CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: December 11, 2017

ITEM: Resolution submitting the question of the imposition of a local option sales and services tax and revenue allocation statement to the voters of the City of West Des Moines, Polk County, Iowa

FINANCIAL IMPACT: Undetermined at this time. One cent per dollar sales and services tax revenue to be collected upon approval of voters in special election.

BACKGROUND: A number of communities in the Des Moines metro area of Polk County have approved motions or resolutions requesting that the question of imposing a local sales and services tax be submitted to the registered voters of Polk County. Upon receipt of motions or resolutions from incorporated and/or unincorporated areas of Polk County representing more than half the population of the county, the Polk County Commissioner of Elections is required by state law to establish an election date and publish notice of the ballot proposition concerning the imposition of the local sales and services tax.

The City of West Des Moines was among the first to pass a resolution requesting an election, having done so on November 27, 2017. Although the Commissioner of Elections has not established an election date, on December 4, 2017 the City of Des Moines approved a similar resolution, assuring that the population requirement will be met.

As provided by state code, each taxing entity is allowed to provide a revenue allocation statement for submission on the ballot indicating how the one percent sales tax revenue will be spent. The proposed allocation statement in the attached Resolution is similar to the allocation statement submitted by the City Council and approved by the voters of Dallas County in the November 7, 2017 election approving the imposition of the local sales and services tax, with two changes: the phrase "the construction of public parks, recreational facilities and trails" was changed to "the construction of public parks, *sports* and recreational facilities and trails" and the phrase "*and public library uses*" was added.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION: Approve the Resolution submitting the question of the imposition of a local option sales and services tax and revenue allocation statement to the voters of the City of West Des Moines, Polk County, Iowa

Lead Staff Member: Richard J. Scieszinski, City Attorney RJS

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney
Appropriations/Finance	
Legal	
Agenda Acceptance	

RESOLUTION NO._____

A RESOLUTION SUBMITTING THE QUESTION OF THE IMPOSITION OF A LOCAL OPTION SALES AND SERVICES TAX AND REVENUE ALLOCATION STATEMENT TO THE VOTERS OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA

WHEREAS, pursuant to Iowa Code Chapter 423B, on November 27, 2017 the City Council of the City of West Des Moines, Iowa approved the submission of a Resolution to the Polk County Commissioner of Elections for the imposition for an unlimited time a one percent (1%) sales and services tax on that portion of the incorporated area of the City of West Des Moines located in Polk County, Iowa; and

WHEREAS, following approval on November 27, 2017, and in accordance with the provisions of Iowa Code Section 423B.1(4)(b), the Resolution was submitted by the City of West Des Moines to the Polk County Commissioner of Elections and to the Board of Supervisors of Polk County; and

WHEREAS, Iowa Code 423B requires the question of the imposition of a local sales and services tax to be submitted to the registered voters of the incorporated and unincorporated areas of the county upon receipt by the county commissioner of elections of a motion or resolution requesting such submission, adopted by the governing body or bodies of the city or cities located within the county or of the county, for the unincorporated areas of the county, representing at least one half of the population of the county; and

WHEREAS, if the Polk County Commissioner of Elections establishes an election date for consideration of imposition of the local option sales and services tax following submission of motions or resolutions adopted by the governing bodies of the cities located within the county and of Polk County, for the unincorporated area of the county, representing at least one half of the population of the county, the City of West Des Moines requests inclusion in the ballot measure, as provided by Iowa Code 423B, a statement regarding the manner in which the revenue from the sales and services tax will be allocated in the City of West Des Moines; and

WHEREAS, as a municipality in which a portion of its corporate limits are located within the jurisdiction of Polk County, the voters of West Des Moines residing in Polk County shall be eligible to vote in the election; and

WHEREAS, following input and discussion, the City Council of the City of West Des Moines has determined that an appropriate allocation of revenue to be derived from the implementation of the one percent local option sales and services tax is for direct city property tax reduction and all legal uses authorized by the state of Iowa, including use for public parks, sports and recreational facilities and trails, public infrastructure, public safety and public library uses; and

WHEREAS, the City Council has further determined that it is in the best interest of the City that the ballot measure for the implementation of the local option sales and services tax not contain a sunset provision regarding its termination.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, THAT:

1. The ballot measure to be submitted at the election established by the Polk County Commissioner of Elections to the eligible voters of West Des Moines residing in that portion of the city located in Polk County, Iowa regarding the imposition of a one percent local sales and service tax as authorized by Iowa Code 423B shall include the following:

    a. Revenue from the one percent sales and services tax shall be allocated as follows:

        i. 50% of revenue will be applied directly to city property tax reduction for all property taxpayers in West Des Moines;

        ii. 50% of revenue will be applied directly to the construction of public parks, sports and recreational facilities and trails; public infrastructure construction; public safety expenditures; and public library uses.

    b. Shall the citizens of the City of West Des Moines approve a local sales and services tax at the rate of one (1) percent in the incorporated area of West Des Moines located in Polk County, Iowa, to become effective July 1, 2018?

    YES ___ or NO ___.

2. The foregoing ballot measure shall be provided for inclusion in the election established by the Polk County Commissioner of Elections regarding the Local Option Sales and Services Tax.

PASSED AND ADOPTED this 11th day of December, 2017.

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Steven K. Gaer, Mayor

ATTEST:

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Ryan T. Jacobson, City Clerk