999 and allocated as: 7/8 of 1% for *capital improvement, economic development, debt service*; 1/16 of 1% for *fire*; and 1/16 of 1% for *police*.
- **2633NS:** ½ cent 10-year sales tax allocated as follows: 1/8 of 1% for *police, fire, emergency management capital expenditures*; 1/8 of 1% for *streets and roads capital expenditures*; ¼ of 1% for *public parks and public facilities capital management*. Per State Election Board results, this tax was passed in June 2018 by a small margin of City of Shawnee voters (622 of 25,594 total votes cast, or 2%).

Sales tax deposits are processed by the City as depicted below:



¹ Attachment 1

² Attachment 2

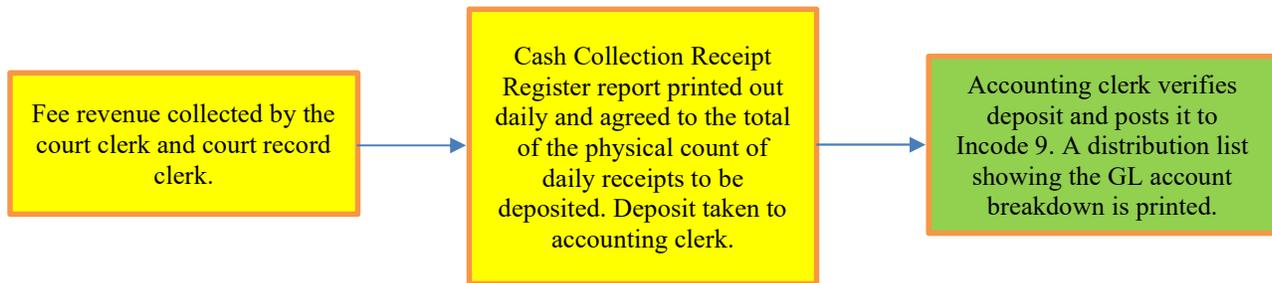
Total sales tax collections for 1910NS and 2633NS the audit period were as follows (rounded, with interest):

Description	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Total
1910NS	5,713,902	5,762,239	5,984,863	6,023,038	6,003,799	6,176,888	6,242,139	41,906,868
2633NS	-	-	-	-	-	1,826,146	3,121,070	4,947,215
TOTAL	5,713,902	5,762,239	5,984,863	6,023,038	6,003,799	8,003,034	9,363,209	46,854,084

Court Fee Revenues

Court fee revenues are collected on a daily basis by the City court clerk’s office. Based on the initial audit request and engagement letter, our scope includes the \$10 court fee added to court fines for Technology (GL³ revenue account code 43300) and the \$10 court fee added to court fines for Communications (GL revenue account code 43400). These fees were established by city ordinance 2574NS⁴, effective September 8, 2015, and codified in Municipal Code 1.10(d) and (e)⁵.

Court Fee revenues are processed as depicted below:



Technology and Communications court fee collections for the audit period were as follows:

Revenues	FY 16	FY 17	FY 18	FY 19	FY 20	Total
Technology Fees	17,874.00	24,178.00	24,314.00	22,840.00	19,264.00	108,470.00
Communication Support Fees	17,881.00	24,140.63	24,330.37	22,840.25	19,262.50	108,454.75

³ General Ledger

⁴ Attachment 3

⁵ Attachment 4

Details on What Was Found

Objective 1

Determine if the City of Shawnee complied with the sales tax ballots and city ordinances related to streets and roads by confirming that earmarked funds were properly deposited, expended, and transferred as allowed.

Overall Objective 1 Conclusion

The City of Shawnee **complied** with sales tax ballots and city ordinances related to streets and roads by depositing, expending, and transferring funds as required. See details below.

Sales Tax Revenues

Sales tax revenues received by the City from the OTC were deposited appropriately and allocated as required by sales tax ordinances 1910NS and 2633NS.

The relevant sales tax ordinances in effect during the audit period were 1910NS and 2633NS. The sales tax revenues collected under the two ordinances should have been allocated as follows:

1910NS Allocation

	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Total
Total Sales Tax Revenue	5,713,902	5,762,239	5,984,863	6,023,038	6,003,799	6,176,888	6,242,139	41,906,868
Allocations								
Capital Improvement, Economic Development, Debt Service (Funds 104, 301 and 302)	4,999,664	5,041,959	5,236,755	5,270,158	5,253,324	5,404,777	5,461,872	36,668,510
Police Special Revenue Fund (Fund 107)	357,119	360,140	374,054	376,440	375,237	386,056	390,134	2,619,179
Fire Special Revenue Fund (Fund 108)	357,119	360,140	374,054	376,440	375,237	386,056	390,134	2,619,179

2633NS Allocation

	FY 19	FY 20	Total
Total Sales Tax Revenue	1,826,146	3,121,070	4,947,215
Allocations			
Police, Fire, Emerg. Mgmt	456,536	780,267	1,236,804
Streets and Roads	456,536	780,267	1,236,804
Public Parks and Facilities	913,073	1,560,535	2,473,608

Sales tax revenues collected per 1910NS for police and fire are accounted for in separate Special Revenue Funds 107 and 108, respectively, as required. Separate funds are also used for Economic Development (Fund 104), Capital Improvement (Fund 301), and Street Improvement⁶ (Fund 302). The balances in these funds are carried forward to subsequent years for expenditure.

Revenues collected per 2633NS are not accounted for using sub-allocations. Sub-allocations are handled on the budgeting and expenditure side using the Incode10 Project Module⁷.

⁶ Also referred to as debit service.

⁷ The City's internal accounting system, Incode10, includes a Project Module that allows them to track project budgets and expenditures at a detailed level.

**City of Shawnee
Investigative Audit**

To determine whether funds were properly deposited and allocated as required, all bank statements were obtained for the audit period.

- We confirmed 100% of the total tax revenue balances on the allocation spreadsheet to the deposited amounts from OTC per the General Account - ACCT 2 – XXXXXXXX0351. **All amounts agreed without exception.**
- We confirmed 100% of the 2018 Capital Improvement Fund Sales Tax revenues from the allocation spreadsheet to the deposited amount from 2018 CAP Improvement Fund - XXXXXXXX4234 bank statements. **All amounts agreed without exception.**
- We reviewed 100% of the transfer journal entries and supporting documentation. **All amounts agreed without exception.**
- We also reviewed and recalculated the relevant formulas and amounts in the allocation spreadsheet utilized by the City Finance Manager to track sales tax apportionments and distributions and confirmed **they were correct** based on the sales tax ordinances.

