

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1240

By: Mazzei

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6 AS INTRODUCED

7 An Act relating to cities and towns; creating the
8 Oklahoma Public Safety Protection District Act;
9 permitting specified municipalities to initiate
10 creation of a public safety protection district by
11 specified means; directing a resolution be submitted
12 to the registered voters of the municipality;
13 conferring powers; describing territory of the public
14 safety protection district; allowing municipality to
15 fund the election; providing for notice of election;
16 stating question to be worded on the ballot;
17 describing eligible voters; providing for conduct of
18 election subject to general election laws; requiring
19 majority of votes cast to establish district;
20 directing filing of ordinance; providing
21 qualifications for directors of district; providing
22 for election of board of directors and procedures
23 related thereto; setting terms; providing procedures
24 for filling board vacancies; requiring selection of
certain board officers and authorizing establishment
of terms and duties; providing for terms and duties
of board; providing for status of district; providing
for levy of annual assessment based on assessed value
and specifying purpose thereof; providing for a lien
against property if assessment is unpaid; stating
priority of lien; directing specified accounting
procedures by certain county officers; requiring
interest to be charged on delinquent assessment;
permitting dissolution of a public safety protection
district and describing process thereto; providing
for codification; and providing an effective date.

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2 4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 29-151 of Title 11, unless there
3 is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Oklahoma Public
5 Safety Protection District Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 29-152 of Title 11, unless there
8 is created a duplication in numbering, reads as follows:

9 The governing body of the largest municipality within the county
10 may initiate the creation of a public safety protection district by
11 the adoption of a joint resolution calling for the question of
12 whether to organize a public safety protection district. The joint
13 resolution shall be submitted to the registered voters of the
14 municipality at the next general election, or a special election may
15 be held. When a district is organized, it shall have the powers
16 conferred by the Oklahoma Public Safety Protection District Act.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 29-153 of Title 11, unless there
19 is created a duplication in numbering, reads as follows:

20 A public safety protection district shall include all territory
21 located within the municipality.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 29-154 of Title 11, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The municipality initiating the creation of the public
2 safety protection district may pay the cost of the election to
3 determine whether a district should be established or reestablished
4 at the end of a fifteen-year period.

5 B. The election to determine whether a district shall be
6 established or reestablished, and the notice thereof, shall be
7 conducted in the same manner as other municipal questions are
8 submitted to the electorate of the municipality. The notice shall
9 require the registered voters of the municipality to cast ballots
10 which contain the words: "Public Safety Protection District - Yes",
11 and "Public Safety Protection District - No", or words equivalent
12 thereto. All residents of the municipality who are qualified
13 electors shall be qualified to vote on the proposition. The public
14 safety protection district elections shall be conducted in
15 accordance with the general election laws of the state, and the
16 regular election officials shall be in charge at the usual polling
17 place of each regular precinct, or part of a precinct, which shall
18 include lands within the boundaries of the municipality.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 29-155 of Title 11, unless there
21 is created a duplication in numbering, reads as follows:

22 If the certified election results show that a majority of all
23 the votes cast are "Public Safety Protection District - Yes", the
24 governing body of the largest municipality in the county shall, by

1 adoption of an ordinance and/or resolution, declare the public
2 safety protection district established for a period of fifteen (15)
3 years from the date such election results are certified. The
4 ordinance shall be filed in the office of the county clerk in the
5 county.

6 SECTION 6. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 29-156 of Title 11, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Directors of a public safety district shall be owners of
10 real property in and residents of the district.

11 B. If a public safety district is organized pursuant to Section
12 5 of this act, an election shall be called by the municipality
13 initiating creation of the district for the election of a five-
14 member board of directors of the district. At the election, the two
15 (2) qualified persons receiving the highest number of votes shall
16 hold office on the board for the term of six (6) years. The two (2)
17 qualified persons receiving the next highest number of votes shall
18 be elected for four (4) years, and the qualified person having the
19 next highest number of votes shall be elected for two (2) years.
20 All board members elected thereafter shall serve a term of five (5)
21 years.

