

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2015 for IOM Health System, LP at 7950 West Jefferson Boulevard under Confirming Resolution R-23-10 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property for IOM Health System, LP as an "Economic Revitalization Area" under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

WHEREAS, property owners whose Statement of Benefits (SB-1) form was approved after July 1, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne, Indiana, must file a Compliance with Statement of Benefits Form (CF-1) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing information on the extent to which there has been compliance with the approved Statement of Benefits for the project; and

WHEREAS, IOM Health System, LP has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office, the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, IOM Health System, LP's approved Statement of Benefits (SB-1) form stated that **1,865** full-time and **1,193** part-time jobs would be retained and **60** full-time jobs would be created by December 2012; and

WHEREAS, IOM Health System, LP's approved Statement of Benefits (SB-1) form stated **\$105,784,281** in annual payroll would be generated from the **1,865** full-time and **1,193** part-time retained jobs; and

WHEREAS, IOM Health System, LP's approved Statement of Benefits (SB-1) form stated **\$2,745,600** in annual payroll would be generated from the **60** full-time created jobs; and

WHEREAS, IOM Health System, LP's 2015 Compliance with Statement of Benefits (CF-1) form filing stated that **2,996** jobs were retained and **zero** jobs were created; and

WHEREAS, IOM Health System, LP's 2015 Compliance with Statement of Benefits (CF-1) form filing stated **\$119,373,231** in annual payroll for the **2,996** jobs retained; and

1 **WHEREAS**, Common Council designated the City of Fort Wayne Community
2 Development Division as the entity for the administration, application, processing and
3 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of
4 the City of Fort Wayne; and

5 **WHEREAS**, Common Council has defined substantial compliance under Section
6 153.21 of the Municipal Code of the City of Fort Wayne as:

- 7 1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to
8 be created or retained as delineated in the original Statement of Benefits Form
9 (SB-1) approved by Common Council; and
- 10 2. Meeting 75% or more of the total payroll stated to be created or retained as
11 delineated in the original Statement of Benefits Form (SB-1) approved by
12 Common Council; and

13 **WHEREAS**, meeting 75% of the **3,058** retained jobs means retaining **2,293** jobs; and

14 **WHEREAS**, meeting 75% of the **60** created jobs means creating **45** jobs; and

15 **WHEREAS**, meeting 75% of the **\$105,784,281** in annual payroll to be retained
16 means **\$79,338,210** in annual payroll retained; and

17 **WHEREAS**, meeting 75% of the **\$2,745,600** in annual payroll to be created means
18 **\$2,059,200** in annual payroll created; and

19 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
20 receipt of the Compliance of Statement of Benefits Form (CF-1) IOM Health System, LP has
21 substantially complied with the original Statement of Benefits Form (SB-1) approved by
22 Common Council; and

23 **WHEREAS**, IOM Health System, LP **appeared/failed to appear** before council to
24 provide additional information on its compliance with statement of benefits.

25 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**
26 **CITY OF FORT WAYNE, INDIANA:**

27 **SECTION 1.** That, Common Council finds that the Compliance with Statement of
28 Benefits Forms (CF-1) filed by IOM Health System, LP with an approved economic
29 revitalization area for 2015 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and
30 Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of
the 60 jobs or 45 jobs that were stated that would be created and for failure to create 75% of
the \$2,745,600 in annual payroll or \$2,059,200 from the jobs that were stated that would be
created.

SECTION 2a. IOM Health System, LP appeared before council and provided
additional information on its compliance with statement of benefits and from this information
it was determined that notwithstanding IOM Health System, LP's failure to substantially
comply by its failure to create 45 jobs or more and \$2,059,200 or more in annual payroll from

1 the jobs created, that IOM Health System, LP did make reasonable efforts to substantially
2 comply with the statement of benefits and IOM Health System, LP's failure to substantially
3 comply was caused by factors beyond the control of IOM Health System, LP. Therefore, the
4 continuation of IOM Health System, LP's deduction/abatement under R-23-10 is hereby
approved.

5 OR

6 **SECTION 2b.** IOM Health System, LP failed to appear and otherwise provide
7 additional information on its compliance with statement of benefits and has caused Council to
8 conclude and find that IOM Health System, LP is not in substantial compliance pursuant to
9 I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne on their
10 2015 filing. Council therefore directs the Community Development Division to mail written
11 notice to IOM Health System, LP explaining the reasons for Council's determination and a
date, time, place of a hearing to be conducted by Council for the purpose of further
considering IOM Health System, LP's 2015 compliance with statement of benefits.

12 **SECTION 3.** That, this Resolution shall be in full force and effect from and after
its passage and any and all necessary approval by the Mayor.

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15 _____
Member of Council

16
17 APPROVED AS TO FORM A LEGALITY

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20 _____
Carol Helton, City Attorney

DIGEST SHEET

TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2015

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by IOM Health System, LP in May 2015 with an approved economic revitalization area are in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Will allow property owners with existing economic revitalization area designation to continue to receive their economic revitalization area deduction (property tax abatement/phase-in) benefit if determined to be in substantial compliance or provide notice to company if determined to be in substantial non-compliance and a hearing will be scheduled

EFFECT OF NON-PASSAGE: Potential retention or loss of economic revitalization area deduction (property tax abatement/phase-in)

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT): Thomas Didier and Russ Jehl