Sales Tax Expenditures and Transfers

1910NS

Individual expenditures made by the City from the sales tax collected under Ordinance 1910NS complied with the ordinance requirements.

Actual project expenditures/transfers (by category) were as follows:

	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Total
Expenditures								
Capital Improvement, Economic Development, Debt Service (Funds 104, 301 and 302)	4,963,806	4,832,946	6,216,245	7,316,448	7,999,838	3,516,304	4,822,126	39,667,713
Police Special Revenue Fund (Fund 107)	356,832	359,859	373,768	376,154	379,588	384,820	390,133	2,621,154
Fire Special Revenue Fund (Fund 108)	356,832	359,858	373,768	376,154	379,703	384,820	390,133	2,621,268
TOTALS	5,677,470	5,552,663	6,963,781	8,068,756	8,759,130	4,285,943	5,602,392	44,910,136

When compared to sales tax revenues collected, the variances (amount expended/transferred compared to amount of revenue collected) were as follows:

	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Total
Variances (negative = underspent or under-transferred)								
Capital Improvement, Economic Development, Debt Service	(35,858)	(209,013)	979,490	2,046,290	2,746,514	(1,888,473)	(639,746)	2,999,204
Police Special Revenue Fund	(287)	(281)	(286)	(286)	4,351	(1,236)	(0)	1,975
Interest calculation from allocation spreadsheet	286	275	280	280				
Residual Variance	(1)	(6)	(6)	(6)				
Fire Special Revenue Fund	(287)	(282)	(286)	(286)	4,466	(1,236)	(0)	2,089
Interest calculation from allocation spreadsheet	286	275	280	280				
Residual Variance	(1)	(7)	(6)	(6)				

Funds 107 and 108

Although sales tax revenues collected in accordance with 1910NS for police and fire are transferred to Fund 107 and Fund 108 as required, expenditures are not made directly from those funds. Instead, monthly transfers are made from these funds to the general fund where police and fire expenditures are captured. (Sales tax revenues are one source of revenues shown on the budget for the general fund.)

Details of expenditures for police and fire are provided to the Commission through monthly budget-to-actual reports. Transfers from Funds 107 and 108 are approved by the Commission as part of the budget approval process. To ensure compliance with the ballot/ordinance, the City has taken the approach of ensuring that expenditures budgeted and expended are at least more than the amount of the Fiscal Year 2000 total police and fire budget amounts plus the amounts transferred from Funds 107 and 108.

Because there are no direct expenditures made from Funds 107 and 108, we did not select a sample of expenditures for testing but instead chose to rely on the work performed by other auditors for the classification of expenditures as reported in the City's Annual Comprehensive Financial Report (ACFR)⁸. We compared expenditures reported in the relevant ACFRs for police and fire and verified that they met or exceeded the amount of funds transferred from Funds 107 and 108 to the general fund.

Funds 104, 301, and 302

Sales tax collections earmarked for capital improvements, economic development, or debt service payments are tracked in Funds 104 (economic development), 301 (Capital Improvements), and 302 (Street Improvements). The City does not have a policy of spending all funds collected each year but instead uses the fund structure to ensure unspent revenues collected are carried forward and expended in subsequent years in accordance with ordinance 1910NS.

We judgmentally selected and reviewed detailed supporting documentation for expenditures made from Funds 104, 301, and 302 to determine whether they met the ordinance requirements and were proper expenditures of the City. The percent of expenditures tested to the total population of expenditures for each year of the audit period follows:

- 2014 - \$1,251,600.56 out of \$5,677,470 or 22% of the total population.
- 2015 - \$1,337,402.40 out of \$5,552,663, or 24% of the total population.
- 2016 - \$1,581,461.92 out of \$6,963,781, or 23% of the total population.
- 2017 - \$1,495,537.70 out of \$8,068,756, or 19% of the total population.
- 2018 - \$1,392,169.55 out of \$8,759,130, or 16% of the total population.
- 2019 - \$978,142.51 out of \$4,285,943, or 23% of the total population.
- 2020 - \$1,158,416.63 out of \$5,602,392, or 21% of the total population

⁸ Independent audit reports may be found at: <https://www.shawneeok.org/government/departments/finance/index.php>

When considered in total for the entire audit period, the City expended more than the sales tax revenues collected. However, when looked at on an annual basis, all but one year (FY 18) indicates that the City spent less than the sales tax revenue collected on Police and Fire. According to the City Finance Manager, the negative variances for Police and Fire for FY 14 – FY 17 were due to previous accounting staff’s failure to transfer interest earned from Funds 107 and 108 to the General Fund. **These missing transfers were discovered and made in FY 18.**

Based on a comparison of the transfers made in FY 18 to the calculated interest for FY 14 - FY 17, the amounts “under-transferred” for Funds 107 and 108 were approximately the same amount as the interest calculations for the same time period. (See table above.)

For capital improvement, economic development, and debt service payments, (Funds 104, 301 and 302) the City spent less than the sales tax revenues collected in four out of seven years during the audit period; however, the remaining fund balances were carried forward.

2633NS

For FY 19 and FY 20, the City collected a total of \$4.9 million from the 2018 Sales Tax for capital improvements under Ordinance 2633NS. Of the amount collected, only \$2.3 million, or 47%, was expended. The individual expenditures made by the City for capital improvements complied with Ordinance 2633NS requirements.

The ordinance does not specifically state a time frame for which the funds collected must be expended. However, city officials have taken the approach that compliance with the expenditure requirements enumerated in the ordinance should be measured over the entire 10-year period rather than on a yearly basis.

Based on the review of all 2018 CAP Improvement Fund - XXXXXXXX4234 bank statements for the audit period,⁹ the only direct expenditures from this account were for debt service payments of \$3,205,601¹⁰ on the \$10 million tax anticipation note issued by the City. Proceeds from the note are for the purpose of financing capital improvement costs as allocated in the 2018 Sales Tax Ballot.

