

RESOLUTION NO. 2020-11

A RESOLUTION OF THE CITY OF COWETA, WAGONER COUNTY, OKLAHOMA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON THE 25th DAY OF AUGUST 2020, FOR THE PURPOSE OF SUBMITTING AN ORDINANCE FOR APPROVAL BY THE QUALIFIED ELECTORS WHICH GRANTS TO PUBLIC SERVICE COMPANY OF OKLAHOMA, AN OKLAHOMA CORPORATION, A NON-EXCLUSIVE FRANCHISE FOR 25 YEARS TO BUILD, EQUIP, MAINTAIN, EXTEND, OWN, AND OPERATE A SYSTEM FOR THE MANUFACTURE, TRANSMISSION, DISTRIBUTION, SALE, AND CONTROL OF ELECTRICITY AND COMMUNICATIONS CIRCUITS FOR ITSELF AND OTHERS IN AND TO THE CITY AND THE PUBLIC GENERALLY, TO A VOTE OF THE REGISTERED VOTERS OF THE CITY FOR THEIR APPROVAL OR DISAPPROVAL; SPECIFYING THE QUESTION TO BE VOTED UPON AT THE SPECIAL ELECTION AND FURTHER DIRECTING THE DISTRIBUTION AND PUBLICATION OF THIS RESOLUTION.

RECITALS

Article 18, §5(a) of the Oklahoma Constitution provides that no grant of a franchise by a municipal corporation will be valid unless approved by a majority vote of the qualified electors of a city.

By a vote on April 6, 2020, this City Council approved an Ordinance calling for a special election to be set to approve, or not, the franchise granted in the Ordinance.

The franchise, if approved, would grant to Public Service Company of Oklahoma, an Oklahoma Corporation, a non-exclusive franchise for 25 years to build, equip, maintain, extend, own, and operate a system for the manufacture, transmission, distribution, sale, and control of electricity and information distribution in and to the City and the public generally.

Upon the adoption of this Resolution, the Mayor of Coweta, Oklahoma, shall proclaim a special election to submit the Ordinance for approval or disapproval by the qualified electors of the City of Coweta.

Oklahoma statutes 11 O.S. §16-101 and §16-304 require that notice of a special election must be given by publishing the Resolution of the municipal governing body calling for the special election at least ten days before the date of the special election, or if there is no newspaper of general circulation in the municipality, the notice must be given by posting a copy of the Resolution in at least five public places in the municipality.

RESOLUTIONS

BE IT RESOLVED THAT the City of Coweta, Oklahoma, as required by the Constitution and Oklahoma statutes shall call a special election for the purpose of submitting an Ordinance to the registered voters of the City of Coweta for their approval or disapproval, the Ordinance granting to Public Service Company of Oklahoma, an Oklahoma Corporation, a non-exclusive franchise for 25 years to build, equip, maintain, extend, own, and operate a system for the manufacture, transmission, distribution, sale, and control of electricity and communication circuits for distribution of information in and to the City and the public generally.

AND, BE IT FURTHER RESOLVED that the Mayor of the City of Coweta shall call a special election on the 25th day of August 2020, to be administered by the Wagoner County Election Board.

AND, BE IT FURTHER RESOLVED by the City Council that the question to be voted upon at a special election will be as follows:

PROPOSITION

An ordinance granting to Public Service Company of Oklahoma (PSO) the right, privilege and non-exclusive franchise for 25 years to build, equip, maintain, extend, own and operate a system for the manufacture, transmission, distribution, sale, and control of electricity and communications circuits for itself and others in, under, over, across, through, and along any and all of the present and future streets, alleys, avenues, ways, and other public places and grounds within the limits of the City of Coweta, Wagoner County, Oklahoma; and granting PSO the right to operate an electric business pursuant to reasonable rules and regulation by the Oklahoma Corporation Commission; with PSO agreeing to charge legal rates for such electric service; and, if possible, to sell and deliver to the City all electricity and services requested by it; providing for payment to the City by PSO of a monthly fee on gross receipts from the delivery and sale of electricity; and providing for the repeal of conflicting ordinances; and declaring an emergency.

Shall the proposed ordinance be approved?

FOR THE PROPOSITION - YES

AGAINST THE PROPOSITION - NO

AND, BE IT FURTHER RESOLVED that the City Council does direct the City Clerk of the City of Coweta to cause this Resolution to be published in a legally qualified newspaper one time within 15 days after adoption of this Resolution, or post a copy of this Resolution in at least five public places in the municipality if the Resolution cannot be published in accordance with law, the publication or posting being for the purpose of giving notice of the special election to be held on the 25th day of August 2020.

SIGNED by the Mayor of the City of Coweta, Wagoner County, Oklahoma, this _____ day of _____, 2020.

Evette Morris, Mayor of the City of Coweta

(SEAL)

ATTEST:

Julie Casteen, City Clerk

APPROVED:

Ronald D. Cates, City Attorney