



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 08/15/2023

**REQUESTER:** Darrel Pyle, City Manager

**PRESENTER:** Kathryn Walker, City Attorney

**ITEM TITLE:** DISCUSSION REGARDING THE CITY'S SCHOOL RESOURCE OFFICER PROGRAM INCLUDING THE PUBLIC SAFETY SALES TAX

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### **BACKGROUND:**

On May 13, 2008, the citizens of the City of Norman approved a half percent tax on retail sales and dedicated the revenues generated thereby for a seven-year term primarily to the uses outlined in the Public Safety Sales Tax Ordinance. That tax began on October 1, 2008 and expired on September 30, 2015 (PSST I). Under PSST I, the City hired forty-one additional police personnel, hired thirty additional fire personnel, purchased forty-one police sedans; purchased fire trucks to equip two new fire stations; and funded the land acquisition, design, construction, and furnishing of Fire Stations 8 and 9; all as the primary purposes of the tax. Although the tax was passed as a temporary tax and some of the primary purposes of the PSST I tax provide for one time capital improvements, such as the two fire stations, it was always contemplated that renewal of the tax at some level would be required to maintain the added PSST personnel and ongoing equipment updates.

Beginning in November 2013, City Council began exploring specific options for renewal of that tax (PSST II). Ultimately, Council directed that Ordinance O-1314-33 calling the election for renewal of the Public Safety Sales Tax, and establishing the purposes of the Public Safety Sales Tax, be placed on Council's agenda for consideration. PSST II was approved by voters in April 2014, taking effect upon the expiration of PSST I.

PSST II continued the dedicated half percent tax on retail sales to be used primarily for public safety purposes. PSST II specifically funds the following items:

- Retention of forty-one police personnel and thirty fire personnel initially added with revenues from the PSST I
- Addition of thirteen police personnel to implement a school resource officer program
- Addition of four emergency communications officers
- Addition of two emergency vehicle mechanics
- Replacement of City radio communications systems
- Construction of emergency operations and dispatch facility
- Replacement of fire trucks and apparatus
- Relocation and reconstruction of Fire Station 5

Upon the satisfaction of the listed funding goals above, any excess PSST II revenues will be split between the General Fund (75%) and the Capital Fund (25%) for such other public needs as may be identified by Council after evaluation considering at least one of the following criteria:

- Projects or expenditures that enhance public safety services
- Projects or expenditures that enhance emergency management capabilities
- Projects or expenditures that enhance animal welfare capabilities
- Projects or expenditures that provide direct services to the citizens
- Projects or expenditures that help ensure long term financial stability of the City
- Projects or expenditures that provide for continuity of City services.

PSST II continued the Citizens Public Safety Sales Tax Oversight Committee as established by the PSST I, Ordinance O-0708-32. The purpose of the Public Safety Sales Tax Oversight Committee is to review the expenditure of revenues collected under the PSST II to determine if such funds are expended for the purposes specified in the Ordinance and issuing reports on their findings to the City Council and the public on an annual basis or as requested by Council. The Committee may also prospectively review and make recommendations on other such issues related to public safety as may be assigned to it by City Council.

Regarding the School Resource Officer (“SRO”) Program, the ballot language said this:

“.....ADDITION OF THIRTEEN (13) POLICE PERSONNEL POSITIONS TO IMPLEMENT A SCHOOL RESOURCE OFFICER PROGRAM *JOINTLY FUNDED WITH PARTICIPATING PUBLIC SCHOOL SYSTEMS* WITHIN THE MUNICIPALITY....”  
(*emphasis added*).

All authorized expenditures from PSST II funds are limited by the extent to which the revenues generated from the PSST II tax are sufficient to cover the specified expenditures. Both PSST I and PSST II are considered a special or limited purpose tax, which means the authorized expenditures from the revenues must have been set forth with some specificity in the ordinance that was adopted in conjunction with the ballot proposition.<sup>1</sup> Similar language is found in Section 9 of Ordinance O-1314-33 where the purposes of the tax revenues are described. The purposes for which the PSST II revenues can be used are also codified in Section 12-415(b) and (c) of Norman’s Municipal Code. Two primary restrictions are placed upon the ability of cities to impose taxes – the ordinance or resolution levying the tax must specify distinctly the purpose for which the tax is levied, and no tax levied and collected for one purpose can be used for another purpose.<sup>2</sup> Only the voters can change the purpose, rate or duration of the tax.<sup>3</sup>

Recently, discussions have occurred between Norman Public Schools, the City and Cleveland County regarding how to increase the number of SRO’s so that one could be placed in every NPS school. Currently, the City has allocated funds for 9 of the 13 SRO’s contemplated by PSST II. As required by the PSST II ordinance, the 9 SRO’s are funded jointly between the City and NPS pursuant to an adopted MOU. PSST revenues for the City and revenue for NPS have not been sufficient to add additional officers. Nine SRO’s provides for 1 SRO supervisor, 2 SRO’s

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<sup>1</sup> 68 Okla. Stat. § 2701.

<sup>2</sup> Oklahoma Constitution, Article X, Section 19.

<sup>3</sup> Okla. Attorney General 2012-16, 2012 WL 4865723, at \*3 (Oct. 4, 2012)

at each high school, and 1 SRO at each middle school. The 4 remaining SRO positions mandated by PSST II would rotate between NPS elementary schools. The Cleveland County Sheriff's office currently provides 1 SRO for Dimensions Academy, which is a Norman Public School "for students who thrive in alternative learning environments".

**DISCUSSION:**

If Council were able to identify sufficient funding for the SRO program as contemplated by PSST II and the recent enhancements to the program requested by NPS, Norman police department staff estimate that it would take approximately 3 years to recruit and train 17 new officers to allow existing officers to fill the additional SRO positions. The Cleveland County Sheriff's office has indicated they could fill those positions more quickly and perhaps by the end of the upcoming school year. Although the Cleveland County Sheriff's office could fill the positions more quickly, it does not have any funding available for the additional hires.

It has been proposed that the County amend its MOU with NPS to provide 17 additional SRO's for placement at elementary schools (scheduled for NPS consideration on August 14), and that the County, City and NPS enter into a separate MOU providing for City funding of the additional SRO positions. As the City is able to hire additional officers and move seasoned and specially trained officers into SRO positions, it is proposed that the County positions would be eliminated and the funding arrangement altered so that the City could use its funds for its own SRO's.

Staff will be available on Tuesday to discuss this issue further and provide Council with more detailed financial analysis of the General Fund and the PSST Fund as it relates to the SRO Program.