

RESOLUTION NO. 898

A RESOLUTION OF THE CITY OF CLINTON, CUSTER COUNTY, OKLAHOMA, CALLING FOR A SPECIAL MEETING AND SPECIAL ELECTION TO BE HELD ON THE 12 DAY OF November 2019, FOR THE PURPOSE OF SUBMITTING AN ORDINANCE FOR APPROVAL BY THE QUALIFIED ELECTORS THAT WILL 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 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 the city.

This Board of Trustees, by a vote on August 20, 2019, approved an ordinance calling for a special meeting and special election to be set to approve, or not, the franchise granted in the ordinance.

The ordinance, 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.

The Mayor/President of the Board of Trustees of the City of Clinton, Oklahoma, shall, upon the adoption of this Resolution, proclaim a special meeting and special election to submit the ordinance for approval or disapproval by the qualified electors of the City of Clinton.

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 meeting and 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.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the City of Clinton, Oklahoma, as required by the Constitution and statutes of Oklahoma, does call a special meeting and special election for the purpose of submitting an ordinance to the registered voters of the City of Clinton 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 information distribution in and to the City and the public generally.

AND, BE IT FURTHER RESOLVED that the Mayor/President of the Board of Trustees calls a special meeting and special election on the 12 day of November, 2019, to be administered by the Custer County Election Board.

AND, BE IT FURTHER RESOLVED by the Board of Trustees that the question to be voted upon at the 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 Clinton, Custer County, Oklahoma; and granting PSO the right to operate an electric business pursuant to reasonable rules and regulations by the Oklahoma Corporation Commission; with PSO agreeing to charge legal rates for the 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 Board of Trustees does direct the City Clerk of the City of Clinton 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 meeting and special election to be held on the 12 day of November, 2019.

SIGNED by the Mayor/President of the Board of Trustees of the City of Clinton, Custer County, Oklahoma, this 20 day of August, 2019.

_____, Mayor, President of the Board of Trustees

(SEAL)

ATTEST:

_____, City Clerk