

RESOLUTION

BALLOT LANGUAGE FOR EXTENSION OF SALES TAX

[FINAL—APPROVED BY City Commission on August 15, 2016]

Commissioner _____ introduced the following Resolution and moved its adoption:

RESOLUTION

**PROPOSAL FOR AMENDMENT OF HOME RULE CHARTER
TO EXTEND COLLECTION PERIODS FOR SALES, GROSS RECEIPTS AND
USE TAXES RELATED TO PUBLIC INFRASTRUCTURE INCLUDING FLOOD
PROTECTION**

**BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE
CITY OF FARGO:**

WHEREAS, the City of Fargo, Cass County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota, which has adopted a Home Rule Charter, pursuant to the authority of N.D.C.C. Chapter 40-05.1; and,

WHEREAS, the voters of the City of Fargo have previously approved Home Rule Charter provisions that implemented sales, gross receipts and use taxes to be used for improvements of the city's infrastructure, including flood protection, said provisions being set forth in Article 3, paragraphs T and U [hereinafter referred to cumulatively as the "Existing Flood-Protection-Related Sales Taxes"] of the Home Rule Charter; and,

WHEREAS, the Existing Flood-Protection-Related Sales Taxes each have a period of years during which said sales taxes are to be collected; and,

WHEREAS, the City of Fargo has, in conjunction with other political subdivisions, undertaken the construction of a flood risk reduction project that includes a diversion channel that is approximately 30 miles long and includes multiple highway and railroad bridges as well as two aqueduct structures, includes levees along the rivers and drains through town, earthen embankments, an upstream retention area, one or more flood protection levees within the upstream retention area, three gated control structures, recreational features and related improvements which project is known as the Fargo-Moorhead Metropolitan Area Flood Risk Management Project and as the Metro Flood Diversion Project and which project is to provide greater than 100-year flood risk reduction from flooding caused by the Red River along with the Wild Rice, Sheyenne, Maple, Rush and Lower Rush Rivers; and the City of Fargo has entered into one or more agreements with the Department of the Army of the United States of America and other private parties and political subdivisions for the construction, operation and maintenance of said project; and,

WHEREAS, pursuant to the authority of N.D.C.C. §40-05.1-07, the Board of City Commissioners wish to propose an amendment to the Home Rule Charter of the city which would extend the period for collection of the Existing Flood-Protection-Related Sales Taxes to finance and pay construction and financing costs of the Metro Flood Diversion Project;

WHEREAS, the Board of City Commissioners wishes to approve and certify the language to be used for the ballot for purposes of the city-wide vote on said amendment;

NOW, THEREFORE, BE IT RESOLVED, Board of City Commissioners of the City of Fargo, North Dakota, hereby certifies a ballot question for consideration by Cass County electors for an election to be held November 8, 2016 as follows:

PROPOSAL TO EXTEND EXISTING SALES, USE, AND GROSS RECEIPTS TAX

Shall the city of Fargo's Home Rule Charter be amended to extend the existing flood-protection-related sales taxes to pay for flood protection, including the Metro Flood Diversion Project and associated special assessments and indebtedness, through December 31, 2084 unless rescinded earlier, after the costs, obligations and debt for said project have been paid as determined by the City Commission, all as provided in the Notice of Proposed Fargo Home Rule Charter Amendment as published in THE FORUM on the ___ day of September, 2016?

SHALL SUCH AMENDMENT BE APPROVED?

() YES

() NO

ATTEST:

CITY OF FARGO

Steven Sprague, City Auditor

Timothy J. Mahoney, Mayor

The motion for the adoption of the foregoing Resolution was duly seconded by Commissioner _____. On roll call vote, the following Commissioners voted aye:

_____. The following

Commissioners voted nay: _____. The following were absent and not voting:

_____, so the motion carried and the Resolution was duly adopted