

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

RESOLUTION NO. 2023 – R – 001

**A RESOLUTION ADOPTING THE TITLE VI PLAN FOR THE TOWN OF SELLERSBURG, INDIANA.**

**WHEREAS**, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

**WHEREAS**, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

**WHEREAS**, this Council has determined a need to adopt a Title VI Plan (hereinafter referred to as the “Plan”) for the Town of Sellersburg, Indiana; and,

**WHEREAS**, this Council has reviewed said Plan, which is attached hereto as Exhibit A.


**NOW, THEREFORE BE IT RESOLVED**, that the Plan is hereby approved.

**SO RESOLVED** this 13th day of March, 2023.

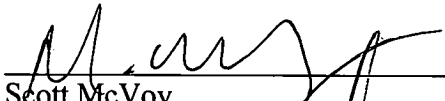
*[Signature page to follow]*

“Aye”

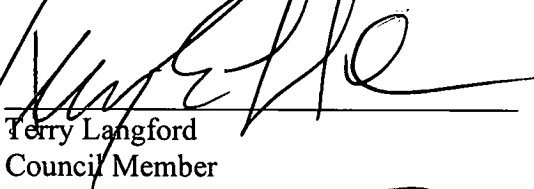
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Council President

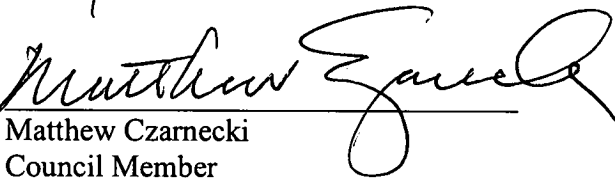
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Council President

  
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Scott McVoy  
Council Vice President

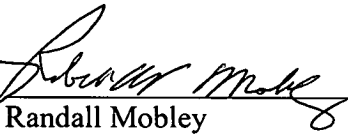
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Council Member

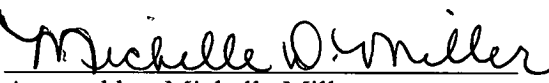
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Council Member

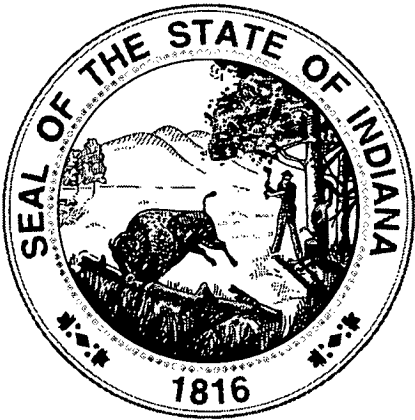
  
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Matthew Czarnecki  
Council Member

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Matthew Czarnecki  
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Randall Mobley  
Council Member

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Randall Mobley  
Council Member

  
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Attested by: Michelle Miller  
Sellersburg Clerk-Treasurer



**TOWN OF SELLERSBURG, INDIANA**

**TITLE VI PLAN**

**2020-2023**

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## INTRODUCTION

This Title VI Implementation Plan is a part of the Town of Sellersburg's continual and ongoing effort to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. With this Implementation Plan, the Town of Sellersburg seeks to provide continued transparency, clarity, and technical guidance for internal and external constituents regarding its Title VI program.

## THE TOWN OF SELLERSBURG TITLE VI NON-DISCRIMINATION NOTICE & POLICY

The Town of Sellersburg values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, the Town of Sellersburg conforms to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the Town of Sellersburg on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. The Town of Sellersburg further assures every effort will be made to ensure nondiscrimination in all its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of the Town of Sellersburg to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq.*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all

programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, the Town of Sellersburg hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The Town of Sellersburg also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, the Town of Sellersburg will take reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP). The Town of Sellersburg will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives, and regulations.

Whenever the Town of Sellersburg distributes federal-aid funds to a second tier subrecipient, the Town of Sellersburg will include Title VI language in all written agreements.

The following individual has been identified as the Town of Sellersburg's Title VI and ADA Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

Michelle D. Medcalf  
Title VI Coordinator  
316 E. Utica Street  
Sellersburg, Indiana 47172  
mmedcalf@sellersburg.org

The Town of Sellersburg affirms its commitment to nondiscrimination annually by publishing its Annual Title VI Implementation Plan and reaffirming its Assurances of Nondiscrimination, incorporated herein (see next page).

**TITLE VI ASSURANCES & IMPLEMENTATION**

Fully executed (**Signed**) Assurances are included in Appendix A and integrated into this document. This Title VI Implementation Plan has been adopted, implemented and is being adhered to by the Town of Sellersburg. The Town of Sellersburg has implemented this plan by [**Resolution / other means... please describe**] and it is effective for plan year 2020-2023. This plan will be renewed on or before October 20, 2023.

Signed by: \_\_\_\_\_ Date: \_\_\_\_\_  
                  [Name / Title]

The individual above is a duly authorized representative of the Town of Sellersburg





## THE TOWN OF SELLERSBURG OVERVIEW OF TITLE VI PROGRAM: DATA COLLECTION, ANALYSIS & REPORTING

The type of data collected is dependent on the program area's objective. The Town of Sellersburg collects various types of data to ensure compliance with Title VI. Some information is collected for a period with the objective of determining what data needs to be collected.

The following types of data are currently being collected by the Town of Sellersburg:

- Complaints received, logged, processed, and investigated by the Town of Sellersburg
- Environmental Justice analysis and reports
- Limited English Proficiency reports
- Title VI Training
- Public Involvement Survey
- Records of meeting minutes and discussions related to Title VI in all program areas.
- The Town of Sellersburg collects data related to specific program areas being reviewed this year for disparate / disproportionate impacts or other evidence of potential discrimination or discriminatory outcomes.

