

ORDINANCE 2021 - 37

AN ORDINANCE OF BOONE COUNTY FISCAL COURT, KENTUCKY, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY SETCO SALES COMPANY UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010–KRS 154.32-100).

WHEREAS, Setco Sales Company. has expended approximately \$6,250,000 to relocate their global headquarters and manufacturing facility to Hebron, Boone County, Kentucky. This relocation would include lease cost, improvement, and equipment costs. This investment would also include approximately 30 new full-time Kentucky-resident jobs that will be created with an average salary of \$93,600 inclusive of benefits.

WHEREAS, Setco Sales Company is soliciting support from the Boone County Fiscal Court for its application under the Kentucky Business Investment Program (KBI) under KRS 154.32-010–KRS 154.32-100. The application of Setco Sales Company received preliminary approval from the Kentucky Economic Development Finance Authority (KEDFA) as an approved Economic Development Project on August 26, 202.

WHEREAS, KRS 154.32-010 (3) (b) permits that the "approved company or its successors in interest or affiliates as may be approved by the KEDFA, with the authority's consent, may require that each employee subject to tax imposed by KRS 141.020, whose job is determined by the authority to be created as a result of the economic development project, as a condition of employment, agree to pay an assessment of up to four percent (4%) of taxable wages."

WHEREAS, Boone County Judge Executive Gary Moore indicated in writing on August 18th, 2021 his willingness to support a **100 percent credit (equal to 0.8%)** of the Boone County Occupational License Fees on new Kentucky-resident jobs created by Setco Sales Company as part of this Economic Development Project for a ten-year period after project completion. This local credit of **0.8%** will be based on the relative estimate of occupational license fees for the Boone County Fiscal Court generated by this economic development project over a ten-year period. This local credit will cause a **3% Kentucky personal income tax credit** on such new jobs under KBI and thus a total **3.8% credit**. **To be competitive for this project Boone County Judge Executive Gary Moore also indicated in writing on August 18th, 2021, his willingness to support an additional credit equal to 0.25% for the remaining 54 positions.**

WHEREAS, KRS 154.32-010 also entitles each employee paying the wage assessment fee to an equal credit against his/her Kentucky income tax and an equal credit against his/her local occupational license fee, both for ten years. Setco Sales Company under KRS 154.32-010, will impose up to a 4% wage assessment as a condition of employment and shall be authorized to deduct the 4% assessment from each payment of wages to qualified employees, with such assessment only to be utilized as permitted by KRS 154.32-010–KRS 154.32-100.

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

Section One

The Boone County Fiscal Court authorizes 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.

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.

Section Two

That 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 Three

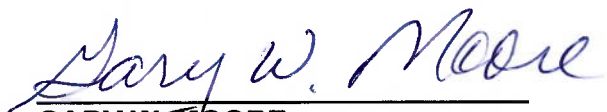
This ordinance shall be in effect and in full force from and after its passage, publication, and recording, according to law.

First Reading the 7th day of December, 2021.

Second Reading the 21st day of December, 2021. Yes No

Adopted this 21st day of December, 2021.

BOONE COUNTY FISCAL COURT



GARY W. MOORE
Judge-Executive

ATTEST:



Shona Schulkers,
Fiscal Court Clerk