

NOTICE AND AGENDA
CITY COUNCIL OF BLANCHARD, OKLAHOMA
SPECIAL MEETING
FRIDAY, MARCH 4, 2022 AT 2:30 p.m.

IN COMPLIANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, THE CITY COUNCIL OF THE CITY OF BLANCHARD, WILL HOLD A SPECIAL MEETING ON FRIDAY, MARCH 4, 2022 AT 2:30 P.M., IN THE CITY HALL CONFERENCE ROOM LOCATED AT 122 N. MAIN STREET, BLANCHARD, OKLAHOMA, AS CALLED ON THURSDAY, FEBRUARY 24, 2022, BY THE MAYOR OF THE CITY OF BLANCHARD TO ADDRESS THE AGENDA ITEMS STATED IN THIS NOTICE AND AGENDA. THE AGENDA WILL CONSIST OF THE DISCUSSION, CONSIDERATION AND APPROPRIATE ACTION ON THE FOLLOWING ITEMS:

1. CALL TO ORDER SPECIAL MEETING.
2. ROLL CALL.
3. DISCUSSION, CONSIDERATION AND TAKE APPROPRIATE ACTION, INCLUDING, BUT NOT LIMITED TO, APPROVAL, DENIAL, AMENDMENT, REVISION OR CONDITIONAL APPROVAL, IN WHOLE OR IN PART OF APPROVING ORDINANCE NO. 753, AMENDING THE USE TAX CODE OF THE CITY OF BLANCHARD BY LEVYING AND ASSESSING AN EXCISE TAX EQUAL TO THE PREVAILING SALES TAX RATE LEVIED BY THE CITY OF BLANCHARD ON THE PURCHASE PRICE UPON THE STORAGE, USE OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY PURCHASED OUTSIDE THE STATE OF OKLAHOMA AND BROUGHT INTO THE CITY OF BLANCHARD, OKLAHOMA; PROVIDING FOR THE AUTOMATIC CHANGE IN USE TAX RATE UPON CHANGE IN THE PREVAILING SALES TAX RATE; PROVIDING FOR SEVERABILITY OF THE SECTIONS OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.
4. EMERGENCY CLAUSE. A MOTION, WHEREAS, IT BEING IMMEDIATELY NECESSARY FOR THE PRESERVATION OF THE PUBLIC HEALTH, PEACE AND SAFETY OF THE CITY OF BLANCHARD AND THE INHABITANTS THEREOF, AN EMERGENCY IS HEREBY DECLARED TO EXIST, BY REASON WHEREOF, ORDINANCE NO. 753 SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW [requires 4 out of 5 votes for passage].
5. MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS ONLY THE PURCHASE OR APPRAISAL OF REAL PROPERTY [PURSUANT TO 25 O.S. § 307(B)(3)].
6. RECONVENE IN OPEN SESSION.
7. MOTION TO TAKE APPROPRIATE ACTION REGARDING AGENDA ITEM 5.
8. ADJOURNMENT.

I received this Notice and Agenda on February 24, 2022 at 3:20 p.m. and this Notice and Agenda was posted in prominent public view at location that is publicly accessible 24 hours per day and posted on the City's website at www.cityofblanchard.us and provided copies to all persons entitled thereto pursuant to Oklahoma law on or before 5:00 p.m., Friday, February 25, 2022, in accordance with the Oklahoma Open Meeting Act.



Diana Daniels, City Clerk

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE NOTIFICATION OF THE CITY CLERK OF A SPECIAL MEETING AND THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE CITY COUNCIL OF THE CITY OF BLANCHARD, OKLAHOMA (THE "CITY") MET IN SPECIAL SESSION IN THE CITY HALL, IN SAID CITY ON THE 4TH DAY OF MARCH, 2022, AT 2:30 O'CLOCK P.M.

PRESENT: MAYOR EDDIE ODLE, VICE MAYOR AND WARD TWO COUNCILMAN MICHAEL SCALF, WARD ONE COUNCILMAN JOE DAVIS, WARD THREE COUNCILMAN ALBERT RYANS, AND WARD FOUR COUNCILMAN CHUCK KEMPER.