## COMPLAINTS OF DISCRIMINATION

### HOW TO FILE A COMPLAINT?

While a Complainant may preliminarily submit his or her complaint by online form submission, mail, or email to the Title VI Coordinator, a signed, original copy of the complaint must be mailed to the Title VI Coordinator to officially begin the complaint process. Any person with a disability may request to file his or her complaint using an alternative format. The Town of Sellersburg does not require a Complainant to use the Town of Sellersburg complaint form when submitting his or her complaint.

Direct all complaints of discrimination pursuant to Title VI to:

Michelle D. Medcalf, Title VI Coordinator  
316 E. Utica Street  
Sellersburg, Indiana 47172  
O | 812.246.3821  
[mmedcalf@sellersburg.org](mailto:mmedcalf@sellersburg.org)

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#### ELEMENTS OF A COMPLETE COMPLAINT

A complaint must be both written and signed to be complete. Verbal complaints must be reduced to writing and provided to the Complainant for confirmation, review, and signature before processing. The complaint form is available for download from the Town of Sellersburg website at: [Sellersburg.org](http://Sellersburg.org).

Additionally, a complaint must include the following information:

- The full name and address of the Town of Sellersburg;
- The full name and address of the Respondent, the individual, agency, department, or program that allegedly discriminated against Complainant; and
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age, or disability) and the date of occurrence.

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#### PROCESSING COMPLAINTS

The Title VI Coordinator will process all complaints. The Title VI Coordinator is responsible for:

- The Title VI Coordinator will review the complaint upon receipt to ensure that all required information is provided, the complaint meets the filing deadline date which is 180 days from the date the alleged discriminatory act occurred and falls within the jurisdiction of the City.
- The Title VI Coordinator will then investigate the complaint. If the complaint is against the City, then the Mayor's office or their designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the City Attorney.
- If the complaint warrants a full investigation, the Complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency.
- The party alleged to have acted in a discriminatory manner will also be notified by certified mail as of the complaint. This letter will also include the investigator's name and will request that this party be available for an interview.
- Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator, Board of Public Works, and Mayor's office.

- Once the City has investigated the report findings, the City will adopt a final resolution.
- All parties associated with the complaint will be properly notified of the outcome of the City's investigative report.
- If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), she/he shall be advised of their right to appeal the City's decision. Appeals must be filed within 180 days after the City's final resolution. Unless new facts not previously considered come to light, reconsideration of the City's determination will not be available.
- The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes," available online at:  
<http://www.justice.gov/crt/about/cor/Pubs/manuals/complain.pdf>

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#### ENVIRONMENTAL JUSTICE ANALYSIS & REPORTS

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Part of Title VI reads, "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."

The three fundamental environmental justice (EJ) principles are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

The Town of Sellersburg is committed to these three environmental justice principles in all work that the City performs.

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#### LIMITED ENGLISH PROFICIENCY (LEP) POLICY

On August 11, 2000, the President signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP), to clarify Title VI of the Civil Rights Act of 1964. It has as its purpose, to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language. In addition, The US Department of Transportation published Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person in the December 14, 2005 Federal Register. This guidance outlines the following four factors that the City uses to access the LEP populations in the Town of Sellersburg.

1. The number and proportion of LEP persons eligible to be served or likely to be encountered by the City.
2. The frequency with which LEP individuals come into contact with the program, activity, or service.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the City and costs.

In addition, the Town of Sellersburg **[has / has not]** implemented the safe harbor provision whereby it identifies and translate all vital documents into any language where the 5% threshold is met whereby 5% or more of the population in the county both:

- Does not speak English very well AND
- Primarily speaks another specific language as identified in current census data or other publicly available records.

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#### SUMMARY OF THE FOUR FACTOR ANALYSIS

##### **Factor 1:**

The number and proportion of LEP persons eligible to be served or likely to be encountered by the City can only be estimated until the actual number of persons who can speak English less than "very well" are documented as needing assistance by City Staff. With this Title VI Plan being in early development stages and considered a document that may need regular updates, US Census Bureau information is being used at this time. The total population is provided below to shown general distribution of race and ethnicity in the community. The estimated number of persons that may not speak English "very well" is following in the US Census Bureau 2006-2010 American Community Survey.

The U.S. Census Bureau provides statistics from 2010 for the Town of Sellersburg as follows:

Total population = 9,310 (2020 Estimate)

Population by Ethnicity:

White = 94.2%, African American = 0.8%, Asian = 0.3%, Native American or Alaska Native = 0.3%, Hispanic or Latino = 5.5%, Other = 1.6%.

The US Census Bureau 2006-2010 American Community Survey 5-Year Estimates under SELECTED SOCIAL CHARACTERISTICS estimates the number of people in the Town of Sellersburg who speak a language other than English to be 1,049 with those speaking English less than "very well" estimated at 21.8% or approximately 307 individuals who may be considered limited in English proficiency.

Based on actual contact between City Staff and the community there have been very few requests from anyone in the service area asking the City to provide language translation services. Therefore, the LEP population is probably even less than the estimate shown above.

**Factor 2: The frequency with which LEP individuals come into contact with the program, activity, or service:**

Due to the infrequent requests for translation services, there appears to be a minimal need for translation services from the City. This may be attributed to the high percentage of younger people (87.6% for ages up to 17) who are available as family members for translation services.

**Factor 3: The nature and importance of the program, activity, or service provided by the program:**

If at any time a LEP individual requests translation services that are considered important such that denial or delay of access or services or information could have serious or even life-threatening implications, the City will provide, upon request, services to assist the LEP population including translation of vital City documents and interpretation services.

