

A Publication of the Taxpayers Association of Vigo County, Inc. Fall 2009

TAX TOPICS

Due to the current economic conditions, resulting in less Taxpayers Association dues for 2009, we have been forced to make some cutbacks. Therefore, due to the cost of postage and paper required and problems with our copier, <u>free paper copies of the Fall 2009 Tax Topics</u> issue are only available by request. The next issue of Tax Topics will be sent by e-mail and will be available on our website, <u>www.taxtopics.org</u>. If you want a paper copy mailed to you next week, please call, fax or reply to this note. We apologize for any inconvenience this may cause.

YOUR OPINION, PLEASE - COUNTY SERVICES?

As most Vigo County budgets for 2010 are being reduced due to lower revenue, it is obvious that some services must be reduced or eliminated. The Taxpayers Association can and should provide input to Vigo County budget builders concerning services we could or could do without.

If you will provide me with suggestions of services we could do without, I will investigate the most popular suggestion. Names of persons making suggestions will not be disclosed. Here is an example: Vigo County taxpayers pay for mowing weeds (and tall grass) on properties that owners have neglected to maintain. The cost of this mowing is added to the owner's tax statement, but not always collected because the properties are in tax default. For the period beginning May 15, 2009, and ending July 1, 2009, the county paid private contractors \$13,420 for mowing 58 parcels. These parcels were mowed for health and safety reasons because the foliage was over two feet high. Some parcels have been mowed multiple times. Should this practice be stopped?

7 S Meadows Shopping Center Terre Haute, IN 47803

Phone: 812.235.1361 Fax: 812.234.0568 E-mail: taxtopics@aol.com

Web: www.taxtopics.org

THE TRANSITION

As you probably notice on your phone bill, a small surcharge is added for usage of our E-911 service. E-911 service was implemented on wireless phones after landlines. After the surcharges are collected by Verizon (for landlines) and the Indiana State Auditor (for wireless services), the money is then disbursed to Vigo County's E-911 service. The following is the amount of receipts (per month) that E-911 received from landline and wireless surcharges. From this data, you can figure the trend of more cell phones and fewer conventional house phones.

	Verizon (Landline)	State Auditor (Wireless)
2007	\$24,576.61	\$21,278.36
2008	\$20,094.47	\$28,428.45
2009 (so far)	\$17,504.03	\$28,881.05

A PIECE OF U.S. HISTORY

The following paragraph is taken from the Wikipedia article on the Stamp Act of 1765, an effort from the British Parliament to tax the American colonies. Due to the colonies being taxed without representation in Parliament, the law backfired, and it started the chain of events that eventually led to the American Revolution.

The Stamp Act of 1765 (short title *Duties in American Colonies Act 1765*; 5 George III, c.12) was a tax imposed by the British Parliament on the colonies of British America. The act required that many printed materials in the colonies carry a tax stamp. The purpose of the tax was to help pay for troops stationed in North America following the British victory in the Seven Years' War (French and Indian War). The British government felt that the colonies were the primary beneficiaries of this military presence, and should pay at least a portion of the expense.

Read the complete article here: http://en.wikipedia.org/wiki/Stamp Act 1765

AIRPORT TAX - WHERE IS IT?

Now that tax statements have been mailed for Vigo County properties, questions are abundant.

One such question concerns the airport. Although the airport is not shown on table three (property tax distribution amounts applicable), tax deductions for the airport are hidden in the line named Special District.

I have asked why this has been done. The answer provided was that the state has the airport in a "Special District" unit as defined in the budget order. The county could petition the state to change the tax unit the airport is placed in, but it is not currently known whether it can be placed in its own unit or would have to be in an existing unit.

The Treasurer Form TS-1A is a generic state form used for every county. Since Vigo is one of the few counties with an airport, this was the reason the airport was classified as an item of many possibilities called "Special Districts."

Meanwhile, the total airport rate for Vigo County taxpayers is .0334 (a 17.1 % increase). The airport rate for 2008 was .0285. To determine the amount you are paying for the airport, multiply the net assessed value (line 3 table 1) by .0334 and divide by 100.

Example: The airport tax for a **\$100,000** net assessment would be **\$33.40**. The balance of dollars shown as special district is most often for fire protection.

PROPERTY TAX DEDUCTIONS

From the Indiana Department of Local Government Finance: www.in.gov/dlgf/2344.htm

Deductions

Deductions work by reducing the amount of assessed value a taxpayer pays on a given parcel of property. Application for deductions are due not later than December 31 annually. Taxpayers do not need to reapply for deductions annually. Reapplication should only occur if the property is sold, the title is changed or the home is refinanced (mortgage deduction only).

Deductions applied for prior to the annual December 31 deadline will be applied to the next year's tax bill. For example, a homeowner who applies for a deduction by December 31, 2008 will see the deduction applied to his 2008pay2009 tax bill.

To learn about the state's most common deductions and the associated eligibility requirements of each, see the links below. The forms required for filing for the deductions also can be found below. Personal property deduction forms can be found by clicking HERE.

County Auditors are the best point of contact for questions regarding deductions and eligibility.

