

ORDINANCE NO. 97-30

A ORDINANCE OF THE COUNTY COMMISSIONERS
OF LAPORTE COUNTY, INDIANA
AUTHORIZING THE ESTABLISHMENT OF AN
INTERGOVERNMENTAL AGREEMENT FOR
THE PURPOSE OF SHARING
THE WAGERING ADJUSTED GROSS RECEIPTS TAX

WHEREAS, Chapter 36-1-7 of the Indiana Code provides for the establishment of agreements between political subdivisions of the State of Indiana; and

WHEREAS, IC 4-33-13 establishes an Adjusted Gross Receipts Tax (wagering tax) and Section 6 (b) states "This Chapter does not prohibit the city or county designated as the home dock of the riverboat from entering into agreements with other units of local government . . . to share the city's or county's part of the tax revenue received under this Chapter"; and,

WHEREAS, the Common Council of the City of Michigan City, Indiana, on October 5, 1993, adopted Resolution 3644 which Resolution stated the Council's intent to "establish a fund consisting of twenty-five percent (25%) of the local share of the wagering tax and that said fund would be available for distribution to units of local government within the County of LaPorte"; and,

WHEREAS, the Common Council of the City of Michigan City, Indiana, on June 17, 1997, adopted Ordinance 3672, which Ordinance establishes the timing and method of distributing the funds to the local governments who choose to participate in the revenue sharing; and

WHEREAS, Ordinance 3672 directs the Michigan City City Controller, subject to the execution of the specified intergovernmental agreements to (a) place twenty-five percent (25%) of said City's revenue from the Adjusted Gross Receipts Tax (IC-4-33-13) into an Intergovernmental Wagering Tax Fund (hereinafter referred to as "IWTF"), (b) reserve twenty percent (20%) of the IWTF money for distribution to the County of LaPorte and (c) to not less frequently than semi-annually pay to the County of LaPorte twenty percent (20%) of the IWTF less all cents less than one hundred (100); and

WHEREAS, the County of LaPorte wishes to receive the proposed revenue and understands and agrees that said revenue shall be placed into its general fund and may be used for any purpose authorized by Indiana State Statutes governing general fund expenditures.

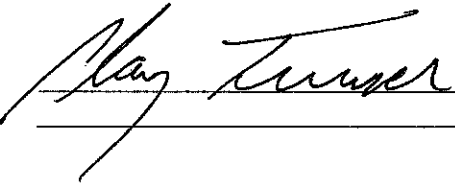
NOW, THEREFORE, BE IT ORDAINED, by the County Commissioners of LaPorte County, Indiana as follows:

Section 1. The Whereas clauses of this Ordinance are here incorporated in their entirety as if fully restated.

Section 2. The members of the LaPorte County Commission are authorized to execute an Intergovernmental Agreement with the City of Michigan City, Indiana, pursuant to the intent of this Ordinance and Michigan City Ordinance 3672, incorporating the terms and conditions of the respective Ordinances to implement the revenue sharing detailed therein.

INTRODUCED BY: _____

Passed by the County Commission of LaPorte, County, Indiana, this _____ day
of _____, 1997.



ATTEST:

Ken Layton, County Auditor

Prepared by the City Attorney's Office

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT, entered into this 9th day of December, 1997, by and between the City of Michigan City, Indiana, an Indiana Municipal Corporation, of LaPorte County, Indiana, and the County of LaPorte, Indiana (hereinafter collectively referred to as the "Parties").

WHEREAS, the Parties to this Agreement have contemporaneously approved joint and mutual ordinances to effect and authorize a sharing of twenty-five per cent (25%) of the Michigan City portion of the Adjusted Gross Receipts Tax (hereinafter referred to as the Wagering Tax) provided for in Indiana Code Section I.C. 4-33-13 et. sec; and

WHEREAS, Chapter 36-1-7 of the Indiana Code provides for the establishment of agreements between political subdivisions of the State of Indiana; and

WHEREAS, IC 4-33-13 establishes an Adjusted Gross Receipts Tax (Wagering Tax) and Section 6 (b) states "This Chapter does not prohibit the city or county designated as the home dock of the riverboat from entering into agreements with other units of local government . . . to share the city's or county's part of the tax revenue received under this Chapter"; and,

