

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

**IN THE MATTER OF THE REVIEW )  
OF PROPOSED LANGUAGE AND )  
ESTIMATED RATE CERTIFICATION )  
FOR A BALLOT QUESTION REGARDING ) No. 13-007-REF  
THE CITY OF VINCENNES PARK AND )  
RECREATION DISTRICT, KNOX COUNTY )**

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**FINDINGS AND FINAL DETERMINATION ON PROPOSED QUESTION SUBMITTED  
FEBRUARY 8, 2013**

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1. The City of Vincennes Park and Recreation District (“District”) proposes to enter into a lease to finance reconstruction of the Rainbow Beach Pool facilities, which includes all or any portion of a new pool of at least 8,274 square feet with all or any portion of (a) a zero depth entry, eight lane-25 yard lap pool, (b) a slide well, (c) new chemical and filtration systems, piping and equipment, (d) lifeguard stands, (e) lane markers, (f) a new mechanical building, (g) a new concession area, (h) a new bathhouse, (i) a spray park, (j) a dive well area with a three meter board and a one meter board, (k) one or more water slides, (l) a lilly pad walk, (m) a climbing wall, (n) a half-court basketball court, (o) a sand volleyball court, and (p) related equipment, lockers, fencing and furniture, at a cost of not more than \$3,800,000.
2. Under Indiana law, the voters in the area served by the District will vote in a referendum to approve or deny borrowing for the project and raise property taxes to support it.
3. Indiana law governs the format and wording of the ballot question for the referendum. Indiana Code 6-1.1-20-3.6(c).
4. Under Indiana law, “the **following question shall** be submitted to the eligible voters at the election”:  
  
“Shall \_\_\_\_\_ (insert the name of the political subdivision) issue bonds or enter into a lease to finance \_\_\_\_\_ (insert a brief description of the controlled project), which is estimated to cost not more than \_\_\_\_\_ (insert the total cost of the project) and is estimated to increase the property tax rate for debt service by \_\_\_\_\_ (insert increase in tax rate as determined by the department of local government finance)?”  
  
Indiana Code 6-1.1-20-3.6(c) (emphasis added).
5. The ballot question then must contain three parts:

- a brief description of the project;
  - the estimated total project cost; and
  - the estimated tax rate increase for the project.
6. The law requires the Department of Local Government Finance (“Department”) to determine the estimate of the tax rate increase.
  7. The law also requires the Department to either approve the ballot language or recommend that it be modified to ensure that the description of the controlled project is accurate and not biased.
  8. On February 8, 2013, the Department received an e-mail from the Knox County Election Board (“Board”) enclosing a proposed ballot question for the referendum sought by the District.
  9. The Board requested that the Department review this proposed question:

“Shall the City of Vincennes Park and Recreation District enter into a lease to finance the 2013/2014 Rainbow Beach Project which includes all or any portion of a new pool of at least 8,274 square feet with all or any portion of (a) a zero depth entry, eight lane-25 yard lap pool, (b) a slide well, (c) new chemical and filtration systems, piping and equipment, (d) lifeguard stands, (e) lane markers, (f) a new mechanical building, (g) a new concession area, (h) a new bathhouse, (i) a spray park; (j) a dive well area, with a three meter board and a one meter board, (k) one or more water slides, (l) a lilly pad walk, (m) a climbing wall, (n) a half-court basketball court, (o) a sand volleyball court, and (p) related equipment, lockers, fencing and furniture, which is estimated to cost not more than \$3,800,000 and is estimated to increase the property tax rate for debt service by \$0.0778 per \$100 of assessed valuation disregarding the debt service fund tax rate for any other bond or lease payment obligations of the District?”

#### **Determination of Tax Rate Increase**

10. The Department estimates the tax rate increase in reliance on the Corporation’s proposed debt from the project, assessed valuation of the property in the area served by the District, and an amortization schedule submitted by the District. Based on this information, the Department determines the estimated maximum tax rate increase of the project to be \$0.0778 per \$100 of assessed valuation.

#### **Accuracy and Bias**

11. The Department must review the language of the public question to evaluate whether the description of the controlled project is accurate and is not biased against either a vote in favor of or a vote against the controlled project. The Department concludes that while the description of the controlled project is not biased against either a vote in favor of or a vote against the controlled project, IC 6-1.1-20-3.6(c) does not provide for the phrase “disregarding the debt service fund tax rate for any other bond or lease payment obligations

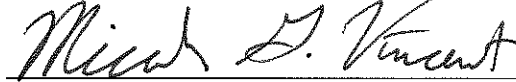
of the District.” Moreover, IC 6-1.1-20-3.6(c) requires use of the phrase “issue bonds or enter into a lease.” Consequently, the proposed question inaccurately presents the format prescribed by IC 6-1.1-20-3.6(c).

**Final Determination**

WHEREFORE, based on the above findings and applicable law, the Department finds that the proposed language is inaccurate and thus not in compliance with 6-1.1-20-3.6(c). For any resubmitted question, the Department certifies the proposed rate of \$0.0778 per \$100 of assessed valuation.

Dated this 12th day of February, 2013.

STATE OF INDIANA  
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

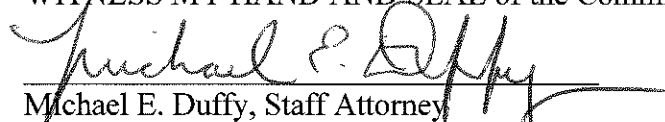


Micah G. Vincent, Commissioner  
Department of Local Government Finance

STATE OF INDIANA  
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

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

WITNESS MY HAND AND SEAL of the Commissioner on this the 12th day of February, 2013.



Michael E. Duffy, Staff Attorney  
Department of Local Government Finance