General Information

- Mortgage Deduction from Assessed Valuation Memo July 8, 2009
- Homestead Standard Deduction from Assessed Valuation Memo July 8, 2009
- 2009 pay 2010 Property Tax Deductions Slides Revised July 8, 2009
- 2008 pay 2009 Property Tax Deductions Slides Revised March 11, 2009
- Property Tax Deductions Memo June 9, 2008
- Property tax deductions & credits fact sheet
- Homestead Standard Deduction and Other Deductions Frequently Asked Questions Revised March 6, 2009
- Spring 2009 Auditor's Conference Q&A June 9, 2009
- Fall 2008 Auditor's Conference O&A

Page 4 TAX TOPICS Fall 2009 – Continued

- Changes to Sales Disclosure Form Memo
- Indiana Handbook of Taxes, Revenues, and Appropriations
- Indiana Property Tax Benefits
- Abatement Deduction Schedule

Homestead Credit/Standard Deduction

- Homestead Standard Deduction from Assessed Valuation Memo July 8, 2009
- <u>Homestead Standard Deduction Personal Property Mobile Home with Real Estate</u> Guidance
- Homestead Standard Deduction Credit for Pay 2009
- Homestead Credit Rebate
- Homestead Standard Deduction and Other Deductions Frequently Asked Questions -Revised March 6, 2009
- Homestead Deduction Form

Over 65 Deduction and Over 65 Circuit Breaker Credit

- Over 65 Deduction and Over 65 Circuit Breaker Credit Frequently Asked Questions
- Over 65 Deduction and Over 65 Circuit Breaker Credit Form (income limits apply)

Investment Deductions

- Investment Deductions Fact Sheet
- Investment Deductions and Abatements PowerPoint January 2007
- Enterprise Zone Investment Deduction Application (Form EZ-2)

Deduction Forms

- Disabled Person Deduction Form
- Disabled Veteran Deduction Form
- Geothermal, Solar, Wind or Hydroelectric Deduction Form
- Homestead Deduction Form
- Historical Rehabilitated Property Deduction Form
- Mortgage Deduction Form
- Over 65 Deduction and Over 65 Circuit Breaker Credit Form (income limits apply)
- Veteran Deductions Form

CITY HISTORIC PRESERVATION

The following is an outline of a proposed city ordinance to establish a historic preservation commission and historic preservation districts. The complete 15-page ordinance is available at the following link: http://www.taxtopics.org/go-10-09historicpreservationord.pdf

GENERAL ORDINANCE NO. 10, 2009

AN ORDINANCE AMENDING *TERRE HAUTE CITY CODE*, CHAPTER 2, TO ESTABLISH A HISTORIC PRESERVATION COMMISSION AND CHAPTER 10, TO ESTABLISH HISTORIC PRESERVATION DISTRICTS AND GUIDELINES.

WHEREAS, the City Council of the City of Terre Haute, Indiana, declares that the research, protection, maintenance, restoration, rehabilitation, reconstruction, or development of historic districts is in the public interest; and,

WHEREAS, it is the intent of this Ordinance to provide a means to promote the cultural, economic, and general welfare of the public through the preservation and protection of structures and areas of historic and cultural interest within the City of Terre Haute and,

WHEREAS, it is the intent of this Ordinance to implement a comprehensive program of historic preservation by the creation and appointment of a Historic Preservation Commission and by the establishment of a historic preservation district or districts in accordance with the provisions set forth below, now therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

SECTION 1. That *Terre Haute City Code*, Chapter 2 is hereby amended by inserting the following Section:

Sec. 2-68 Historic Preservation Commission.

- a. Establishment.
- b. Composition; Appointment.
- c. Term.
- d. Commission Administrator.
- e. **Officers.**
- f. Rules.
- g. **Meetings.**
- h. **Powers and Duties.**

SECTION 2. That *Terre Haute City Code*, Chapter 10 is hereby amended by inserting the following Article:

CHAPTER 10 ARTICLE 4. HISTORIC PRESERVATION

Sec. 10-380 Purpose and Intent. Sec. 10-381 Definition and Terms.

Sec. 10-382 Historic Districts and Guidelines.

Sec. 10-383 Interim Protection.

Page 6 TAX TOPICS Fall 2009 - Continued

Sec. 10-384 Certificates of Appropriateness (COA).

Sec. 10-385 Staff Approvals.

Sec. 10-386 Visual Compatibility.

Sec. 10-387 Preservation of Historical and Architectural Character Upon Alteration or

Relocation Mandated.

Sec. 10-388 Maintenance.

Sec. 10-389 Relationship with Zoning Districts.

Sec. 10-390 Interested Parties.

Sec. 10-391 Enforcement, Penalties, and Judicial Review.

FAQ – LARGEST TAXPAYERS

LARGE TAXPAYERS

The following is a list of the ten largest taxpayers located within Vigo County, as provided by the Vigo County Treasurer's office and the Department of Local Government Finance.

<u>Name</u>	Type of Business	2008/2009 Net Assessed <u>Valuation</u>	Percent of Total Net Assessed Valuation
Duke Energy/PSI/CINergy, Inc.	Electric utility	\$138,865,840	3.9%
Digital Audio Disc Corp./Sony	Mfg. optical media products	75,831,160	2.1%
Southern Indiana Investment Company Four LLC	Real estate company	59,708,070	1.7%
Bemis Co., Inc.	Printed polyethylene plant	51,596,960	1.4%
Companhia Siderurgica formerly, Heartland Steel (1)	Intermediate processor of steel coils and sheets	48,811,710	1.4%
Applied Extrusion Technologies, formerly Hercules, Inc.	Mfg. plastic film products for snack food industry	48,062,870	1.3%
Verizon North Incorporated	Telephone utility	47,981,940	1.3%
Novelis Corporation, formerly Alcan Properties	Mfg. aluminum foil for packaging industry	40,420,330	1.1%
Pfizer Inc. (1)	Pharmaceutical company	36,534,730	1.0%
Terre Haute Regional Hospital	Health care facility	35,994,500	1.0%
Totals		\$583,808,110	16.4%

The total Certified Net Assessed Valuation of Vigo County is \$3,565,379,224 for taxes payable in 2009, according to the Vigo County Auditor's Office.

