

NOTICE OF PROPOSED HOME RULE CHARTER AMENDMENT
REGARDING SALES, GROSS RECEIPTS AND USE TAX

PLEASE TAKE NOTICE that an election will be held on Tuesday November 5, 2024, on the question of whether to amend the Home Rule Charter to establish a one-quarter percent (1/4 %) sales, gross receipts and use tax for a period of twenty (20) years the proceeds from the tax being utilized as the governing body may select to pay the costs of remodeling the Fargodome and ongoing capital projects, maintenance and operations thereof.

FURTHER, PLEASE TAKE NOTICE that the Board of City Commissioners, on the 5th day of August, 2024, approved and adopted a resolution proposing that the citizens of Fargo vote on whether to amend the Home Rule Charter of the City of Fargo to establish a one quarter percent (1/4%) sales, gross receipts and use tax, said proceeds to be utilized to pay or finance costs associated with the remodeling to the Fargodome and with ongoing capital projects, maintenance and operations of the Fargodome, which proposal is as follows:

RESOLUTION

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, pursuant to Chapter 34 of the Fargo Municipal Code, implementing Article 3(P)(5) of the Fargo Home Rule Charter, the City has created the Fargo Dome Authority (the "Fargodome Authority") the members of which are appointed by the City Commission as prescribed in said Chapter, to construct, maintain and operate the multi-purpose dome facility know as the Fargodome' (the "Fargodome") and;

WHEREAS, pursuant to the authority of N.D.C.C. §40-05.1-07 and Article 5 of the Fargo Home Rule Charter, the Board of City Commissioners wish to propose an amendment to the Home Rule Charter of the city which would authorize the implementation of a sales, use, and gross receipts tax for a period of twenty (20) years. Said tax would generate proceeds to be utilized to pay or finance costs associated with the remodeling of the Fargodome and with ongoing capital improvements, maintenance, and operation of the Fargodome; and;

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, as follows:

SECTION ONE. That Article 3 of the Home Rule Charter of the City of Fargo, pertaining to the list of home rule powers of the city, be amended to add paragraph V to read as

follows:

V. To impose a retail sales, use, and gross receipts tax to be implemented by ordinance and subject to the following limitations:

1. Sales, use, and gross receipts taxed shall be limited to those which are taxed by the State of North Dakota pursuant to Chapters 57-39.2, 57-39.5, 57-39.6 and 57-40.2 of the North Dakota Century Code.

2. The amount of the tax shall not exceed a quarter of one percent (0.25%) of the gross receipts and purchases which are taxed by the State of North Dakota pursuant to Chapters 57-39.2 and 57-40.2, of the North Dakota Century Code. Any patron or user paying said tax in excess of six and 25/100ths dollars (\$6.25) on any single transaction of one or more items may obtain a credit or refund of the excess tax at the time of purchase from the vendor or request a refund of the excess tax payment by filing a request for refund, as provided by the North Dakota Century Code, upon forms provided by the North Dakota State Tax Commissioner. The 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 as provided in Chapters 57-39.2, 57-39.5, 57-39.6 and 57-40.2 of the North Dakota Century Code. All references to the North Dakota Century Code include amendments adopted by the North Dakota Legislative Assembly.

3. A sales, use and gross receipts tax which is imposed pursuant to the authority granted herein shall extend for a period not exceeding twenty (20) years, said period to be established by the implementing ordinance.

4. Proceeds of a sales, use and gross receipts tax which is imposed pursuant to the authority granted herein shall be utilized for costs associated with the remodeling of the Fargodome and with ongoing capital improvements, maintenance, and operations of the Fargodome, said proceeds to be placed initially in a Fargodome improvement capital construction fund of the city of Fargo which, together with interest and other authorized investment earning, shall be utilized by the city of Fargo for such purposes. Proceeds from such tax may be used to make direct payment of the costs for such construction, maintenance, and operation or may be pledged, applied or directed to amortize bond or other obligations which may be sold to finance such costs. Interest earnings, earnings from authorized investments, or both such interest and investment earnings, on such proceeds may also be utilized for such purposes. Any funds remaining after completion of the remodel and payment of related obligations will be placed in a special escrow fund which, together with interest earning and investment earnings, shall be utilized by the Fargodome Authority with the concurrence of the governing body of the city, to provide for future capital improvements, maintenance and operations of the Fargodome. All such proceeds of a sales, use and gross receipts tax

which is imposed pursuant to the authority granted herein shall be utilized for the purposes authorized herein as the governing body of the city may select. The Fargodome Authority is hereby authorized and encouraged to provide recommendations to the governing body of the city.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that the question of whether to amend the City's Home Rule Charter to impose the sales, use, and gross receipts tax be presented to the voters of the City of Fargo at the November 5, 2024, election. The City Auditor is authorized to take necessary steps to place the matter on the ballot for November 5, 2024, and to work with the Cass County Auditors office.

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.

(TO BE PUBLISHED ONCE IN THE FORUM AT LEAST SIXTY (60) DAYS PRIOR TO THE CITY ELECTION ON NOVEMBER 5, 2024: PUBLISH MONDAY AUGUST 28, 2024)