

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for Revenue Cycle Service Center, LLC/Magnaway, LLC for property at 1700 Magnavox Way, Fort Wayne, IN 46804 under Confirming Resolution R-20-15 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 Revenue Cycle Service Center, LLC/Magnaway, LLC 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, Revenue Cycle Service Center, LLC/Magnaway, LLC has filed its Compliance with Statement of Benefit Forms with the Allen County Assessor's office and the City of Fort Wayne for 2017; and

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

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

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

1 **WHEREAS**, Revenue Cycle Service Center, LLC/Magnaway, LLC **appeared/failed**
2 **to appear** before council to provide additional information on its compliance with the
3 approved Statement of Benefits.

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

6 **SECTION 1.** That, Common Council finds that the Compliance with Statement of
7 Benefits Form (CF-1) filed by Revenue Cycle Service Center, LLC/Magnaway, LLC for an
8 approved economic revitalization area for 2017 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 for failure
10 stated to be generated by the created jobs on the approved Statement of Benefits form.

11 **SECTION 2a.** Revenue Cycle Service Center, LLC/Magnaway, LLC appeared
12 before council and provided additional information on its compliance with the approved
13 Statement of Benefits and from this information it was determined that notwithstanding
14 Revenue Cycle Service Center, LLC/Magnaway, LLC's failure to substantially comply with its
15 approved Statement of Benefits form, Revenue Cycle Service Center, LLC/Magnaway, LLC
16 did make reasonable efforts to substantially comply with the approved Statement of Benefits
17 and Revenue Cycle Service Center, LLC/Magnaway, LLC's failure to substantially comply
18 was caused by factors beyond the control of Revenue Cycle Service Center, LLC/Magnaway,
19 LLC. Therefore, the continuation of Revenue Cycle Service Center, LLC/Magnaway, LLC's
20 deduction/abatement under R-20-15 is hereby approved.

21 **SECTION 2b.** That Revenue Cycle Service Center, LLC/Magnaway, LLC appeared
22 and provided additional information on its compliance with the approved Statement of
23 Benefits and from this information it was determined that notwithstanding Revenue Cycle
24 Service Center, LLC/Magnaway, LLC's failure to substantially comply by its failure to create
25 the requisite number of jobs and/or the amount of annual payroll stated to be created from
26 those jobs, that Revenue Cycle Service Center, LLC/Magnaway, LLC did not make
27 reasonable efforts to substantially comply with the statement of benefits and Revenue Cycle
28 Service Center, LLC/Magnaway, LLC's failure to substantially comply was not caused by
29 factors beyond the control of Revenue Cycle Service Center, LLC/Magnaway, LLC. Council
30 therefore directs the Community Development Division to mail written notice to Revenue
Cycle Service Center, LLC/Magnaway, LLC 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 Revenue Cycle Service Center, LLC/Magnaway, LLC's 2017
compliance with statement of benefits.

SECTION 2c. That Revenue Cycle Service Center, LLC/Magnaway, LLC failed to appear and otherwise provide additional information on its compliance with statement of benefits and has caused Council to conclude and find that Revenue Cycle Service Center, LLC/Magnaway, LLC is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne on their 2017 filing. Council therefore directs the Community Development Division to mail written notice to Revenue Cycle Service Center, LLC/Magnaway, LLC 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 Revenue Cycle Service Center, LLC/Magnaway, LLC's 2017 compliance with statement of benefits.

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.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2017

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by Revenue Cycle Service Center, LLC/Magnaway, LLC in May 2017 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): Geoff Paddock and Jason Arp