⁽¹⁾ Located in a tax increment allocation area; therefore, no property taxes of the taxpayer are distributed to the County.

CITIES AND TOWNS BULLETIN

As we build the <u>Taxpayers Association web site</u>, we add web sites to our links page that we think is beneficial to the taxpayer. One organization we are linking to our site is the State Board of Accounts.

Periodically, the State Board of Accounts publishes the Cities and Towns Bulletin and Uniform Compliance Guidelines. Their last publication from June 2009 details this year's laws enacted by the General Assembly that are related to cities, towns and municipally owned utilities. One law, Public Law 8 – House Enrolled Act 1331, "requires cities to provide each active member of their police department with body armor for the torso beginning January 1, 2010." This entire 22-page document can be found at http://www.in.gov/sboa/files/ctb2009 006.pdf.

FEDERAL LINK

Another site we are linking from taxtopics.org is www.usa.gov. It is the U.S. government's portal for allowing the public to search for official government information and services. It is administered by the U.S. General Services Administration's Office of Citizen Services and Communications.

COUNTY PROPOSED BUDGET IS AVAILABLE

The 2009 Proposed County Budget is now available in the Taxpayer Association office. If you should like to review a specific department budget, just let Bernard know. The budget has been prepared for the following departments of county government:

Air Pollution	Election Board	Treasurer
	<u> </u>	

Area Planning Extension Veteran's Assistance

Assessor Harrison Assessor Courts

Auditor **Building Inspection**

Public Defender Voter Registration Emergency Jail

Weights & Measures Management Communications

Clerk Group Homes Dispatch Juvenile Detention Commissioners Adult Protective

Juvenile Court Council Services Highway Prosecutor Health

Human Resources Recorder Park & Recreation Coroner New Clerk Incentive Sheriff

Crime Victim Assistance Plat Mapping Courthouse Maintenance Soil & Water **Enhanced Access**

Clerk's Perpetuation Information Services Surveyor Title IV-D (Prosecutor) Alcohol & Drug Drainage Board

Page 8 TAX TOPICS Fall 2009 – Continued

Court IV-D Incentive Infraction Deferral Security Protection (Recorder) Cumulative Bridge **Pre-Trial Diversion Drug Free Community** Supplemental Public **Cumulative Capital** Reassessment Defender Development Tobacco Settlement **Drug Court** Local Emergency Planning Commission Health Maintenance Supplemental Adult Seized Assets/DTF Probation (LEPC) Guardian Ad Litem (Emergency Right Park Non-Reverting Operating **CASA Expansion Grant** to Know) Park Capital ~ 2008 E-910 Air Pollution CAPTA E-911 Non-Reverting **CASA Expansion Grant** Local Road & Street Air Pollution Title-V ~ 2009 Engineering Convention & Tourism Highway I Jail Bond Riverboat Wagering Courthouse Bond Highway II Highway III **EDIT** Surveyor Cornerstone

Sales Disclosure

Budget proposals will soon be available for the Vigo County School Corporation, the City of Terre Haute, Vigo County Public Library, and Hulman Airport.

SALES DISCLOSURES

A sales disclosure form is required whenever there is a transfer or sale of property. You can find this form at http://www.in.gov/icpr/webfile/formsdiv/46021.pdf. The sales disclosure forms collectively become a ratio study which is then submitted to the Indiana Department of Local Government Finance where trending is established.

FILING AN APPEAL

When a taxpayer wants to appeal an assessment, they would have to file a property tax appeal with the Harrison Township or County Assessor by August 27, 2009. This appeal should contain the taxpayer's name, address and parcel/key number of the property, and taxpayer's address and telephone number.

Form 130 (http://www.in.gov/icpr/webfile/formsdiv/21513.pdf), which is the Petition for Review of Assessment by Local Assessing Official, may also be used but it is not required. However, using this form may help expedite the process. The filing of the appeal initiates a review and constitutes a request by the taxpayer for a preliminary informal meeting with the assessing official. The complete appeals procedure can be found at http://www.in.gov/dlgf/files/Memo_Appeals082407.pdf.

LOCAL BUDGET REVIEW & ADOPTION FAQ

Everyone who attended the workshop received a packet that included a paper that contained frequently asked questions concerning reviews of local budgets. This FAQ was from the Indiana Department of Local Government. Here, in complete form, is the FAQ of the process:

Local Budget Review and Adoption Frequently Asked Questions

Created July 29, 2009

1. Do political subdivisions have to publish their estimated budgets and proposed levies? What should be included in the notice?

Yes. The notice should include the time and place at which a public hearing will be held, as well as the estimated budget; the estimated maximum permissible levy; the current and proposed tax levies of each fund; and the amounts of excessive levy appeals to be requested.

2. When should the notice be published?

Beginning in 2009, the notice of the estimated budget and levy, and public hearing information on the Budget Form 3 must be completed and published twice **by September 9.** The notice must be published twice with the first publication at least ten (10) days before the date fixed for the public hearing, and the publications must be at least one (1) week apart. For example, the first notice should be published by September 2, 2009 and the second notice should be published by September 9, 2009 for a hearing set on September 12, 2009.

3. What do civil taxing units have to submit for the review and non-binding recommendation by the county fiscal body?

Civil taxing units should provide the proposed or estimated tax rate and levy (Budget Form 4-B), as well as the proposed budget (Budget Form 1) for the following year. For example, in 2009, the civil taxing unit would need to provide their proposed or estimated tax rate and levy and their proposed budget for 2010.

4. What is the deadline to file for the non-binding recommendation?

The deadline is at least **forty-five** (**45**) **days** before the civil taxing unit adopts. The last date for a civil taxing unit to file for 2010 budgets is Thursday, September 17, 2009.