WHEREAS, the Common Council of the City of Michigan City, Indiana on October 5, 1993, adopted Resolution 3644 which Resolution stated the Council's intent to "establish a fund consisting of twenty-five percent (25%) of the local share of the Wagering Tax and that said fund would be available for distribution to units of local government within the County of LaPorte"; and,

WHEREAS, the Common Council of the City of Michigan City, Indiana, on June 17, 1997, adopted Ordinance 3672, which Ordinance establishes the timing and method of distributing the funds to the local governments who choose to participate in the revenue sharing; and,.

WHEREAS, Ordinance 3672 directs the Michigan City City Controllor, subject to execution of the specified intergovernmental agreements to (a) place twenty-five percent (25%) of said City's revenue from the Adjusted Gross Receipts Tax (IC-4-33-13) into an Intergovernmental Wagering Tax Fund (hereinafter referred to as "IWTF"), (b) reserve twenty percent (20%) of the IWTF money for distribution to LaPorte County as detailed in Michigan City Ordinance 3672), and (c) to not less

frequently than semi-annually pay to the County of LaPorte, Indiana, its twenty percent (20%) share of the IWTF fund reserved for LaPorte County less all cents less than one hundred (100); and,

WHEREAS, the County of LaPorte, Indiana, wishes to receive the proposed revenue and understands and agrees that said revenue shall be placed into its general fund and may be used for any purpose authorized by Indiana State Statutes governing general fund expenditures; and,

WHEREAS, the Parties acknowledge that the distributions of the IWTF funds shall occur only so long as revenue from the riverboat located in Michigan City, Indiana, continues to fund the IWTF under the current Adjusted Gross Receipts Tax formula. Upon the cessation of the gaming operations in Michigan City, Indiana, for any reason, and/or the ending of the Adjusted Gross Receipts Tax (Wagering Tax) proceeds to the City of Michigan City, Indiana, and/or the reduction or alteration in any manner of the current formula used by the State of Indiana to calculate the Adjusted Gross Receipts Tax thereby effecting the corresponding funding of the IWTF fund, then, in that event, the IWTF shall be reduced to zero by a final payment to the county entities authorized to receive a portion of the IWTF, and the IWTF shall then cease and terminate and all obligations under this Agreement shall end.

NOW, THEREFORE, in consideration of the promises, covenants and agreements hereinafter set forth, the Parties hereto mutually agree as follows:

1. The Parties acknowledge, promise, covenant and agree with all statements and obligations contained in the "Whereas" clauses of this Intergovernmental Agreement and said clauses are here incorporated in their entirety as if fully restated.

2. The City of Michigan City, Indiana, through its City Controller's office shall remit to the County of LaPorte, Indiana, no less frequently than semi-annually commencing with the first such payment to occur in the month of January, 1998, its twenty percent (20%) share of the IWTF reserved for LaPorte County.

3. The County of LaPorte, Indiana, promises, covenants and agrees to place said payments received hereunder into its General Fund and to expend the monies received hereunder for any purposes authorized by Indiana State Statutes governing general fund expenditures. Any failure to receipt for, deposit or expend the monies detailed in this Agreement in direct accordance with the provisions of this paragraph shall create a default of this Agreement by the recipient and shall authorize the City of Michigan City, Indiana, to cancel and terminate this Agreement and declare same to be null and void and of no further legal effect, and to thereby terminate all of the City of Michigan City's obligations hereunder.

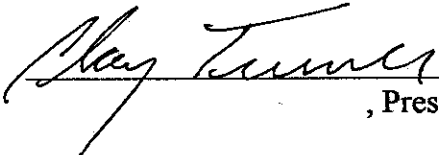
4. The Parties further acknowledge, promise, covenant and agree that the distributions of the IWTF funds shall occur only so long as revenue from the riverboat located in Michigan City, Indiana, continues to fund the IWTF under the current Adjusted Gross Receipts Tax formula. Upon the cessation of the gaming operations in Michigan City, Indiana, for any reason, and/or the ending of the Adjusted Gross Receipts Tax (Wagering Tax) receipts to the City of Michigan City, Indiana,

and/or the reduction or alteration in any manner of the current formula used by the State of Indiana to calculate the Adjusted Gross Receipts Tax thereby effecting the corresponding funding of the IWTF fund, then, in that event, the IWTF shall be reduced to zero by a final payment to the county entities authorized to receive a portion of the IWTF, and the IWTF shall then cease and terminate and all obligations under this Agreement shall end.

