

BILL NO. R-18-07-11

RESOLUTION NO. R-_____

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2018 for Revenue Cycle Services Center, LLC for property at 1700 Magnavox Way, Fort Wayne, IN 46898 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 (hereinafter "SB-1") forms, certain property for **Revenue Cycle Services Center, 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 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 (hereinafter "CF-1") with the City of Fort Wayne and in some cases either the Allen County Auditor, the Allen County Assessor, or both, showing information on the extent to which there has been compliance with the approved SB-1 form for the project; and

WHEREAS, **Revenue Cycle Services Center, LLC** has filed CF-1 forms with the **City of Fort Wayne, the Allen County Auditor and the Allen County Assessor**; and

WHEREAS, **Revenue Cycle Services Center, LLC's** approved SB-1 form stated that **281** full-time jobs would be retained and **219** full-time jobs would be created by **March 1, 2016**; and

WHEREAS, **Revenue Cycle Services Center, LLC's** approved SB-1 form stated **\$10,058,022** in annual payroll for the **281** full-time and **\$8,235,578** in annual payroll would be generated by the **219** full-time jobs to be created; and

WHEREAS, **Revenue Cycle Services Center, LLC's 2018 CF-1** form filing stated that **281** jobs were retained and **135** jobs were created; and

1 **WHEREAS, Revenue Cycle Services Center, LLC's 2018 CF-1 form filing**
2 **stated \$10,058,022 in annual payroll for the 281 jobs retained and \$5,400,036 in**
3 **annual payroll for the 135 jobs created; and**

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

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

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

16 **WHEREAS, meeting 75% of the 281 full-time jobs retained means retaining**
17 **210 jobs; and**

18 **WHEREAS, meeting 75% of the 219 full-time jobs to be created means**
19 **creating 164 full-time jobs; and**

20 **WHEREAS, meeting 75% of the \$10,058,022 in retained annual payroll**
21 **means \$7,543,516 in retained annual payroll; and**

22 **WHEREAS, meeting 75% of the \$8,235,578 in annual payroll to be created**
23 **means \$6,176,683 in created annual payroll; and**

24 **WHEREAS, Common Council may determine not later than forty-five (45)**
25 **days after receipt of the CF-1 form that Revenue Cycle Services Center, LLC has**
26 **either failed to substantially comply or has substantially complied with the original**
27 **SB-1 form approved by Common Council; and**

28 **WHEREAS, Common Council made a determination on June 26, 2018 that**
29 **Revenue Cycle Services Center, LLC was not in substantial compliance as a**
30 **result of its failure to retain at least 210 full-time jobs with an annual payroll of at**
 least \$7,543,516 and create at least 164 full-time jobs with an annual payroll of at
 least \$6,176,683 and that the failure to substantially comply was not caused by
 factors beyond the control of Revenue Cycle Services Center, LLC; and

1 **WHEREAS**, Council directed the Community Development Division to mail
2 written notice to **Revenue Cycle Services Center, LLC** explaining the reasons for
3 Council's determination and a date, time, place of a hearing to be conducted by
4 Council for the purpose of further considering **Revenue Cycle Services Center,**
5 **LLC's** compliance with Statement of Benefits; and

6 **WHEREAS**, the aforementioned notice was properly prepared and served
7 upon **Revenue Cycle Services Center, LLC**; and

8 **WHEREAS**, **Revenue Cycle Services Center, LLC** [appeared/failed to
9 **appear**] before Common Council to provide additional information concerning
10 compliance.

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

13 **SECTION 1.** That, Common Council finds that the CF-1 form filed by
14 **Revenue Cycle Services Center, LLC** with an approved Economic Revitalization
15 Area for **2018** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and
16 Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to retain
17 75% of the **281** full-time jobs or **210** jobs that were stated that would be retained
18 and create **219** full-time jobs or **164** jobs that would be created and 75% of the
19 **\$10,058,022** in annual payroll or **\$7,543,516** in annual payroll that was stated that
20 would be generated by the created jobs.

21 **SECTION 2a. Revenue Cycle Services Center, LLC** failed to appear and
22 otherwise testify and therefore Council confirms its determination of **June 26, 2018**
23 that **Revenue Cycle Services Center, LLC** has failed to substantially comply
24 pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of
25 Fort Wayne as detailed in Section 1 above. Council therefore finds that **Revenue**
26 **Cycle Services Center, LLC** has failed to substantially comply and said failure was
27 not caused by factors outside of **Revenue Cycle Services Center, LLC's** control.
28 As a result of said failure, **Revenue Cycle Services Center, LLC's**
29 deduction/abatement under **R-20-15** is hereby terminated

30 **SECTION 2b.** That **Revenue Cycle Services Center, LLC** appeared and
testified at the hearing and from its testimony it was determined that
notwithstanding **Revenue Cycle Services Center, LLC's** failure to substantially
comply as detailed in Section 1 above that **Revenue Cycle Services Center, LLC**

1 did make reasonable efforts to substantially comply with the statement of benefits
2 and **Revenue Cycle Services Center, LLC's** failure to substantially comply was
3 caused by factors beyond the control of **Revenue Cycle Services Center, LLC**.
4 Therefore, the continuation of **Revenue Cycle Services Center, LLC's**
5 deduction/abatement under **R-20-15** is hereby approved.

6 **SECTION 2c.** That **Revenue Cycle Services Center, LLC** appeared and
7 testified at the hearing and from its testimony it was determined in addition to
8 **Revenue Cycle Services Center, LLC's** failure to substantially comply as detailed
9 in Section 1 above, that **Revenue Cycle Services Center, LLC** did not make
10 reasonable efforts to substantially comply with the statement of benefits and
11 **Revenue Cycle Services Center, LLC's** failure to substantially comply was not
12 caused by factors beyond the control of **Revenue Cycle Services Center, LLC** As
13 a result of said failure, **Revenue Cycle Services Center, LLC's**
14 deduction/abatement under **R-20-15** is hereby terminated.

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

17 _____
18 Member of Council

19
20 APPROVED AS TO FORM A LEGALITY

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23 Joseph G. Bonahoom, Attorney for Common Council
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Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2016

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Revenue Cycle Services Center, LLC in May 2018 with an approved economic revitalization area are either in substantial compliance or non-compliance pursuant to both Council policy and Indiana law.

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

EFFECT OF NON-PASSAGE:

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

ASSIGNED TO COMMITTEE (PRESIDENT): Geoff Paddock and Jason Arp