5. How long does the fiscal body have to complete the review?

A county fiscal (county council, in most cases) body must complete their review and issue their nonbinding recommendation to the civil taxing unit at least **fifteen** (15) **days** before the civil taxing unit adopts. The last date for a 2010 budget is Monday, October 19, 2009 [October 17, 2009 falls on a Saturday]. For the budget process to progress as intended by the General Assembly, the county fiscal body should establish a set period of time to accomplish the review of the tax rates, levies and budgets and issuance of non-binding recommendations to each civil taxing unit in the county.

Note that the statutory timeline is meant to ensure the county fiscal body's review and issuance of its non-binding recommendation to the civil taxing units will occur *before* the civil taxing unit

Page 10 TAX TOPICS Fall 2009 – Continued

adopts its tax rate, tax levy, and budget. It is required in the law that the *civil taxing unit adopts* its budget, rate, and levy after the county fiscal body has completed its review of that civil taxing unit's budget, rate, and levy and has issued its non-binding recommendation to that civil taxing unit. In sum, the budget adoption process and timeline is to be driven by the county fiscal body.

6. What does the county fiscal body's recommendation have to include?

The recommendation should compare the civil taxing unit's proposed increase to increases in the budgets of other civil taxing units in the county. Additionally, it should compare the unit's proposed increase to the average increase in Indiana nonfarm personal income for the preceding six (6) calendar years and the average increase in nonfarm personal income for the county for the preceding six (6) calendar years. This information will be available from the Department's Web site soon.

7. Where does the county fiscal body get nonfarm personal income information?

The Department provides this information. As soon as this information is available, the Department will send out via its listsery. It will also be available on the Department's Web site under "Memos and Presentations" page, http://www.in.gov/dlgf/2444.htm, as well as on the "County/ Budget Information" page, http://www.in.gov/dlgf/2677.htm.

8. Do schools, conservancy districts, solid waste management districts or fire protection districts have to get a non-binding recommendation?

Schools are not civil taxing units and, thus, do not need to submit their proposed tax rates, levies and budget and receive a non-binding recommendation from the county fiscal body.

Conservancy districts, solid waste management districts, and fire protection districts with appointed or unelected governing bodies are considered "special districts" and must submit their proposed budget, rate, and levy to a city/town fiscal body or county fiscal body (whichever is applicable) for **final adoption** rather than a non-binding recommendation.

Finally, if an appointed or unelected governing body of a taxing unit (such as a library or sanitary district) has a percentage increase in its proposed budget for 2010 that is **more than 3.8%**, it is not required to follow the non-binding review and recommendation process. Rather, those units must submit their proposed budget, rate, and levy to a city/town fiscal body or county fiscal body (whichever is applicable) for **final adoption** because they are governed by IC 6-1.1-17-20. (See FAQ numbers 9-10 for more information about the process for special districts.)

Also, the county fiscal body review and non-binding recommendation process does not apply to certain civil taxing units in Marion County that have proposed budgets and proposed property tax levies approved under IC 36-3-6-9.

9. What is the budget adoption process for special districts (i.e. conservancy districts, solid waste management districts, and fire protection districts) that are governed by an unelected or appointed board?

IC 6-1.1-17-20 now applies. Therefore, for the 2010 budget process, these districts must submit their proposed budgets to the city, town, or county fiscal body (whichever is applicable) for final adoption on or before Friday, October 2, 2009.











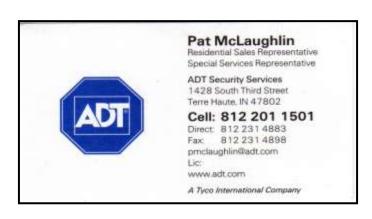


















Stadler and Company

ANDREW STADLER, EA.

Licensed To Practice Before The IRS

1101 East Margaret Avenue Terre Haute, Indiana 47802 Email-Tax@abcs.com www.stadlertax.com

Bus (812) 478-2800 Res (812) 894-2152 Fax (812) 232-7573



1131 S. 10th St. Terre Haute, IN 47802

FERGUSON'S ACCOUNTING & TAX SERVICE

CHARLES T. FERGUSON, P.A.

812-234-4766

Terre Haute Bowling Center 600 E. Spring hill Dr. - Terre Haute, IN 47802 - 812-238-2911 * Open Bowling Daily * Leagues * King Pin Lounge * 40 Lanes

Pro Shop

Fundraisers

Birthday Parties











Dawg Leg Restaurant 299-5353 X: 2

Ferre Haute's Best Kept Secret!

Mondays—Golf Special & \$1 beer night! Tuesday & Thursdays—Catfish Wednesday—Italian Pizza Buffet Friday & Saturday—Chef Special

3rd Fridays of the month-Don Morris



- The Taxpayers Association is a non-profit, nonpolitical research agency supported voluntarily by members.
- The Association monitors the expenditures of local tax dollars in Vigo County.
- Association membership is open to all citizens of Vigo County.
- The director is available for civic presentations.
- Annual, quarterly and weekly <u>educational</u> publications concerning taxes are available to members.
- · Join and support our tax watchdog efforts.

