

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2021 for Revenue Cycle Service Center, LLC/Magnaway, LLC for property at 1700 Magnavox Way, Suite 101, 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 (hereinafter "SB-1") forms, certain 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 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 Service Center, LLC/Magnaway, 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 Service Center, LLC/Magnaway, LLC's approved SB-1 form stated that 281 jobs would be retained and 219 jobs would be created by March 1, 2016; and

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

WHEREAS, Revenue Cycle Service Center, LLC/Magnaway, LLC's 2021 CF-1 form filing stated that 281 jobs were retained and 68 jobs were created; and

WHEREAS, Revenue Cycle Service Center, LLC/Magnaway, LLC's 2021 CF-1 form filing stated \$10,058,022 in annual payroll for the 281 jobs retained and \$2,863,048 in annual payroll for the 68 jobs created; 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

WHEREAS, meeting 75% of the 281 jobs retained means retaining 210 jobs; and

WHEREAS, meeting 75% of the 219 jobs to be created means creating 164 jobs; and

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

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

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

WHEREAS, Common Council made a determination on July 13, 2021 that Revenue Cycle Service Center, LLC/Magnaway, LLC was not in substantial compliance as a result of its failure to create at least 164 jobs and at least \$6,176,683 in annual payroll created, and that the failure to substantially comply was not caused by factors beyond the control of Revenue Cycle Services Center, LLC/Magnaway, LLC; and

WHEREAS, Council directed 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 compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon Revenue Cycle Services Center, LLC/Magnaway, LLC; and

WHEREAS, Revenue Cycle Service Center, LLC/Magnaway, LLC [appeared/failed to appear] before Common Council to provide additional information concerning compliance.

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

SECTION 1. That, Common Council finds that the CF-1 form filed by Revenue Cycle Service Center, LLC/Magnaway, LLC with an approved Economic Revitalization Area for 2021 are 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 for failure to create 75% of the 219 jobs stated or 164 jobs and create 75% of the \$8,235,578 in annual payroll or \$6,176,683 that was stated that would be generated by the created jobs.

SECTION 2a. Revenue Cycle Service Center, LLC/Magnaway, LLC failed to appear and otherwise testify and therefore Council confirms its determination of July 13, 2021 that Revenue Cycle Service Center, LLC/Magnaway, LLC has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore finds that Revenue Cycle Service Center, LLC/Magnaway, LLC has failed to substantially comply and said failure was not caused by factors outside of

Revenue Cycle Service Center, LLC/Magnaway, LLC's control. As a result of said failure, Revenue Cycle Service Center, LLC/Magnaway, LLC's deduction/abatement under R-20-15 is hereby terminated

SECTION 2b. That Revenue Cycle Service Center, LLC/Magnaway, LLC appeared and testified at the hearing and from its testimony it was determined that notwithstanding Revenue Cycle Service Center, LLC/Magnaway, LLC's failure to substantially comply as detailed in Section 1 above that Revenue Cycle Service Center, LLC/Magnaway, LLC did make reasonable efforts to substantially comply with the statement of benefits and Revenue Cycle Service Center, LLC/Magnaway, LLC's failure to substantially comply was caused by factors beyond the control of Revenue Cycle Services Center, LLC/Magnaway, LLC. Therefore, the continuation of Revenue Cycle Service Center, LLC/Magnaway, LLC's deduction/abatement under R-20-15 is hereby approved.

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

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 Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2021

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 Service Center, LLC/Magnaway, LLC in May 2021 with an approved economic revitalization area are either in substantial compliance or non-compliance pursuant to both City of Fort Wayne Code and Indiana Code.

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): Jason Arp and Glynn Hines