

ORDINANCE NO. 2023-20

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT REPEALING IN ITS ENTIRETY ORDINANCE 2021-37 ENACTED ON DECEMBER 21, 2021, AND ADOPTING IN ITS PLACE AN ORDINANCE APPROVING THE GRANTING OF LOCAL INCENTIVES TO SETCO SALES COMPANY AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32.

WHEREAS, the Boone County Fiscal Court ("BCFC") finds that it is a legitimate public purpose of the BCFC to undertake activities for the purpose of attracting and retaining jobs for residents of this community; and

WHEREAS, the Kentucky General Assembly in 2009 enacted KRS 154.32-101 to 154.32-100 (the "Act") establishing the Kentucky Business Investment Program (the "KBI Program") for the purpose of encouraging the development and expansion of the manufacturing industry in Kentucky; and

WHEREAS, the KBI Program provides state incentives to businesses which locate or expand in the Commonwealth, including regional or national headquarters, thus creating and preserving jobs for Kentuckians; and

WHEREAS, the KBI Program encourages local governments to participate in these incentives for businesses within their jurisdictions; and

WHEREAS, the Court finds that offering the local incentives authorized by KBI Program for the purpose of attracting and retaining businesses is in furtherance of the public purposes of Boone County Fiscal Court and will benefit Boone County by creating new sources of tax revenue for the support of the public services provided by Boone County; and

WHEREAS, enacted Ordinance 2021-37 on December 21, 2021 which authorized a credit of its Occupational License Fee pursuant to the Kentucky Business Investment Program (KRS 154.32-010-KRS 154.32-100) for and throughout a ten-year period (beginning and ending as stipulated in the Wage Assessment Agreement executed between KEDFA and Setco Sales Company) equal to 0.8% on the wages of the new Setco Sales Company Kentucky-resident employees created as part of this Economic Development Project and the Boone County Fiscal Court also authorized an additional credit of its Occupational License Fee for and throughout a ten-year period (beginning and ending as stipulated in the Wage Assessment Agreement executed between KEDFA and Setco Sales Company) equal to 0.25% on the wages of the remaining Setco Sales Company non-resident employees created as part of this Economic Development Project.

WHEREAS, Setco Sales Company seeks to locate its new operations to Unincorporated Boone County; and

WHEREAS, the Boone County Fiscal Court desires to repeal and replace Ordinance 2021-37 with language as required by the Kentucky Economic Development Finance Authority.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

Section One

That the Boone County Fiscal Court does hereby repeal Ordinance 2021-37 enacted on December 21, 2021.

Section Two

That the Boone County Fiscal Court does hereby approve participating in the grant of incentives to Setco Sales Company (the "Company"), and any subsequent assignees and approved affiliates thereof, under the KBI Program, subject to the Company satisfying the requirements set forth in the Act, including minimum full-time jobs, investment, and wage and employee benefits, and subject to the terms of this Ordinance.

Section Three

That the Boone County Fiscal Court does hereby agree to participate in the grant of incentives under the KBI Program by contributing 100% of its local occupational tax of .8% for a ten-year period pursuant to the provisions of KRS 154.32-090. The Boone County Fiscal Court also authorizes an additional credit of its Occupational License Fee for and throughout a ten-year period (beginning and ending as stipulated in the Wage Assessment Agreement executed between KEDFA and Setco Sales Company) equal to 0.25% on the wages of the remaining Setco Sales Company non-resident employees created as part of this Economic Development Project. State participation will not exceed three times the local participation.

Section Four

That the Boone County Judge/Executive is hereby authorized and directed to execute, acknowledge, and deliver on behalf of the Fiscal Court to Setco Sales Company any and all papers, instruments, certificates, affidavits and other documents, and to do and cause to be done any and all acts and things necessary or proper for the grant of incentives as authorized by the Act and this Ordinance.

Section Five

No portion of the funds derived by the Company from the grant of incentives herein shall be used by the Company for any purposes designed to prevent, limit, discourage or restrict union activities within the Company.

Section Six

If any section or part of any section or any provision of this Ordinance shall be declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section Seven

This ordinance shall be in effect and in full force from and after its passage, publication, and recording, according to law.

First Reading the 5th day of September 2023

Second Reading the 19th day of September 2023


Adopted this 19th day of September 2023

Yes 4 No 0



Gary W. Moore, Judge/Executive
Boone County Fiscal Court

ATTEST:



Shona Schulkers,
Fiscal Court Clerk