



office memorandum

DATE: August 8, 2023

TO: Kathryn Walker, City Attorney

FROM: Brenda Hall, City Clerk *BH*

SUBJECT: Initiative Petition No. 2324-1

Oklahoma Gas and Electric filed Initiative Petition No. 2324-1 on August 7, 2023. The petition was filed in accordance with 11 O.S. §15-103. I am attaching a copy of the petition for your review. Please let me know if the ballot titled is in legal form and in harmony with the law. If you need anything further from my office, please let me know.

WARNING

IT IS A FELONY VIOLATION OF SECTION 3 OF TITLE 34 OF THE OKLAHOMA STATUTES FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONE TIME FOR THE MEASURE, OR TO SIGN THE PETITION WHEN HE IS NOT A LEGAL VOTER

INITIATIVE (FRANCHISE) PETITION

To the Honorable Larry Heikkila, Mayor of the City of Norman, Oklahoma:

We the undersigned legal voters of the State of Oklahoma and of the City of Norman, Cleveland County, Oklahoma respectfully order that the following ordinance be submitted to the legal voters of the City of Norman, Oklahoma for their approval or rejection at the general election to be held on the 5th day of March, 2024, and each for himself says: I have personally signed this petition; I am a legal voter of the City of Norman, Cleveland County, Oklahoma; my first name, last name, zip code, house number, and numerical month and day of my birth are correctly written on this form. The time for filing this petition expires ninety (90) days from August 7, 2023. The Question we herewith submit to our fellow voters is:

Shall the following ordinance be approved?

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GRANTING TO THE OKLAHOMA GAS AND ELECTRIC COMPANY, AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PRODUCE, TRANSMIT AND DISTRIBUTE ELECTRICITY WITHIN THE CITY LIMITS AND TO SELL ELECTRICITY THEREIN FOR ALL PURPOSES FOR WHICH IT MAY BE USED, TO THE CITY OF NORMAN, ITS INHABITANTS AND THE PUBLIC GENERALLY, AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FACILITIES AND EQUIPMENT IN, UPON, ACROSS, UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS AND OTHER PLACES IN THE CITY FOR SUCH PURPOSES FOR A PERIOD OF TWENTY-FIVE (25) YEARS SUBJECT TO THE APPROVAL OF THE VOTERS AND ACCEPTANCE OF THIS ORDINANCE; PROVIDING FOR COMPENSATION TO THE CITY, WHICH SHALL BE IN LIEU OF CERTAIN OTHER TAXES, FEES, AND ASSESSMENTS; DEFINING TERMS; PROHIBITING OBSTRUCTION OF TRAFFIC; REQUIRING CERTAIN INDEMNIFICATION; REQUIRING COMPLIANCE WITH CERTAIN GOVERNMENTAL AUTHORITIES; AUTHORIZING ASSIGNMENT OF THE FRANCHISE BY THE COMPANY; AND EXCLUDING VALUE OF THE FRANCHISE FROM VALUE OF CERTAIN PROPERTY.

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

§ 1. The word "City" as hereinafter used shall mean and designate the City of Norman, Cleveland County, Oklahoma, and the word "Company" as hereinafter used shall mean and designate the Oklahoma Gas and Electric Company, a corporation

organized and existing under and by virtue of the laws of the State of Oklahoma and its successors and assigns.

§ 2. (a) The City hereby grants to the Company the right, privilege and authority to produce, transmit, distribute and sell electricity within the corporate limits of the City for all purposes for which it may be used, to the City, its inhabitants and the public generally, and the right, privilege and authority to construct, maintain and operate a system of poles, wires, conduits, transformers, substations, and other facilities and equipment in, upon, across, under and over the streets, alleys, public grounds and other places in each and every part of said City for the purpose of producing, transmitting, distributing and selling electricity to the City, its inhabitants, and the public generally.

(b) The franchise hereby granted shall be effective from and after the date of approval of this Ordinance by the registered voters of the City and acceptance by the Company and shall remain in full force and effect for a period of twenty-five (25) years from the adoption of the Ordinance. Nothing in this Ordinance shall be construed to prevent the City from granting an electric franchise to any other person, firm, or corporation.

§ 3. The Company shall construct, operate and maintain its property in such manner as will, consistent with necessity, not obstruct nor impede traffic unduly.

§ 4. The Company shall defend and indemnify the City against all liability for injury to any person or property caused by the negligence of the Company in the construction, operation and maintenance of its property within the City.

§ 5. Electric service provided hereunder to the City, its inhabitants, and to the public generally, and rates charged therefor shall be in accordance with orders, rules and regulations of the Corporation Commission of the State of Oklahoma or other governmental authority having jurisdiction.

§ 6. The Company shall have the right to assign this franchise and the assignee by written acceptance thereof shall be bound by all the provisions hereof. An authenticated copy of such assignment and acceptance shall be filed with the Clerk of the City.

§ 7. (a) From and after the approval and acceptance of this franchise, and in consideration of the granting of this franchise, the Company agrees to pay and shall pay to the City an annual franchise fee in an amount equal to three percent (3%) of its gross revenues arising from the sale of electricity within the corporate limits of the

City, such payment to be made on or before the 25th day of July of each year, after deducting therefrom any amount due the Company from the City.

