

Council Chambers
Municipal Building
February 4, 2009

The McAlester City Council met in a special session on Wednesday, February 4, 2009, at 5:00 P.M. after proper notice and agenda was posted February 2, 2009, at 4:30 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Kevin E. Priddle

ROLL CALL

Council Roll Call was as follows:

Present: Donnie Condit, John Browne, Buddy Garvin, Haven Wilkinson, Sam Mason & Mayor Priddle
Absent: Chris Fiedler
Presiding: Kevin E. Priddle, Mayor

Staff Present: Mark Roath, City Manager; William J. Ervin, Sr., City Attorney and Cora Middleton, City Clerk

SCHEDULED BUSINESS

- 1. Consider, and act upon, Resolution authorizing the calling and holding of a Special Election in the City of McAlester, County of Pittsburg, State of Oklahoma, on Tuesday, April 7, 2009, for the purpose of submitting to the Qualified Electors of the City of McAlester, Oklahoma, the Question of their approval or rejection of Ordinance No. 2312 relating to the City Sales Tax; providing for said election to be conducted by the Pittsburg County Election Board; Providing that Polls shall be open continuously from 7:00 A.M. to 7:00 P.M.; Providing for Separability.**
(William J. Ervin, City Attorney)

Councilman Browne moved for approval of **RESOLUTION NO. 09-01**, authorizing a Special Election. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Mr. Ervin explained that this resolution was required for the City to have an election and that this election was to provide for clarification of the use of part of the surplus funds collected on the one cent sales tax that were above the principal and interest payments.

Mayor Priddle stated that the sub-committee had worked on this and the language in the original ordinance was not specific as to how the funds could be used. He added that this proposition would give better detail.

Mr. Roath commented on the spelling of waste water in the proposition. He explained that it had been spelled differently in two (2) places and it needed to be uniform for the proposition.

Councilman Browne stated that this would not change the tax or extend it. It was just clarifying how the tax could be used.

Councilman Mason commented that the resolution was an instrument to set the election and not set the language for the election.

The City Clerk stated that the resolution was the only document for the election that was submitted to the County Election Board and the wording of the ballot was from the resolution.

There was discussion among the Council regarding the words maintain and maintenance, if the funds could be used for payroll, what constituted maintenance and what constituted construction, having the ability to repair or replace water lines, sewer lines and streets as needed and if the citizens voting on this proposition would understand this.

There was discussion between Mr. Ervin and Councilman Mason regarding the competitive bidding act and they would need to distinguish from maintenance and construction.

Mayor Priddle stated that the wording was pretty standard and well written. He added that if they tried to tighten this down it could become too lengthy and not be understandable.

Mr. Ervin commented that it was the Council's prerogative on how the money was spent. He added that if it was not in the proposition, it was not authorized.

Mr. Roath stated that it was in a separate fund and budgeted by the Council. He added that he thought that the language could be amended at a later date to tighten the use but he would defer that to the City Attorney's office.

Mr. Ervin commented that the change to the spelling could be made before the resolution was adopted and submitted to the Election Board.

Councilman Mason asked if they were dealing with one (1) issue or two (2) different issues.

Mayor Priddle commented that he thought they were just clarifying two (2) words.

Mr. Ervin commented that he thought it all related to the expenditure of the excess money so he would say it was one (1) subject. He added that the ordinance that the Council would consider later limited it to eighty percent (80%) of the excess but it was still dealing with the tax.

Councilman Mason asked if the wording in the ordinance could differ from the wording in the resolution. He also asked if this addressed only the current excess sales tax or the past sales tax.

Mr. Ervin stated that he thought the wording in the resolution and the ordinance were compatible. He added that it would be retroactive.

There was a brief discussion about the use of the funds that had already been set aside, if it was possible that the monies being held in reserve were being handled incorrectly and that it was a question of the voters to trust the Council in what they decide to do.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

ADJOURNMENT

There being no further business to come before the Council, Councilman Wilkinson moved for the meeting to be adjourned, seconded by Councilman Condit. The vote was taken as follows:

AYE: Councilman Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 5:35 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk