

ORDINANCE NO. 951

AN ORDINANCE TO AMEND THE CITY SALES TAX ORDINANCE NUMBER 742 FOR WILLISTON PARKS AND RECREATION DISTRICT AND ALLOCATING REVENUE PURSUANT TO THE VOTE OF THE MAJORITY OF ELECTORS IN THE CITY OF WILLISTON.

Be it ordained by the Board of City Commissioners of the City of Williston, North Dakota and Ordinance No. 742, Sections 4, 11 and 12 are hereby amended to read:

Section 4. Additional Limitations on the Scope of Taxation

- (a) The tax shall be imposed at the rate of 2% of the purchase price of the property which involved in a taxable event under subsection (a) of Section 3 until the additional one cent tax under Section 1(a)(2) of this ordinance, which amends ordinance 743, and has previously been amended by ordinances 779, 846, 861, 862 and 943, expires at which time the rate shall be 1%
- (b) The tax shall be imposed at the rate of 2% of the fair market value of the property which involved in a taxable event under subsections (b) and (c) of Section 3 until the additional one cent tax under Section 1(a)(2) of this ordinance, which amends ordinance 743, and has previously been amended by ordinances 779, 846, 861, 862 and 943, expires at which time the rate shall be 1%
- (c) There shall be no sales or use tax imposed under this article upon that portion of the receipts in excess of Two Thousand Five Hundred Dollars (\$2,500.00) per purchase.

Section 11. Allocation of Revenue

The proceeds of the tax specified in 1(a)(1) shall be placed in a separate sales tax fund which fund shall be dedicated as follows:

- (a) 75% of the proceeds of such City sales and use tax shall be dedicated to property tax relief through debt reduction and necessary City owned infrastructure and 25% to a job creation fund (The Williston Star Fund) which includes community development related to job creation, retention and expansion. Upon passing a resolution by a 4/5ths vote of the Commissioners, the City Commission may reallocate up to a total of 75% of the proceeds to either use described above.

The proceeds of the tax specified in 1(a)(2) shall be placed in a separate sales tax fund which fund shall be dedicated as follows:

- (a) Fifty percent (50%) of the additional one percent sales tax to be used by the Williston Parks and Recreation District will be used for Park District Operations.
- (b) Fifty percent (50%) of the additional one percent sales tax to be used by the Williston Parks and Recreation District will be used towards construction of a new Community Recreation Center.

Section 12. Termination of Tax

The tax imposed under Section 1(a)(1) herein shall terminate as follows:

- (a) On June 30, 2020, unless prior to that date the electors of the city vote by a simple majority of those voting to extend the tax indefinitely or to a time certain.

The tax imposed under Section 1(a)(2) herein shall terminate as follows:

- (a) The ½% of the additional one percent sales tax to be used in Section 11(a) for Park District Operations shall expire twenty years after its inception.
- (b) The ½% of the additional one percent sales tax to be used in Section 11(b) for construction of a new community center shall expire at the completion of paying for the bonds to build the Recreation Center or 20 years, whichever is less.

This ordinance shall become effective immediately upon its final passage and approval, or on October 1, 2012, whichever is the latest and the amendment shall become effective immediately upon its final passage and approval with the implementation of the tax to begin October 1, 2012.

Commissioner Bogar moved for the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Bekkedahl. On roll call vote of the Commissioners, the following Commissioners vote "AYE" Cymbaluk, Bogar, Bekkedahl, Klug, & Koeser, and the following Commissioners vote "NAY" none. Absent and not voting: none.


WHEREUPON, the motion was passed and the Ordinance declared adopted this 26 day of June, 2012.



E. WARD KOESER, President
Board of City Commissioners

ATTEST:





JOHN KAUTZMAN, City Auditor

FIRST READING: June 12, 2012

SECOND READING: June 26, 2012

PUBLISHED:

ADOPTED THE 26 DAY OF June, 2012.