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#### SUMMARY OF LEP ACCOMMODATION PLAN

- The Town of Sellersburg strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to City services.
- A U.S. Census Bureau I Speak card is available as part of this document. This card allows LEP individuals to communicate their preferred language to City Staff whereas City Staff may then access a translation service as determined by the City.

- The Town of Sellersburg may use a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, sex, disability status, and household income. Once the survey data has been collected, it will be reviewed and then the survey will be placed in a file for future reference. In the case enough surveys are collected over time to show a significant increase in LEP populations, the Town/City may consider changes to their LEP policy. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable. If you would like to request a survey be completed, please contact Michelle Medcalf at [mmedcalf@sellersburg.org](mailto:mmedcalf@sellersburg.org).
- The City reviews written Title VI complaints and ensures every effort is made to resolve complaints informally at the local or regional level and review and update the City's Title VI plan and procedures as required.
- Staff for the City will be provided training on the requirements for providing meaningful access to services for LEP persons and new employees will receive the same training.

## TITLE VI TRAINING

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### EMPLOYER/EMPLOYEE DISSEMINATION & TRAINING

**At the time of Hire (and annually to all employees if applicable):** Title VI policy education and literature will be provided to all the Town of Sellersburg employees. The Town of Sellersburg employees will be required to sign an acknowledgement of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as the Town of Sellersburg deems necessary.

Ongoing Training provided to current employees: Current employees will receive training annually. Training will consist of training videos, worksheets, documents, and/or open discussion, and will be provided by Human Resources or the team member's department head.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, the Town of Sellersburg employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and immediately notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.



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## PUBLIC INVOLVEMENT


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### DATA COLLECTION

Pursuant to 23 CFR 200.9(b) (4), the Town of Sellersburg shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

The Town of Sellersburg shall utilize a voluntary Title VI public involvement survey that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The facilitator of the public hearings and meetings will make an announcement at the beginning of the meeting informing attendees of the survey and its purpose and a request will be made for the attendees to complete the voluntary survey. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics, and department compliance reviews.



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### COMMUNITY INVOLVEMENT & OUTREACH

The Town of Sellersburg is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities will provide equitable opportunities for participation.

The Town of Sellersburg host meetings monthly and those meetings are open to the public. Any meetings that are open to the public are published on the Town of Sellersburg website's main page. All the Town of Sellersburg public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made within forty-eight (48) hours in advance.

Also published on the Town of Sellersburg website are various meeting agenda's, meeting minutes, notices, events, and news. Some departments within the Town of Sellersburg utilize





signage, media, and social media websites as another avenue to communicate with the community.

**REVIEW OF PROGRAM AREA**

This section outlines annual goals set forth by the Town of Sellersburg to comply with Title VI requirements and statutes. This list will be monitored for updates and additions.

**ANNUAL WORK PLAN**

**[Identify program areas / policies prioritized for review of potential disparate impacts and / or discriminatory outcomes here and include an explanation of why / how this program area / policy was identified for review. (See Subrecipient Technical Assistance Toolkit provided to you with this sample document for further explanation of programmatic implementation of Title VI and Goals / Accomplishment Reporting)]**

Accomplishments	Completion Date
Confirmed Equal Employment Opportunity is The Law Posters displayed in each Town of Sellersburg Facility.	October 20, 2020
Diversity & Discrimination Course Training & Materials Established for the Town of Sellersburg	October 20, 2020
Title VI Coordinator Named by Council	October 28, 2020
TOS Department Heads conversation regarding our Title VI related training goals & encouraged to speak with their team members to advise of the expectations & to impress all questions and/or concerns be conveyed to their Department Head, Town Manager, and/or Human Resources Director	November 2, 2020
Title VI Hard Copy Binder Created & Available for Review in the Town Hall	November 2, 2020

Goals	Target Completion Date
TOS new Website to Go Live with Title VI Related Page	2021 (complete)
Title VI Binder for Review	2021 (complete)
	2020 (complete)
	2022 (complete)
	2023 (complete)
Title VI "How to File a Complaint" Information Shared with Each Department Head and Verified the Information was Shared with Each Team Member	2021 – ongoing follow-up
Title VI Equal Employment Opportunity Is the Law Included in Every Onboarding Packet and Copy Given to the New Hire.	2020 - ongoing

# APPENDIX

- A. Assurances
- B. Complaint Policy
- C. Complaint Log
- D. External Complaint Procedure/Form
- E. Public Involvement Survey
- F. I Speak Cards
- G. Training Materials & Records of Training Attendance
- H. Reports and Outcomes of Data Collected \*
- I. [Materials Related to Annual Goals & Accomplishments] \*

\*If applicable / as applicable.

**APPENDIX A: ASSURANCES**



## Title VI Assurances

The Town of Sellersburg (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of religion, race color, or national origin, sex (23 USC 324), sexual orientation, gender identity (Executive Order 13672), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations, copies of which are attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Highway Program.

1. That the Recipient agrees that each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The Indiana Department of Transportation (INDOT), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Acts and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal-Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
  - (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
  - (b.) cancellation, termination, or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in

the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B

A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Indiana Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Indiana Department of Transportation* all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### (HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Indiana Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Indiana Department of Transportation its successors and assigns.

The Indiana Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]\* (2) that the Indiana Department of Transportation shall use the lands and interests in lands and

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.



interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of -the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

#### APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Indiana Department of Transportation (INDOT) pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of-Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]\*

That in the event of breach of any of the above nondiscrimination covenants, Indiana Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by INDOT pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.] \*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds] \*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to re-enter said land and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

## APPENDIX B: COMPLAINT POLICY

## Complaint Policy

Any person who believes that he or she as a member of a protected class, has been discriminated against based on race, color, national origin, gender, age, disability, religion, low income status, or Limited English Proficiency in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, Section 504 of the Vocational Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Civil Rights Restoration Act of 1987, as amended, and any other Federal nondiscrimination statute may submit a complaint. A complaint may also be submitted by a representative on behalf of such a person.