Bernard Ridens

Executive Director
7 S Meadows Shopping Center Terre Haute, IN 47803
812-235-1361

Prime Office Space Available

- 457 square foot completely renovated office space
- New electrical, HVAC, Carpet and more
- South end location
- On site restaurant, Dollar General, branch bank and pharmacy

Contact Laura at (812) 234-8899 ext 28 laura@ragle.com

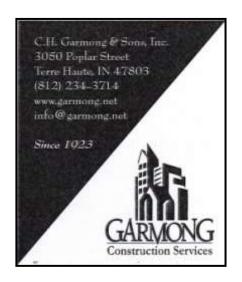


Prime Office Space Available

- Two restaurants, grocery store and pharmacy
- 3 bank branches nearby
- Professional environment
- 1,550sf 16,231sf spaces
- Custom build-out improvements available
- Plenty of parking
- Convenient east-side location

Modeline

Contact Laura at (812) 234-8899 ext 28 laura@ragle.com



For a special district with assessed valuation entirely contained within a city or town, or that was originally established by a city or town, the district submits its proposed budget to the city or town fiscal body. This must be done at least **thirty** (30) days before the city or town fiscal body holds budget approval hearings.

All other special districts must submit proposed budgets to the county fiscal body in the county where the taxing unit has the most assessed valuation. Again, this submitted at least **thirty** (30) days before the county fiscal holds budget approval hearings.

Conservancy districts, solid waste management districts, and fire protection districts with unelected or appointed governing boards always -- regardless of the percentage increase in their proposed budget -- must submit their proposed budget, rate, and levy to the city/town or countyfiscal body (whichever is applicable) for final adoption on or before October 2 [30 days before council is required to adopt budget].

10. What does the city, town, or county fiscal body do with the special district's proposed budget?

The fiscal body of the city, town, or county (whichever applies) reviews the proposed budgets and adopts a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify the budget, but they cannot increase it.

11. What is the budget process for other taxing units with unelected or appointed governing boards, like libraries?

If the proposed budget for these units has a percentage increase in the taxing unit's proposed budget for the following calendar year that is more than 3.8% for 2010, the rules that apply to conservancy districts, solid waste management districts, and fire protection districts apply to those units. See FAQ numbers 9-10 above.

12. What if a unit misses its submission deadline to the county council?

Without evidence of a non-binding recommendation filed by the deadline, the Department will hold the civil taxing unit to the most recent annual appropriations and annual tax levy. In other words, if a unit fails to file their proposed 2010 budget by September 17, 2009 with the county council, the Department will certify the 2009 budget amounts for the 2010 budget for that civil taxing unit.

13. What if a fiscal body misses the deadline for a recommendation?

Without evidence of a non-binding recommendation issued by the deadline, the Department will hold the county, city or town to the most recent annual appropriations and annual tax levy. In other words, if the fiscal body does not complete a review for a unit that has submitted by the deadline of October 19, 2009, the fiscal body's unit is penalized, and the Department will certify the 2009 budget amounts for the county's 2010 budget.

14. What's the deadline for political subdivisions to adopt budgets?

The deadline is November 1 of each year. For 2010 budgets, the deadline is Monday, November 2, 2009 because November 1 falls on a Sunday.

Page 12 TAX TOPICS Fall 2009 – Continued

15. What happens if a political subdivision misses the adoption deadline?

If the budget is not adopted by the November 1 deadline, the Department will hold the political subdivision to its most recent annual appropriations and annual tax levy for the following budget year. In other words, if the deadline is missed for the 2010 budget adoption, the Department will certify the 2009 budget amounts for the 2010 budget.

16. When is the public hearing for proposed budgets?

The political subdivision must hold the public hearing at least ten (10) days prior to the budget adoption meeting, except in Marion County and in a second class city, where the hearing may be held at any time after introduction of the budget. If the political subdivision chooses to adopt on November 2, 2009, the last day to hold the public hearing is Friday, October 23, 2009.

17. Can taxpayers object to the proposed budget? If so, how?

Yes. Ten (10) or more taxpayers may object by filing an objection petition not more than seven (7) days after the public hearing. The objection petition must specifically identify the provisions to which the taxpayers object. If the public hearing occurs on Friday, October 23, 2009, the taxpayers must file on or before Friday, October 30, 2009.

18. What happens if an objection is filed?

If an objection is filed, the political subdivision's fiscal body must respond in writing to the objections raised when it adopts its budget.

19. When are political subdivisions required to file the adopted budgets with the County Auditor?

They must file at least two (2) days before the first meeting of the county board of tax adjustment ("county TAB")(if one exists.) In Marion County and in a second class city, they must file within two (2) days of the ordinance being signed or of a veto being overridden.

20. What year do schools need to adopt a fiscal year budget?

School corporations will go to a fiscal budget starting with Fiscal Year 2012. That means after June 30, 2011, schools will be on a budget that goes from July 1 to June 30.

21. Does the County Auditor still need to publish the notice to taxpayers of each taxing units' adopted tax rates ("TAB Chart")?

No. The County Auditor will only need to publish if the budgets, tax rates, or tax levies are modified by the county board of tax adjustment or County Auditor. If no TAB Chart is necessary, the County Auditor will send a certificate notice of rates to each political subdivision within five (5) days of calculating and fixing the rates.

22. Can taxpayers still appeal from a TAB Chart?

Yes, if a TAB Chart is published by the County Auditor, ten (10) or more taxpayers or one (1) taxpayer who owns property representing at least ten percent (10%) of the taxable assessed valuation in the political subdivision may initiate an appeal by filing a statement with the County Auditor. The statement must specifically identify the provisions to which the taxpayers object.

23. What is the deadline to file an appeal from a TAB Chart?

An appeal must be filed within ten (10) days after the publication of the TAB chart.

24. What happens if an appeal is filed?

If an appeal is filed, the Department holds a hearing, considers the testimony and evidence given, and then makes a written determination and statement of its findings. The Department will notify the objector or first ten (10) objectors of the date, time, and location of the hearing, and then mail them copies of the findings. The hearing may be held in conjunction with the Department's budget hearing in the county.

