

BILL NO. R-13-05-24 (AS AMENDED) (AS AMENDED)

RESOLUTION NO. R-59-13

PROPOSING ORDINANCES TO THE ALLEN COUNTY INCOME TAX
COUNCIL TO PROVIDE PROPERTY TAX RELIEF BY IMPOSING AN
ADDITIONAL COUNTY OPTION INCOME TAX RATE AND TO PROVIDE
ADDITIONAL FUNDING FOR PUBLIC SAFETY AND
CASTING THE CITY OF FORT WAYNE'S VOTES IN FAVOR OF THE
ORDINANCES

WHEREAS, the Allen County ("County") Income Tax Council ("Tax Council") has previously imposed the county option income tax ("COIT") under IC 6-3.5-6 ("COIT Act") and the county economic development income tax ("CEDIT") under IC 6-3.5-7 ("CEDIT Act") in the County;

WHEREAS, the COIT Act permits the Tax Council to adopt an ordinance to impose an income tax rate to provide property tax relief to political subdivisions in the County ("Property Tax Relief");

WHEREAS, the COIT Act provides that Property Tax Relief may be used to: (i) provide uniform local property tax replacement credits to all taxpayers in the county; (ii) uniformly increase the homestead credit percentage in the county; (iii) to provide local property tax replacement credits at a uniform rate for all qualified residential property (as defined in IC 6-1.1-20.6-4) in the county; or (iv) provide any combination of property tax credits and homestead credits;

WHEREAS, the COIT Act requires the ordinance to specify the form or forms of Property Tax Relief to be provided and provides that the Tax Council may not adopt an ordinance to provide local property tax replacement credits at a uniform rate to all taxpayers in the County unless the County Income Tax Council has: (i) made available to the public the best estimate of the amount of property tax replacement credits to be provided under this subdivision to homesteads, other residential property, commercial

property, industrial property, and agricultural property; and (ii) acknowledge that some taxpayers in the County that do not pay COIT will receive a property tax replacement credit that is funded with tax revenue from COIT;

WHEREAS, the Common Council desires to propose an ordinance to impose an additional COIT rate of twenty-five hundredths of one percent (0.25%) to provide Property Tax Relief in the form of uniform local property tax replacement credits to all taxpayers in the County and to cast its votes in favor of the ordinance;

WHEREAS, the COIT Act permits the Tax Council to adopt an ordinance to impose an income tax rate to provide funding for public safety if the Tax Council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under IC 6-3.5-6-32 to provide Property Tax Relief;

WHEREAS, the Common Council desires to propose an ordinance to impose an additional COIT rate of ten hundredths of one percent (0.10%) to provide funding for public safety and to cast its votes in favor of the ordinance ("Public Safety Rate");

WHEREAS, the COIT Act provides that the maximum Public Safety Rate may not exceed the lesser of twenty-five hundredths of one percent (0.25%) or the income tax rate imposed to provide Property Tax Relief;

WHEREAS, pursuant to IC 6-3.5-6-7, before a member of the Tax Council may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held in accordance with IC 5-3-1;

WHEREAS, the Common Council has published notice in accordance with IC 5-3-1 and IC 6-3.5-6-7 and conducted public hearings on the proposed ordinances on June 11, 2013 and June 18, 2013;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

SECTION 1. The Common Council proposes the adoption of, and casts its 71.39 votes for, the following ordinance of the Allen County Income Tax Council, which reads as follows:

"AN ORDINANCE OF THE ALLEN COUNTY TAX COUNCIL
PROVIDING PROPERTY TAX RELIEF BY IMPOSING AN
ADDITIONAL COUNTY OPTION INCOME TAX RATE TO
PROVIDE PROPERTY TAX RELIEF

BE IT ORDAINED THE ALLEN COUNTY INCOME TAX
COUNCIL:

1. In accordance with IC 6-3.5-6-2(b)(3) and IC 6-3.5-6-32(a), the Allen County Income Tax Council hereby imposes an additional rate of the county option income tax at the rate of twenty-five hundredths of one percent (0.25%), to raise income tax revenue to provide Property Tax Relief to political subdivisions in the County.
2. Property Tax Relief shall take the form of local property tax replacement credits at a uniform rate to all civil taxing units and school corporations in the County.

3. (a) The Income Tax Council has made available to the public the best estimate of the amount of property tax replacement credits to be provided under this subdivision to homesteads, other residential property, commercial property, industrial property, and agricultural property.

(b) The Income Tax Council acknowledge that some taxpayers in the County that do not pay COIT will receive Property Tax Relief funded from COIT.

4. This ordinance shall be effective on October 1, 2013.

5. In accordance with IC 6-3.5-6-32, the Allen County Auditor shall record all votes taken on this ordinance and not more than ten days after the vote immediately send a certified copy of the results to: (i) the commissioner of the department of state revenue; (ii) the director of the budget agency; and (iii) the commissioner of the department of local government finance; by certified mail or in an electronic format approved by the director of the budget agency."

SECTION 2. The Common Council proposes the adoption of, and casts its 71.39 votes for, the following ordinance of the Allen County Income Tax Council, which reads as follows:

"AN ORDINANCE OF THE ALLEN COUNTY TAX COUNCIL
PROVIDING PROPERTY TAX RELIEF BY IMPOSING AN
ADDITIONAL COUNTY OPTION INCOME TAX RATE TO
PROVIDE FUNDING FOR PUBLIC SAFETY

BE IT ORDAINED THE ALLEN COUNTY INCOME TAX
COUNCIL:

1. In accordance with IC 6-3.5-6-2(b)(3) and IC 6-3.5-6-31(b), the Allen County Income Tax Council hereby imposes an additional rate of the county option income tax at the rate of ten hundredths of one percent (0.10%), to provide funding for public safety.
2. This ordinance shall be effective on October 1, 2013.
3. In accordance with IC 6-3.5-6-31, the Allen County Auditor shall record all votes taken on this ordinance and not more than ten days after the vote immediately send a certified copy of the results to: (i) the commissioner of the department of state revenue; (ii) the director of the budget agency; and (iii) the commissioner of the department of local government finance; by certified mail or in an electronic format approved by the director of the budget agency."

SECTION 3. The City Clerk is hereby authorized and directed to distribute a copy of this resolution containing the proposed ordinances to the County Auditor.

SECTION 4. This resolution shall be effective from and after passage.

Passed this 25th day of June, 2013, by a vote of 6 ayes and 2 nays.

COMMON COUNCIL OF THE
CITY OF FORT WAYNE,
INDIANA

Presiding Officer

Joseph Bonahoom, Council Attorney