

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Marquis ID Systems/THALES DIS USA, Inc. for property at 2917 Independence Drive, Fort Wayne, IN 46808 under Confirming Resolution R-35-13 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 **Marquis ID Systems/THALES DIS USA, Inc.** 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, **Marquis ID Systems/THALES DIS USA, Inc.** has filed CF-1 forms with the **City of Fort Wayne, the Allen County Auditor and the Allen County Assessor**; and

WHEREAS, **Marquis ID Systems/THALES DIS USA, Inc.** approved SB-1 form stated that **eight** full-time jobs would be retained and **four** full-time jobs would be created by May 31, 2014; and

WHEREAS, **Marquis ID Systems/THALES DIS USA, Inc.** approved SB-1 form stated **\$945,000** in annual payroll for the **eight** full-time retained jobs and **\$210,000** in annual payroll would be generated by the **four** full-time jobs to be created; and

WHEREAS, **Marquis ID Systems/THALES DIS USA, Inc.'s 2020** CF-1 form filing stated that **seven** jobs were retained and **zero** jobs were created; and

WHEREAS, **Marquis ID Systems/THALES DIS USA, Inc.'s 2020** CF-1 form filing stated **\$301,811** in annual payroll for the **seven** jobs retained and **\$0.00** in annual payroll for the **zero** 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

1 **WHEREAS**, meeting 75% of the **eight** full-time jobs retained means retaining **six**
2 full-time; and

3 **WHEREAS**, meeting 75% of the **four** full-time jobs to be created means creating
4 **three** full-time jobs; and

5 **WHEREAS**, meeting 75% of the **\$945,000** in retained annual payroll means
6 **\$708,750** in retained annual payroll; and

7 **WHEREAS**, meeting 75% of the **\$210,000** in annual payroll to be created means
8 **\$157,000** in created annual payroll; and

9 **WHEREAS**, Common Council may determine not later than forty-five (45) days
10 after receipt of the CF-1 form that **Marquis ID Systems/THALES DIS USA, Inc.** has either
11 failed to substantially comply or has substantially complied with the original SB-1 form
12 approved by Common Council; and

13 **WHEREAS**, Common Council made a determination on **July 28, 2020** that
14 **Marquis ID Systems/THALES DIS USA, Inc.** was not in substantial compliance as a
15 result of its failure retain at least **\$708,750** in retained annual payroll and to create at least
16 **three** full-time jobs with at least **\$157,500** in annual payroll created, and that the failure to
17 substantially comply was not caused by factors beyond the control of **Marquis ID**
18 **Systems/THALES DIS USA, Inc.**; and

19 **WHEREAS**, Council directed the Community Development Division to mail written
20 notice to **Marquis ID Systems/THALES DIS USA, Inc.** explaining the reasons for
21 Council's determination and a date, time, place of a hearing to be conducted by Council
22 for the purpose of further considering **Marquis ID Systems/THALES DIS USA, Inc.'s**
23 compliance with Statement of Benefits; and

24 **WHEREAS**, the aforementioned notice was properly prepared and served upon
25 **Marquis ID Systems/THALES DIS USA, INC.**; and

26 **WHEREAS**, **Marquis ID Systems/THALES DIS USA, Inc.** [appeared/failed to
27 appear] before Common Council to provide additional information concerning
28 compliance.

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

SECTION 1. That, Common Council finds that the CF-1 form filed by **Marquis**
ID Systems/THALES DIS USA, Inc. with an approved Economic Revitalization Area for
2020 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 retain 75% of the **\$945,000** in
retained annual payroll or **\$708,750** in retained annual payroll stated and create 75% of
the **four** full-time jobs or **three** jobs that were stated that would be created and create
75% of the **\$210,000** in annual payroll or **\$157,000** that was stated that would be
generated by the created jobs.

SECTION 2a. **Marquis ID Systems/THALES DIS USA, Inc.** failed to appear and
otherwise testify and therefore Council confirms its determination of **July 28, 2020** that
Marquis ID Systems/THALES DIS USA, Inc. 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 **Marquis ID Systems/THALES**
DIS USA, INC. has failed to substantially comply and said failure was not caused by
factors outside of **Marquis ID Systems/THALES DIS USA, Inc.'s** control. As a result of
said failure, **Marquis ID Systems/THALES DIS USA, Inc.'s** deduction/abatement under
R-35-13 is hereby terminated

SECTION 2b. That **Marquis ID Systems/THALES DIS USA, INC.** appeared and
testified at the hearing and from its testimony it was determined that notwithstanding
Marquis ID Systems/THALES DIS USA, Inc.'s failure to substantially comply as detailed
in Section 1 above that **Marquis ID Systems/THALES DIS USA, Inc.** did make
reasonable efforts to substantially comply with the statement of benefits and **Marquis ID**
Systems/THALES DIS USA, Inc.'s failure to substantially comply was caused by factors

1 beyond the control of **Marquis ID Systems/THALES DIS USA, Inc.** Therefore, the
2 continuation of **Marquis ID Systems/THALES DIS USA, Inc.'s** deduction/abatement
under **R-35-13** is hereby approved.

3 **SECTION 2c.** That **Marquis ID Systems/THALES DIS USA, Inc.** appeared and
4 testified at the hearing and from its testimony it was determined in addition to **Marquis ID**
5 **Systems/THALES DIS USA, Inc.'s** failure to substantially comply as detailed in Section
6 1 above, that **Marquis ID Systems/THALES DIS USA, Inc.** did not make reasonable
7 efforts to substantially comply with the statement of benefits and **Marquis ID**
8 **Systems/THALES DIS USA, Inc.'s** failure to substantially comply was not caused by
9 factors beyond the control of **Marquis ID Systems/THALES DIS USA, Inc.** As a result
10 of said failure, **Marquis ID Systems/THALES DIS USA, Inc.'s.** deduction/abatement
11 under **R-35-13** is hereby terminated.

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

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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 2020

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Marquis ID Systems/THALES DIS USA, Inc. in May 2020 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): Jason Arp and Sharon Tucker