25. Can the County Auditor appeal to the Department if the township assistance tax rate is reduced below the necessary amount?

Yes. In this case, the County Auditor is *required* initiate an appeal. However, tax rates for the family and children's fund and children's psychiatric residential treatment services (CPRTS) can no longer be appealed to the Department for an increase because those funds have been assumed by the State.

26. Can a political subdivision appeal to the Department for an increase in its tax rate or levy as published in the TAB Chart?

Yes. To initiate the appeal, the political subdivision must file a statement with the Department not later than ten (10) days after publication of the TAB Chart. To file an appeal, the legislative body of the political subdivision (i.e. County Commissioners in most cases) must adopt a resolution to file the appeal.

27. Can the Department cut a taxing unit's budget by fund, rate, or levy?

When the Department reviews the unit's proposed or adopted budget, the Department acts like a bank. A bank will tell a customer if the customer has enough money in his account to make a purchase, but it would not tell the customer how to spend his money. The same goes for the Department and local units of government – the Department will advise the unit if they have the funds to cover the proposed budget, and what kind of "paycheck" the unit can expect. However, representatives of the local units of government make the decisions on how to spend these dollars.

28. What happens if the Department revises, reduces or increases a budget?

The Department issues a "1782 notice," which is a written document that includes the preliminary tax rates and levies. The Department also holds a local budget hearing.

29. How much and what kinds of notice is given for this public hearing?

The Department must give notice at least five (5) days in advance. The notice will include the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The notice will be placed in two (2) newspapers of general circulation published in the county; or only one (1) newspaper, if only one (1) of general circulation exists.

Page 14 TAX TOPICS Fall 2009 – Continued

30. How long does the political subdivision have to respond to the Department's "1782 notice"?

The political subdivision has **ten** (10) **calendar days** from the date the political subdivision receives the notice. The response, which must be provided in writing to the Indianapolis office, may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the Department is in error. (Note: The notice period formerly was fourteen (14) calendar days, but that was changed in HEA 1001(ss)-2009.)

31. How are bond issues and lease rental agreements handled for appointed or unelected governing bodies?

For a governing body of a taxing unit comprised of appointed or unelected officials (except for a school and certain taxing units in Marion County), if the assessed valuation of a taxing unit is entirely contained within a city or town; or the taxing unit was originally established by the city or town, the governing body of the taxing unit may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the city or town fiscal body.

For all other taxing units with appointed or unelected officials on its governing body, the governing body of the taxing unit may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the county fiscal body in the county where the taxing unit has the most net assessed valuation. IC 6-1.1-17-20.5.

32. Can a County Auditor withhold certified net assessed values to account for appeals and deductions?

Yes. The County Auditor can reduce the certified net assessed value amounts for each taxing unit by up to two percent (2%). This allows the unit to absorb the effects of reduced property tax collects as a result of successful appeals, homestead or other deductions, and reassessments as a result of permanently flooded real property. If the Auditor would like to reduce the certified net assessed value amount for any taxing unit by more than two percent (2%), the Auditor may appeal to the Department of Local Government Finance ("Department") for approval. The Department may approve, modify and approve, or reject the amount of the reduction sought in the appeal.

33. How should a County Auditor account for deductions that are filed after certification of net assessed values?

The County Auditor has the authority to reduce the amount of the net certified assessed values for each taxing district by up to two percent (2%). This should cover any issues related to deductions filed after the certification of net assessed values. If the County Auditor has concerns that the two percent (2%) will not be enough, the Auditor has the authority to appeal to the Department and ask to reduce the amount by more than two percent (2%).

If you have any questions, please feel free to contact Assistant Budget Director Dan Jones at (317) 232-0651 or djones@dlgf.in.gov

A SECOND WORKSHOP – CAPS

Watchdog Indiana is trying to schedule discussion panels throughout the state this fall. The purpose of the panel is to educate Hoosiers regarding the constitutional property tax caps in Senate Joint Resolution 1. Most panels will include one to three local State Representatives or their appointee or possibly a State Senator.

The proposed 1%-2%-3% caps on homestead, rentals and agricultural, and other business properties respectively were passed by the General Assembly in 2008 and will be fully implemented next year. SJR must pass the House again next year so the voters of Indiana can vote on November 2, 2010 to decide whether or not the caps will become a permanent part of the Indiana Constitution. This full information can be found at http://www.finplaneducation.net/property_tax_caps.htm.

The Taxpayers Association could volunteer to host one of these workshops. Our purpose is to fully educate our members and others who choose to attend this discussion on the ramifications of this issue.

CAPS AGAIN

There is no doubt about it. The caps <u>concept</u> proposed in the Kernan-Shepherd Report is a good idea. However, before it becomes constitutional, it needs some fine tuning. Here are a few problems being discussed which could be addressed if a local forum were to happen:

- 1. Is one, two and three percent on homestead, rental and business properties, respectively, the correct mix if there is to be a mix? Should business settle and be locked into 3% when anything less would be better? Should farmland and buildings be settled for and be locked into 2% forever when something less than 2% would be better?
- 2. Many homesteads are not currently taxed at the 1% cap. Would their taxes go up simply because there is a legal higher limit?
- 3. How could greater fairness be achieved if <u>all</u> properties with equal assessed valuations pay the capped amount and therefore the same dollars, but they receive unequal services? Example: Harrison Township taxpayers receive trash pickup while other township taxpayers pay approximately three hundred dollars a year (in addition to taxes) if they want the service?
- 4. If the people vote to make the cap concept part of the Indiana Constitution, will they be assured that additional classes of property will not be created in the future and that the percentages will never change?