It is the policy of [Company] to conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

No one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because they have taken action or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment or intimidation may submit a complaint by following the procedure printed below.

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint. The complaint may be communicated to any company supervisor or to the company EEO Officer. The complaint should be submitted within 180 days of the alleged discrimination. Complaint forms may be found [INDICATE WHERE COMPLAINTS FORMS MAY BE FOUND]. Individuals are not required to use the company's complaint form. If necessary, the company will help an individual reduce his or her complaint to writing for his or her signature.

Generally, a complaint should include the name, address, and telephone number of the individual complaining (complainant) and a brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include any relevant evidence, including the names of witnesses and supporting documentation.

**Complaints should be directed to:**  
**MICHELLE D. MEDCALF, TITLE VI COORDINATOR**  
**316 E. Utica Street**  
**Sellersburg, Indiana 47172**  
**O | 812.246.3821**  
**[mmedcalf@sellersburg.org](mailto:mmedcalf@sellersburg.org)**

Within 60 days of the receipt of the complaint the company will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The company will try to obtain an informal voluntary resolution to all complaints at the lowest level possible.

A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

Complaints may also be filed with the following government agencies:

Indiana Department of Transportation  
Economic Opportunity Division  
100 N. Senate, Room N750  
Indianapolis, IN 46204  
Phone: (317) 233-6511  
Fax: (317) 233-0891

Indianapolis District EEOC Office  
101 West Ohio Street, Ste 1900  
Indianapolis, IN 46204  
Phone: (800) 669-4000  
Fax: (317) 226-7953  
TTY: 1 (800) 669-6820

Indiana Civil Rights Commission  
100 N. Senate Ave., Room N103  
Indianapolis, IN 46204  
Toll Free: 1 (800) 628-2909  
Phone: (317) 232-2600  
Fax: (317) 232-6560  
Hearing Impaired: 1 (800) 743-3336

## APPENDIX C: COMPLAINT LOG



**APPENDIX D: EXTERNAL COMPLAINT PROCEDURE**



## **EXTERNAL COMPLAINT OF DISCRIMINATION**

### **INSTRUCTIONS:**

The purpose of this form is to help any person interested in filing a discrimination complaint with the Town of Sellersburg. You are not required to use this form. You may write a letter with the same information, sign it, and return it to the address below. All bold items must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.

Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color, national origin, sex, age, disability/handicap, or income status in connection with programs or activities receiving federal financial assistance for the United States Department of Transportation, Federal Highway Administration, and/or Federal Transit Administration. These prohibitions extend to the Town of Sellersburg as a sub-recipient of federal financial assistance.

Upon request, assistance will be provided if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using alternative formats such as computer disk, audiotape, or Braille.

You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to the Town of Sellersburg. Additionally, you have the right to seek private counsel.

The Town of Sellersburg is prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other nondiscrimination authorities.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address below.

Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.

**\*\*Your complaint cannot be processed without your signature.**

## External Complaint Form

COMPLAINANT INFORMATION		
Name <i>(first, middle, and last)</i>		
Address <i>(number and street, city, state and ZIP code)</i>		
Home telephone number (     )     -     *	Work telephone number (     )     -     *	Cellular telephone number (     )     -     *



Name of complainant	Date (month, day, year)
---------------------	-------------------------

**Provide the names of any individuals with additional information regarding your complaint:**

Name of witness 1 (first, middle, and last)	Title
---	-------

Name of company

Address (number and street, city, state and ZIP code)

Home telephone number ( ) -	Work telephone number ( ) -	Cellular telephone number ( ) -
--------------------------------	--------------------------------	------------------------------------

Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.

-----

Name of witness 2 (first, middle, and last)	Title
---	-------

Name of company

Address (number and street, city, state and ZIP code)

Home telephone number ( ) -	Work telephone number ( ) -	Cellular telephone number ( ) -
--------------------------------	--------------------------------	------------------------------------

Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.

-----

Name of witness 3 (first, middle, and last)	Title
---	-------

Name of company

Address (number and street, city, state and ZIP code)

Home telephone number ( ) -	Work telephone number ( ) -	Cellular telephone number ( ) -
--------------------------------	--------------------------------	------------------------------------

Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.

-----

How would you like your complaint to be resolved?

-----

-----

Name of complainant	Date (month, day, year)
---------------------	-------------------------

Have you filed a complaint alleging the same discrimination with another state or federal agency? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

*If yes, please provide the following information for each agency:*

Name of the agency	Date complaint filed (month, day, year)
--------------------	---

Case number assigned to your complaint	Current status of your complaint
--	----------------------------------

How did you learn about your right to file a discrimination complaint with INDOT?
-----
-----

Signature	Date signed (month, day, year)
-----------	--------------------------------

**APPENDIX E: VOLUNTARY PUBLIC INVOLVEMENT SURVEY**

## VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is requiring local agencies to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (23 CFR §200.9(b)(4)). The Town of Sellersburg is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that the Town of Sellersburg will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding the Town of Sellersburg's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Michelle D. Medcalf, Title VI Coordinator, 316 E. Utica Street, Sellersburg, Indiana 47172, [mmedcalf@sellersburg.org](mailto:mmedcalf@sellersburg.org).

You may return the survey by folding it and placing it on the registration table or by mailing or e-mailing it to the address below.

