

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2374

BY: HUDSON

AS INTRODUCED

AN ACT RELATING TO PUBLIC FINANCE; CREATING THE LOCAL AND REGIONAL CAPITAL IMPROVEMENT PLANNING PROCESS ACT; PROVIDING SHORT TITLE; STATING LEGISLATIVE FINDINGS; STATING PURPOSE; IDENTIFYING GOALS; DEFINING TERMS; IMPOSING DUTIES ON UNITS OF LOCAL GOVERNMENT; REQUIRING CERTAIN CAPITAL IMPROVEMENT PROGRAMS; PROVIDING FOR AND STATING DUTIES OF LOCAL PLANNING COMMITTEES; REQUIRING PUBLIC REVIEW AND COMMENT; PROVIDING PROCEDURES FOR LOCAL PLANNING COMMITTEES; PROVIDING PROCEDURES FOR COOPERATIVE LOCAL CAPITAL IMPROVEMENT PLANNING; STATING CONTENTS OF CERTAIN PLANS; REQUIRING PERIODIC REVIEW OF CERTAIN PLANS; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 910 of Title 62, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Local and Regional Capital Improvement Planning Process Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 911 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. The Legislature finds that:

1. The natural resources of the state including its agricultural lands, minerals, waters, wildlife and other related resources are the underpinnings of the state's economy;

2. These same natural resources and traditional patterns of development have defined the quality of life which the citizens of the state treasure and seek to protect;

3. Unplanned growth threatens the ability of local and state government to provide necessary public services, the long-term economic viability of the state's economy and the quality of life presently enjoyed by Oklahoma's citizens;

4. The most effective local capital improvement planning can only occur at the local level of government and comprehensive plans developed and implemented at the local level are the key in planning for Oklahoma's future;

5. The continuation of the current case-by-case reactionary approach to capital improvements is detrimental to the public health, safety and welfare; and

6. The state has a vital interest in ensuring that a local and regional capital improvements planning process is established as quickly as possible.

B. The Legislature declares that it is the purpose of the Local and Regional Capital Improvement Planning Process Act to:

1. Establish in each municipality, local comprehensive capital improvement planning according to the provisions of the Local and Regional Capital Improvement Planning Process Act and consistent with the goals of and policies of this state;

2. Provide municipalities with the tools and resources to effectively plan and manage a capital improvement planning process with a maximum of local initiative and flexibility;

3. Encourage through state and regional technical and financial assistance and review, local capital improvement processes, plans and spending priorities that are prospective and inclusive of all matters that are determined by the Legislature to be in the best interests of the state;

4. Incorporate regional considerations into local planning and decision-making;

5. Create a strong partnership between state government and local government;

6. Provide for continued direct state regulation of development proposals that occur in areas of statewide concern or that by their scale or nature otherwise affect vital state interests; and

7. Encourage the widest possible involvement by the citizens of each unit of local government in all aspects of the capital improvement process.

C. The Legislature declares that it is in the best interest of the state to achieve the following goals:

1. To encourage orderly growth and development and improvement in appropriate areas of each unit of government while protecting the state's rural character and making efficient use of public services;

2. To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development; and

3. To promote an economic climate which increases job opportunities and overall economic well-being.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 912 of Title 62, unless there is created a duplication in numbering, reads as follows:

As used in the Local and Regional Capital Improvement Planning Process Act, unless otherwise indicated:

1. "Comprehensive plan" means a document or interrelated document containing the elements established under the provisions of subsection D of Section 4 of this act, including the strategies for an implementation program which are consistent with the goals and guidelines established under the Local and Regional Capital Improvement Planning Process Act;

2. "Local planning committee" means the committee established by the officers of a unit of local government or combination of units of local governments which has the general responsibility established under Section 4 of this act. If a unit of local government has an existing planning department or other such entity, the unit may utilize that entity as its local planning committee;

3. "Person" means an individual, corporation, governmental agency, county, municipality, trust, estate, partnership, association or any other legal entity;

4. "Regional council" means a regional commission or a council of governments established under the provisions of the Interlocal Cooperation Act, and which has as its primary purpose joint planning for units of local government;

5. "Reviewing authority" means the planning board, agency or office of a unit of local government or if none, the elected officers of such unit;

6. "Special district" means a rural water district, conservation district, rural road improvement district, sewer protection district, fire protection district and districts established pursuant to the Interlocal Cooperation Act; and

7. "Unit of local government" means a municipality or county.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 913 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. Each unit of local government, subject to the limitations and requirements of the Local and Regional Capital Improvement Planning Process Act, shall:

1. Plan for future development, growth, and improvement; and
2. Adopt and amend local capital improvement programs consistent with the provisions of the Local and Regional Capital Improvement Planning Process Act.

