

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

**IN THE MATTER OF THE REVIEW )  
OF PROPOSED LANGUAGE FOR A )  
BALLOT QUESTION REGARDING ) No. 23-001-REF  
TRI-CREEK SCHOOL CORPORATION, )  
LAKE COUNTIES )**

---

**FINDINGS AND FINAL DETERMINATION ON PROPOSED QUESTION SUBMITTED  
DECEMBER 5, 2022**

---

1. Tri-Creek School Corporation (“Corporation”) proposes to place an operating referendum on the ballot for the purpose of imposing a referendum tax levy.
2. Under Indiana law, voters in the area served by the Corporation will vote in a referendum to approve or deny the Corporation’s proposed tax rate.
3. Indiana law governs the format and wording of the ballot question for the referendum.
4. Under Indiana law, the “question to be submitted to the voters in the referendum **must read as follows**”:

"Shall the school corporation increase property taxes paid to the school corporation by homeowners and businesses for \_\_\_\_\_ (insert number of years) years immediately following the holding of the referendum for the purpose of funding \_\_\_\_\_ (insert short description of purposes)? If this public question is approved by the voters, the average property tax paid to the school corporation per year on a residence would increase by \_\_\_\_\_% (insert the estimated average percentage of property tax increase on a residence within the school corporation) and the average property tax paid to the school corporation per year on a business property would increase by \_\_\_\_\_% (insert the estimated average percentage of property tax increase on a business within the school corporation). The most recent property tax referendum proposed by the school corporation was held in \_\_\_\_\_ (insert year) and \_\_\_\_\_ (insert whether the measure passed or failed)."

Indiana Code 20-46-1-10 (emphasis added). The number of years for which a referendum tax levy may be extended if the public question under this section is approved may not exceed eight (8) years.

5. The ballot question then must contain five parts:
  - The number of calendar years for which the tax will be in effect.

- The purpose of the funding.
  - The name of the school corporation.
  - The year in which the most recent referendum was held and whether the referendum passed or failed.
  - The estimated average percent increase of taxes paid to the school corporation on residential and business property if the taxes are approved in the referendum, as certified by the county auditor under IC 20-46-1-10(e).
6. The law requires the Department of Local Government Finance (“Department”) to review the language for compliance with IC 20-46-1-10. The Department may either approve or reject the language.
7. On December 5, 2022, the Department received a resolution from the Corporation presenting the proposed ballot question for the referendum. The proposed ballot question is as follows:

"Shall the Tri-Creek School Corporation increase property taxes paid to the school corporation by homeowners and businesses for eight (8) years immediately following the holding of the referendum for the purpose of funding the Tri-Creek School Corporation Teaching and Safety Program that will invest in teachers, aides, staff, and safety personnel? If this public question is approved by the voters, the average property tax paid to the school corporation per year would increase by \_\_\_\_% and the average property tax paid to the school corporation per year on a business property would increase by \_\_\_\_%. The Tri-Creek School Corporation has not previously held a property tax referendum."

8. On December 12, 2022, the Department received from the Lake County Auditor, pursuant to IC 20-46-1-10(e), the estimated average percent increase to homesteads and business property, respectively, of the property taxes that would be imposed by the Corporation if the referendum passes, as certified by the Lake County Auditor.

### **Compliance of Language**

9. The Department must review the proposed language for compliance with IC 20-46-1-10. The Department may either approve or reject the language. The proposed language does not include the words “on a residence” following “the average property tax paid to the school corporation per year.” The proposed language also does not include the average percent tax increases certified by the Lake County Auditor, though the Department acknowledges that the certification came after the Corporation’s resolution was provided to the Department. The Department also acknowledges that the Corporation has not previously held a property tax referendum and therefore does not object to the wording of the last sentence.

### **Estimate of Average Percent Increase in Taxes**

10. The estimated average percent increase in taxes, as certified by the Lake County Auditor under IC 20-46-1-10(e), is **25.5%** for homesteads and **24.5%** for business property.

**Final Determination**

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

Dated this 14th day of December, 2022.

STATE OF INDIANA  
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

*Wesley R. Bennett*  
Wesley R. Bennett, Commissioner  
Department of Local Government Finance