(b) In the event the Company in the future, under the terms of any franchise with any city or town in the State of Oklahoma, shall agree to and shall pay to any such city or town as a franchise fee a percentage of gross receipts in excess of the three percent (3%) franchise fee set forth in the section, the Company shall begin payment of such higher franchise fee to the City within thirty (30) days of the increase.

(c) The Company shall abide by an order, rule or regulation of the Corporation Commission of the State of Oklahoma requiring the listing separately of all or any portion of such franchise fee on electric bills to customers.

(d) Such franchise fees paid by the Company to the City shall be in lieu of all other franchise, excise, license, occupation, privilege, inspection, permit, or other fees, taxes or assessments, except ad valorem taxes and sales taxes.

§ 8. The Company shall furnish to the City without charge each fiscal year during the term hereof electric current to be used exclusively by the City for operation of traffic signal lights and buildings occupied and operated by the City for municipal purposes, to be applied by the Company as a credit to billings to the City, provided that such electric current shall not exceed one-half of one per cent (0.5%) of the kilowatt-hours sold by the Company to customers within the corporate limits of the City during the preceding fiscal year.

§ 9. The franchise hereby granted shall, on its effective date, supersede and terminate any previous franchise granted to or held by the Company.

§ 10. Any acquisition of the property of the Company pursuant to Section 3 of Article XV of the City Charter shall exclude the value of this franchise.

PASSED AND ADOPTED this _____ day of _____, 2024.

CITY OF NORMAN, OKLAHOMA


By: _____
Mayor

ATTEST:

City Clerk
(SEAL)

This Act shall become effective ninety (90) days after it is approved by the People.

Proponents of Record (not to exceed 3; address must match voter registration):

1. Printed Name: L. L. HEIKKILA
Signed Name: 
Address: 1221 BEARD ACRES DR
NORMAN, OK. 73072

2. Printed Name: _____
Signed Name: _____
Address: _____

3. Printed Name: _____
Signed Name: _____
Address: _____

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SIGNATURES

This measure is intended to renew the franchise of the Oklahoma Gas and Electric Company, an Oklahoma corporation, its successors and assigns, in the City of Norman. The measure gives the company the right to produce, transmit, and distribute electricity within the City Limits, and to sell electricity therein for all purposes for which it may be used, to the City of Norman, its inhabitants, and the public generally. The measure gives the company the right to construct, maintain, and operate a system of poles, wires, conduits, and other facilities and equipment, in, upon, across, under, and over the streets, alleys, public grounds, and other places in the City for a period of twenty-five (25) years. In return, the City will receive a franchise fee of three percent (3%) of the gross revenue arising from the sale of electricity in the City, which will be in lieu of all other taxes, fees, and assessments of the City. The franchise fee shall equal the highest franchise fee the company agrees to pay to any other city or town in Oklahoma. The company must abide by any order rule or regulation of the Corporation Commission regarding listing such franchise fee on electric bills. The company must furnish electricity to the City each fiscal year, without charge, for traffic signal lights and buildings occupied and operated by the City up to one-half of one per cent (0.5%) of the kilowatt-hours sold by the company to customers in the City. When effective, the franchise will supersede and terminate any previous franchise given to the Company by the City. The measure defines certain terms, prohibits unnecessary obstruction of traffic, requires indemnification of the City under certain circumstances, authorizes the Company to assign the franchise, and excludes the value of the franchise from the value of certain property.

NOTE: At least 3 of the following data points MUST match your voter registration to be counted: First name, last name, house number, zip code, and month/day of birth. Write legibly.

	Signature	First Name	Last Name	Address (including zip code)	Month/Day of Birth
1					
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AFFIDAVIT

FILED IN THE OFFICE
OF THE CITY CLERK
ON 8-7-23 *BY*

STATE OF OKLAHOMA)
) ss.
COUNTY OF _____)

I, _____, being first duly sworn, say:

That, I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence. I believe that each signer has stated his or her name, house number, mailing address, and date of birth associated with his or her Oklahoma voter registration record, and that each signer is a legal voter of the State of Oklahoma, and Ward _____ (if applicable) of the City of Norman as stated.

Circulator's Signature

Address

City Zip Code

Submitted and sworn before me this _____ day of _____, 20_____.

My Commission Expires:

Notary Public

My Commission Number:

Address

City Zip Code

PROPONENT'S SUGGESTED BALLOT TITLE

Proponent's suggested ballot title is:

Shall the right to use City streets, alleys, and other public property be granted to Oklahoma Gas and Electric Company so that it can sell and deliver electricity in the City in accordance with local, state, and federal law for 25-years beginning March 5, 2024 in return for compensation to the City?

Instructions for Proponents:

- 1. Please type and insert only the full text of the suggested ballot title.**
- 2. Do not write or type anywhere on this form except where indicated.**
- 3. Once completed, this form must be submitted for filing along with a full copy of the proposed measure and a completed 'Proponent's Gist of the Proposition' form.**

(OKSOS-SWIP-Fm01-1021)