Page 16 TAX TOPICS Fall 2009 – Continued

When the local economy is good, what will keep the government spenders from spending unnecessarily simply because the money can be taken up to the cap amounts?

BUDGETS PROPOSAL

Recently the City Council, County Council and Vigo County School Corporation have released proposed budgets for the year 2010. We have all these budgets available at the TA office if you are interested in looking at them. You can also click on the following links to access digital versions of the proposed City and School budgets:

PowerPoint presentation of VCSC Proposed Budget: http://www.taxtopics.org/School Budget2010PresentationBW.pdf

Proposed City Budget in Adobe format -

Part 1: http://www.taxtopics.org/THBudgetpart1.pdf Part 2: http://www.taxtopics.org/THBudgetpart1.pdf

Revisions to Budget: http://www.taxtopics.org/CHANGESTO2010CITYBUDGET.pdf

TAX NOTES

The Indiana Chamber of Commerce releases an email periodically called "Tax Notes" that gives briefs on tax and public finance matters on the state and federal levels. It is produced by Bill Waltz, the Chamber's Vice President of Taxation and Public Finance. The following were among the articles that were published in the September 2009 issue of "Tax Notes:"

Commission on State Tax and Financing Policy Given Plenty to Study

Indiana's state legislature assigned a healthy and varied list of items for the Commission on State Tax and Financing Policy (CSTFP) to examine this interim. Specifically, the CSTFP is charged with studying:

- whether local income taxes are being properly and fairly allocated;
- whether taxpayers receive adequate opportunity to participate in the local budget-making process;
- when local governments should be allowed to hire private attorneys to appeal a tax case;
- the advisability of reassessing a percentage of all the properties in a county each year instead of having a general reassessment of all property in the same year;
- recommendations from the Department of Local Government Finance on improving the timelines for property tax administration;
- tax policies for logistics providers and warehouse/distribution in Ohio, Kentucky, Tennessee, Illinois, Michigan and Wisconsin;
- how to fund Indiana's growing community college system;
- the practice of credit card companies raising interest rates and changing terms on non-delinquent accounts, and determining what authority a state has to regulate these practices;
- the effect of the sales tax treatment of car purchase discounts; and
- the taxation of retirement benefits, and military pay and benefits.

The subjects are numerous and the time frame is short due to the special session. Although agendas have not yet been posted, the CSTFP has scheduled four meetings - September 21, September 22, October 5 and October 13. Specific agendas for the meetings will be posted on <u>IndianaNet</u>, the Chamber's legislative services web site (subscription required), when details become available. The Indiana Chamber will be working with commission members on several of the above items and will keep you posted regarding their progress.

Department of Local Government Finance Cleaning Up Rules

In July, the Department of Local Government Finance (DLGF) posted a notice of intent to adopt new rules regarding the practice of annually adjusting assessments and the taxation of personal property. These two notices are the first step in the formal rule promulgation process. In the coming months, the DLGF will post the text of a proposed rule (online via the *Indiana Register*), receive further comments, conduct a public hearing and ultimately adopt a final rule. The annual adjustment rules govern the procedures assessors must follow and the factors they apply to assessments each year to reflect market valuation changes (aka trending). The trending process is technical and complicated - too much so, say some observers. The DLGF currently has a draft rule on its web site that is mostly for cleanup and clarification. The agency is looking to combine the existing rule on equalization (50 IAC 14) and the existing rule on annual adjustments (50 IAC 21) into a single rule - a recommendation of the Indiana Fiscal Policy Institute back in 2005. The draft rule will also define "sales chasing" and specifically prohibit that practice.

Read full story

Indiana Tax Seminar

Mark your calendars for the **2009 Indiana Tax Seminar** on October 27 at the Indiana Chamber Conference Center in downtown Indianapolis. Presented by numerous tax law experts, attending this important conference will help you remain apprised of both Indiana and federal tax law changes.

Register online, or contact Lisa at (800) 824-6885.

WASHINGTON RENOVATION

The Vigo County School Corporation engaged an architectural firm, MMS-A/E, to study the cost of renovating the Booker T. Washington High School building to meet safety and ADA codes. The <u>estimated</u> costs associated with each item are based upon recent historical data from a remodel project of similar size, age and scope. The numbers have been adjusted for inflation at a rate of 4% over four years:

Extend fire alarm devices into restrooms and other occupied spaces,	\$54,300.00
include new panel	
Install fire suppression (sprinkler) includes underground service, design	105,234.00
and installation	
Building rewire, demolition and installation	426,175.00
New plumbing and ADA toilet rooms	289,000.00
New steam lines	195,000.00
Air conditioning with ductwork	678,000.00
Smoke compartments	180,000.00
Rated doors	72,000.00
Lower level exits	411,000.00
New ceilings, required for new HVAC efficiency and lighting	135,000.00
Elevator and area of refuge	247,000.00
Paint	47,000.00

Page 18 TAX TOPICS Fall 2009 – Continued

Tuck point to reduce interior mold and water damage	75,000.00
New gymnasium	1,500,000.00
Sub-total	4,414,709.00
General conditions and mark-up	440,000.00
A/E fees	220,735.00
Grand total	\$5,075,444.00

The above total does not include money for unforeseen conditions that may come with renovating an older building.

New building for nursery – delete lower level exits - \$441,000.00)

Add \$1,925,000.00 for new 11,000 square feet building = \$6,559,444.00

It should be noted that the existing building is some 47,000 square feet, a new building would be greatly reduced in size due to design efficiencies. To build a building with comparable square footage would cost **\$8,225,000.00**. It should be further noted that most of the square footage difference is in circulation and "wasted space." Further there are currently 36-40 infants being served and more on the way.

