BILL NO. R-16-08-24 **RESOLUTION NO._____**

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE PROPOSING AN ORDINANCE TO THE ALLEN COUNTY INCOME TAX COUNCIL TO EXEMPT NEW BUSINESS PROPERTY FROM TAXATION AND CASTING THE CITY OF FORT WAYNE'S VOTES IN FAVOR OF SAID ORDINANCE

WHEREAS, the City of Ft. Wayne is a member of the Allen County Income Tax Council ("County Income Tax Council") as defined by IC 6-3.5-6-2); and

WHEREAS, pursuant to IC 6-1.1-10.3, the County Income Tax Council is permitted to adopt an ordinance that would exempt all new "business personal property", defined by IC 6-1.1-10.3-1, from taxation; and

WHEREAS, an exemption ordinance adopted under IC 6-1.1-10.3 must apply to and exempt all "new personal property", meaning business personal property that is placed in service after the effective date of the exemption ordinance and has not previously been used in the State of Indiana; and

WHEREAS, pursuant to IC 6-3.5-6-7, before a member of the County Income Tax Council may propose an ordinance or vote on a proposed ordinance to exempt new personal property from taxation, 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 ordinance on September 13, 2016 and September 20, 2016; and

WHEREAS, having followed all of the foregoing procedures as required by state law, the Common Council of the City of Ft. Wayne desires to formally propose the ordinance exempting all new business personal property (the text of which is provided below) and cast its 71.40 votes in favor of such ordinance.

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 71.40 votes for, the following ordinance of the Allen County Income Tax Council, which reads as follows:

AN ORDINANCE OF THE ALLEN COUNTY TAX COUNCIL EXEMPTING BUSINESS PERSONAL PROPERTY FROM TAXATION

1. In accordance with IC 6-1.1-10.3-5 and IC 6-3.5-6-7, all new personal property as defined in IC 6-1.1-10.3-4 (i.e., business personal property that is placed in use after the effective date of this exemption ordinance specified below and that has not previously been used in the State of Indiana) is exempt from taxation.
2. This ordinance shall be effective December 31, 2016.
3. 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 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 City Clerk is hereby authorized and directed to distribute a copy of this resolution containing the proposed ordinance to the County Auditor.

SECTION 3. This resolution shall be effective from and after passage.

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Jason Arp, City Council Member

APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, City Council Attorney