

RESOLUTION #2016-20

**REGARDING SALES, USE AND GROSS RECEIPTS TAX FOR FARGO-MOORHEAD
(F-M) AREA DIVERSION PROJECT AND OTHER FLOOD CONTROL MEASURES**

WHEREAS, the Red River and its tributaries regularly exceed the flood stage in Cass County; and

WHEREAS, the frequent flooding on the Red River and its tributaries threatens the life and property of the citizens of Cass County; and

WHEREAS, the County of Cass desires to protect the lives and property of the citizens of Cass County from the frequent flooding on the Red River and its tributaries; and

WHEREAS, the Army Corps of Engineers has studied various options for reducing the amount of damage caused by the frequent flood stages in Cass County; and

WHEREAS, the Metro Flood Group, now formally named as the Metro Flood Diversion Authority, the cities of Fargo and Moorhead, and the counties of Cass and Clay have adopted a locally preferred option for flood control; and

WHEREAS, the cost of the Fargo-Moorhead (FM) Area Diversion Project will be borne by various entities, including Cass County and the citizens of Cass County; and

WHEREAS, the Cass County Board of Commissioners, under its charter, may on its own motion submit any question to the electorate for a vote of the people and the electorate must approve that action by a majority vote of the electors voting.

NOW, THEREFORE, BE IT RESOLVED, that the Cass County Board of Commissioners hereby elects to proceed with a vote of the electorate at the next regularly scheduled election on whether a retail sales, use and gross receipts tax should be imposed and subject to limitations as follows:

1. Sales taxed shall be limited to those which are taxed by the State of North Dakota pursuant to Chapter 57-39.2 of the North Dakota Century Code.
2. The amount of the tax shall not exceed one half of one percent of the sales, use and gross receipts, which are taxed by the State of North Dakota pursuant to Chapter 57-39.2 of the North Dakota Century Code, nor shall the tax exceed twelve dollars and fifty cents on any single purchase; provided, that a higher rate of tax may be imposed and collected on sales of less than one dollar and on sales of fractional dollar amounts and the bracket system for the application of the state sales tax set forth in Section 57-39.2-08.2 of the North Dakota Century Code shall be adjusted to incorporate the additional county tax. The retail sales tax imposed shall be computed and collected in the same manner provided by law for the collection of the state sales tax.
3. The sales, use and gross receipts tax, which is adopted by this Resolution and is imposed pursuant to the authority granted by the Cass County Home Rule Charter, shall remain in effect until December 31, 2084, or until such time as all Fargo-Moorhead (FM) Area Diversion Project construction costs, availability payments, related special assessments and any and all debt obligations, including but not limited to loans, credit facilities, bonds or any other debt associated with the Fargo-Moorhead (FM) Area Diversion Project are paid in full and satisfied, whichever event occurs first. ~~unless the Board of County Commissioners takes action to lower or discontinue the tax.~~ In no event shall the tax be lowered or discontinued until all costs of construction and while any bonded debt, including special assessments and/or availability payments for the construction remains unpaid for the Fargo-

Moorhead (FM) Area Diversion Project.

- 4. The proceeds of the sales, use and gross receipts tax, which is imposed pursuant to the Cass County Home Rule Charter, shall be solely utilized for the Fargo-Moorhead (FM) Area Diversion Project and other flood control purposes including the payment of special assessments and indebtedness for the Fargo-Moorhead (FM) Area Diversion Project and other flood control measures.

AND, BE IT FURTHER RESOLVED, the Cass County Board of Commissioners hereby certifies a ballot question for consideration by Cass County electors for an election to be held November 8, 2016.

FLOOD PROTECTION SALES, USE AND GROSS RECEIPTS TAX PROPOSAL

Shall the Cass County Home Rule Charter be amended to extend the existing flood-protection-related sales, use and gross receipts tax of one-half of one percent (1/2%) to be used solely for the engineering, land purchase, construction, and maintenance of flood control measures including the Metro Flood Diversion Project including associated special assessments and indebtedness, through December 31, 2084, and shall be rescinded when all earlier-after of the costs, obligations and debt for said project have been paid in full and satisfied, whichever event occurs first as determined by the Cass County Commission all as provided in Resolution #2016-20 and in the Notice of Proposed Cass County Home Rule Charter Amendment as published in THE FORUM on the 29th day of August, 2016.

SHALL SUCH AMENDMENT BE APPROVED?

Yes 0

No 0

Dated at Fargo, North Dakota, this 15th day of August, 2016.

APPROVED:

Mary Scherling, Chairwoman
Cass County Board of Commissioners

ATTEST:

Michael Montplaisir
Cass County Auditor