⁹ FY 19 and FY 20 for this sales tax.

¹⁰ Prior to October 2020, debt service payments were the only payments transferred from this bank account. Projects for Fund 303 were paid from the general bank account at Arvest (through the AP process) and then reimbursements from the tax anticipation note were deposited to that bank account. According to the City Finance Manager/City Treasurer, as of October 2020, 303 project payments are made from the 2018 CIF bank account and reimbursements from the tax anticipation note are made directly to that fund.

Actual project expenditures (by category) were as follows:

	FY 19	FY 20	Total
Expenditures			
Police, Fire, Emerg. Mgmt	1,191,605	728,762	1,920,366
Streets and Roads	88,800	-	88,800
Public Parks and Facilities	-	324,757	324,757
TOTALS	1,280,405	1,053,519	2,333,924

We reviewed detailed supporting documentation for 100% of the \$1,280,405 FY 2019 expenditures and confirmed that they met the ordinance requirements and were proper expenditures of the City. For FY 2020, we judgmentally selected and reviewed detailed supporting documentation for 58%, or \$606,235.58, of the \$1,053,519 in expenditures, and confirmed that they met the ordinance requirements and were proper expenditures of the City.

It should be noted that the \$88,800 expended on Streets and Roads in FY 19 was for the Kickapoo Expansion project paid out of Fund 303 (2018 Capital Improvement Fund). Funding of that project was shifted to Fund 302 (Street Improvement Fund) in FY 2020 which is not funded by the 2018 Sales Tax. All FY 19 and FY 20 Fund 303 expenditures were reimbursed with proceeds from the \$10 million tax anticipation note issued by the City.

When compared to sales tax revenues collected, the variances (amount expended compared to amount of revenue collected) were as follows:

	FY 19	FY 20	Total
Variances (negative = underspent)			
Police, Fire, Emerg. Mgmt	735,069	(51,506)	683,563
Streets and Roads	(367,736)	(780,267)	(1,148,004)
Public Parks and Facilities	(913,073)	(1,235,777)	(2,148,850)
TOTALS	(545,741)	(2,067,551)	(2,613,292)

Because the sales tax passed in 2018 is a 10-year tax (October 1, 2018 through September 30, 2028), City officials have taken the approach that compliance with the expenditure requirements enumerated in the ordinance should be measured over that entire 10-year period rather than on a yearly basis. According to the City Finance Manager, City budgets are being developed to ensure that the total allocation is met by FY 2028 when the sales tax expires.

Objective 2

Determine if the City of Shawnee complied with city ordinance regarding city court fees specifically designated for technology and communications support, by confirming that earmarked funds were properly deposited, expended, and transferred as allowed.

Overall Conclusion

The City of Shawnee **complied** with the requirements of Ordinance 2574NS regarding individual city court fee expenditure items tested. However, the City **did not comply** with the ordinance by placing *Communications Support* and *Technology* fees into separate funds. See details below.

Court Fee Revenues

During the audit period the City *did not* have separate funds to ensure that fees were used for the purpose intended and any unused fees collected were carried forward to the subsequent fiscal year; therefore, they are *not in compliance* with the requirements of Ordinance 2574NS.

Finding

Ordinance 2574NS requires two separate \$10 fees for “technology” and “communications support” be added to court fines. Technology fee funds collected are to be used for the acquisition, operation, maintenance, repair, and replacement of data processing equipment and software related to the administration of the municipal criminal justice system, along with the costs of prosecution, as budgeted by the City Commission. Communications Support fee funds collected are to be used solely for police communications equipment and software, as budgeted by the City Commission. The ordinance further requires that fees collected for both funds be moved to designated fund balance accounts at the end of each fiscal year.

Given that both fees are \$10 per case, it would be expected that the total fees collected be evenly divisible by \$10 and be equal for each fee. This would indicate the same amount had been collected for each fee.¹¹ The totals were not divisible by \$10 and there is a \$15.25 variance between the totals of each fee for the entire audit period (\$108,470.00 - \$108,454.75 = \$15.25). We asked the City Finance Manager about this, and she stated that she believes the first issue to be caused by partial payments where the fees would then be pro-rated based on the amount of the actual payment. This appears to be a plausible explanation. Due to the insignificance of the variance between the two totals, we did not perform any specific procedures related to the variance.

Recommendation

We recommend the City establish separate funds to capture fees collected and reconcile remaining balances prior to submission of the trial balance to their third-party financial statement preparer for preparation of the ACFR to ensure compliance with Ordinance 2574NS.

¹¹ See page 4 of this report for actual collections.

Court Fee Expenditures and Transfers

Individual expenditures claimed by the City under 2574NS requirements are allowable and *complied* with those requirements. The City spent all of the fees collected for Communications Support for all fiscal years in the audit period. However, the City underspent the collected Technology fees every year except FY 2016, leaving a balance. There was no reconciliation process in place, and no separate funds, to ensure that all fees collected were expended as required by the ordinance.

Finding

According to the City Finance Manager, the budget amounts for account codes are used to ensure proper expenditure. The technology and communication fees could be used to fund particular budget account lines that met the defined ordinance expenditure requirements. The Finance Manager was unaware of the requirement specifying the separation of the technology and communication support fees collected into specific funds until brought to her attention by our office.

Actual expenditures (by category) were as follows:

Expenditures	FY 16	FY 17	FY 18	FY 19	FY 20	Total
Technology Fees	20,451.78	20,912.21	21,894.64	20,843.37	2,395.35	86,497.35
Communication Support Fees	22,408.00	29,932.00	55,854.66	113,008.73	113,008.73	334,212.12

When compared to fees collected, the variances (amount expended compared to amount of revenue collected) were as follows:

Variations (negative = underspent)	FY 16	FY 17	FY 18	FY 19	FY 20	Total
Technology Fees	2,577.78	(3,265.79)	(2,419.36)	(1,996.63)	(16,868.65)	(21,972.65)
Communication Support Fees	4,527.00	5,791.37	31,524.29	90,168.48	93,746.23	225,757.37

It should be noted that there was a timing issue on technology fees for FY 20. An invoice for \$19,036.91 that is typically paid in May or June was held and not paid until July of 2020 causing it to be categorized as an FY 21 expenditure. Based on the City’s calculations, the technology fee “fund” had an equity balance (unspent funds) of \$24,550.43 on June 30, 2020. Our calculations indicate this amount to be \$21,972.65. The variance is due to the City’s exclusion of the \$2,577.78 balance in the equity fund for FY 16, the first year the fee was in effect. The City’s calculations show the Communication Support Fee equity balance to be \$(225,757.37), indicating that since inception, the City has spent more than has been collected in fees for that category.

