



WELLS COUNTY COUNCIL ORDINANCE NO. 2017- 10

*A Wells County Council Ordinance To Fund  
The Assessed Value Growth Quotient Levy  
For Calendar Year 2018 With Property Taxes*

WHEREAS, repealed IC 6-3.5-1.1-24 (the "Act"), permitted a county in which: (i) the county adjusted gross income tax is in effect; or (ii) neither the county adjusted gross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 (the "Replacement Amount"); and

WHEREAS, pursuant to repealed IC 6-3.5-1.5-1 (a), the Replacement Amount consisted of the sum of: (i) the Department of Local Government Finance's (the "DLGF") estimate of the sum of the maximum permissible ad valorem property tax levies calculated under IC 6-1.1-18.5 for all civil taxing units in a county for the *ensuing* calendar year minus the sum of the maximum permissible ad valorem property tax levies calculated under IC 6-1.1-18.5 for all civil taxing units in a county for the *current* calendar year, and (ii) the DLGF's estimate of a county's maximum community mental health centers property tax levy for the *ensuing* calendar year minus the County's maximum community mental health centers property tax levy for the *current* calendar year; and

WHEREAS, the DLGF or the state budget agency will jointly determine the income tax rate sufficient to generate the Replacement Amount and provide the income tax rate to the county (the "Replacement Rate"); and

WHEREAS, pursuant to repealed IC 6-3.5-1.1-24(e), the ordinance imposing the income tax rate must specify the tax rate for each of the following two years; and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 (1.0%); 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 (the "Year 1 Rate") and the tax rate that must be imposed in the county from October 1 of the 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 Council (the "Council") previously imposed an income tax rate under repealed IC 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; and

WHEREAS, the Council previously imposed an additional rate of the county adjusted income tax in accordance with repealed IC 6-3.5-1.1-24 to raise the income tax revenue to provide the Assessed Value Growth Quotient levy replacement amount rate as set forth by the DLGF for the calendar years 2008 through 2017; and

WHEREAS, by law, the Council must decide to fund the increase of the Assessed Value Growth Quotient levy by either the local option income tax or by a property tax levy; and

WHEREAS, the Council has determined to thaw the property tax levy freeze in order to fund the increase of the Assessed Value Growth Quotient levy with a property tax levy.

**NOW, THEREFORE, BE IT ORDAINED BY THE WELLS COUNTY COUNCIL:**

1. The Council hereby imposes the Assessed Value Growth Quotient levy as set by the DLGF for the calendar year 2018 to be funded by the property tax levy.
2. This rate will be set at 0.04 in 2018.
3. The Assessed Value Growth Quotient levy for years after 2018 will annually be set by the DLGF.
4. This ordinance takes effect January 1, 2018.
5. The determination of the Council to impose the Assessed Value Growth Quotient levy as set by the DLGF to be funded by the property tax levy shall continue until otherwise modified by the Council.
6. The Auditor shall immediately transmit a certified copy of this Ordinance to the Commissioner of the Department of Revenue, the Director of the Budget Agency and the Commissioner of the Department of Local Government Finance in electronic format.
7. The Auditor and any officer of the Council are hereby authorized and directed to take any and all other actions on behalf of the County as may be necessary, appropriate or desirable to carry out the purposes of this Ordinance in accordance with the Act and this ordinance.

Adopted by the Wells County Council, this 13th day of September, 2017, by the following vote:

Ayes	Nays	Absent
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Presented to me, the President of the Wells County Council and approved this 13th day of September, 2017.

[Signature]  
Todd Mahnensmith,  
Presiding Officer, Wells County Council

Attest:

[Signature]  
Beth Davis, Auditor

This instrument was prepared by the Wells County Attorney, Roy R. Johnson, Attorney No. 4937-90, 222 West Market St., P.O. Box 295, Bluffton, IN 46714. *I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Beth Davis*