This Agreement shall be binding upon the Parties, their successors, executors, administrators, heirs, and assigns.

IN WITNESS WHEREOF, the Parties hereto have affixed their signatures the day and year first above written.

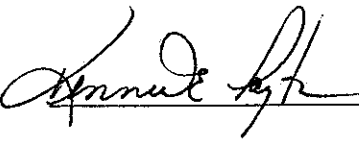
COUNTY OF LAPORTE, INDIANA ACTING BY AND THROUGH ITS COUNTY COMMISSION

By: , President

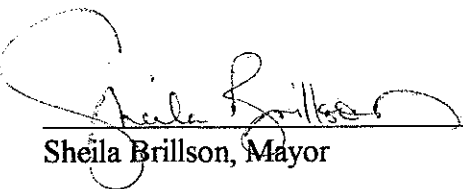
By: , Member

By: , Member

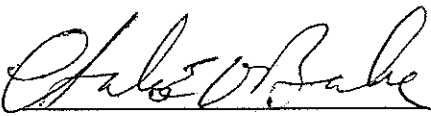
ATTEST:

By: , Auditor

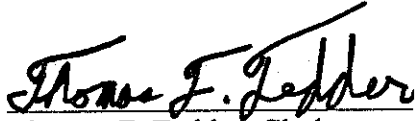
CITY OF MICHIGAN CITY, INDIANA

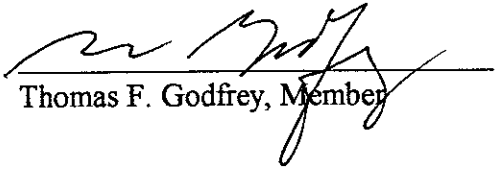
By: 
Sheila Brillson, Mayor

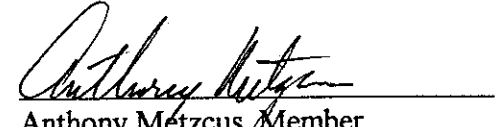
CITY OF MICHIGAN CITY, INDIANA, ACTING BY AND THROUGH ITS BOARD OF PUBLIC WORKS AND SAFETY

By: 
Charles E. Oberlie, President

ATTEST:


Thomas F. Fedder, Clerk

By: 
Thomas F. Godfrey, Member

By: 
Anthony Metzcus, Member

FILED

MAY 23 1997

THOMAS F. FEDDER
CITY CLERK
CITY OF MICHIGAN CITY

AN ORDINANCE OF THE COMMON COUNCIL OF
THE CITY OF MICHIGAN CITY, INDIANA
AUTHORIZING THE ESTABLISHMENT OF
INTERGOVERNMENTAL AGREEMENTS FOR
THE PURPOSE OF SHARING
THE WAGERING ADJUSTED GROSS RECEIPTS TAX

WHEREAS, Chapter 36-1-7 of the Indiana Code provides for the establishment of agreements between political subdivisions of the State of Indiana; and

WHEREAS, IC 4-33-13 establishes an Adjusted Gross Receipts Tax (wagering tax) and Section 6 (b) states "This Chapter does not prohibit the city or county designated as the home dock of the riverboat from entering into agreements with other units of local government . . . to share the city's or county's part of the tax revenue received under this Chapter"; and,

WHEREAS, the Common Council on October 5, 1993 adopted Resolution 3644 which Resolution stated the Council's intent to "establish a fund consisting of twenty-five percent (25%) of the local share of the wagering tax and that said fund would be available for distribution to units of local government within the County of LaPorte"; and,

WHEREAS, the Common Council now desires to proceed with the development of intergovernmental agreements to in fact share the wagering tax as stated in Resolution 3644; and,

WHEREAS, the Common Council further wishes to establish the timing and method of distributing the funds to the local governments who choose to participate in the revenue sharing.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Michigan City, Indiana as follows:

Section 1. The Whereas clauses of this Ordinance are here incorporated in their entirety as if fully restated.