Date:		
Project Name:		
Proposed Project Location:		
Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male      Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino		
Race: (Check one or more)		
<input type="checkbox"/> American Indiana or Alaska Native	<input type="checkbox"/> Asian	
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander	<input type="checkbox"/> White	
<input type="checkbox"/> Black or African American	<input type="checkbox"/> Multiracial	
Age:      Disability:		
<input type="checkbox"/> 1-21 <input type="checkbox"/> 22-40 <input type="checkbox"/> Yes		
<input type="checkbox"/> 41-65 <input type="checkbox"/> 65+ <input type="checkbox"/> No		
Household Income:		
<input type="checkbox"/> \$0-\$12,000 <input type="checkbox"/> \$12,001-\$24,000 <input type="checkbox"/> \$24,001-\$36,000		
<input type="checkbox"/> \$36,001-\$48,000 <input type="checkbox"/> \$48,001-\$60,000 <input type="checkbox"/> \$60,001+		

**Michelle D. Medcalf, Title VI Coordinator**  
**316 E. Utica Street**  
**Sellersburg, Indiana 47172**  
**O | 812.246.3821**  
**mmedcalf@sellersburg.org**

**APPENDIX F: ISpeak Card**



LANGUAGE IDENTIFICATION FLASHCARD

- |                          |  |                        |
|--------------------------|--|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.                        | 1. Arabic              |
| <input type="checkbox"/> | Խոսում եմ կամ գիտեմ արևելահայերեն, հայերեն կամ հայկական լեզուներ:            | 2. Armenian            |
| <input type="checkbox"/> | যদি আপনি বলে পড়েন বা বলেন তা হলে এই বক্সে দাগ দিন।                          | 3. Bengali             |
| <input type="checkbox"/> | ល្អបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាច ឬនិយាយភាសា ខ្មែរ ។                        | 4. Cambodian           |
| <input type="checkbox"/> | Motka i kahhon ya yangin intungnu' manaitai pat intungnu' kumentos Chamorro. | 5. Chamorro            |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。   | 6. Simplified Chinese  |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。   | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.              | 8. Croatian            |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.                       | 9. Czech               |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken.                  | 10. Dutch              |
| <input type="checkbox"/> | Mark this box if you read or speak English.                                  | 11. English            |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی بلد هستید این مربع را علامت بزنید.                  | 12. Farsi              |

- Cocher ici si vous lisez ou parlez le français. 13. French
- Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. 14. German
- Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά. 15. Greek
- Make kazyé sa a si ou li oswa ou pale kretyòl ayisyen. 16. Haitian Creole
- अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ। 17. Hindi
- Kws lub voj no yog koj paub twm thiab hais lus Hmoob. 18. Hmong
- Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet. 19. Hungarian
- Markaan daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. 20. Ilocano
- Marchi questa casella se legge o parla italiano. 21. Italian
- 日本語を讀んだり、話せる場合はここに印を付けてください。 22. Japanese
- 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. 23. Korean
- ພິມາຍາດຊາວ ດີນາວາດຊາວລາວ. 24. Laotian
- Proszymy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. 25. Polish

- Assinale este quadrado se voce lê ou fala português. 26. Portuguese
- Insemnati această casuță dacă citiți sau vorbiți românește. 27. Romanian
- Пометьте этот квадратик, если вы читаете или говорите по-русски. 28. Russian
- Обележите ovaj kvadratić ukoliko читаете или говорите српским језиком. 29. Serbian
- Označte tento štvorek, ak viete čítať alebo hovoriť po slovensky. 30. Slovak
- Marque esta casilla si lee o habla español. 31. Spanish
- Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. 32. Tagalog
- ใต้การสำรวจภาษานี้จะถามถึงภาษาที่พูดภาษาไทย. 33. Thai
- Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga. 34. Tongan
- Відмітьте про клітинку, якщо ви читаете або говорите українською мовою. 35. Ukrainian
- اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔ 36. Urdu
- Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ. 37. Vietnamese
- באינטענציע קענסטל אויב איר לייענט אדער רעדט אידעם. 38. Yiddish

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

RESOLUTION NO. 2023 – R – 00<sup>2</sup>

A RESOLUTION CONCERNING THE AUTHORIZATION FOR EXECUTION OF INDOT AGREEMENTS.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative and fiscal bodies and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, Ind. Code § 36-1-3, permits any unit in the State of Indiana to exercise any power or to perform an function necessary to the public interest in the context of its governmental or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity; and,

WHEREAS, the Indiana Department of Transportation has requested specific written authority for the execution of INDOT agreements.

NOW, THEREFORE BE IT RESOLVED, by this Council of Sellersburg, Indiana as follows:

1. Authorization. The President of this Council is hereby authorized and confirmed to have the authority to execute any INDOT agreements and all other documents related thereto and all documents related to any INDOT Grant Programs for and on behalf of and to bind the Town of Sellersburg, Indiana.

2. Ratification. This Council hereby ratifies all prior agreements and associated documents executed by the President of this Council prior to the effective date of this Resolution.

3. Effective Date. This Resolution is effective immediately upon its date of adoption.

**SO RESOLVED** this 27th day of November, 2023

“Aye”

“Nay”

Brad Amos  
Brad Amos  
Council President

\_\_\_\_\_  
Brad Amos  
Council President

Scott McVoy  
Scott McVoy  
Council Vice President

\_\_\_\_\_  
Scott McVoy  
Council Vice President

Terry Langford  
Terry Langford  
Council Member

\_\_\_\_\_  
Terry Langford  
Council Member

Matthew Czarniecki  
Matthew Czarniecki  
Council Member

\_\_\_\_\_  
Matthew Czarniecki  
Council Member

Randall Mobley  
Randall Mobley  
Council Member

\_\_\_\_\_  
Randall Mobley  
Council Member

Michelle Miller  
Attested by: Michelle Miller  
Sellersburg Clerk-Treasurer

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

**RESOLUTION NO. 2023 – R – 003**

**A RESOLUTION REDUCING THE LOCAL ROADS AND STREET FUND FOR 2023.**

**WHEREAS**, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative and fiscal bodies, and the President of the town council is the town executive; and,

**WHEREAS**, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

**WHEREAS**, upon the advice of the Clerk-Treasurer, Michelle Miller, this Council desires to reduce the Local Roads and Street Fund (the “LRS Fund”) for the year 2023 to ensure proper funding and appropriation for 2024 in the LRS<sup>S</sup> Fund.

