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3 **AN ORDINANCE AMENDING § 153.21: COMPLIANCE WITH STATEMENT OF**
4 **BENEFITS WITHIN CHAPTER 153: PLANNING AND DEVELOPMENT**
5 **OF THE FORT WAYNE MUNICIPAL CODE OF ORDINANCES**
6

7 **WHEREAS**, the Fort Wayne Common Council (“Common Council”) periodically
8 reviews certain policies that affect property-tax phase-ins for the City of Fort Wayne (“City”);
9 and
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11 **WHEREAS**, property tax phase-ins are given careful scrutiny to balance the need to
12 encourage growth and development with the need to maintain government revenues; and
13

14 **WHEREAS**, the City of Fort Wayne has codified its procedures for the orderly
15 application, administration, and monitoring of economic revitalization areas and the related tax
16 phase-ins in Chapter 153 of the City’s Municipal Code (the “City Code”); and
17

18 **WHEREAS**, the City’s Community Development division is granted authority to
19 administer the tax phase-in programs and to promulgate policies and procedures for the phase-in
20 application and approval process; and
21

22 **WHEREAS**, Community Development recently updated its tax phase-in policies and
23 procedures to include language that requires recipients of tax phase-ins to maintain compliance
24 with licensing rules and regulations, as well as other federal, state, and local rules and
25 regulations, throughout the entirety of the project subject to the tax phase-in; and
26

27 **WHEREAS**, Common Council wishes to pass an ordinance amending § 153.21:
28 “Compliance with Statement of Benefits” within Chapter 153: “Planning and Development” to
29 include compliance requirement with licensing and other federal, state, and local rules and
30 regulations; and
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32 **WHEREAS**, among other things, the ordinance shall permit Common Council to
33 evaluate and potentially terminate a tax phase-in if the applicant fails to maintain compliance
34 with the licensing compliance regulation set forth in the City Code or other federal, state, or local
35 rules and regulations.
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1 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF**
2 **THE CITY OF FORT WAYNE, INDIANA:**

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5 **SECTION 1.** That § 153.21: "Compliance with Statement of Benefits" within Chapter 153:
6 "Planning and Development" shall be amended to be titled "Compliance with Statement of
7 Benefits and Compliance with Law and Regulations," to amend Section "E" to read as follows,
8 to add Section "F" as noted, and to change the current Section "F" to Section "G":
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10 **§ 153.21 COMPLIANCE WITH STATEMENT OF BENEFITS AND**
11 **COMPLIANCE WITH LAW AND OTHER REGULATIONS.**

12
13 (A) All deduction applications filed with the Allen County Auditor for projects
14 designated by the Common Council as economic revitalization areas must include a
15 correct and complete Compliance with Statement of Benefits Form (CF-1) as prescribed
16 by the Indiana Department of Local Government Finance. For designations approved
17 after January 1, 2012, deduction applications must also include a Public Benefit Annual
18 Update form provided by the city to the applicant and affirmed to its accuracy by the
19 applicant that provides additional employment information by occupation classification
20 for Allen County under current occupational employment statistics. The Compliance with
21 Statement of Benefits Form must be filed with both the Allen County Auditor and the
22 city Community Development Division according to the filing schedule listed in IC 6-
23 1.1-12.1-5 and IC 6-1.1-12.1-5.5, as applicable.
24

25 (B) Compliance with Statement of Benefit Forms filed by an applicant must
26 show the extent to which there has been compliance with the Statement of Benefits Form
27 (SB-1) approved by the Common Council in designating the area an economic
28 revitalization area. The Compliance with Statement of Benefits Form must be updated
29 per IC 6-1.1-12.1-1 et seq. The Common Council shall monitor for substantial
30 compliance those projects it designates as economic revitalization areas.
31

32 (C) Substantial compliance has been defined by the Common Council as:

33
34 (1) Meeting 75% or more of the numbers of full-time and/or part-time
35 jobs stated to be created or retained as delineated in the original Statement of
36 Benefits Form (SB-1) approved by the Common Council; and
37
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1 (2) Meeting 75% or more of the total payroll stated to be created or
2 retained as delineated in the original Statement of Benefits Form (SB-1) approved
3 by the Common Council, within the time frame projected in the applicant's
4 original approved Statement of Benefits Form.
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8 (D) Within 45 days after receipt of a properly filed Compliance with Statement
9 of Benefits Form, the Common Council will determine whether the applicant has
10 substantially complied with the Statement of Benefits Form and, if not, whether the
11 failure to substantially comply was caused by factors beyond the control of the applicant.
12

13 (E) Property owners, applicants, and tax abatement recipients that have not
14 substantially complied with the terms of their original Statement of Benefits Form may
15 have the remainder of their tax abatement rescinded by the Common Council.
16

17 (F) Property owners, applicants, and tax abatement recipients with Projects involving
18 improvements, including those to real property, that do not adhere to all applicable
19 federal, state, and municipal statutes, regulations, ordinances and codes, including but not
20 limited to all Indiana and Allen County Building Codes and the Allen County Zoning
21 Ordinance, may have the remainder of their tax abatement rescinded by the Common
22 Council. Adherence to all applicable federal, state, and municipal statutes, regulations,
23 ordinances and codes must be maintained throughout all design, permitting, contractor
24 licensure, and construction phases of the Property owner's project. Said adherence shall
25 be attested to on the initial tax abatement application and each annual Compliance with
26 Statement of Benefits Form.
27

28 (G) An applicant that has received a deduction for real and/or personal property
29 and:

30 (1) Ceases operations at the facility for which the deduction was
31 granted; and
32

33 (2) Is found to have intentionally provided false information
34 concerning plans to continue operations at the facility, may be determined by
35 Common Council to be subject to repayment to the Allen County Treasurer of
36 those property taxes that were deducted per the formula given in IC 6-1.1-12.1-
37 12(e).
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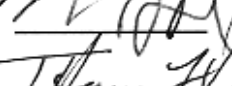

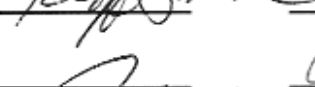


BILL NO. R-19-12-08

**REPORT OF COMMITTEE ON REGULATIONS
December 17, 2019**

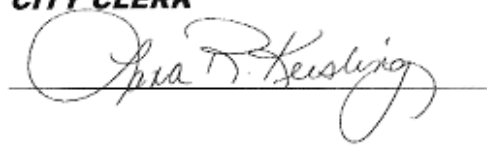
Tom Freistroffer Chair
Michael Barranda Co-Chair
All Council Members

An Ordinance amending § 153.21: Compliance with Statement of Benefits within Chapter 153: Planning and Development of the Fort Wayne Municipal Code of Ordinances

COMMITTEE ON REGULATIONS 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**



Public Hearing Date: N/A

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

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

Read the third time in full and on motion by Councilman Freistroffer, 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 type="checkbox"/>	<input checked="" 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: December 17, 2019



LANA R. KEESLING, CITY CLERK

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

Resolution No. R-19-12-08 on the 17th day of December, 2019



LANA R. KEESLING
CITY CLERK



PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th of December 2019, at the hour of 10:40 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 18TH day of December 2019, at the hour of 5:00 o'clock PM E.S.T.



THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
DEC 20 2019
LANA R. KEESLING
CITY CLERK