B. 1. A unit of local government's responsibility for the preparation or amendment of its capital improvement program is governed by the provisions of this section. Where procedures for local adoption of capital improvement plans are governed by other provisions of state law or municipal charter or ordinance, the unit of local government may modify the procedural requirements of this subsection as long as a broad range of opportunity for public comment and review is preserved;

2. Each unit of local government shall prepare a capital improvement program which is consistent with the goals, guidelines and other provisions of the Local and Regional Capital Improvement Planning Process Act or shall amend its existing capital improvements plan to conform with the requirements of the Local and Regional Capital Improvement Planning Process Act;

3. a. The governing officers of a unit of local government or combination of units shall designate and establish a local planning committee which shall have the general responsibility for the development and maintenance of a local capital improvement plan. The committee shall:

- (1) conduct public hearings and solicit and encourage citizen input, and
- (2) prepare the local capital improvement plan and make recommendations to the local governing body

regarding the adoption and implementation of the program or amended program,

- b. The governing officers of a unit of local government or combination of units may solicit bids from persons or regional councils to act as the local planning committee;

4. In order to encourage citizen input and participation, units of local government are directed to adopt local capital improvement plans after soliciting and considering a broad range of public review and comment;

5. The local planning committee shall conduct its meetings in accordance with the provisions of the Oklahoma Open Meeting Act. The committee shall hold at least one public hearing on its proposed local capital improvement plan. A copy of the proposed plan shall be made available for public inspection at a convenient location during normal public hours at least thirty (30) days prior to the hearing;

6. Any comments and suggestions within the established time limits shall be considered by the committee and may be adopted. All comments and suggestions shall be made available for public inspection;

7. A unit of local government may seek technical assistance, comments and suggestions on format, applicability and potential financing options from the Long Range Capital Planning Commission;

8. The proposed capital improvement plan shall be considered adopted when it has been accepted by the governing body of the unit of local government;

9. After adoption, a copy of the Capital Improvement Plan shall be forwarded to the Long Range Planning Commission by the units of local government.

C. Cooperative local improvement planning efforts conducted by two (2) or more units of local government shall comply with the provisions of this subsection.

1. A unit of local government shall exercise planning authority over the total land area within its jurisdiction.

2. Any combination of contiguous units of local government may conduct joint planning programs to fulfill the responsibilities established under this act. The units shall agree:

- a. on procedures for joint action in the preparation and adoption of local capital improvements plans,
- b. on the manner of representation, and
- c. on the amount of contribution from each for any costs incurred in the development of the local capital improvements plan.

3. The agreement shall be in writing, approved by the governing bodies of the units of local government, and forwarded to the Long Range Capital Planning Commission.

D. A local capital improvement plan shall include an inventory and analysis section addressing state goals under this act and issues of local or regional significance. The inventory shall be based on information provided by the Oklahoma Department of Commerce. The analysis shall include ten-year projections of local and regional growth in population and residential, commercial and industrial activity, the projected need for public facilities, and the vulnerability of and potential impacts on natural resources.

1. The inventory and analysis section shall include but not be limited to:

- a. a legal description and general area description of the area address,
- b. economic and demographic data describing the unit of local government and the region within which it is located,

- c. existing transportation systems, including the capacity of existing and proposed major thoroughfares, secondary routes, pedestrian ways and parking facilities,
- d. land use information which describes current and projected development patterns,
- e. an assessment of the age of all capital facilities and an assessment of the existing technology of all capital projects,
- f. an assessment of capital facilities and public services necessary to support growth and development and the costs of those facilities and services, and
- g. an analysis of projections of revenues available from all sources including general funds, bond issues, special funds, and federal funds.

2. The plan shall include a policy development section which relates to the findings contained in the inventory and analysis section to the state goals. The policies shall:

- a. promote the state goals under the Local and Regional Capital Improvement Planning Process Act,
- b. address any conflicts between state goals in the Local and Regional Capital Improvement Planning Process Act,
- c. address any conflicts between regional and local issues, and
- d. address financing policies and capabilities of the state and of units of local government and any special districts.

3. The plan shall contain an implementation strategy section which shall include a timetable for the implementation program. The implementation shall be consistent with state laws and shall actively promote policies developed during the planning process. The timetable shall identify significant issues to be presented to a

vote of the people in the implementation program. In developing its strategies and subsequent policies and capital improvement plans each unit of local government shall:

- a. identify and designate at least two (2) basic types of geographic areas. Growth areas are those suitable for orderly residential, commercial and industrial development forecast over the next ten (10) years. Rural areas are those areas where protection should be provided for agricultural, forest and scenic lands; and
- b. develop a capital investment plan for financing the replacement and expansion of public facilities and services required to meet projected economic growth and development.

4. An implementation program shall be adopted that is consistent with the strategies in paragraph 3 of this subsection.

E. A unit of local government periodically shall review and revise its local capital improvement plan in a timely manner to account for changes caused by growth and development. At a minimum, the unit of local government shall update the program at least once every three (3) years in accordance with the provisions of this section.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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