We judgmentally selected and reviewed detailed supporting documentation for expenditures to determine whether they met the ordinance requirements and were proper expenditures of the City.

The percent of expenditures tested to the total population of expenditures for each fee source and each year of the audit period follows:

Technology Fees

- 2016 - \$15,661.71 out of \$20,451.78, or 77% of the total population.
- 2017 - \$16,444.80 out of \$20,912.71, or 79% of the total population.
- 2018 - \$17,267.04 out of \$21,894.64, or 79% of the total population.
- 2019 - \$18,130.39 out of \$20,843.37, or 87% of the total population.
- 2020 - \$328.30 out of \$2,395.35, or 14% of the total population.

Communication Support Fees

- 2016 - \$5,602.00 out of \$22,408.00, or 25% of the total population.
- 2017 - \$7,483.00 out of \$29,932.00, or 25% of the total population.
- 2018 - \$55,854.66 out of \$55,854.66, or 100% of the total population.
- 2019 - \$28,252.13 out of \$113,008.73, or 25% of the total population.
- 2020 - \$28,252.13 out of \$113,008.73, or 25% of the total population.

Recommendation

The City should implement procedures and controls to ensure the total amount of Communication Support fees and Technology fees collected are expended as required by the ordinance. This could include a routine comparison of fees collected to funds spent. This should impact budgeting, fund allocation, and project planning decisions by City management.

Attachment 1 (page 1 of 6)

ORDINANCE NO. 1910NS

AN ORDINANCE AMENDING ORDINANCE NUMBERED 1080NS, AS AMENDED BY ORDINANCES NUMBERED 1337NS AND 1449NS, BY CHANGING THE PURPOSE FOR WHICH THE PROCEEDS OF THE ONE PERCENT (1%) SALES TAX LEVIED BY ORDINANCE 1080NS MAY BE USED; AMENDING THE PROVISION FOR TERMINATION TO MAKE SAID SALES TAX PERMANENT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1. DEFINITIONS. The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, Title 68, Oklahoma Statutes 1981, Section 1350 and following, as amended, are hereby adopted by reference and made a part of this Ordinance.

SECTION 2. EFFECTIVE DATE: Subject to approval of a majority of the registered voters of said City of Shawnee, voting on same as prescribed by law, this Ordinance shall become and be effective on and after approval by said voters.

SECTION 3. PURPOSE AND TERMINATION: Section 3 of Ordinance numbered 1080NS, as was amended by Ordinances 1337NS and 1449NS, is hereby amended in its entirety and changed to read as follows:

"Ordinance Number 763NS of the City of Shawnee is hereby amended by the addition of the following Section:

I. **ADDITIONAL 1-CENT SALES TAX: PURPOSE.** It is hereby declared that the additional one percent (1%) sales tax levied by this ordinance shall be in addition to the other sales tax levied by Ordinance Numbered 763NS and shall be used by the City or transferred to any public trust of which the City is the beneficiary to be used and dedicated as follows: 7/8ths of the one percent (1%) to be used for (i) capital improvements, (ii) economic development, or (iii) the payment of debt service and other requirements that may be required by any document securing the payment of bonds issued by the City or a public trust of which the City is the beneficiary; (iv) 1/16th of the one percent (1%) to be used for the salaries, equipping, training and hiring of Shawnee Police Officers in excess of the 1998-99 funding levels; and (v) 1/16th of the one percent (1%) to be used for the salaries, equipping, training and hiring of Shawnee Firefighters in excess of the 1998-99 funding levels."

II. "There is hereby established two limited-purpose tax funds to be known as the Police Special Tax Fund and the Fire Special Tax Fund, into which all collections made under Section I(iv) and Section I(v), respectively, shall be deposited. Monies in said special tax funds shall be accumulated from year to year and shall be placed in an insured interest-bearing account, and the interest which accrues on said funds shall be retained in the funds. Said funds shall be non-fiscal in nature. Monies in said funds shall be appropriated and expended for the purposes described in Section I(iv) and Section I(v), respectively."

Attachment 1 (page 2 of 6)

III. "Provided that the additional one percent (1%) sales tax provided for hereby shall become permanent commencing on July 1, 1999."

SECTION 4. SEVERABILITY. The provisions of this ordinance are declared to be severable, and if any section, paragraph, sentence or clause of this ordinance is for any reason held invalid or inoperative by any Court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence or clause thereof.

SECTION 5. EMERGENCY. Whereas it is immediately necessary for the preservation of the public health, peace and safety of the City of Shawnee and the inhabitants thereof that the proceeds of said sales tax be used for the purposes above set out and that the provisions of this Ordinance become operable immediately, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon passage and approval.

PASSED AND APPROVED this 21st day of December, 1998.


CHRIS HARDEN, MAYOR

ATTEST:


DIANA HALLOCK, CMC, CITY CLERK

(SEAL)

Attachment 1 (page 3 of 6)

3 OFFICIAL MUNICIPAL ABSENTEE BALLOT 3
SPECIAL ELECTION
MARCH 2, 1999
CITY OF SHAWNEE
POTTAWATOMIE COUNTY, OKLAHOMA

OFFICIAL MUNICIPAL ABSENTEE BALLOT
SPECIAL ELECTION
MARCH 2, 1999
CITY OF SHAWNEE
POTTAWATOMIE COUNTY, OKLAHOMA

TO VOTE: Complete the arrow(s) pointing to your choice(s). Use this
USE A #2 PENCIL (NO INK)

