

ORDINANCE NO. 96-OR- 84

**AN ORDINANCE ADOPTING A TAX ABATEMENT POLICY**

**Whereas**, the Common Council of the City of Jeffersonville, Indiana ("the Council") receives frequent requests for tax abatement as allowed under the provisions of Indiana Code 6-1.1-12.1 *et seq.*; and

**Whereas**, the Council wishes to encourage economic development and the creation of living-wage jobs for all citizens in the City of Jeffersonville; and

**Whereas**, the legislature has given the Council the tools to evaluate the performance of entities to which tax abatement has been granted, and the power to revoke tax abatement under certain circumstances; and

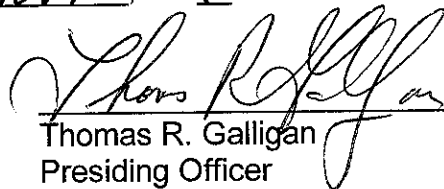
**Whereas**, the Council needs help in compiling the information necessary to properly carry out its function with reference to the ongoing evaluation of entities granted tax abatement; and

**Whereas**, the Council believes that the Department of Redevelopment is the proper agency to administer the City's tax abatements;

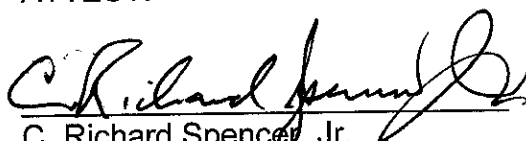
**Now therefore, be it hereby ordained** that the Tax Abatement Policy of the Common Council of the City of Jeffersonville, attached hereto as Exhibit A and incorporated herein by reference, is adopted, effective immediately.

This Ordinance shall be in full force and effect from and after its passage and approval.

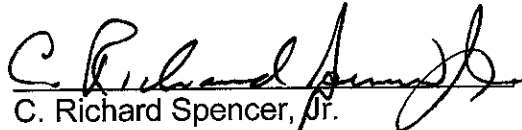
Passed this 18 day of Nov., 1996.

  
\_\_\_\_\_  
Thomas R. Galligan  
Presiding Officer


ATTEST:

  
\_\_\_\_\_  
C. Richard Spencer, Jr.  
Clerk and Treasurer

Presented by me as Clerk and Treasurer to the Mayor of said City of  
Jeffersonville this 18 day of Nov., 1996.

  
C. Richard Spencer, Jr.  
Clerk and Treasurer

This Ordinance approved and signed by me this 18 day of Nov.,  
1996.

  
Thomas R. Galligan, Mayor

**"EXHIBIT A"**  
**TAX ABATEMENT POLICY**  
**OF THE COMMON COUNCIL**  
**OF THE CITY OF JEFFERSONVILLE**

**Information Required of Applicants Seeking Tax Abatement.**

Prior to: 1) Beginning construction of a new facility; 2) Beginning construction of an expansion of an existing facility; or 3) Purchasing and installing new manufacturing equipment, businesses located within the City may petition the Common Council on forms provided by the Department of Redevelopment for real or personal property tax abatement consideration. All information and attachments required by the application must be completed and filed with the Department of Redevelopment together with a filing fee of Two Hundred Fifty Dollars (\$250.00) to cover processing and administrative costs.

Businesses petitioning for tax abatement shall provide the following information on the petition to enable the Council to consider their request:

(1) The name(s) and address(es) of the real property owner(s) and personal property owner(s), and any other person(s) leasing, intending to lease, or having an option to purchase such property, and a brief description of the business.

(2) The legal description and address of the real or personal property for which property tax abatement is being petitioned.

(3) A map and/or plat depicting the area where tax abatement is being requested.

(4) The current assessed valuation of the real property improvement before rehabilitation, redevelopment, economic revitalization, or improvement; or the current assessed valuation of the tangible personal property to be replaced by new manufacturing equipment.

(5) The real and personal property taxes paid at the location during the previous three (3) years, whether paid by the current owner or a previous owner.

(6) The current number of total employees designating full and part-time and the current number of female and minority employees (full and part-time).

(7) An estimate of the cost of the real property improvements and/or new manufacturing equipment for which abatement is being requested.