22 C. Within fifteen (15) days before the filing period of any
23 district election, the board of directors of the district shall
24 submit a resolution to the secretary of the county election board

1 conducting the election. The resolution shall contain the
2 following:

- 3 1. The date of the election;
- 4 2. The offices to be filled or the questions to be voted upon
5 at the election;
- 6 3. Qualifications for the offices;
- 7 4. The location of the polling place or places; and
- 8 5. Any other information necessary for conducting said
9 election.

10 D. 1. The regular election in the district shall be held at
11 the same time as the General Election in this state or on the second
12 Tuesday in November in those years that a General Election is not
13 held.

14 2. In those years that a General Election is not held the
15 entire cost of the election shall be paid by the district. When the
16 election is held at the same time as the General Election, the
17 district shall pay only for the cost directly attributable to
18 district election.

19 3. All polling places of precincts, all or any part of which
20 include areas within the boundaries of the district, shall be
21 supplied ballots for the purpose of permitting electors of the
22 district to vote for members of the board of directors of the
23 district.

1 4. Filing for the office of member of the board of directors
2 shall be with the county election board on a nonpartisan basis from
3 8 a.m. on the first Monday after Independence Day until 5 p.m. on
4 the next succeeding Wednesday each year. The payment of a filing
5 fee shall not be required.

6 E. 1. Vacancies on the board shall be filled by the board of
7 directors. In the event a vacancy occurs and the remaining members
8 of the board are unable to make a decision on such vacancy within
9 sixty (60) calendar days, the board of county commissioners shall
10 immediately appoint a member to fill the vacancy. In the event the
11 vacancies on the board are so numerous as to not provide a quorum,
12 the board of county commissioners shall appoint as many members as
13 are necessary to make a quorum.

14 2. All vacancies filled pursuant to the provisions of this
15 subsection shall be filled until the next regular election, at which
16 time a member shall be elected to serve the remainder of the
17 unexpired term.

18 F. 1. The office of a member of the board of directors may be
19 declared vacant by the board of directors if such member:

- 20 a. is absent from more than one-half (1/2) of all
21 meetings of the board of directors, regular and
22 special, held within any period of four (4)
23 consecutive months,
24

- 1 b. ceases to be eligible for office pursuant to this
2 section,
- 3 c. has a conviction in a court of any felony or crime
4 involving moral turpitude,
- 5 d. uses alcohol, any stimulant, any drug or other
6 substance which impairs intellect, judgment or
7 physical ability to such an extent as to incapacitate
8 the member to such a degree that the member is
9 prevented from performing duties pursuant to Chapter
10 21 of Title 11 of the Oklahoma Statutes, or
- 11 e. has a mental or physical weakness or inability which
12 incapacitates the member to such a degree that the
13 member is prevented from performing duties required
14 pursuant to Chapter 21 of Title 11 of the Oklahoma
15 Statutes.

16 2. Vacancies determined pursuant to paragraph 1 of this
17 subsection shall be filled pursuant to subsection F of this section
18 after notice to the board member of such action and opportunity for
19 a hearing.

20 3. Vacancies shall be determined at an official meeting of the
21 board and shall be a specific agenda item.

22 4. Any appeal from a decision declaring an office vacant
23 pursuant to this subsection shall be made to the district court
24 within thirty (30) days of such determination.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 29-157 of Title 11, unless there
3 is created a duplication in numbering, reads as follows:

4 The board of directors of the district shall select from its
5 members a person to serve as chair, a clerk and treasurer. The
6 board of directors shall fix the term and duties of the chair, clerk
7 and treasurer. The board shall serve without compensation. The
8 treasurer shall give an official bond, in an amount fixed and with
9 sureties approved by the board of directors, conditioned upon the
10 faithful accounting for all money pertaining to the district and
11 coming into the treasurer's hands.

