CITY – COUNTY GENERAL ORDINANCE NO. 242, 2011


WHEREAS pursuant to the provisions of IC 36-7-31, the Metropolitan Development Commission of Marion County acting as the Redevelopment Commission of Indianapolis approved the Professional Sports Development Area in Declaratory Resolution No. 09-R-009 and Confirmatory Resolution No. 09-R-010, for purposes of financing the Capital Improvements Board of Marion County; and

WHEREAS, the Capital Improvements Board receives significant support from county taxpayers in various legislative actions by both the State Legislature and the Council, including the County Option Income Tax; and

WHEREAS, hospitality industry enterprises located within the Professional Sports Development Area derive substantial benefit from their proximity and connection to the Professional Sports Development Area; and

WHEREAS the economic vitality of Marion County has been and continues to be enhanced by local taxpayer support for investment in downtown development; and

WHEREAS some businesses benefitting from local taxpayer investment in this Area provide employment opportunities that offer their employees low wages, with little or no accompanying benefits, on which they must pay federal, state and local taxes; and

WHEREAS, low-wage hospitality employees are as equally deserving of local taxpayer funded economic incentives and relief as are their employers; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY:

SECTION 1. A new Article VI is hereby added to Chapter 121 of the Revised Code of the Consolidated City and County of Indianapolis/Marion County, Indiana, to read as follows:
ARTICLE VI – WORK INCENTIVE PAYMENT

Sec. 121-601. Definitions.

*County Tax Amount* means the amount of county tax due, as reported on form CT-40 and IT-40.

*Hotel* has the meaning given in Sec. 901-1 of this Code.

*Hotel Employer* means a Person who owns, controls, and/or operates a Hotel, or a Person who owns, controls, and/or operates a contracted, leased, or sublet premises connected to or operated in conjunction with the Hotel’s purpose, or a Person that is a business entity and provides services at the Hotel.

*Hotel Worker* means any individual (1) whose primary place of employment is at a Hotel, and (2) who is employed directly by the Hotel Employer, or by a Person who has contracted with the Hotel Employer to provide services at the Hotel. “Hotel Worker” does not include a managerial, supervisory, or confidential employee.

*Person* shall have the meaning given in Sec. 102-12 of this Code.

*Wages* means state taxable wages reported on IRS Form W-2

Sec. 121-602. Hospitality Income Threshold.

(a) The initial hospitality income threshold is $25,000 in a taxable year.

(b) The threshold shall be adjusted on April 1 of each year by the annual percentage increase as of December 31 in the preceding year of the Consumer Price Index (All Urban Consumers, U.S. City Average) published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency.

Sec. 121-603. Eligibility.

To be eligible for the Professional Sports Development Area Hospitality Incentive program, a low-wage taxpayer must

(a) be a hotel worker;

(b) be subject to county option income tax in Marion County;

(c) have earned not less than $10,000 in wages at one or more hotels located within the Professional Sports Development Area described in Sec. 116-101; and

(d) have received total wages, as reported, below the hospitality income threshold.

Sec. 121-604. Work Incentive payment.

The County shall issue a work incentive payment to any hotel worker who meets the eligibility criteria in Sec. 121-603. The rebate shall be equal to the hotel worker’s county tax amount or the difference between the hospitality income threshold and the hotel worker’s total wages for the same taxable year, whichever is smaller.

Sec. 121-605. Maximum Incentive.

The total amount of the annual incentive provided under this ordinance shall not exceed the lower of $250,000 or 10% of the City’s expenditures on outside consultants during the prior fiscal year. If the rebates due to eligible applicants exceed this maximum, then each rebate shall be proportionately reduced so that the total due equals the maximum.
Sec. 121-606. Regulations.

The Office of Finance and Management shall adopt rules for the effectuation of the incentive pay program and may make recommendations to the Council as to amendments or repeal of regulations governing the application of this ordinance.

SECTION 2. This resolution shall be in full force effect on January 1, 2012 upon adoption and compliance with IC 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of __________, 2011, at _____ p.m.

ATTEST:

_____________________________________
Ryan Vaughn
President, City-County Council

_____________________________________
Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this _____ day of ____________, 2011, at 10:00 a.m.

_____________________________________
Melissa Thompson
Clerk, City-County Council

Approved and signed by me this _____ day of ____________, 2011.

_____________________________________
Gregory A. Ballard, Mayor