

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2016 for IOM Health System, LP at 7950 West Jefferson Boulevard under Confirming Resolution R-23-10 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 IOM Health System, LP 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**, IOM Health System, LP has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office, the Allen County Assessor's Office and the City of Fort Wayne; and

**WHEREAS**, IOM Health System, LP's approved Statement of Benefits (SB-1) form stated that **1,865** full-time and **1,193** part-time jobs would be retained and **60** full-time jobs would be created by December 2012; and

**WHEREAS**, IOM Health System, LP's approved Statement of Benefits (SB-1) form stated **\$105,784,281** in annual payroll would be generated from the **1,865** full-time and **1,193** part-time retained jobs; and

**WHEREAS**, IOM Health System, LP's approved Statement of Benefits (SB-1) form stated **\$2,745,600** in annual payroll would be generated from the **60** full-time created jobs; and

**WHEREAS**, IOM Health System, LP's 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **3,031** jobs were retained and **zero** jobs were created; and

**WHEREAS**, IOM Health System, LP's 2016 Compliance with Statement of Benefits (CF-1) form filing stated **\$118,744,005** in annual payroll for the **3,031** jobs retained; 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 of  
4 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 to  
8 be created or retained as delineated in the original Statement of Benefits Form  
9 (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 **3,058** retained jobs means retaining **2,293** jobs; and

14                  **WHEREAS**, meeting 75% of the **60** created jobs means creating **45** jobs; and

15                  **WHEREAS**, meeting 75% of the **\$105,784,281** in annual payroll to be retained  
16 means **\$79,338,210** in annual payroll retained; and

17                  **WHEREAS**, meeting 75% of the **\$2,745,600** in annual payroll to be created means  
18 **\$2,059,200** in annual payroll created; and

19                  **WHEREAS**, Common Council shall determine not later than forty-five (45) days after  
20 receipt of the Compliance of Statement of Benefits Form (CF-1) IOM Health System, LP has  
21 substantially complied with the original Statement of Benefits Form (SB-1) approved by  
22 Common Council; and

23                  **WHEREAS**, IOM Health System, LP **appeared/failed to appear** before council to  
24 provide additional information on its compliance with statement of benefits.

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

27                  **SECTION 1.** That, Common Council finds that the Compliance with Statement of  
28 Benefits Forms (CF-1) filed by IOM Health System, LP with an approved economic  
29 revitalization area for 2015 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and  
30 Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of  
the 60 jobs or 45 jobs that were stated that would be created and for failure to create 75% of  
the \$2,745,600 in annual payroll or \$2,059,200 from the jobs that were stated that would be  
created.

**VOTE** SECTION 2a. IOM Health System, LP appeared before council and provided  
additional information on its compliance with statement of benefits and from this information  
it was determined that notwithstanding IOM Health System, LP's failure to substantially  
comply by its failure to create 45 jobs or more and \$2,059,200 or more in annual payroll from

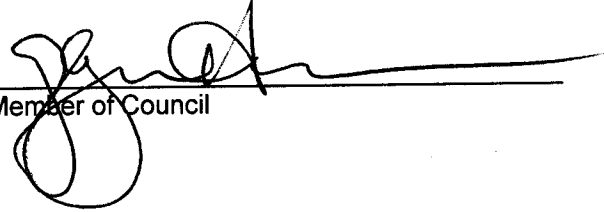
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the jobs created, that IOM Health System, LP did make reasonable efforts to substantially comply with the statement of benefits and IOM Health System, LP's failure to substantially comply was caused by factors beyond the control of IOM Health System, LP. Therefore, the continuation of IOM Health System, LP's deduction/abatement under R-23-10 is hereby approved.

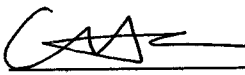
~~SECTION 2b. That IOM Health System, LP appeared and provided additional information on its compliance with statement of benefits and from this information it was determined, that notwithstanding IOM Health System, LP's failure to substantially comply by its failure to create 45 jobs or more and \$2,950,200 or more in annual payroll from the jobs created, that IOM Health System, LP did not make reasonable efforts to substantially comply with the statement of benefits and IOM Health System, LP's failure to substantially comply was not caused by factors beyond the control of IOM Health System, LP. Council therefore directs the Community Development Division to mail written notice to IOM Health System, LP 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 IOM Health System, LP's 2010 compliance with statement of benefits.~~

~~SECTION 2c. IOM Health System, LP failed to appear and otherwise provide additional information on its compliance with statement of benefits and has caused Council to conclude and find that IOM Health System, LP is not in substantial compliance pursuant to LC 6-1-1-12-1 and Section 452.24 of the Municipal Code of the City of Fort Wayne on their 2010 filing. Council therefore directs the Community Development Division to mail written notice to IOM Health System, LP 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 IOM Health System, LP's 2010 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 2016**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by IOM Health System, LP in May 2016 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): Glynn Hines and John Crawford**

**REPORT OF COMMITTEE ON FINANCE**

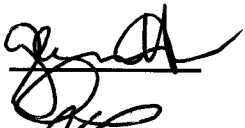
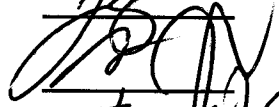



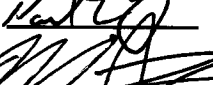
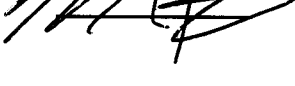
MOTION & VOTE  
UPON 2a  
(COMPLIANCE)

**June 21, 2016**

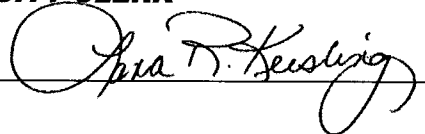
*Glynn Hines, Chair  
John Crawford, Co-Chair  
All Council Members*

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2016 for IOM Health System, LP at 7950 West Jefferson Boulevard under Confirming Resolution R-23-10 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
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**LANA R. KEESLING  
CITY CLERK**



**FORT WAYNE COMMON COUNCIL  
ROLL CALL (VOTE)  
REGULAR SESSION**

**Date:** 6-28-16  
**Bill #** R-16-06-05

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, MET IN ROOM 030, COUNCIL DISCUSSION ROOM, GARDEN LEVEL - CITIZENS SQUARE, TUESDAY EVENING, IN COMMITTEE SESSION. PRESIDENT RUSS JEHL IN THE CHAIR, COUNCIL ATTORNEY JOSEPH BONAHOOM AND LANA R. KEESLING, CITY CLERK, AT THE DESK, PRESENTS THE FOLLOWING MEMBERS

.....

ARP	yes	BARRANDA	yes	CRAWFORD	yes
DIDIER	yes	ENSLEY	yes	FREISTROFFER	yes
HINES		JEHL		PADDOCK	yes

.....

**ABSENT:** \_\_\_\_\_

<b>Final Vote Tally</b>		
<b>In Favor</b>	<b>Against</b>	<b>Abstain</b>
7	—	—

Public Hearing Date, if applicable N/A

Read the first time in full and on motion by Councilman Hines.

Read the second time by title and referred to the Finance Committee.

Read the third time in full and on motion by Councilman Crawford, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JEHL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: June 28, 2016

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
 Resolution No. R-16-06-05 on the 28th day of June, 2016

ATTEST:

  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th  
 of June 2016, at the hour of 11:30 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 29<sup>TH</sup> day of June  
 2016, at the hour of 2:00 O'clock PM E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR