

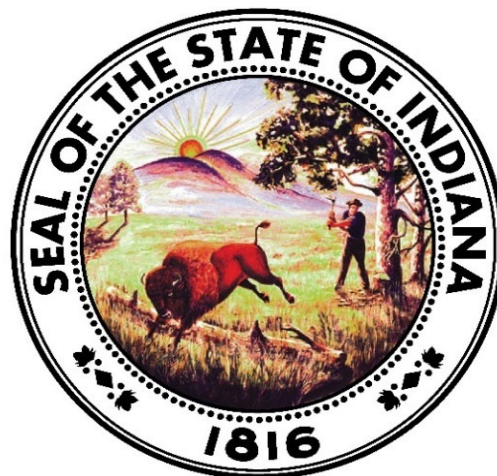
STATE BOARD OF ACCOUNTS
302 West Washington Street
Room E418
INDIANAPOLIS, INDIANA 46204-2769

SUPPLEMENTAL COMPLIANCE REPORT

OF

GIBSON COUNTY, INDIANA

January 1, 2022 to December 31, 2022



FILED

08/15/2023

TABLE OF CONTENTS

<u>Description</u>	<u>Page</u>
Schedule of Officials	2
Transmittal Letter	3
County Redevelopment Commission:	
Audit Result and Comment:	
Tax Increment Financing (TIF) Allocation Fund Uses	6
Official Response.....	7-9
Exit Conference	10

SCHEDULE OF OFFICIALS

<u>Office</u>	<u>Official</u>	<u>Term</u>
County Auditor	Michael A. Watkins	01-01-22 to 12-31-23
County Treasurer	Mary Ann O'Neal	01-01-22 to 12-31-23
Clerk of the Circuit Court	James R. Morrow Sherri Smith	01-01-22 to 12-31-22 01-01-23 to 12-31-23
County Sheriff	Timothy Bottoms Bruce Vanoven	01-01-22 to 12-31-22 01-01-23 to 12-31-23
County Recorder	Tonya Thompson Tim Schurmeier	01-01-22 to 12-31-22 01-01-23 to 12-31-23
President of the Board of County Commissioners	Kenneth Montgomery	01-01-22 to 12-31-23
President of the County Council	Jeremy Overton	01-01-22 to 12-31-23



STATE OF INDIANA
AN EQUAL OPPORTUNITY EMPLOYER

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TO: THE OFFICIALS OF GIBSON COUNTY, INDIANA

This report is supplemental to the audit report of Gibson County (County), for the period from January 1, 2022 to December 31, 2022. It has been provided as a separate report so that the reader may easily identify any Audit Results and Comments that pertain to the County. It should be read in conjunction with the Financial Statement Audit Report of the County, which provides our opinions on the County's financial statement. This report may be found at www.in.gov/sboa/.

As authorized under Indiana Code 5-11-1, we performed procedures to determine compliance with applicable Indiana laws and uniform compliance guidelines established by the Indiana State Board of Accounts. The Audit Result and Comment contained herein describes the identified reportable instance of noncompliance found as a result of these procedures. Our tests were not designed to identify all instances of noncompliance; therefore, noncompliance may exist that is unidentified.

Any Official Response to the Audit Result and Comment, incorporated within this report, was not verified for accuracy.

Beth Kelley, CPA, CFE
Deputy State Examiner

July 31, 2023

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COUNTY REDEVELOPMENT COMMISSION
GIBSON COUNTY

COUNTY REDEVELOPMENT COMMISSION
GIBSON COUNTY
AUDIT RESULT AND COMMENT

TAX INCREMENT FINANCING (TIF) ALLOCATION FUND USES

A similar comment appeared in prior reports B47368, B50822, B53148, B59172, B59173, and B59550, entitled *TAX INCREMENT FINANCING (TIF) ALLOCATION FUND USES*.

Condition and Context

The County Redevelopment Commission authorized expenditures for the following projects during the audit period. None of the projects listed below were located within the allocation area, nor does the documentation provided show that the projects directly serve or benefit the allocation area as opposed to any other area of the County.