PROPOSITION

PROPOSITION

"SHALL ORDINANCE NUMBERED 1910NS ADOPTED ON THE 21ST DAY OF DECEMBER, 1998, BE APPROVED, AMENDING ORDINANCE NUMBERED 10800NS TO EXPAND THE PURPOSES FOR WHICH THE PROCEEDS OF THE ONE PERCENT (1%) SALES TAX LEVIED THEREBY MAY BE USED TO INCLUDE: (A) 7/8THS OF THE ONE PERCENT (1%) TO BE DEDICATED TO (i) CAPITAL IMPROVEMENTS, (ii) ECONOMIC DEVELOPMENT, OR (iii) THE PAYMENT OF DEBT SERVICE ON BONDS ISSUED BY THE CITY OR A PUBLIC TRUST OF WHICH THE CITY IS THE BENEFICIARY; (B) 1/16TH OF THE ONE PERCENT (1%) TO BE DEDICATED FOR SALARIES, EQUIPPING, TRAINING AND HIRING OF SHAWNEE POLICE OFFICERS IN EXCESS OF THE 1998-1999 FUNDING LEVELS; (C) 1/16TH OF THE ONE PERCENT (1%) DEDICATED FOR THE SALARIES, EQUIPPING, TRAINING AND HIRING OF SHAWNEE FIREFIGHTERS IN EXCESS OF THE 1998-1999 FUNDING LEVELS; TO ESTABLISH POLICE AND FIRE SPECIAL TAX FUNDS FOR THE MONIES COLLECTED UNDER SECTIONS (B) AND (C); AND ESTABLISH SAID ONE PERCENT (1%) SALES TAX TO BECOME PERMANENT ON JULY 1, 1999?"

FOR THE PROPOSITION - YES

AGAINST THE PROPOSITION - NO

Attachment 1 (page 4 of 6)

PROOF OF PUBLICATION

In the District Court:

STATE OF OKLAHOMA, County of POTTAWATOMIE, SS.

Shawnee Ord. 1910:

Gaye Etheridge, of lawful age, being duly sworn and authorized, says that she is agent for the editor of The Shawnee Sun, a weekly newspaper printed in the English language, in the City of Shawnee, Pottawatomie County, Oklahoma, having a paid general subscription circulation in said County, with entrance into the United States mails as second class mail matter in Pottawatomie County, and published and printed in said County where delivered to

wspaper has been continuously and uninterruptedly period of one hundred four (104) consecutive weeks n of the attached notice, advertisement or publication; the requirements of Chapter 4 of Title 25, Oklahoma ies with all other requirements of the laws of Oklahoma

is attached hereto, was published in the regular edition and time of publication and not in a supplement, on the

January 7, 1999

Gaye Etheridge
Agent for the Editor

7th day of January, 1999.

Floria Potte
Notary Public

My Commission Expires Dec. 27, 2001



Attachment 1 (page 5 of 6)

(ATTACH A COPY OF NOTICE TO
SPACE BELOW)

Legals

ORDINANCE NO. 1910NS
AN ORDINANCE AMENDING ORDINANCE NUMBERED 1080NS, AS AMENDED BY ORDINANCES NUMBERED 1337NS AND 1449NS, BY CHANGING THE PURPOSE FOR WHICH THE PROCEEDS OF THE ONE PERCENT (1%) SALES TAX LEVIED BY ORDINANCE 1080NS MAY BE USED; AMENDING THE PROVISION FOR TERMINATION TO MAKE SAID SALES TAX PERMANENT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
BE IT ENACTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:
SECTION 1. DEFINITIONS. The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, Title 68, Oklahoma Statutes 1981, Section 1350 and following, as amended, are hereby adopted by reference and made a part of this Ordinance.
SECTION 2. EFFECTIVE DATE: Subject to approval of a majority of the registered voters of said City of Shawnee, voting on same as prescribed by law, this Ordinance shall become and be effective on and after approval by said voters.
SECTION 3. PURPOSE AND TERMINATION: Section 3 of Ordinance numbered 1080NS, as amended, is hereby amended so that the proceeds of said sales tax be used for the purposes above set out and that the provisions of this Ordinance become operable immediately, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon passage and approval.
PASSED AND APPROVED this 21st day of December, 1998.
/s/Chris Harden
MAYOR

In the _____ Court of Pottawatomie County, State of Oklahoma

AFFIDAVIT OF PUBLICATION

State of Oklahoma)
County of Pottawatomie) SS.

Donna Nichols, of lawful age, being duly sworn and authorized, says that she is the legal advertising secretary of the Shawnee News-Star, a daily newspaper printed in the City of Shawnee, Pottawatomie County, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1971, as amended, and complies with all other requirements of the laws of Oklahoma with reference to legal publications.

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 following dates: January 3, 1999.

Publishing Fee: \$75.66

Donna Nichols
Signature

Subscribed and sworn to before me this 4th day of January, 1999.

Jeri McEntire
Notary Public

My commission expires:
04-30-99

Attachment 1 (page 6 of 6)

OFFICIAL MUNICIPAL QUESTION BALLOT
SPECIAL ELECTION, 2ND DAY OF MARCH, 1999
City of Shawnee, Pottawatomie County, Oklahoma

PROPOSITION

"SHALL ORDINANCE NUMBERED 1910NS ADOPTED ON THE 21ST DAY OF DECEMBER, 1998, BE APPROVED, AMENDING ORDINANCE NUMBERED 1080NS TO EXPAND THE PURPOSES FOR WHICH THE PROCEEDS OF THE ONE PERCENT (1%) SALES TAX LEVIED THEREBY MAY BE USED TO INCLUDE: (A) 7/8THS OF THE ONE PERCENT (1%) TO BE DEDICATED TO (i) CAPITAL IMPROVEMENTS, (ii) ECONOMIC DEVELOPMENT, OR (iii) THE PAYMENT OF DEBT SERVICE ON BONDS ISSUED BY THE CITY OR A PUBLIC TRUST OF WHICH THE CITY IS THE BENEFICIARY; (B) 1/16TH OF THE ONE PERCENT (1%) TO BE DEDICATED FOR SALARIES, EQUIPPING, TRAINING AND HIRING OF SHAWNEE POLICE OFFICERS IN EXCESS OF THE 1998-1999 FUNDING LEVELS; (C) 1/16TH OF THE ONE PERCENT (1%) DEDICATED FOR THE SALARIES, EQUIPPING, TRAINING AND HIRING OF SHAWNEE FIREFIGHTERS IN EXCESS OF THE 1998-1999 FUNDING LEVELS; TO ESTABLISH POLICE AND FIRE SPECIAL TAX FUNDS FOR THE MONIES COLLECTED UNDER SECTIONS (B) AND (C); AND ESTABLISH SAID ONE PERCENT (1%) SALES TAX TO BECOME PERMANENT ON JULY 1, 1999?"

