

SPECIAL MEETING OF THE MADISON COUNTY COUNCIL  
MADISON COUNTY COUNCIL MINUTES  
October 26, 2009  
7:00 P.M.

The Madison County Council was called to order by President William Savage. The following Council Members were present:

John Bostic, Jr.  
Larry Crenshaw  
Mike Phipps  
Gary Gustin  
Buddy Patterson  
Bill Savage  
Larry Higgins

Also present were County Auditor Kathy Stoops-Wright, First Deputy Auditor Patty Mauck and Council Attorney Jim Wilson.

A public hearing was held at the Anderson City Building Auditorium at 7:00 p.m. concerning Resolution No. 2009-R5, Resolution Casting the Madison County Council's Votes for the Proposed Ordinance That is Before the County Income Tax Council:

STATE OF INDIANA     )  
                                  )  
MADISON COUNTY     )

BEFORE THE MADISON COUNTY  
INCOME TAX COUNCIL

**AN ORDINANCE PURSUANT TO THE PROVISIONS OF I.C. 6-3.5-6, ET SEQ TO:  
1) REPEAL AND RESCIND THE CEDIT PREVIOUSLY ADOPTED; 2) IMPOSE AN  
ADDITIONAL COIT PURSUANT TO I.C. 6-3.5-6-32 TO PROVIDE ADDITIONAL  
PROPERTY TAX RELIEF BY WAY OF INCREASED PROPERTY TAX CREDITS;  
AND 3) IMPOSE AN ADDITIONAL COIT PURSUANT TO  
I.C. 6-3.5-6-31 FOR PUBLIC SAFETY**

WHEREAS, the Auditor of Madison County having received a resolution duly passed by the Common council of the City of Anderson pursuant to the provisions of I.C. 6-3.5-6-5 to 1) Repeal and rescind the County Economic Development Income Tax ("CEDIT") previously adopted by the Madison County Income Tax Council; 2) impose an additional County Option Income Tax ("COIT") rate of 0.50% pursuant to I.C. 6-3.5-6-32 to provide additional property tax relief by way of uniformly provide local property tax replacement credits to all taxpayers within the county; and 3) impose an additional COIT rate of 0.25% pursuant to I.C. 6-3.5-6-31 for public safety purposes; and

WHEREAS, following the procedures set forth within I.C. 6-3.5-6 and upon the casting of sufficient votes by the members of the County Income Tax Council, and the Auditor of Madison County having received resolutions from a sufficient number of members of the Council such that the ordinance is now deemed adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE MADISON COUNTY INCOME TAX COUNCIL AS FOLLOWS:

SECTION I – The Council now hereby repeals and rescinds the County Economic Development Income Tax imposed in the year 2004, and as found within Ordinance 16-04 so

adopted by the Council. Provided, that any CREDIT funds collected and remaining undistributed, as of December 31, 2009, shall be distributed as an uniform homestead credit in the year 2010.

SECTION II – The Council pursuant to the provisions of I.C. 6-3.5-6-32 does now impose an additional COIT rate of 0.50% to be used to uniformly provide local property tax replacement credits to all taxpayers in the county. Said rate shall be effective December 1, 2009.

SECTION III – The Council pursuant to the provisions of I.C. 6-3.5-6-31, and having hereby enacted the provisions of section two above imposing a COIT rate of at least 0.25% pursuant to I.C. 6-3.5-6-.32, does now impose an additional COIT rate of 0.25% to be used for public safety for such purposes as allowed pursuant to said statute.

SECTION IV – The Auditor of Madison County is now hereby directed to send a certified copy of the ordinance to the Department of State Revenue and the Department of Local Government Finance.

SO ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2009.

MADISON COUNTY INCOME TAX COUNCIL

Attest: \_\_\_\_\_  
Madison County Auditor

After several people spoke to the Council concerning the pros and cons of the Ordinance, the public hearing was closed at 8:28 p.m.

