

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, LLC) at 4429 Allen Martin Drive under Confirming Resolution R-41-13 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 (SB-1) forms property for EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, 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 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, EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, LLC) has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office, the Allen County Auditor's Office and the City of Fort Wayne; and

WHEREAS, EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, LLC) approved Statement of Benefits (SB-1) form stated that **27** full-time jobs would be retained and **14** full-time jobs would be created by April 2013; and

WHEREAS, EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, LLC) approved Statement of Benefits (SB-1) form stated **\$1,135,000** in annual payroll for the **27** full-time retained jobs and **\$517,813** in annual payroll would be generated by the **14** full-time jobs to be created; and

WHEREAS, EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, LLC) 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **31** jobs were retained and **three** jobs were created; and

1 **WHEREAS**, EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal
2 Services Solid Waste Midwest, LLC) 2016 Compliance with Statement of Benefits (CF-1)
3 form filing stated **\$1,426,398** in annual payroll for the **31** jobs retained and **\$138,039** in
4 annual payroll for the **three** jobs created; and

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

9 **WHEREAS**, Common Council has defined substantial compliance under Section
10 153.21 of the Municipal Code of the City of Fort Wayne as:

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

17 **WHEREAS**, meeting 75% of the **27** full-time jobs retained means retaining **20** jobs;
18 and

19 **WHEREAS**, meeting 75% of the **14** full-time jobs to be created means creating **10**
20 full-time jobs; and

21 **WHEREAS**, meeting 75% of the **\$1,135,000** in retained annual payroll means
22 **\$851,250** in annual payroll; and

23 **WHEREAS**, meeting 75% of the **\$517,813** in annual payroll to be created means
24 **\$388,360**; and

25 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
26 receipt of the Compliance of Statement of Benefits Form (CF-1) that EFTT Equities, LLC dba
27 Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, LLC) has
28 substantially complied with the original Statement of Benefits Form (SB-1) approved by
29 Common Council; and

30 **WHEREAS**, EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal
Services Solid Waste Midwest, LLC) **appeared/failed to appear** before council to provide
additional information on its compliance with statement of benefits.

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

SECTION 1. That, Common Council finds that the Compliance with Statement of
Benefits Form (CF-1) filed by EFTT Equities, LLC dba Earth First (now filed under Advanced
Disposal Services Solid Waste Midwest, LLC) with an approved economic revitalization area

1 for 2016 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of
2 the Municipal Code of the City of Fort Wayne for failure to create 75% of the 14 full-time jobs
3 or 10 jobs that were stated that would be created and create 75% of the \$517,813 in annual
4 payroll or \$388,360 that was stated that would be generated by the created jobs.

5 ~~SECTION 2a. EFTT Equities, LLC dba Earth First (now filed under Advanced~~
6 ~~Disposal Services Solid Waste Midwest, LLC) appeared before council and provided~~
7 ~~additional information on its compliance with statement of benefits and from this information~~
8 ~~it was determined that notwithstanding, EFTT Equities, LLC dba Earth First (now filed under~~
9 ~~Advanced Disposal Services Solid Waste Midwest, LLC) failure to substantially comply by its~~
10 ~~failure to create 10 jobs or more and \$388,360 in annual payroll or more from the jobs~~
11 ~~created, that EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal~~
12 ~~Services Solid Waste Midwest, LLC) did make reasonable efforts to substantially comply with~~
13 ~~the statement of benefits and EFTT Equities, LLC dba Earth First (now filed under Advanced~~
14 ~~Disposal Services Solid Waste Midwest, LLC) failure to substantially comply was caused by~~
15 ~~factors beyond the control of EFTT Equities, LLC dba Earth First (now filed under Advanced~~
16 ~~Disposal Services Solid Waste Midwest, LLC). Therefore, the continuation of EFTT Equities,~~
17 ~~LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest,~~
18 ~~LLC) deduction/abatement under P. 41-43 is hereby approved.~~

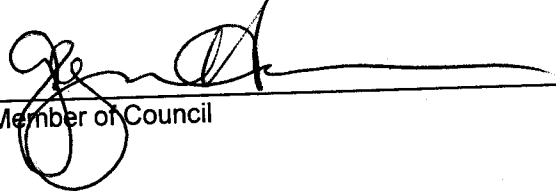
19 ~~SECTION 2b. That EFTT Equities, LLC dba Earth First (now filed under Advanced~~
20 ~~Disposal Services Solid Waste Midwest, LLC) appeared and provided additional information~~
21 ~~on its compliance with statement of benefits and from this information it was determined that~~
22 ~~notwithstanding, EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal~~
23 ~~Services Solid Waste Midwest, LLC) failure to substantially comply by its failure to create 10~~
24 ~~jobs or more and \$388,360 in annual payroll or more from the jobs created, that EFTT~~
25 ~~Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste~~
26 ~~Midwest, LLC) did not make reasonable efforts to substantially comply with the statement of~~
27 ~~benefits and EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal~~
28 ~~Services Solid Waste Midwest, LLC) failure to substantially comply was not caused by~~
29 ~~factors beyond the control of EFTT Equities, LLC dba Earth First (now filed under Advanced~~
30 ~~Disposal Services Solid Waste Midwest, LLC). Council therefore directs the Community~~
Development Division to mail written notice to EFTT Equities, LLC dba Earth First (now filed
under Advanced Disposal Services Solid Waste Midwest, 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 EFTT Equities, LLC dba Earth First (now filed under
Advanced Disposal Services Solid Waste Midwest, LLC) 2016 compliance with statement of
benefits.

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NOTE

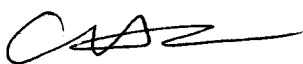
SECTION 2c. That EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, LLC) failed to appear and otherwise provide additional information on its compliance with statement of benefits and has caused Council to conclude and find that EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, LLC) is 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 on their 2016 filing. Council therefore directs the Community Development Division to mail written notice to EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, 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 EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, LLC) 2016 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 EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, LLC) 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



Advanced Disposal

June 21st, 2016

Good evening council members.

Due to unforeseen circumstances we regrettably are not able to be present at tonight's meeting.

Even with our unfortunate absence, we would still like to have information presented regarding the compliance determination for our 2016 Confirming Resolution R-41-13.

The originally stated goals were listed as 27 retained jobs and 14 job created, which for the 2015 year our company had 31 retained jobs and 3 jobs created. This does show our continued growth of employment for our company and dedication to retaining jobs which have been created in past years.

In addition to the provided information we have also created 6 full time positions for Martin Enterprises for employees who haul materials to the needed landfills. These are positions held outside of our company but created and exclusively used by Advanced Disposal.

With our base employment rates and then the addition of the drivers for Martin Enterprises, we do exceed the required 75% retention and creation of jobs goal, aligning us to meet needed requirements to be compliant.

Please review the provided information in determining our compliance.

Thank you,

Advanced Disposal Services

REPORT OF COMMITTEE ON FINANCE

MOTION FOR 2c

June 21, 2016

- NON COMPLIANCE -

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

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for EFTT Equities, LLC dba Earth First (now filed under Advanced Disposal Services Solid Waste Midwest, LLC) at 4429 Allen Martin Drive under Confirming Resolution R-41-13 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

Table with 4 columns: DO PASS, DO NOT PASS, ABSTAIN, NO REC. Contains handwritten signatures in the DO PASS column and one signature in the ABSTAIN column.

LANA R. KEESLING
CITY CLERK

Handwritten signature of Lana R. Keesling

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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-16-06-09 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 29TH day of June
 2016, at the hour of 2:00 O'clock Pm . E.S.T.



 THOMAS C. HENRY, MAYOR