_____ YES – FOR THE PROPOSITION

_____ NO – AGAINST THE PROPOSITION

Attachment 2 (page 1 of 6)

ORDINANCE NO. 2633NS

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE HALF OF ONE PERCENT (0.5%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE) TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR NO REPEAL OF TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA, AS FOLLOWS:

Section 1. Citations and Codification. This Ordinance shall be known and may be cited as the City of Shawnee Sales Tax Ordinance of 2018, and the same shall be codified and incorporated into the Code of Ordinances of the City of Shawnee, Oklahoma.

Section 2. Tax Imposed. There is hereby imposed an excise tax of one half of one percent (0.5%) (in addition to any and all other excise taxes now in force) to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

Section 3. Purpose of Revenues. It is hereby declared to be the purpose of this Ordinance to provide revenues to be used for the funding of capital expenditures, all for the use and benefit of the City of Shawnee, Oklahoma (the "City") and any public trust having the City as beneficiary thereof and/or for the payment of debt service in connection with obligations heretofore issued or to be issued to finance or refinance said capital expenditures and related costs. Said one half of one percent (0.5%) excise tax shall be allocated for capital expenditures in the following manner: (a) one eighth of one percent (0.125%) excise tax shall be expended for police, fire, and emergency management capital expenditures, (b) one eighth of one percent (0.125%) excise tax shall be expended for street and road project capital expenditures, and (c) one quarter of one percent (0.25%) excise tax shall be expended for public parks and public facilities capital expenditures.

Section 4. Effective Date and Termination Date. The provisions of this Ordinance and the collection of the excise tax referenced herein shall become effective on and after October 1, 2018, subject to approval by a majority of the qualified electors of the City voting on the same in the manner prescribed by law. The provisions of this Ordinance and the collection of the excise tax referenced herein shall terminate and shall cease to be levied after September 30, 2028.

Section 5. No Repeal of Tax. This Ordinance and the excise tax levied pursuant hereto shall not be repealed by the City Commission of the City or by referendum of the registered qualified voters of the City in the event the proceeds of the referenced excise tax are being used or have been pledged by the City or any public trust having the City as beneficiary for the purpose of paying debt service on obligations issued by the City or any public trust having the City as beneficiary.

Section 6. Subsisting State Permits. All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purposes of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

Attachment 2 (page 2 of 6)

Section 7. Payment of Tax. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form prescribed for payment of the state sales tax under the State Tax Law of the State of Oklahoma.

Section 8. This Tax in Addition to Taxes Currently Levied; Administrative Procedures. The tax levied hereby is in addition to any and all other excise taxes levied or assessed by the City pursuant to existing ordinances (the "Prior Ordinances"); provided, however, that those provisions of said Prior Ordinances relating to Definitions; Tax Collector Defined; Classification of Taxpayers; Subsisting State Permits; the portion of Tax Rate - Sales Subject to Tax, pertaining to Sales Subject to Tax (not rate of Tax); the provisions of said Prior Ordinances regarding Exemptions and Other Exempt Transfers; the provisions of said Prior Ordinances regarding Tax Due When--Returns--Records; the portion of said Prior Ordinances regarding tax constituting debt; Vendor's Duty to Collect Tax; Returns and Remittances - Discounts; Interest and Penalties--Delinquency; Waiver of Interest and Penalties; Erroneous Payments--Claim for Refund; Fraudulent Returns; and Records Confidential shall apply to the excise tax levied and assessed by this Ordinance. For purposes of this Ordinance, references in Prior Ordinances, to specific provisions of the Oklahoma Statutes shall be deemed to be references to said statutory provisions, as amended.

Section 9. Amendments. The people of the City of Shawnee, Oklahoma, by their approval of this Ordinance at the election hereinabove provided for, hereby authorize the City by Ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness or in order to make the same consistent with the Oklahoma Sales Tax Code, as amended, except that the rate of the tax herein provided for shall not be changed without approval of the qualified electors of the City as provided by law.

Section 10. Provisions Cumulative. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.

Section 11. Severability. The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

PASSED AND APPROVED THIS 2ND DAY OF APRIL, 2018.



Phyllis Loftis
PHYLLIS LOFTIS, CMC, CITY CLERK

CITY OF SHAWNEE, OKLAHOMA

Richard Finley
RICHARD FINLEY, MAYOR

Approved as to form and legality this 2 day of April, 2018.

Joseph M Vorndran
JOSEPH M VORNDRAN, CITY ATTORNEY

Attachment 2 (page 3 of 6)

CERTIFICATE
OF
CITY COMMISSION ACTION

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of the City of Shawnee, Oklahoma.

I further certify that the City Commission of the City of Shawnee, Oklahoma, held a Regular Meeting at 6:00 o'clock p.m., on April 2, 2018, after due notice was given in full compliance with the Oklahoma Open Meeting Act.

I further certify that attached hereto is a full and complete copy of Ordinance No. 2633NS that was passed and approved by said City Commission at said meeting as the same appears in the official records of my office.

I further certify that below is listed those Commissioners present and absent at said meeting; those making and seconding the motion that said Ordinance be passed and approved, and those voting for and against such motion:

PRESENT: BUSHONG, GILLHAM, HARROD, FINLEY, RUTHERFORD, SHAW, SALTER

ABSENT: NONE

MOTION MADE BY: HARROD

MOTION SECONDED BY: RUTHERFORD

AYE: HARROD, RUTHERFORD, BUSHONG, GILLHAM, FINLEY, SHAW, SALTER

NAY: NONE

WITNESS MY HAND THIS 2ND DAY OF APRIL, 2018.

CITY OF SHAWNEE, OKLAHOMA


PHYLLIS LOFTIS, CMC, CITY CLERK



Attachment 2 (page 4 of 6)

Affidavit of Publication

The Shawnee News-Star
215 N. Bell
Shawnee OK 74801
(405) 273-4200

ORDINANCE NO. 2633NS

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE HALF OF ONE PERCENT (0.5%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE) TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR NO REPEAL OF TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

State of Oklahoma
County of Pottawatomie

I, Wanda Westerman, of lawful age, being duly sworn upon oath, deposes and says that I am the Legal Advertising Account Executive of The Shawnee News-Star, a Daily publication that is a "legal newspaper" as that phrase is defined in 25 O.S. §106 for the City of Shawnee, for the County of Pottawatomie, in the State of Oklahoma, and that the attachment hereto contains a true and correct copy of what was actually published in said legal newspaper in consecutive issues on the following date(s):

Insertion Date(s): Apr. 5th, 2018
Publishing Fee: \$187.50

Wanda Westerman
Wanda Westerman, Account Executive

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA, AS FOLLOWS:

Signed and sworn to before me this 5th day of Apr., 2018.

Section 1. Citations and Codification. This Ordinance shall be known and may be cited as the City of Shawnee Sales Tax Ordinance of 2018, and the same shall be codified and incorporated into the Code of Ordinances of the City of Shawnee, Oklahoma.

Danielle Shoopman

Danielle Shoopman, Notary Public
My Commission Expires: March 5th, 2022
Commission No 18002220

Section 2. Tax Imposed. There is hereby imposed an excise tax of one half of one percent (0.5%) (in addition to any and all other excise taxes now in force) to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.



Section 3. Purpose of Revenues. It is hereby declared to be the purpose of this Ordinance to provide revenues to be used for the funding of capital expenditures, all for

Attachment 2 (page 5 of 6)

the use and benefit of the City of Shawnee, Oklahoma (the "City") and any public trust having the City as beneficiary thereof and/or for the payment of debt service in connection with obligations heretofore issued or to be issued to finance or refinance said capital expenditures and related costs. Said one half of one percent (0.5%) excise tax shall be allocated for capital expenditures in the following manner: (a) one eighth of one percent (0.125%) excise tax shall be expended for police, fire, and emergency management capital expenditures, (b) one eighth of one percent (0.125%) excise tax shall be expended for street and road project capital expenditures, and (c) one quarter of one percent (0.25%) excise tax shall be expended for public parks and public facilities capital expenditures.

Section 4. Effective Date and Termination Date. The provisions of this Ordinance and the collection of the excise tax referenced herein shall become effective on and after October 1, 2018, subject to approval by a majority of the qualified electors of the City voting on the same in the manner prescribed by law. The provisions of this Ordinance and the collection of the excise tax referenced herein shall terminate and shall cease to be levied after September 30, 2028.

Section 5. No Repeal of Tax. This Ordinance and the excise tax levied pursuant hereto shall not be repealed by the City Commission of the City or by referendum of the registered qualified voters of the City in the event the proceeds of the referenced excise tax are being used or have been pledged by the City or any public trust having the City as beneficiary for the purpose of paying debt service on obligations issued by the City or any public trust having the City as beneficiary.

Section 6. Subsisting State Permits. All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purposes of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

Section 7. Payment of Tax. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form prescribed for payment of the state sales tax under the State Tax Law of the State of Oklahoma.

Section 8. This Tax in Addition to Taxes Currently Levied; Administrative Procedures. The tax levied hereby is in addition to any and all other excise taxes levied or assessed by the City pursuant to existing ordinances (the "Prior Ordinances"); provided, however,

Attachment 2 (page 6 of 6)

that those provisions of said Prior Ordinances relating to Definitions; Tax Collector Defined; Classification of Taxpayers; Subsisting State Permits; the portion of Tax Rate - Sales Subject to Tax, pertaining to Sales Subject to Tax (not rate of Tax); the provisions of said Prior Ordinances regarding Exemptions and Other Exempt Transfers; the provisions of said Prior Ordinances regarding Tax Due When--Returns--Records; the portion of said Prior Ordinances regarding tax constituting debt; Vendor's Duty to Collect Tax; Returns and Remittances - Discounts; Interest and Penalties--Delinquency; Waiver of Interest and Penalties; Erroneous Payments--Claim for Refund; Fraudulent Returns; and Records Confidential shall apply to the excise tax levied and assessed by this Ordinance. For purposes of this Ordinance, references in Prior Ordinances, to specific provisions of the Oklahoma Statutes shall be deemed to be references to said statutory provisions, as amended.

Section 9. Amendments. The people of the City of Shawnee, Oklahoma, by their approval of this Ordinance at the election hereinabove provided for, hereby authorize the City by Ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness or in order to make the same consistent with the Oklahoma Sales Tax Code, as amended, except that the rate of the tax herein provided for shall not be changed without approval of the qualified electors of the City as provided by law.

Section 10. Provisions Cumulative. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.

Section 11. Severability. The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions thereof.

PASSED AND APPROVED THIS 2ND DAY OF APRIL, 2018.

CITY OF SHAWNEE, OKLAHOMA

/s/ RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

/s/ PHYLLIS LOFTIS, CMC, CITY CLERK
(Published in the Shawnee News-Star on April 5th, 2018)

Attachment 3 (page 1 of 2)

ORDINANCE NO. 2574NS

AN ORDINANCE REPEALING AND AMENDING SECTION 1-10 OF THE SHAWNEE MUNICIPAL CODE, RELATING TO PENALTIES, FINES AND FEES; PROVIDING FOR A TECHNOLOGY FEE; PROVIDING FOR A COMMUNICATIONS SUPPORT FEE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND DECLARING AN EMERGENCY.