12 SECTION 8. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 29-158 of Title 11, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The board of directors shall have the power and duty to:

- 16 1. Manage and conduct the business affairs of such district;
- 17 2. Make and execute all necessary contracts;
- 18 3. Purchase or lease-purchase and maintain all necessary and
19 convenient supplies and equipment for the district;
- 20 4. Appoint officers and employees, sufficient to maintain and
21 operate the district;
- 22 5. Take by grant, purchase, condemnation, gift, devise or
23 lease, and to dispose of, real or personal property of every kind
24 necessary for the operation of the district;

1 6. Construct or otherwise acquire suitable buildings or
2 structures suitable for the district, or for carrying on its own
3 business and affairs;

4 7. Employ such officers and employees as may be required, fix
5 their compensation and prescribe their duties;

6 8. Establish rules and regulations for the district;

7 9. Prepare an annual budget and follow existing laws pertaining
8 to the budget process such as public notices, public hearings,
9 protest periods and filing requirements in the same manner as they
10 apply to other forms of government in Oklahoma;

11 10. Determine vacancies of the board of directors, fill
12 vacancies and conduct board elections in the event of a vacancy on
13 the board of directors;

14 11. Develop bylaws for the due and orderly administration of
15 the affairs of the board of directors and for its responsibilities
16 specified pursuant to this act, and may compel the attendance of
17 absent members in the manner and under penalties as the board may
18 prescribe;

19 12. Develop a formula for the division of funds generated by
20 the assessment; and

21 13. Do any and all other things necessary and proper in the
22 management and operation of the district for the purpose of public
23 safety protection.
24

1 B. A public safety protection district, created pursuant to
2 this act, shall be deemed a political subdivision of this state.

3 SECTION 9. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 29-159 of Title 11, unless there
5 is created a duplication in numbering, reads as follows:

6 There shall be levied an annual assessment no greater than five
7 (5) mills on the dollar of assessed value of the property in the
8 district, the proceeds of which shall be used solely for the
9 operation and maintenance of the public safety protection district,
10 including but not limited to expenses related to jail operations,
11 purchasing and maintaining public safety equipment and payment of
12 salaries and benefits of the city and county employees who provide
13 public safety services within the district. The proceeds shall not
14 be used to supplant public safety expenses incurred prior to the
15 creation of a district.

16 SECTION 10. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 29-160 of Title 11, unless there
18 is created a duplication in numbering, reads as follows:

19 All assessments levied under the authority of the Oklahoma
20 Public Safety Protection District Act shall be a lien against the
21 tract of land on which they have been levied, until paid, and the
22 lien shall be coequal with the lien of ad valorem and other taxes,
23 including special assessments, and prior and superior to all other
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1 liens and the assessment shall draw interest and shall be collected
2 in the same manner as ad valorem taxes.

3 SECTION 11. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 29-161 of Title 11, unless there
5 is created a duplication in numbering, reads as follows:

6 The county assessor shall compute and enter in respective
7 columns of the tax rolls the respective sums in dollars and cents to
8 be paid on each piece of property therein enumerated, and the clerk
9 shall certify to the county treasurer in the county where the
10 district is located the amount of assessment in each fund levied
11 upon each tract by the board, and the county treasurer shall enter
12 the amount of each in separate columns of the tax list of the
13 county, and the assessments shall be collected by the county
14 treasurer at the same time and in the same manner as all other taxes
15 are collected in this state. If any assessment becomes delinquent,
16 it shall draw interest as a penalty after delinquency at the rate of
17 eighteen percent (18%) per annum. All assessments and penalties
18 collected or received by the county treasurer pursuant to the
19 Oklahoma Public Safety Protection District Act shall be paid to the
20 municipal treasurers in their proportionate amounts for the benefit
21 of the public safety protection district.

22 SECTION 12. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 29-162 of Title 11, unless there
24 is created a duplication in numbering, reads as follows:

1 A public safety protection district may be dissolved by a
2 majority vote of the registered voters voting at an election called
3 for that purpose by the governing body of the largest municipality
4 in the county, provided that such an election shall not be called
5 unless either three-fifths (3/5) of the respective governing bodies
6 vote in favor of calling the election or unless the governing body
7 of the municipality is presented with a petition signed by not less
8 than twenty percent (20%) of all registered voters in the
9 municipality.

10 SECTION 13. This act shall become effective November 1, 2016.

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