**NOW, THEREFORE BE IT RESOLVED**, by this Council of Sellersburg, Indiana as follows:

The Local Roads and Street Fund for the year 2023 is hereby reduced by \$125,000.00 upon the advice and recommendation of the Clerk-Treasurer.

**SO RESOLVED** this 11th day of December, 2023

*[Signature page to follow]*

"Aye"

"Nay"

*Brad Amos*

Brad Amos  
Council President

Brad Amos  
Council President

*Scott McVoy*

Scott McVoy  
Council Vice President

Scott McVoy  
Council Vice President

*Terry Langford*

Terry Langford  
Council Member

Terry Langford  
Council Member

*Matthew Czarnecki*

Matthew Czarnecki  
Council Member

Matthew Czarnecki  
Council Member

*Randall Mobley*

Randall Mobley  
Council Member

Randall Mobley  
Council Member

*Michelle D. Miller*

Attested by: Michelle Miller  
Sellersburg Clerk-Treasurer

MOTION: *Czarnecki*

SECOND: *Mobley*

VOTE: *5/0*

STATE OF INDIANA  
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

Room N-1058, IGCN - 100 North Senate  
Indianapolis, Indiana 46204

Order 1174085

In the matter of Additional Appropriations for SELLERSBURG CIVIL TOWN taxing unit County of Clark as adopted on December 11, 2023.

A certified copy of additional appropriation action taken by the above named taxing unit was filed with the Department of Local Government Finance on December 12, 2023. It was examined for availability and sufficiency of unencumbered revenues. The Department makes the following determination based upon financial information as submitted by the fiscal officer:

Sufficient revenues are available to support the following requested appropriations.

FUND CD	FUND NAME	REPORTED REDUCTION	REQUESTED INCREASE	AMOUNT APPROVED	AMOUNT DENIED
0706	LOCAL ROAD & STREET	\$125,000	\$0	\$0	\$0

Note: The above approval is limited to revenues available or to be made available during 2023 as certified by the fiscal officer of SELLERSBURG CIVIL TOWN .

Having examined the Certified Copy as submitted by the above named taxing unit, the determinations as set forth are now adopted this December 12, 2023.



Daniel Shackle, Commissioner



**Certified Copy of Additional Appropriation**

UNIT NAME: SELLERSBURG CIVIL TOWN

Unit Number: 0552 Page 1 of 1

COUNTY NAME: Clark

County Number: 10

Date of Publication  
11/27/2023

Newspaper Name: NEWS & TRIBUNE

Date of Publication

Newspaper Name:

Date of Publication Hearing  
12/11/2023

Date Resolution Passed  
12/11/2023

A. DLGF Fund Number	0706
B. Fund Name	LOCAL ROAD & STREET
C. Appropriation Amount Requested	\$0
D. Amount by Reduction (C minus D)	\$125,000
E. Net Amount of Increase	(\$125,000)
1. Property Tax Levy	\$0
2. Levy Excess	\$0
3. PTRC from Local Income Tax (LIT)	\$0
4. LIT Levy Freeze Amount	\$0
5. Misc. Revenue	\$132,835
6. January 1 Cash Balance (Including Investments)	\$339,075
7. Subtotal of Funds (Add 1 thru 6)	\$471,910
8. Less Circuit Breaker	\$0
9. Total Funds (7 minus 8)	\$471,910
10. DLGF Approved Budget	\$350,000
11. Encumbered Appropriations Carried Forward from Previous Year	\$0
12. Temporary Loans Outstanding as of January 1	\$0
13. Beginning Obligations (Add 10 thru 12)	\$350,000
14. Surplus Funds (9 minus 13)	\$121,910
15. Previous additional appropriations since January 1, less reductions in appropriations	\$0
16. Permanent Transfers Out	\$0
17. Surplus Funds Remaining (14 minus 15 minus 16) (Available to fund increase on Row E)	\$121,910
18. Funded or Unfunded	

STATE OF INDIANA  
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

Room N-1058, IGCN - 100 North Senate  
Indianapolis, Indiana 46204

Order 1174085

County : Clark  
Unit : SELLERSBURG CIVIL TOWN  
Unit ID : 10-3-0552

FUND: 0706 - LOCAL ROAD & STREET

Revenue Code	Revenue Name	Revenue Estimates Jan 1 to Dec 31 2023
R113	Local Road and Street Distribution	132,835
<b>TOTAL</b>		<b>132,835</b>

**RESOLUTION NO. 2023-R-004**

**BY THE TOWN COUNCIL OF SELLERSBURG, INDIANA**

**RESOLUTION APPROVING STATEMENTS OF BENEFITS FOR  
PERSONAL PROPERTY TAX ABATEMENT**

**WHEREAS**, the Town Council of Sellersburg, Indiana (“Council”) is the town legislative body of the town and the President of the town council is the town executive pursuant to Indiana Code 36-5-2, et seq.; and

