

**DEPARTMENT OF LOCAL GOVERNMENT FINANCE
100 NORTH SENATE AVENUE
IGC-N, ROOM N1058
INDIANAPOLIS, INDIANA 46204**

IN THE MATTER OF THE REVIEW OF)
PROPOSED LANGUAGE FOR A BALLOT)
QUESTION REGARDING METROPOLITAN) No. 16-001-REF
SCHOOL DISTRICT OF SOUTHWEST)
ALLEN COUNTY)

**FINDINGS AND FINAL DETERMINATION ON PROPOSED QUESTION SUBMITTED
JANUARY 8, 2016**

1. Metropolitan School District of Southwest Allen County (“Corporation”) proposes to place an operating referendum on the ballot for the purpose of establishing a referendum tax levy with a tax rate not to exceed fifteen cents (\$0.1500) per one hundred dollars (\$100) of assessed value.
2. Under Indiana law, voters in the area served by the Corporation will vote in a referendum to approve or deny the Corporation’s proposed tax rate.
3. Indiana law governs the format and wording of the ballot question for the referendum.
4. Under Indiana law, the “question to be submitted to the voters in the referendum **must read as follows**”:

“For the __ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation impose a property tax rate that does not exceed _____ (insert amount) cents (\$0. __) (insert amount) on each one hundred dollars (\$100) of assessed valuation and that is in addition to all other property taxes imposed by the school corporation for the purpose of funding _____ (insert short description of purposes)?”

Indiana Code 20-46-1-10 (emphasis added).

5. The ballot question then must contain three parts:
 - the number of calendar years for which the tax will be in effect;
 - the amount of the tax rate; and
 - the purpose of the funding.

6. The law requires the Department of Local Government Finance (“Department”) to review the language for compliance with IC 20-46-1-10. The Department may either approve or reject the language.
7. On January 8, 2016, the Department received an e-mail and letter from the Corporation presenting the proposed ballot question for the referendum.
8. The Corporation requested that the Department review this proposed question:

“For the seven (7) calendar years immediately following the holding of the referendum, shall the M.S.D. of Southwest Allen County impose a property tax rate that does not exceed fifteen cents (\$0.1500) on each one hundred dollars (\$100) of assessed valuation and that is in addition to all other property tax levies of the school corporation for the purpose of renewing the levy provided by the existing Referendum Tax Levy Fund in order to continue to maintain lower class sizes, a safer school environment and current program levels by providing funding for the wages and related benefits of a portion of the school corporation’s teachers and guidance counselors and the contractual services of the school corporation’s resource officer?”

Compliance of Language

9. The Department must review the proposed language for compliance with IC 20-46-1-10. The Department may either approve or reject the language. The Department concludes that the language is not in compliance with IC 20-46-1-10. Specifically, the Corporation’s proposed question includes the phrase “renewing the levy provided by the existing Referendum Tax Levy Fund in order to continue to,” which is misleading. Under current law, once an operating referendum expires, it cannot be renewed. Instead, a new, independent referendum can be approved by voters. The Department notes that the Corporation already has an operating referendum in place that will expire in 2016. In addition, statute prescribes the phrase “in addition to all other property taxes imposed by the school corporation for the purpose of funding” Here, the Corporation uses the phrase “in addition to all other property tax levies of the school corporation for the purpose of renewing.”

Final Determination

WHEREFORE, based on the above findings and applicable law, the Department finds that the proposed language is not in compliance with IC 20-46-1-10 and disapproves the language as proposed.

Dated this 15th day of January, 2015.

STATE OF INDIANA
DEPARTMENT OF LOCAL GOVERNMENT FINANCE



Courtney L. Schaafsma, Commissioner
Department of Local Government Finance

STATE OF INDIANA
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

I, Michael E. Duffy, General Counsel for the Department of Local Government Finance, hereby certify that the above is an order of the Commissioner of the Department of Local Government Finance made this date in the above-entitled matter and that the Commissioner has personally signed the same under her statutory authority.

WITNESS MY HAND AND SEAL of the Commissioner on this the 15th day of January, 2015.



Michael E. Duffy, General Counsel
Department of Local Government Finance