

COUNTY COUNCIL OF WABASH COUNTY, INDIANA

GENERAL ORDINANCE NO. 85-7, 2009

**AN ORDINANCE AMENDING GENERAL ORDINANCE NO. 85-13, 2007
TITLED "AN ORDINANCE IMPOSING A COUNTY ADJUSTED GROSS
INCOME TAX RATE TO FUND PROPERTY TAX REPLACEMENT
AMOUNTS**

WHEREAS, IC 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");

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

WHEREAS, pursuant to P.L. 182-2009ss, SEC. 482, the County may impose an income tax rate in accordance with the Act any time prior to November 1, 2009;

WHEREAS, pursuant to IC 6-3.5-1.5-1(a), the Replacement Amount consists of the sum of: (i) the Department of Local Government Finance's ("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 the 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 the County for the current calendar year; and (ii) the DLGF's estimate of the 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;

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

WHEREAS, pursuant to 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;

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

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;

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;

WHEREAS, the County Council has previously imposed an income tax rate under 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;

WHEREAS, the County Council now desires to impose an income tax rate for calendar year 2010; and

WHEREAS; the County has received a certification from the DLGF concerning the income tax rate to be imposed for calendar year 2010;

NOW, THEREFORE, BE IT ORDAINED BY THE WABASH COUNTY COUNCIL:

1. (a) Wabash County ("County") hereby imposes an additional rate of the county adjusted income tax in accordance with IC 6-3.5-1.1-24 to raise income tax revenue to provide the Replacement Amount.

(b) The Replacement Rate imposed in the County from October 1, 2009 through September 30, 2010 is (0.32000%.)

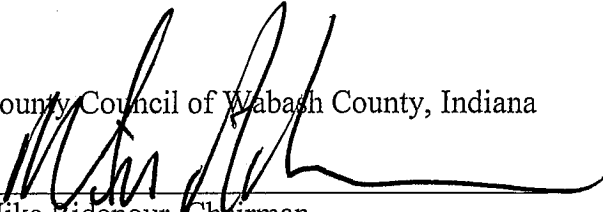
(c) The Replacement Rate may not otherwise be decreased or rescinded.

2. Except as provided in this ordinance, in all other respects General Ordinance No. 85-13, 2007 is hereby ratified and confirmed.

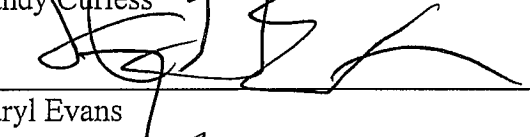
3. This ordinance takes effect OCTOBER 1, 2009.


Passed this 8th day of SEPT, 2009.

County Council of Wabash County, Indiana


Mike Ridenour, Chairman



Randy Curless


Daryl Evans


James Kaltenmark


Ted A. Little


Claude Markstahler


Gary S. Nose

ATTEST:


County Auditor