WHEREAS, the cost of acquiring, maintaining, operating, repair and replacement of equipment and software related to the administration of the municipal court system and the costs of prosecution has risen; and

WHEREAS, the cost of acquiring, maintaining, operating, repair and replacement of communications equipment and software related to the provision of police services has risen; and

WHEREAS, the need for technology and communications support is related to the successful and efficient operation of both the municipal court and the police department; and

WHEREAS, the Mayor and City Commission find that it is in the best interest of the citizens of the City of Shawnee that fees be added to fines set for conviction of violations of municipal ordinances:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA, THAT CHAPTER 1 OF THE SHAWNEE MUNICIPAL CODE BE AMENDED AS FOLLOWS:

SECTION 1. AMENDATORY: That Section 1-10 of the Shawnee Municipal Code is hereby repealed and amended to read as follows

Section 1-10. General Penalty

- a) Whenever in this Code or in other ordinance of the city, or in any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him, or it, any act is prohibited or is made or declared to be unlawful, it shall be a misdemeanor unless otherwise specifically stated; and where no specific penalty is provided therefore, the violation of any such provision of this Code or any other ordinance of the city, or such rule, regulation, or order, shall be punished as follows:
 - 1) If the violation is a Class A offense, it shall be punished by a fine not exceeding \$750.00 and costs, and/or by imprisonment not exceeding 60 days, or by both such fine and imprisonment;
 - 2) If the violation is a Class B offense, it shall be punished by a fine not exceeding \$200.00 and costs;
 - 3) If the violation is a Class C offense, it shall be punished by a fine not exceeding \$500.00 and costs;
 - 4) If the violation is a Class D offense, it shall be punished by a fine not exceeding \$1,000.00 and costs, and/or by imprisonment not exceeding 90 days, or, by both such fine and imprisonment.

If any act or omission is declared to be a Class A, Class B, Class C, or Class D offense, it shall be punishable as indicated above. In the absence of any other penalty, an offense shall be a Class C offense.

- b) Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits.

Attachment 3 (page 2 of 2)

- c) Whenever a person either commits an act that is prohibited or declared to be unlawful or a misdemeanor, or fails to perform any required act, the failure of which is declared to be unlawful or a misdemeanor and that person is punished by a fine, there shall be added to each fine a technology fee in the amount of Ten Dollars (\$10.00). The fee will be deposited in a technology account. At the end of the fiscal year, the funds in this account will be moved to a designated fund balance account to be used solely and exclusively for the acquisition, operation, maintenance, repair and replacement of data processing equipment and software related to the administration of the municipal criminal justice system and the costs of prosecution, as budgeted by the City Commission.
- d) Whenever a person either commits an act that is prohibited or declared to be unlawful or a misdemeanor, or fails to perform any required act, the failure of which is declared to be unlawful or a misdemeanor and that person is punished by a fine, there shall be added to each fine a communications support fee in the amount of Ten Dollars (\$10.00). The fee will be deposited in a communications support account. At the end of the fiscal year, the funds in this account will be moved to a designated fund balance account to be used solely for police communications equipment and software, as budgeted by the where the funds can be spent only for police radio equipment as budgeted by the City Commission.

SECTION 3. REPEALER. All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance are repealed.

SECTION 4. CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

SECTION 5. SEVERABILITY. The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

SECTION 6. EMERGENCY. Because it is necessary for the protection of the public's health, safety, and welfare, an emergency is declared to exist. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND APPROVED this 8th day of Sept., 2015.

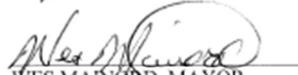

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

(SEAL)

Emergency separately approved this 8th day of Sept., 2015:


WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 8 day of Sept., 2015.


MARY ANN KARNS
CITY ATTORNEY

n:\attorney\ordinances\police technology and radio fee.doc

Attachment 4

Sec. 1-10. General penalty.

- (a) Whenever in this Code or in other ordinance of the city, or in any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him, or it, any act is prohibited or is made or declared to be unlawful, it shall be a misdemeanor unless otherwise specifically stated; and where no specific penalty is provided therefore, the violation of any such provision of this Code or any other ordinance of the city, or such rule, regulation, or order, shall be punished as follows:
- (1) If the violation is a Class A offense, it shall be punished by a fine in an amount as described in the city fee schedule and costs, and/or by imprisonment not exceeding 60 days, or by both such fine and imprisonment;
 - (2) If the violation is a Class B offense, it shall be punished by a fine in an amount as described in the city fee schedule and costs;
 - (3) If the violation is a Class C offense, it shall be punished by a fine in an amount as described in the city fee schedule and costs;
 - (4) If the violation is a Class D offense, it shall be punished by a fine in an amount as described in the city fee schedule and costs, and/or by imprisonment not exceeding 90 days, or, by both such fine and imprisonment.
- (b) If any act or omission is declared to be a Class A, Class B, Class C, or Class D offense, it shall be punishable as indicated in subsection (a) of this section. In the absence of any other penalty, an offense shall be a Class C offense.
- (c) Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits.
- (d) Whenever a person either commits an act that is prohibited or declared to be unlawful or a misdemeanor, or fails to perform any required act, the failure of which is declared to be unlawful or a misdemeanor and that person is punished by a fine, there shall be added to each fine a technology fee in an amount as described in the city fee schedule. The fee will be deposited in a technology account. At the end of the fiscal year, the funds in this account will be moved to a designated fund balance account to be used solely and exclusively for the acquisition, operation, maintenance, repair and replacement of data processing equipment and software related to the administration of the municipal criminal justice system and the costs of prosecution, as budgeted by the city commission.
- (e) Whenever a person either commits an act that is prohibited or declared to be unlawful or a misdemeanor, or fails to perform any required act, the failure of which is declared to be unlawful or a misdemeanor and that person is punished by a fine, there shall be added to each fine a communications support fee in an amount as described in the city fee schedule. The fee will be deposited in a communications support account. At the end of the fiscal year, the funds in this account will be moved to a designated fund balance account to be used solely for police communications equipment and software, as budgeted by the where the funds can be spent only for police radio equipment as budgeted by the city commission.

(Code 1986, § 1-7; Code 2002, § 1-10; Ord. No. 1948NS, § 1, 11-1-1999; Ord. No. 1997NS, § 1, 2-20-2001; Ord. No. 2618NS, § 1, 7-6-2004; Ord. No. 2394NS, § 1, 2-17-2009; Ord. No. 2532NS, §§ 2, 3, 3-3-2014; Ord. No. 2574NS, § 1, 9-8-2015)

State law reference(s)—Penalties generally, 11 O.S. §§ 14-111, 27-104, 27-119; misdemeanor punishment, 21State law reference(s)— O.S. § 10.

O·K·L·A·H·O·M·A
S·A·I
STATE AUDITOR & INSPECTOR



Cindy Byrd, CPA | State Auditor & Inspector

2300 N. Lincoln Blvd., Room 123, Oklahoma City, OK 73105 | 405.521.3495 | www.sai.ok.gov