Respectfully submitted, Steve Arnold, AIA MMS-A/E

Note: The estimated cost to move the program to the Terre Haute South Vigo campus is approximately \$2.4 million.

WANTED: IN GOOD CONDITION

Due to the economy and a few non-renewals of TA members for 2009, we are now in a begging mode. The Taxpayers Association office is in serious need of the following items:

- 1. 24-inch paper cutter
- 2. Laptop (notebook) computer with PowerPoint and wireless capabilities
- 3. Black & white copier must have 11x17 two-sided capability and computer control. We will maintain a service contract with the above.

If you can help or offer an idea on any of the above, please respond to this note. Thank you.

UPCOMING IMPORTANT DATES

Please plan to attend. A packed house is much more effective than a single representative. Having served eight years on the Area Planning Commission, I am aware that petitions and those representing a group are not nearly as effective as a large number of individuals expressing their opinions. Attend even if you wish to be a silent participant.

L	Date	Time	Public Meeting	Location	Conta	act Info
Mon.	Sep. 28	2:00 pm	Board of Public Works and Safety	City Hall – Board of Public Works Room	Robin	232-4767
Mon.	Sep. 28	4:00 pm	County Park Board	County Annex	Julia	462-3391
Mon.	Sep. 28	5:30 pm	Terre Haute Housing Authority	2001 N. 19 th Street	Jeff	232-1381
Mon.	Sep. 28	7:00 pm	Vigo County School Board	VCSC Board Room	Judy	462-4216
Tue.	Sep. 29	9:00 am	County Commissioners	County Annex	Judy	462-3367
Thur.	Oct. 1	9:00 am	City Board of Zoning Appeals	City Hall – 1 st Floor Conf. Room	Judy	462-3367
Thur.	Oct. 1	7:00 pm	City Council - Sunshine Meeting	City Hall - Courtroom	Michelle	232-3375
Mon.	Oct. 5	4:00 pm	Vigo County Drainage Board	County Annex	David	898-2685
Mon.	Oct. 5	4:30 pm	Animal Control Board	City Hall – 1 st Floor		
Mon.	Oct. 5	6:30 pm	Riley Town Board	Riley Town Hall	Wanda	894-2410
Tue.	Oct. 6	9:00 am	County Commissioners	County Annex	Judy	462-3367
Tue.	Oct. 6	10:00 am	City Board of Sanitary Commissioners	City Hall – 3 rd Floor	Sally	235-5458
Tue.	Oct. 6	4:30 pm	Honey Creek Conservancy District	3241 S. 3 rd Place	Craig	232-4311
Wed.	Oct. 7	7:00 pm	County Area Planning Commission	County Annex	Vickie	462-3354
Thur.	Oct. 8	7:00 pm	City Council - Regular Meeting	City Hall – Courtroom	Michelle	232-3375
Mon.	Oct. 12	2:00 pm	Board of Public Works and Safety	City Hall – 1 st Floor	Robin	232-4767
Mon.	Oct. 12	6:00 pm	West Terre Haute Town Board	500 W. Nat'l, WTH	Melody	533-2034
Tue.	Oct. 13	9:00 am	County Commissioners	County Annex	Judy	462-3367
Tue.	Oct. 13	4:15 pm	Vigo County Redevelopment Commission	County Annex	Amanda	234-2524
Tue.	Oct. 13	7:00 pm	Seelyville Town Board	Seelyville Water Office	Tamara	877-2665
Wed.	Oct. 14	10:00 am	County Board of Zoning Appeals	County Annex	Judy	462-3367
Wed.	Oct. 14	2:00 pm	E-911 Advisory Board	County Jail – Sheriff's Training Room	Greg	462-3226 ext. 320
Wed.	Oct. 14	4:30 pm	City Park Board - General Meeting	Deming Park	Eddie	232-2727
Wed.	Oct. 14	7:00 pm	Airport Authority	Airport	Kara	877-2524
Thur.	Oct. 15	2:00 pm	Tree Advisory Board	City Hall Mayor's Conf. Room	Jennifer	232-4028
Tue.	Nov. 17	12:00 noon	Taxpayers Association Board Meeting	ТВА	Bernard	235-1361

Page 20 TAX TOPICS Fall 2009 – Continued

Table of Contents of Tax Matters Issues 09-26 through 09-37

Just in case you wish to refer to a previous issue of Tax Matters and need some help locating a particular topic, you may refer to the table below. Many of the topics are also included in an issue of Tax Topics. This issue of Tax Topics includes Tax Matters through September 17, 2009 and this table does the same. The next issue will continue from this point.

Topic	Issue	Topic	Issue
Tax Statements	09-26	Cities and Towns Bulletin	09-30
Neighborhood Partnership	09-26	U.S. Government Portal	09-30
State Fireworks Laws	09-26	County Proposed Budget is Available	09-31
Illegal Immigration	09-26	Sales Disclosures	09-31
County Services	09-27	Filing An Appeal	09-31
The Transition	09-27	Local Budget Review and Adoption FAQ	09-32
Stamp Act 1765	09-27	Washington High School	09-32, 09-33, 09-36
Airport Tax	09-28, 09-29	Caps	09-32, 09-33
Property Tax Deductions	09-28	I-69	09-33
Strategies for Government Efficiency	09-28	Budgets Proposal	09-34
City Historic Preservation	09-29, 09-34	I-File Survey	09-35
Largest Taxpayers	09-29	Tax Notes	09-35
Personal Savings Rate	09-29	Board of Public Works and Safety	09-36
Overview of the Indiana Trending Process	09-30	Tax Topics	09-37

Cover Photo is that of the new federal building located on Ohio Street