**WHEREAS**, pursuant to Indiana Code 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions for the town; and,

**WHEREAS**, Rush Group Limited, LLC (“Owner”) has petitioned the Council for a deduction in personal property taxes to be assessed on new personal property, to be generally located at 7803 Highway 31 located in the Town of Sellersburg, Clark County, Indiana; and

**WHEREAS**, the Owner has submitted Statement of Benefit on the form prescribed by the Indiana Department of Local Government Finance for personal property, which statement includes a description of the proposed project, an estimate of cost for the addition of personal property, and an estimated start and completion date; and

**WHEREAS**, the Council has previously determined that the area in which the proposed development project is located qualifies as an economic revitalization area in the Town of Sellersburg pursuant to Indiana Code 6-1.1-12.1-5, et seq.; and

**WHEREAS**, the Council has reviewed the Statement of Benefits form for the proposed project and its attachments submitted herein, and attaches and incorporates the Statement of Benefits and the attachments herein as “EXHIBIT A” and “EXHIBIT B”, to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of Sellersburg, Indiana that it specifically and affirmatively finds as follows:

1. The estimate value of the qualifying personal property of \$2,000,000.00 is reasonable for a project of the nature described in the Statement of Benefits submitted by Rush Group Limited, LLC.
2. The estimate of the number of 180 individuals who will be employed can be reasonably expected to result from the proposed project.
3. The estimate of the annual salaries of \$9,038,016.00 of those individuals who will be added can be reasonably expected to result from the proposed project.
4. That the taxes lessened from the granting of this abatement shall be for the addition of qualifying personal property.
5. That all other information requested from Rush Group Limited, LLC has been submitted, and the benefits described in such information can be reasonably expected to result from the proposed project.
6. That the totality of benefits for said project is sufficient to justify the deduction.
7. That the Town Council of Sellersburg, Indiana hereby approves the application for deduction presented by the Statement of Benefits filed by Rush Group Limited, LLC, and that said companies shall be entitled to deduction for a period of FIVE (5) years for added qualifying personal property, as set forth in "EXHIBIT B" and "EXHIBIT C" pursuant to provisions of I.C. 6-1.1-12.1-3(d), with the timely filing and perfection thereof with the Clark County Auditor's office.

This Resolution shall be in full force and effect after its passage and approval by the Town Council of Sellersburg, Indiana.

**[signature page to follow]**

So Resolved this 11<sup>th</sup> day of December, 2023.

**VOTING "FOR":**

**VOTING "AGAINST":**

Brad Amos  
Brad Amos, President

\_\_\_\_\_  
Brad Amos, President

Scott McVoy  
Scott McVoy, Vice President

\_\_\_\_\_  
Scott McVoy, Vice President

Randall Mobley  
Randall Mobley, Council Member

\_\_\_\_\_  
Randall Mobley, Council Member

Terry Langford  
Terry Langford, Council Member

\_\_\_\_\_  
Terry Langford, Council Member

Matthew Czarnecki  
Matthew Czarnecki, Council Member

\_\_\_\_\_  
Matthew Czarnecki, Council Member

Attested By:

Michelle D. Miller  
Michelle D. Miller, Clerk-Treasurer

**EXHIBIT A**

**ATTACHMENT**

**STATEMENT OF BENEFITS PERSONAL PROPERTY**

**FORM SB-1/PP**



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51764 (R5 / 1-21)

Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

**INSTRUCTIONS:**

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION													
Name of taxpayer <b>Rush Group Limited, LLC</b>					Name of contact person <b>Aaron Rivers</b>								
Address of taxpayer (number and street, city, state, and ZIP code) <b>7803 Highway 31 East, Sellersburg, IN 47172</b>							Telephone number <b>( 810 ) 291-1288</b>						
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT													
Name of designating body							Resolution number (s)						
Location of property <b>7803 Highway 31 East, Sellersburg, IN 47172</b>					County		DLGF taxing district number						
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.)  <b>Logistics and distribution equipment - fork trucks, scanners, IT Equipment.</b>					ESTIMATED								
										START DATE		COMPLETION DATE	
					Manufacturing Equipment								
					R & D Equipment								
					Logist Dist Equipment					12/15/2023		06/01/2023 <sup>24</sup> mdm	
IT Equipment					12/15/2023		03/01/2023 <sup>24</sup> mdm						
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT													
Current Number <b>0</b>		Salaries <b>0</b>		Number Retained <b>0</b>		Salaries <b>0</b>		Number Additional <b>180</b>		Salaries <b>\$9,038,016</b>			
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT													
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.			MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT				
			COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE			
Current values			0	0	0	0	0	0	0	0			
Plus estimated values of proposed project			0	0	0	0	1,100,000	1,100,000	900,000	900,000			
Less values of any property being replaced			0	0	0	0	0	0	0	0			
Net estimated values upon completion of project			0	0	0	0	0	110,000	0	90,000			
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER													
Estimated solid waste converted (pounds) <b>0</b>					Estimated hazardous waste converted (pounds) <b>0</b>								
Other benefits:													
SECTION 6 TAXPAYER CERTIFICATION													
I hereby certify that the representations in this statement are true.													
Signature of authorized representative <i>Nicholas J. Hammond</i>							Date signed (month, day, year) <b>12/11/2023</b>						
Printed name of authorized representative <b>Nicholas Hammond</b>					Title <b>Director of New Business Development</b>								

**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed \_\_\_\_\_ calendar years \* (see below). The date this designation expires is \_\_\_\_\_. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

- |  |                              |                             |   |
|--|------------------------------|-----------------------------|---|
| 1. Installation of new manufacturing equipment;            | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18<br>Check box if an enhanced abatement was approved for one or more of these types. |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |   |
| 3. Installation of new logistical distribution equipment.  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |   |
| 4. Installation of new information technology equipment;   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |   |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. (One or both lines may be filled out to establish a limit, if desired.)

