

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for Revenue Cycle Service Center, LLC/Magnaway, LLC for property at 1700 Magnavox Way, 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 (SB-1) forms property for Revenue Cycle Services 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 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**, Revenue Cycle Services Center, LLC/Magnaway, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

**WHEREAS**, Revenue Cycle Services Center, LLC/Magnaway, LLC's approved Statement of Benefits (SB-1) form stated that **281** full-time jobs would be retained and **219** full-time jobs would be created by March 2016; and

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

**WHEREAS**, Revenue Cycle Services Center, LLC/Magnaway, LLC's 2017 Compliance with Statement of Benefits (CF-1) form filing stated that **281** jobs were retained and **122** jobs were created; and

**WHEREAS**, Revenue Cycle Services Center, LLC/Magnaway, LLC's 2017 Compliance with Statement of Benefits (CF-1) form filing stated **\$10,058,022** in annual payroll for the **281** jobs retained and **\$670,513** in annual payroll for the **122** 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

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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** full-time jobs retained means retaining **210** jobs; and

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

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

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

**WHEREAS**, Common Council shall determine not later than forty-five (45) days after receipt of the Compliance of Statement of Benefits Form (CF-1) that Revenue Cycle Services Center, LLC/Magnaway, LLC has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council; and

**WHEREAS**, Revenue Cycle Services Center, LLC/Magnaway, LLC **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:**

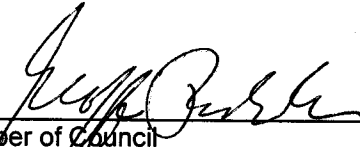
**SECTION 1.** That, Common Council finds that the Compliance with Statement of Benefits Form (CF-1) filed by Revenue Cycle Services Center, LLC/Magnaway, LLC with an approved economic revitalization area for 2017 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of the 219 full-time jobs or 164 jobs that were stated that would be created 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 Services Center, LLC/Magnaway, LLC appeared before council and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding, Revenue Cycle Services Center, LLC/Magnaway, LLC's failure to substantially comply by its failure to create 164 jobs or more and \$6,176,683 in annual payroll or more from the jobs created and, that Revenue Cycle Services Center, LLC/Magnaway, LLC did make reasonable efforts to substantially comply with the statement of benefits and Revenue Cycle Services 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 Services Center, LLC/Magnaway, LLC's deduction/abatement under R-20-15 is hereby approved.~~


~~**SECTION 2b.** That Revenue Cycle Services Center, LLC/Magnaway, LLC, appeared and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding Revenue Cycle Services Center, LLC/Magnaway, LLC's failure to substantially comply by its failure to create 164 jobs or more and \$6,176,683 in annual payroll or more from the jobs created, that Revenue Cycle Services Center, LLC/Magnaway, LLC did not make reasonable efforts to substantially comply with the statement of benefits and Revenue Cycle Services 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. Council therefore directs the Community Development Division to mail written notice to Revenue Cycle Services 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 Services Center, LLC/Magnaway, LLC's 2017 compliance with statement of benefits.~~

1                   **SECTION 2c.** That Revenue Cycle Service Center, LLC/Magnaway, LLC failed to  
2 appear and otherwise provide additional information on its compliance with statement of  
3 benefits and has caused Council to conclude and find that Revenue Cycle Service Center,  
4 LLC/Magnaway, LLC is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section  
5 153.21 of the Municipal Code of the City of Fort Wayne on their 2017 filing. Council therefore  
6 directs the Community Development Division to mail written notice to Revenue Cycle Service  
7 Center, LLC/Magnaway, LLC explaining the reasons for Council's determination and a date,  
8 time, place of a hearing to be conducted by Council for the purpose of further considering  
9 Revenue Cycle Service Center, LLC/Magnaway, LLC's 2017 compliance with statement of  
10 benefits.

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

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16 Member of Council

17 APPROVED AS TO FORM A LEGALITY

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19 \_\_\_\_\_  
20 Carol Helton, City Attorney

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

**TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2017**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by Revenue Cycle Service Center, LLC/Magnaway, LLC in May 2017 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): Geoff Paddock and Jason Arp**

**BILL NO. R-17-06-25**

**REPORT OF COMMITTEE ON FINANCE**

**June 20, 2017**

**Geoff Paddock Chair**

**Jason Arp Co-Chair**

**All Council Members**

A Resolution determining **substantial compliance or non-compliance** with Statement of Benefits (CF-1) form filing for 2017 for **Revenue Cycle Service Center, LLC/Magnaway, LLC** for property at 1700 Magnavox Way, Fort Wayne, IN 46804 under Confirming Resolution R-20-15 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**

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING  
CITY CLERK**

Public Hearing Date: N/A

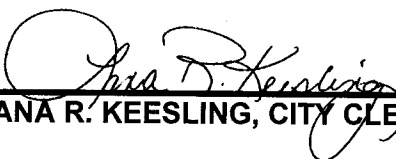
Read the first time in full and on motion by Councilman Paddock.

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

Read the third time in full and on motion by Councilman Paddock, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: June 27, 2017


  
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 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Ordinance No. R-17-06-25 AA on the 27th day of June, 2017

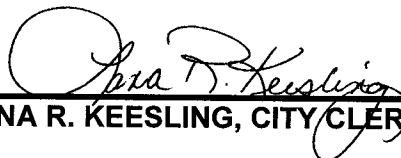
Voted Motion 2c – Failure to Appear/Non-Compliance

ATTEST:

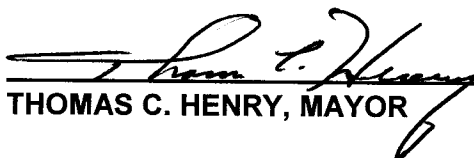
  
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 LANA R. KEESLING  
 CITY CLERK

  
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 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th of June 2017, at the hour of 11:45 o'clock A.M. E.S.T.

  
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 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 30<sup>TH</sup> day of June 2017, at the hour of 10:00 O'clock AM . E.S.T.

  
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 THOMAS C. HENRY, MAYOR