

RESOLUTION NO. 27-04

**A RESOLUTION AUTHORIZING AN APPEAL FROM LEVY LIMITATIONS
IN CONNECTION WITH THE 2005 BUDGET
FOR THE CITY OF WEST LAFAYETTE**

Whereas, Indiana Civil Government Property Tax Control statutes provide under IC 6-1.1-18.5-16 for the civil taxing authority to request permission from the local government tax control board to impose an ad valorem property tax levy that exceeds the limits imposed by IC 6-1-1-18.5-3 in the event of a revenue shortfall in property tax collections that results from erroneous assessed valuation figures used to determine its total property tax rate; and

Whereas, the process of filing an excessive levy appeal due to erroneous assessed valuation requires a municipality to authorize an appeal based on estimates by September 19, 2004 prior to exact figures being available; and

Whereas, the City of West Lafayette expects to have a significant property tax shortfall in 2004 due to erroneous assessed valuation resulting from Correction of Errors and also from Appeals of Assessments resulting in tax refund claims for which credit is taken upon settlement; and

Whereas, the maximum amount by which the City's levy may be increased over the limits imposed by IC 6-1.1-18.5-3 equals the remainder of the City's property tax levy for 2004 as approved by the department of local government finance minus the actual property tax collected by the City in 2004; and

Whereas, any property taxes collected over the limits imposed by IC 6-1-1.18.5-3 is a one-time collection and may not be treated a part of the City's maximum permissible ad valorem property tax levy for purposes of determining its maximum permissible ad valorem property tax levy for future years; and

Whereas, the proposed budget of the City of West Lafayette for fiscal year 2005 did not anticipate a significant shortfall in tax collections in 2004 due to erroneous assessed valuation.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY PF WEST LAFAYETTE that:

Section 1. The administrative officers of the City of West Lafayette are authorized and directed to file an appeal with the Department of Local Government Finance for consideration by the local government tax control board for permission of the City of West Lafayette to increase its levy up to a maximum amount of \$223,200 to collect the shortfall in 2004 property tax collections due to erroneous assessed valuation resulting from correction of errors and appeals of assessed valuation.

Section 2. That following passage and signing of this resolution, the Clerk-Treasurer is directed to provide a certified copy of this resolution to the Department of Local Government Finance and the Tippecanoe County Auditor on or before September 19, 2004.

Section 3. This resolution shall be in full force and effect from and after its passage and signing by the Mayor.

INTRODUCED AND FILED ON THE ____ DAY OF _____, 2004.

DULY RESOLVED PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE ____ DAY OF _____, 2004, HAVING BEEN PASSED BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED.

Presiding Officer

Attest:

Judith C. Rhodes, Clerk-Treasurer

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE ____ DAY OF _____, 2004, AT THE HOUR OF _____.

Judith C. Rhodes, Clerk-Treasurer

THIS RESOLUTION APPROVED AND SIGNED BY ME ON THE ____ DAY OF _____, 2004, AT THE HOUR OF _____.

Jan H. Mills, Mayor

Attest:

Judith C. Rhodes, Clerk-Treasurer