

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 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 2020 CF-1** form filing stated that **281** jobs were retained and **86** jobs were created; and

WHEREAS, **Revenue Cycle Service Center, LLC/Magnaway, LLC's 2020 CF-1** form filing stated **\$10,058,022** in annual payroll for the **281** jobs retained and **\$4,721,196** in annual payroll for the **86** jobs created; and

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

5 **WHEREAS**, Common Council has defined substantial compliance under Section
6 153.21 of the Municipal Code of the City of Fort Wayne as:

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

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

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

16 **WHEREAS**, meeting 75% of the **\$10,058,022** in retained annual payroll means
17 **\$7,543,516** in retained annual payroll; and

18 **WHEREAS**, meeting 75% of the **\$8,235,578** in annual payroll to be created means
19 **\$6,176,683** in created annual payroll; and

20 **WHEREAS**, Common Council may determine not later than forty-five (45) days
21 after receipt of the CF-1 form that **Revenue Cycle Service Center, LLC/Magnaway, LLC**
22 has either failed to substantially comply or has substantially complied with the original SB-
23 1 form approved by Common Council; and

24 **WHEREAS**, Common Council made a determination on **July 28, 2020** that
25 **Revenue Cycle Service Center, LLC/Magnaway, LLC** was not in substantial
26 compliance as a result of its failure to create at least **164** jobs and at least **\$6,176,683** in
27 annual payroll created, and that the failure to substantially comply was not caused by
28 factors beyond the control of **Revenue Cycle Services Center, LLC/Magnaway, LLC**;
29 and

30 **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

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

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 CF-1 form filed by **Revenue**
7 **Cycle Service Center, LLC/Magnaway, LLC** with an approved Economic Revitalization
8 Area for **2020** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section
9 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of the
10 **219** jobs stated or **164** jobs and create 75% of the **\$6,176,683** in annual payroll or
11 **\$4,721,196** that was stated that would be generated by the created jobs.

12 **SECTION 2a. Revenue Cycle Service Center, LLC/Magnaway, LLC** failed to
13 appear and otherwise testify and therefore Council confirms its determination of **July 28,**
14 **2020** that **Revenue Cycle Service Center, LLC/Magnaway, LLC** has failed to
15 substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code
16 of the City of Fort Wayne as detailed in
17 Section 1 above. Council therefore finds that **Revenue Cycle Service Center,**
18 **LLC/Magnaway, LLC** has failed to substantially comply and said failure was not caused
19 by factors outside of **Revenue Cycle Service Center, LLC/Magnaway, LLC's** control.
20 As a result of said failure, **Revenue Cycle Service Center, LLC/Magnaway, LLC's**
21 deduction/abatement under **R-20-15** is hereby terminated

22 **SECTION 2b.** That **Revenue Cycle Service Center, LLC/Magnaway, LLC**
23 appeared and testified at the hearing and from its testimony it was determined that
24 notwithstanding **Revenue Cycle Service Center, LLC/Magnaway, LLC's** failure to
25 substantially comply as detailed in Section 1 above that **Revenue Cycle Service Center,**
26 **LLC/Magnaway, LLC** did make reasonable efforts to substantially comply with the
27 statement of benefits and **Revenue Cycle Service Center, LLC/Magnaway, LLC's**
28 failure to substantially comply was caused by factors beyond the control of **Revenue**
29 **Cycle Services Center, LLC/Magnaway, LLC.** Therefore, the continuation of **Revenue**
30 **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

1 statement of benefits and **Revenue Cycle Service Center, LLC/Magnaway, LLC's**
2 failure to substantially comply was not caused by factors beyond the control of **Revenue**
3 **Cycle Services Center, LLC/Magnaway, LLC.** As a result of said failure, **Revenue**
4 **Cycle Service Center, LLC/Magnaway, LLC's** deduction/abatement under **R-20-15** is
hereby terminated.

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

7
8
9 _____
Member of Council

10
11 APPROVED AS TO FORM A LEGALITY

12
13
14 _____
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 Revenue Cycle Service Center, LLC/Magnaway, LLC 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