Section 2. The Controller of the City of Michigan City is authorized to establish an Intergovernmental Wagering Tax Fund, (hereafter referred to as "IWTF") and to place twenty-five percent (25%) of the City's wagering tax receipts, as paid from the State of Indiana to the City of Michigan City, into said fund for the purpose of distributing said funds pursuant to and in the amounts established by this ordinance and the subsequently required and executed intergovernmental agreements provided for hereinafter.

Section 3. The Controller is authorized to distribute said funds not less frequently than semi-annually to the local governments executing an Intergovernmental Agreement as provided for in this Ordinance; provided, however, that the City's general fund shall be the beneficiary of any and all interest earned on the funds placed into the Intergovernmental Wagering Tax Fund, and any funds unclaimed through the failure of a designated governmental entity to execute the Intergovernmental Agreement established through this Ordinance. The Controller shall drop all cents and issue checks in whole dollars amounts only (it is the purpose of this latter restriction to eliminate the possibility of rounding up and creating the impossible requirement to distribute more than one hundred percent [100%]).

Section 4. The IWTF shall be divided into five named accounts which shall receive a percentage of the IWTF as follows:

- County share: twenty percent (20%)
- Schools' share: twenty percent (20%)

~~Schools' share: twenty percent (20%)~~

Townships share: twenty percent (20%)

Cities and towns share: thirty percent (30%)

Special taxing districts share (as of 12-31-96): ten percent (10%)

Section 5.

The Mayor of Michigan City, the City's Board of Public Works and Safety, and the President of the Common Council (acting on behalf of the Common Council) are authorized to execute an Intergovernmental Agreement with the LaPorte County Commission providing for the following:

- A. The payment from the City (not less frequently than semi- annually) and acceptance by the County of the twenty percent (20%) County share (minus all cents less than 100) of the IWTF as established in Section 4 of this Ordinance.
- B. The funds are to be placed in the County's general fund and may be used for any purpose authorized by state statutes governing expenditures from the County's general fund.

Section 6.

The Mayor of Michigan City, the City's Board of Public Works and Safety, and the President of the Common Council (acting on behalf of the Common Council) are authorized to execute an Intergovernmental Agreement with each public school system existing December 31, 1996, (those school systems levying property taxes in LaPorte County and serving residents of LaPorte County in the grades k-12) providing for the following:

- A. The payment from the City (not less frequently than semi- annually) and acceptance by the respective school systems of their respective portion of the twenty percent (20%) school share (minus all cents less than 100) of the IWTF as established in Section 4 of this Ordinance according to the following schedule which is based on a percent of total 1996-97 headcount enrollment with a two percent (2%) minimum guarantee:

| | |
|----------------------------|-----|
| John Glenn Schools | 2% |
| Lacrosse Schools | 2% |
| LaPorte Schools | 36% |
| Michigan City Area Schools | 40% |
| New Prairie Schools | 10% |
| South Central Schools | 4% |
| Wanatah Schools | 2% |
| Westville Schools | 4% |

- B. The funds are to be placed into the school's general fund and may be used for any purpose authorized by State Statutes governing expenditures from the school's general fund.

Section 7.

The Mayor of Michigan City, the City's Board of Public Works and Safety, and the President of the Common Council (acting on behalf of the Common Council) are authorized to execute an Intergovernmental Agreement with each LaPorte County Township Trustee office providing for the following:

- A. The payment from the City (not less frequently than semi- annually) and acceptance by the respective Township Trustee of their respective portion of the twenty percent (20%) township share (minus all cents less than 100) of the IWTF as established in Section 4 of this Ordinance according to the following schedule which is based on the number of housing units according to the 1990 census and establishing a two percent (2%) minimum guarantee:

| | | | |
|---------------------|------|----------------------|-----|
| Cass Township | 2% | Michigan Township | 27% |
| Center Township | 5% | New Durham Township | 3% |
| Clinton Township | 2% | Noble Township | 2% |
| Coolspring Township | 2.5% | Pleasant Township | 2% |
| Dewey Township | 2% | Prairie Township | 2% |
| Galena Township | 2% | Scipio Township | 3% |
| Hanna Township | 2% | Springfield Township | 6% |
| Hudson Township | 2% | Union Township | 2% |
| Johnson Township | 2% | Washington Township | 2% |
| Kankakee Township | 3% | Wills Township | 2% |
| Lincoln Township | 2% | | |

- B. The funds are to be placed in the township's general fund and used for any purpose authorized by State Statutes governing expenditures from the township's general fund.