D. The amount of deduction applicable to new research and development equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. (One or both lines may be filled out to establish a limit, if desired.)

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. (One or both lines may be filled out to establish a limit, if desired.)

F. The amount of deduction applicable to new information technology equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. (One or both lines may be filled out to establish a limit, if desired.)

G. Other limitations or conditions (specify) \_\_\_\_\_

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

- |                                 |                                 |                                 |                                 |                                  |  |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|--|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5  | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18<br>Number of years approved: _____<br>(Enter one to twenty (1-20) years; may not exceed twenty (20) years.) |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 |  |

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?  Yes  No  
If yes, attach a copy of the abatement schedule to this form.  
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)	Telephone number ( )	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by: (signature and title of attester)	Printed name of attester	

\* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

**IC 6-1.1-12.1-17**

**Abatement schedules**

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



**EXHIBIT B**

**Abatement Schedule Exhibit**

<b>PERSONAL PROPERTY</b>	
<u>Year</u>	<u>Abatement Percentage</u>
1	65%
2	65%
3	65%
4	65%
5	65%
6	First year of full personal property tax payment

**EXHIBIT C**

**ATTACHMENT**

**INDIANA TAX ABATEMENT SAVINGS ESTIMATE**

# INDIANA TAX ABATEMENT SAVINGS ESTIMATE

Clark County, SELLERSBURG TOWN

Tax Rate (%): 1.8805

Project Name: Project Fanning

## Personal Property: \$2,000,000

	Abatement Percentage	With Abatement			Without Abatement			Estimated Tax Abatement Savings
		Property Taxes	Circuit Breaker Tax Credit	Net Property Taxes	Property Taxes	Circuit Breaker Tax Credit	Net Property Taxes	
Year 1	65%	\$5,265	\$0	\$5,265	\$15,044	\$0	\$15,044	\$9,779
Year 2	65%	\$7,372	\$0	\$7,372	\$21,062	\$0	\$21,062	\$13,690
Year 3	65%	\$5,529	\$0	\$5,529	\$15,796	\$0	\$15,796	\$10,268
Year 4	65%	\$4,212	\$0	\$4,212	\$12,035	\$0	\$12,035	\$7,823
Year 5	65%	\$3,949	\$0	\$3,949	\$11,283	\$0	\$11,283	\$7,334
<b>Totals</b>		<b>\$26,327</b>	<b>\$0</b>	<b>\$26,327</b>	<b>\$75,220</b>	<b>\$0</b>	<b>\$75,220</b>	<b>\$48,893</b>

### Disclosures

- The abatement calculator is prepared by Baker Tilly Municipal Advisors, LLC, in conjunction with Hoosier Energy, based on current Indiana law. This calculation is intended to provide an ILLUSTRATIVE and PRELIMINARY indication of the level of property taxes and potential property tax savings for a proposed investment based on the assumptions provided by the user and those outlined below. Taxpayers must consult their own tax advisors to determine their actual tax liability and to prepare their required annual Indiana property tax filings. These illustrative calculations should not be relied upon for the purposes of inclusion in legal documents including, but not limited to, incentive agreements or resolutions approving property tax abatement. Please read the Disclosures carefully.
- To be eligible to receive property tax abatements in Indiana, a company must follow a specific application process. Please contact your Hoosier Energy Representative for further guidance.
- Assumes taxes payable 2023 property tax rates, as provided by the Indiana Department of Local Government Finance.
- Real property will be assessed by the appropriate local assessing official. The actual assessed value of a real property improvement will be determined upon completion, and the assessed value may vary materially from the cost of the improvement.
- Real property in Indiana is subject to annual adjustments of assessed value to the market value of the structure based on annual sales data ("Trending").
- In order to be eligible for personal property tax abatement, the property must meet certain criteria defined in the Indiana Code and the Indiana Administrative Code. Taxpayers should consult their tax advisors and/or local officials regarding the eligibility requirements for personal property tax abatement.
- All personal property (equipment) is assumed to be new and is assumed to be depreciated in Pool #2 (5-8 year depreciable life) for property tax purposes. A mixture of new and existing equipment (as well as a mixture of depreciation pools) will produce different tax savings results.
- Assumes a one-time investment in real and personal property. Staggering the investments may have a material effect on the actual value of property tax abatements.
- Includes the calculation of Minimum Value Ratio (MVR) for tax abatement of personal property, which effectively increases the assessed value used in the abatement calculation when the taxpayer is subject to the 30% depreciation floor. The MVR equals the adjusted assessed value at the 30% floor divided by the depreciated assessed value of the equipment.
- The calculation of illustrative personal property tax liability and abatement savings does not account for the presence of any existing in-service personal property that may be owned by the taxpayer. The presence of existing in-service personal property may materially impact these calculations.
- It is assumed that the Circuit Breaker Tax Credit, which limits property tax liability to 3.0% of gross assessed value for commercial and industrial properties, is applied.
- This calculation does not account for the application of the Local Income Tax (LIT) Property Tax Replacement Credit (PTRC) in any jurisdictions in which a LIT PTRC is applicable. The application of the LIT PTRC may reduce the property tax liability and the impact of the Circuit Breaker Tax Credit for a commercial/industrial taxpayer.
- The property tax abatement savings value is an illustrative value based on preliminary information entered into this calculator. Actual abatement savings may differ materially from the results of this calculator based on the timing of the investment, actual assessment of structures upon completion by the local assessing official, differences in depreciation pools for personal property, annual changes in tax rates, changes to Indiana property tax law or regulations, or changes in assessment methodology.