

1. Sales, gross receipts and uses taxed shall be limited to those which are taxed by the State of North Dakota pursuant to Chapters 57-39.2, 57-39.4, 57-39.5, 57-39.6 and 57-40.2 of the North Dakota Century Code.
2. The amount of tax shall not exceed one-half of one percent (1/2%) of the gross receipts and purchases which are taxed by the State of North Dakota pursuant to Chapters 57-39.2, 57-39.4, 57-39.5, 57-39.6 and 57-40.2 of the North Dakota Century Code, nor shall the tax exceed twelve and 50/100 dollars (\$12.50) on any single purchase, subject to Section 57-01-02.1 of the North Dakota Century Code; and subject to collection as in Section 57-39.2-08.2 of the North Dakota Century Code. The retail sales, gross receipts and use tax imposed shall be computed and collected in the same manner provided by law for the collection of the state sales, gross receipts and use tax.
3. A sales, gross receipts and use tax, which is imposed pursuant to the authority granted herein, shall extend for a period of twenty years from and after January 1, 2010, and end on December 31, 2029.
4. The proceeds of a sales, gross receipts and use tax, which is imposed pursuant to the authority granted herein, shall be utilized for such flood risk mitigation and reduction, and related improvements and activities, as the governing body of the city may select. Flood risk mitigation and reduction, and related improvements and activities, shall mean expenditures to reduce or mitigate the risk to the city from flood events, to provide protection from such flood events, including without limitation the providing for retention of water. Such expenditures may be used to acquire property; enter into agreements; make, install, construct or build improvements and engage in projects and activities as are necessary and appropriate for such purposes. The stated goal shall be to reduce the risk to the city to the level of a 500-year flood event. Interest earnings on such proceeds may also be utilized for such purposes. Proceeds from such tax may be used to make direct payment for such purposes or may be pledged to amortize bonds or other debt instruments which may be sold to finance such costs.
5. Revenues raised and collected pursuant to authority granted herein, less administrative expenses, shall be

deposited in a separate flood risk mitigation fund to be established, and shall be utilized as directed by the governing body of the city for the purposes set forth herein.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which under the constitution of this state, it would be competent for this charter specifically to enumerate. References to provisions of the North Dakota Century Code include any amendments thereto that may be adopted by the North Dakota Legislative Assembly.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for the City of Fargo (1) within thirty (30) days of the approval hereof or (2) prior to sixty (60) days prior to the next city election, whichever is earlier.

Commissioner Williams stated as he understands the intent of this dedicated sales tax, proceeds are not to be used for other indirect uses such as additions or improvements or any funding to the Fargodome or other facilities not directly related to flood mitigation and water management. With this understanding, he said he supports this ½ cent sales tax amendment to help fund flood protection, flood mitigation, water retention and water delivery projects planning and strategies.

Second by Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Williams, Piepkorn, Wimmer and Walaker voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

Ballot Wording for Flood Protection One-Half Percent Sales, Gross Receipts and Use Tax Proposal Approved:

The Board received a communication from City Attorney Erik Johnson submitting the suggested ballot wording for the proposed one-half percent sales, gross receipts and use tax proposal.

Commissioner Mahoney moved the ballot wording for the proposed flood protection, one-half percent sales, gross receipts and use tax proposal be approved as follows:

“Shall Article 3 of the Home Rule Charter of the City of Fargo be amended to authorize collection of a one-half of one percent (1/2%) municipal sales, gross receipts and use tax to commence January 1, 2010 for a period of twenty (20) years to expire on December 31, 2029, and to be utilized by the City of Fargo for such flood risk protection, mitigation and reduction as the governing body of the city may select, all as provided in the Notice of Proposed Home Rule Charter Amendment as published in THE FORUM on the ____ day of _____, 2009.”

Second by Williams. On call of the roll Commissioners Mahoney, Williams, Piepkorn, Wimmer and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Commissioner Wimmer moved that the Board adjourn.

Second by Piepkorn. All the Commissioners voted aye and the motion was declared carried

The time at adjournment was 8:02 o'clock a.m.