(8) An estimate of the number of new permanent jobs to be created by the

project within one (1) year of completion, a statement of the current number of permanent and part-time jobs at the location and the impact on those current jobs anticipated to result from the project, and the projected annual salary for each new permanent position to be created.

(9) Certification that no building permit has been issued for construction on the property for the improvement proposed and certification that the new manufacturing equipment has not been installed.

(10) The name, address and telephone number of the person to contact regarding notice of Council meetings and public hearings concerning the petition.

(11) A completed Statement of Benefits form (Form SB-1).

(12) Any additional information requested by the Department of Redevelopment.

### **Advisory Review by the Department of Redevelopment**

After the filing of a completed tax abatement petition, including all attachments, filing fee and Statement of Benefits Form, the Department of Redevelopment shall perform a review. Said review shall be for informational and advisory purposes only, and its findings shall not be binding on the Common Council.

The report shall address but not be limited to addressing the following:

(1) Whether all required information has been submitted by the petitioner.

(2) Whether the information contained in the Petition and Statement of Benefits indicates that the requirements of this policy are met by the project as described in the petition.

(3) Whether the project is located in a tax allocation area (ie, TIF District), as defined in I.C. 36-7-14-39.

(4) Whether the area where the project is to be located has been designated an Economic Revitalization Area as defined in I.C. 6-1.1-12.1.

(5) Whether the area where the project is to be located has been designated an Economic Development Target Area as defined in I.C. 6-1.1-12.1-7.

(6) Whether in the Department of Redevelopment's opinion, a deduction should be allowed based on the following:

(a) Whether the estimate of the number of individuals who will be

employed or whose employment shall be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

(b) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

(c) Other pertinent information including amount of abatement per job, location (e.g. an area targeted for development), and general community welfare and benefit.

(7) The Department's report shall also attach to it a copy of the Petition and Statement of Benefits form and all attachments thereto.

Approval of the petition by the Council is subject to petitioner paying a fee of 2% up to a maximum of \$20,000 of the abatement granted as calculated by the Department of Redevelopment. Such fee shall be due and payable to the Department of Redevelopment annually during the term of the abatement for its costs incurred in monitoring the petitioners' performance under this agreement pursuant to I.C. 6-1.1-12.1-5.1, 5.6 and 5.9.

### **Annual Review of Petitions by the Council.**

In addition to the filing requirements set forth in I.C. 6-1.1-12.1 on Forms 322 ERA/PP and 322 ERA and Form CF-1 (all as prescribed by the State Board of Tax Commissioners) and filed with the Clark County Auditor, the petitioner shall file with the Department of Redevelopment its Annual Report on forms previously sent to it by the Department of Redevelopment. Such mailing by the Department shall be done annually to each such petitioner on or before February 1st, by certified mail, and shall provide notice that if the petitioner fails to comply, it may be subject to loss of the tax abatement. Petitioners must return their completed Annual Report by April 1st. Extensions for filing the Annual Report may be granted for reasonable cause.

The Annual Report shall include but not be limited to the following information:

(1) The name and address of the person(s) filing the report.

(2) The amount of real and/or personal property taxes paid for the property during the year before the tax abatement was granted and during the most recent tax year.

(3) The current number of part-time and full-time jobs, specifying whether permanent or temporary, and the number of such jobs as of the end of the year immediately prior to receiving tax abatement.

**Failure to achieve estimates may result in loss of abatement.**

The granting of a request for real and/or personal property tax abatement under the terms and conditions set forth herein results in a contractual arrangement between the City of Jeffersonville and the petitioner granted the tax abatement.

Petitioners who fail to provide evidence that they have achieved the estimates set forth in their abatement application may be subject to termination of all or part of their tax abatement pursuant to I.C. 6-1.1-12.1-5.9.

**Annual Summary to be prepared by the Department of Redevelopment.**

On or before June 30 of each year, the Department of Redevelopment shall file an annual report with the Common Council summarizing all tax abatement activity for the past calendar year. Said report shall include but not be limited to the following information: The number of tax abatement petitions filed, number and type of abatements granted, names and addresses of all petitioners who failed to comply with their petitions and other relevant information.