ABSENT: NONE

(OTHER PROCEEDINGS)

Thereupon, the following Ordinance No. 753 was introduced and caused to be read by the Mayor. Councilman _____ moved passage of the Ordinance and Councilman _____ seconded the motion. The motion carrying with it the approval of said Ordinance was approved by the following vote:

AYE: MAYOR EDDIE ODLE, VICE MAYOR AND WARD TWO COUNCILMAN MICHAEL SCALF, WARD ONE COUNCILMAN JOE DAVIS, WARD THREE COUNCILMAN ALBERT RYANS, AND WARD FOUR COUNCILMAN CHUCK KEMPER

NAY: NONE

THEREUPON, Councilman _____ moved that an emergency be declared and that the Ordinance become effective immediately. Councilman _____ seconded the motion. The motion was adopted by the following vote:

AYE: MAYOR EDDIE ODLE, VICE MAYOR AND WARD TWO COUNCILMAN MICHAEL SCALF, WARD ONE COUNCILMAN JOE DAVIS, WARD THREE COUNCILMAN ALBERT RYANS, AND WARD FOUR COUNCILMAN CHUCK KEMPER

NAY: NONE

The Ordinance so approved is as follows:

ORDINANCE NO. 753

AN ORDINANCE AMENDING THE USE TAX CODE OF THE CITY OF BLANCHARD BY LEVYING AND ASSESSING AN EXCISE TAX EQUAL TO THE PREVAILING SALES TAX RATE LEVIED BY THE CITY OF BLANCHARD ON THE PURCHASE PRICE UPON THE STORAGE, USE OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY PURCHASED OUTSIDE THE STATE OF OKLAHOMA AND BROUGHT INTO THE CITY OF BLANCHARD, OKLAHOMA; PROVIDING FOR THE AUTOMATIC CHANGE IN USE TAX RATE UPON CHANGE IN THE PREVAILING SALES TAX RATE; PROVIDING FOR SEVERABILITY OF THE SECTIONS OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLANCHARD, OKLAHOMA:

SECTION 1. CHAPTER 1, ARTICLE 6, SECTION 1-601 OF THE CODE OF ORDINANCES OF THE CITY OF BLANCHARD IS HEREBY AMENDED AND SHALL HENCEFORTH READ AS FOLLOWS:

§ 1-601 EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF INTANGIBLE PERSONAL PROPERTY LEVIED.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the City of Blanchard, Oklahoma, tangible personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate equal to the prevailing total of all sales taxes levied by the municipality on the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible personal property intended solely for use outside the municipality, but which is stored within the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

SECTION 2. A NEW SECTION TO BE CODIFIED AS CHAPTER 1, ARTICLE 6, SECTION 1-601A OF THE CODE OF ORDINANCES OF THE CITY OF BLANCHARD IS HEREBY ADOPTED AND SHALL HENCEFORTH READ AS FOLLOWS:

1-601A AUTOMATIC CHANGE IN USE TAX RATE UPON CHANGE IN SALES TAX RATE.

The rate of excise tax levied pursuant to this Ordinance shall automatically adjust to match the prevailing sales tax rate levied by the City of Blanchard, such change in use tax rate to be effective on the date the change in the prevailing sales tax rate takes effect, and such change in use tax rate not requiring further approval of the governing body of the municipality.

SECTION 3. SEVERABILITY. In the event any word or sentence in this ordinance, or provision or portion of this ordinance, or rules adopted by this ordinance is invalidated by any court of competent jurisdiction, the remaining words and/or sentences, provisions, or portions thereof shall not be affected and shall continue in full force and effect.

SECTION 4. EMERGENCY CLAUSE. It being immediately necessary for the preservation of the public peace, health and safety of the CITY OF BLANCHARD, OKLAHOMA and the inhabitants thereof, an emergency is thereby dedicated to exist. By reason whereof it is necessary that this Ordinance shall go into full effect and be of force immediately upon its passage and publication.

PASSED AND APPROVED THIS 4th DAY OF MARCH, 2022.

CITY OF BLANCHARD, OKLAHOMA

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Clerk

APPROVE AS TO FORM this 4th Day of March, 2022.

By: _____
City Attorney

STATE OF OKLAHOMA)
)SS
COUNTY OF McClAIN)

I, the undersigned, the duly qualified and acting Clerk of the CITY OF BLANCHARD, in said County and State, hereby certify that the foregoing copy of proceedings is a true and complete copy of the proceedings had by the CITY COUNCIL of said CITY at a Special meeting held on the date therein set out, insofar as the same relate to the introduction, reading and adoption of Ordinance No. 753, as the same appears of record in my office.

I further certify that Notice of such Special Meeting was given to me in writing on February 28, 2022, and further that attached hereto is a true and complete copy of said Notice of Special Public Meeting and the agenda posted at the principal office of the City Council and at the place of said Special Meeting at least forty-eight (48) hours prior to said Special Meeting (excluding Saturdays, Sundays and legal holidays declared by the State of Oklahoma).

WITNESS MY HAND AND THE SEAL OF SAID CITY THIS 4th DAY OF MARCH, 2022.

(SEAL)

CITY CLERK