A motion was made by John Bostic and seconded by Larry Higgins to consider Resolution No. 2009-R5, Resolution Casting the Madison County Council's Votes for the Proposed Ordinance That is Before the County Income Tax Council:

Roll call vote was taken:

Phipps	yes
Crenshaw	yes
Gustin	yes
Bostic	yes
Patterson	yes
Higgins	yes
Savage	yes

7 Ayes 0 Nays Motion carried.

A second motion was made by John Bostic and seconded by Larry Higgins to vote FOR Resolution No. 2009-R5, Resolution Casting the Madison County Council's Votes for the Proposed Ordinance That is Before the County Income Tax Council:

Roll call vote was taken:

Phipps	no
Crenshaw	no
Gustin	no
Bostic	yes
Patterson	yes
Higgins	yes
Savage	yes

4 Ayes 3 Nays Motion carried.

**RESOLUTION NO. 2009-R5**

**RESOLUTION CASTING THE MADISON COUNTY COUNCIL'S VOTES FOR THE PROPOSED ORDINANCE OF THE MADISON COUNTY INCOME TAX COUNCIL**

WHEREAS, the Madison County Council casts its 31.35 votes FOR the proposed Ordinance of the Madison County Income Tax Council which reads as follows:

**AN ORDINANCE PURSUANT TO THE PROVISIONS OF I.C. 6-3.5-6. ET SEQ**

**TO:**

**REPEAL AND RESCIND THE CREDIT PREVIOUSLY ADOPTED: 2) IMPOSE**

**AN**

**ADDITIONAL COIT PURSUANT TO I.C. 6-3.5-6-32 TO PROVIDE ADDITIONAL PROPERTY TAX RELIEF BY WAY OF AN INCREASED HOMESTEAD CREDIT AND 3) IMPOSE AN ADDITIONAL COIT PURSUANT TO I.C. 6-3.5-6-31 FOR PUBLIC SAFETY**

WHEREAS, the Auditor of Madison County having received a resolution duly passed by the Common council of the City of Anderson pursuant to the provisions of I.C. 6-3.5-6-5 to 1) Repeal and rescind the County Economic Development Income Tax ("CEDIT") previously adopted by the Madison County Income Tax Council; 2) impose an additional County Option Income Tax ("COIT") rate of 0.50% pursuant to I.C. 6-3.5-6-32 to provide additional property tax relief by way of uniformly increasing the homestead credit within the county; and 3) impose an additional COIT rate of 0.25% pursuant to I.C. 6-3.5-6-31 for public safety purposes; and

WHEREAS, following the procedures set forth within I.C. 6-3.5-6 and upon the casting of sufficient votes by the members of the County Income Tax Council, and the Auditor of Madison County having received resolutions from a sufficient number of members of the Council such that the ordinance is now deemed adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE MADISON COUNTY INCOME TAX COUNCIL AS FOLLOWS:

SECTION I - The Council now hereby repeals and rescinds the County Economic Development Income Tax imposed in the year 2004, and as found within Ordinance 16-04 so adopted by the Council. Provided, that any CEDIT funds collected and remaining undistributed, as of December 31, 2009, shall be transferred to and held together with additional COIT revenues authorized by I.C. 6-3.5-1-32, as set forth within SECTION II hereafter, and shall be used as follows: 50% shall be distributed as a homestead credit in the year 2010, and 50% shall be distributed as a homestead credit in the year 2011.

SECTION II- The Council pursuant to the provisions of IC. 6-3.5-6-32 does now impose an additional COIT rate of 0.50% to be used to uniformly increase the homestead credit percentage in the county. Said rate shall be effective December 1, 2009.

SECTION III - The Council pursuant to the provisions of I.C. 6-3.5-6-31, and having hereby enacted the provisions of section two above imposing a COIT rate of at least 0.25% pursuant to I.C. 6-3.5-6-.32, does now impose an additional COIT rate of 0.25% to be used for public safety for such purposes as allowed pursuant to said statute.

SECTION IV - The Auditor of Madison County is now hereby directed to send a certified copy of the ordinance to the Department of State Revenue and the Department of Local Government Finance.

SO ADOPTED this 26 day of October, 2009.

MADISON COUNTY INCOME TAX COUNCIL

Attest:

Kathy Stoops-Wright  
Madison County Auditor

PASSED AND ADOPTED BY THE MADISON COUNTY COUNCIL, THIS 26  
DAY OF OCTOBER, 2009.

MADISON COUNTY COUNCIL

YEA:

NEA:

<u>S/Larry Higgins</u>	<u>S/Larry Crenshaw</u>
<u>S/ John Bostic</u>	<u>S/Gary Gustin</u>
<u>S/Buddy Patterson</u>	<u>S/ Mike Phipps</u>
<u>S/William Savage</u>	

Prepared by:  
JAMES W. WILSON/#1286-48  
BINGHAM, FARRER & WILSON, P.C.  
Attorneys at Law  
P. O. Box 494  
Elwood, IN 46036  
Telephone: (765) 552-9878  
madisoncounty.council/resolutions/Resolution.votesforCOIT.MadisonCountyCouncil10-12-09/sb

There being no further business the meeting was adjourned.