

WELLS COUNTY COUNCIL ORDINANCE NO. 2009 11

An Ordinance Imposing A County Adjusted Gross Income Tax Rate to Fund Property Tax Replacement Amounts

WHEREAS, Indiana Code 6-3.5-1.1-24, as added by P.L. 224-2007 ("Act"), Section 66, permits a county in which: (i) the county adjusted gross income tax is in effect; or (ii) neither the county adjusted gross income tax or the county option income tax is in effect; to adopt an ordinance to impose an income tax rate to fund certain property tax replacement amounts ("Replacement Amount"); and

WHEREAS, pursuant to Indiana Code 6-3.5-1.1-2(c) as amended by the Act, the county may impose the income tax rate after March 31 and before August 1 of a year; and

WHEREAS, pursuant to Indiana Code 6-3.5-1.5-1(a) the Replacement Amount consists of: (i) the sum of the growth in the maximum permissible levies of all civil taxing units in the county (ii) the growth in the county family and children property tax levy; (iii) the growth in the children's psychiatric residential treatment services property tax levy; and (iv) the growth in county's maximum community mental health centers property tax levy for the ensuing calendar year; and

WHEREAS, the Department of Local Government Finance and the Department of State Revenue will jointly determine the income tax rate sufficient to generate the Replacement Amount and provide the income tax rate to the county ("Replacement Rate"); and

WHEREAS, pursuant to Indiana Code 6-3.5-1.1-24(e), the ordinance imposing the income tax rate must specify the tax rate for each of the following two years; and

WHEREAS, the maximum rate at which an income tax rate may be imposed to provide the Replacement Amount is one percent (1%); and

WHEREAS, the tax rate that must be imposed in the county from October 1 of the year in which it is imposed through September 30 of the following year is two (2) times the Replacement Rate ("Year 1 Rate") and the tax rate that must be imposed in the county from October 1 of the year following year through September 30 of the year after the following year is the Replacement Rate; and

WHEREAS, one-half of the income tax revenues generated from the Year 1 Rate must be established in a stabilization fund to be administered by the county auditor to be used to supplement distributions of income tax revenues if certified distributions are less than the Replacement Amount in a calendar year; and

WHEREAS, the WELLS COUNTY ("County") COUNCIL desires to impose an income tax rate under Indiana Code 6-3.5-1.1-24 to generate the Replacement Amount in calendar years 2008 and 2009 in order to diversify revenues of civil taxing units in the County:

NOW, THEREFORE, BE IT ORDAINED BY THE WELLS COUNTY COUNCIL OF WELLS COUNTY, INDIANA, AS FOLLOWS:

1. (a) Wells County ("County") hereby imposes an additional rate of the County

Adjusted Income Tax in accordance with Indiana Code 6-3.5-1.1-24 to raise income tax revenue to provide the Replacement Amount.

(b) The Year 1 Rate imposed in the county from October 1 of the year in which it is imposed through September 30 of the following year is four tenths of one percent (.4%).

(c) The Replacement Rate imposed in the county from October 1 of the year following year through September 30 of the year after the following year is four tenths of one percent (.4%).

(d) The Replacement Rate may not otherwise be decreased or rescinded.

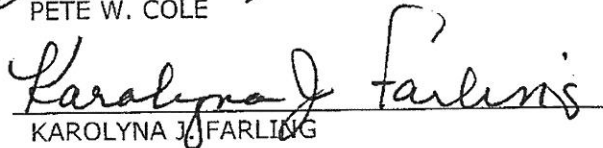
2. This ordinance takes effect November 7, 2008.

PASSED THIS 2 DAY OF June, 2009.

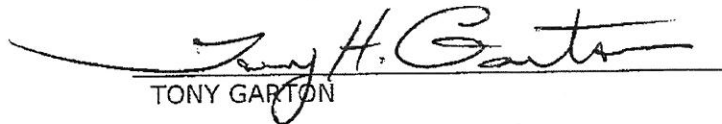
WELLS COUNTY COUNCIL:



PETE W. COLE



KAROLYNA J. FARLING



TONY GARTON



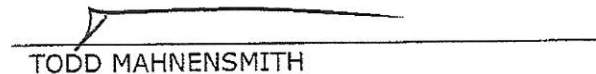
JAMES E. VANWINKLE



JAMES E. OSWALT



MICHAEL G. KRACIUM



TODD MAHNENSMITH

ATTEST:


Laura Brubaker, Auditor

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