

RESOLUTION NO. _____

A RESOLUTION TO SUBMIT THE ISSUE OF FUNDING PUBLIC INFRASTRUCTURE IMPROVEMENTS BY INCREASING THE EXISTING SALES AND USE TAX OF ONE-AND-ONE-HALF PERCENT (1.5%) BY ONE-HALF PERCENT (0.5%) UPON TRANSACTIONS WITHIN THE CORPORATE LIMITS OF OGALLALA, NEBRASKA, TO THE REGISTERED VOTERS OF OGALLALA AT THE PRIMARY ELECTION TO BE HELD ON MAY 10, 2016.

WHEREAS, the Council President and City Council of the City Ogallala, Nebraska, (the “City”) have the authority to place the question before the registered voters of Ogallala at the primary election to be held on May 10, 2016, of whether the City shall fund Street, Sewer, Water and Storm Water infrastructure improvements with an increase in the existing sales and use tax of one-and-one-half (1.5%) upon transactions within the corporate limits of Ogallala by an additional one-half percent (0.5%) pursuant to Neb. Rev. Stat. § 77-27,142;

WHEREAS, the City is a party to an Interlocal Cooperation Act Agreement, dated December _____, 2015, with the Community Redevelopment Authority (“CRA”) creating the Joint Ogallala Redevelopment Authority (“JORA”), which is a separate administrative entity relating to improvement, maintenance, and replacement of municipal Street, Sewer, Water, and Storm Water infrastructure projects;

WHEREAS, the Council President and City Council of the City hereby determine that it is advisable to increase the existing sales and use tax of one-and-one-half percent (1.5%) upon transactions within the corporate limits of the City by an additional one-half percent (0.5%), with the proceeds from such rate in excess of one-and-one-half percent (1.5%) to be used solely for construction, improvement, maintenance, and replacement of municipal Street, Sewer, Water, and Storm Water infrastructure projects, and

WHEREAS, the Council President and City Council of the City intend to pledge such additional sales tax for payment of Street, Sewer, Water, and Storm Water infrastructure projects not to exceed ten (10) years.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OGALLALA, NEBRASKA, THAT:

1. The Mayor and City Council of the City determine that at the primary election on May 10, 2016, there shall be submitted to the qualified electors of the City the following proposition:

PROPOSITION

“Shall the governing body of the City of Ogallala, Nebraska, fund construction, improvement, maintenance, and replacement of municipal Street, Sewer, Water, Storm Water and infrastructure projects by imposing a sales and use tax in the amount of one-half percent (0.5%) in addition to the one-and-one-half percent (1.5%) currently in effect, upon the same transactions within the City of Ogallala on which the State of Nebraska is authorized to impose a tax, subject to the following terms and conditions:

- 1) Use of Additional Tax. The proceeds from the additional City sales and use tax referred to in this Proposition shall be used solely for construction, improvement, maintenance, and replacement of municipal Street, Sewer, Water, and Storm Water infrastructure projects within the

City, with one hundred percent (100%) of the revenue collected to be used for the purposes of the Interlocal Agreement for public infrastructure improvements between the City and the Community Redevelopment Authority (“CRA”), which will benefit from infrastructure improvements.

2) Termination of Tax. The additional City sales and use tax of one-half percent (0.5%) referred to in this Proposition shall be in effect from January 1, 2017 through December 31, 2027. The sales and use tax of one-half percent (0.5%) referred to in this Proposition shall automatically terminate December 31, 2027.

Yes (for the Proposition)

No (against the Proposition)

If a majority of the votes cast upon such question shall be in favor of such tax, then the governing body of the City of Ogallala shall be empowered as provided by Neb. Rev. Stat. § 77-27,142, and shall forthwith proceed to impose such additional sales and use tax. If a majority of those voting on the question shall be opposed to such tax, then the governing body of the City of Ogallala shall not impose such a tax.”

2. Notice of the election pursuant to subsection (1) of this Resolution shall state the date on which the election is to be held and the hours the polls will be open. The notice shall be published in a newspaper that is published in or of general circulation in the City of Ogallala, Nebraska, not more than thirty nor less than ten days before the election.
3. The City Clerk is hereby directed to certify this Resolution to the Keith County Clerk on or before March 1, 2016 for the primary election to be held on May 10, 2016, and to prepare and cause to be published all notices that are required by law and as may be deemed appropriate regarding such election.

PASSED and APPROVED this _____ day of _____, 2016.

Harold L. Peterson,
Council President

ATTEST,

Jane Skinner, City Clerk

City/Resolution/12mm-or