Section 8.

The Mayor of Michigan City, the City's Board of Public Works and Safety, and the President of the Common Council (acting on behalf of the Common Council) are authorized to execute an Intergovernmental Agreement with each LaPorte County city/town existing December 31, 1996, providing for the following:

- A. The payment from the City (not less frequently than semi- annually) and acceptance by the respective city/town contracting agency of their respective portion of the thirty percent (30%) city's and town's share (minus all cents less than 100) of the IWTF as established in Section 4 of this Ordinance according to the following schedule which is based on the number of housing units according to the 1990 census and which establishes a twenty percent (20%) maximum share and a six percent (6%) minimum share:

| | |
|-------------------|-----|
| Kingsbury | 6% |
| Kingsford Heights | 6% |
| Lacrosse | 6% |
| LaPorte | 20% |
| Long Beach | 16% |
| Michiana Shores | 6% |
| Pottawatomie Park | 6% |
| Trail Creek | 15% |
| Wanatah | 6% |
| Westville | 13% |

- B. The funds are to be placed in the respective city/town's general fund and used for any purpose authorized by State Statutes governing expenditures from the city's and town's general fund.

Section 9.

The Mayor of Michigan City, the City's Board of Public Works and Safety, and the President of the Common Council (acting on behalf of the Common Council) are authorized to execute an Intergovernmental Agreement with each special taxing district levying property taxes in LaPorte County as of December 31, 1996, providing for the following:

- A. The payment from the City (not less frequently than semi- annually) and acceptance by the respective taxing district governing body of the ten percent (10%) special taxing district's share of the IWTF as established in Section 4 of this Ordinance according to the following schedule:

Lacrosse Library District, LaPorte
 County Library District, Michigan City
 Library District, Wanatah Library

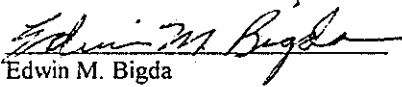
District, and the Westville Library District: two thousand five hundred dollars (\$2,500.00) each semi-annually if said funds are available in the pool.

LaPorte Aviation Authority: one thousand dollars semi annually if said funds are available in the pool.

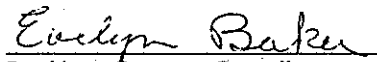
Michigan City Sanitary District: the balance of funds semi-annually if any are available in the pool.

- B. The funds are to be placed in the respective library district and aviation authority general fund and used for any purpose authorized by State Statutes governing expenditures from the special taxing district general funds. Further the Michigan City Sanitary District is to place the funds in one or more of the following: Refuse Capital Fund for the purchase of refuse trucks, the Bond Fund for the purpose of providing tax relief, or the Sanitary District Tax Funded Operating Fund for use to extend sanitary and or storm sewers.

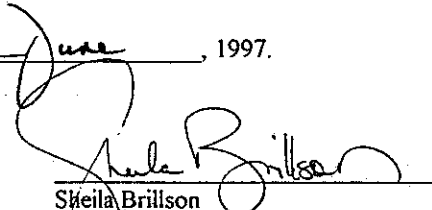
INTRODUCED BY:


Edwin M. Bigda

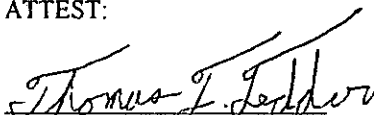
Passed by the Common Council of the City of Michigan City, Indiana, this 17th day of June, 1997.


Evelyn Baker
President, Common Council

Approved by me, this 18th day of June, 1997.


Sheila Brillson
Mayor of Michigan City

ATTEST:


Thomas F. Fedder, City Clerk

Prepared by the City Attorney's Office