- Allocated \$2,600,000 in prior years to establish the I-69 Corridor Economic Development Area. During the audit period, \$11,876 was spent on the I-69 Project for professional services regarding interchanges.
- In August 2021, allocated an amount not to exceed \$13,200,000 to renovate the YMCA. During the audit period, \$944,272 was spent on this project.
- In March 2022, allocated \$3,700,000 for the construction of a new building for the Fort Branch Library. During the audit period, \$636,798 was spent on this project.
- In March 2021, allocated \$2,700,000 for the City of Princeton waterworks project. During the audit period, \$1,364,178 was spent on the Princeton Water Project on Seminary Street.
- In June 2021, allocated \$106,954 to repair the air condition unit at the Council on Aging building. During the audit period, \$28,965 was spent on this project.
- In November 2021, allocated \$4,030,000 for the South Gibson Community and Teen Center, Inc.; however, no expenditures have been spent during the audit period.

Criteria

The power of a redevelopment commission to expend redevelopment funds, such as TIF funds, is limited to the express statutory powers as set forth in IC 36-7-14, *Redevelopment Commission of the Town of Munster, Indiana, v. Indiana State Board of Accounts and Paul D. Joyce, State Examiner of State Board of Accounts*, 28 N.E.3d 272 (Ind. App., 2015). The use of TIF funds is specifically limited to those uses set forth in IC 36-7-14-39(b)(3). IC 36-9-27-39(b)(3)(J) allows the redevelopment commission to pay expenses incurred for local public improvements that are in the allocation area or serving the allocation area. Absent the expenditures being in the allocation area, Indiana Code requires the expenditures to directly benefit or serve those areas.

Indiana Code 36-7-25-3(a) states in part:

"Projects, improvements, or purposes that may be financed by a commission . . . may be financed if the projects, improvements, or purposes are not located in those areas or the redevelopment district as long as [emphasis added] the projects, improvements, or purposes directly serve or benefit those areas [emphasis added]."

Sources and uses of funds should be limited to those authorized by the enabling statute, ordinance, resolution, or grant agreement. (Accounting and Uniform Compliance Guidelines Manual for Counties of Indiana, Chapter 1)



GIBSON COUNTY REDEVELOPMENT COMMISSION

President: Phil Young

OFFICIAL RESPONSE OF THE GIBSON COUNTY REDEVELOPMENT COMMISSION OF GIBSON COUNTY TO 2022 AUDIT RESULT AND COMMENT

Date: August 8, 2023

Indiana State Board of Accounts
302 West Washington St. Room E418
Indianapolis, IN 46204-2765
officialresponse@sboa.in.gov

RE: GIBSON COUNTY REDEVELOPMENT COMMISSION RESPONSE TO 2022 AUDIT
RESULT AND COMMENT

The 2022 Audit Result and Comment (Comment) of the State Board of Accounts (SBoA) identifies six (6) instances of expenditures of allocated tax proceeds (TIF) for certain projects and asserts that:

None of the projects listed below were located within the allocation area nor does the documentation provided show that a determination was made by the County Redevelopment Commission that the projects will directly serve or benefit the allocation area as opposed to any other area of the county.

A portion of the identified projects include:

- I-69 Corridor Economic Development Area professional services regarding interchanges.

The Gibson County Redevelopment Commission adopted a resolution on December 3, 2018, finding and determining that the above-mentioned projects serve or directly benefit the allocation area. The Board of Commissioners of Gibson County adopted a resolution on December 4, 2018, approving the December 3, 2018, resolution of the Gibson County Redevelopment Commission. Executed copies of these resolutions were previously submitted to the SBoA. Additionally, draft versions of these resolutions were provided to the SBoA on October 25, 2018. We would be happy to provide the relevant documentation again as a matter of courtesy.

The aforementioned documentation specifically states: “The Commission find and determines that the Projects (i) serve the Area and the Original Allocation Area. . . and (ii) directly serve or benefit the Original Allocation Area, the Area and the Gibson County Redevelopment Area. . .” Exhibit B to the 12/3/18 resolution provides a specific explanation of how the project does indeed directly serve or benefit the allocation area. While these benefits may also benefit the rest of the County, the Commission made a finding explaining how the project serves and benefits the area, specifically.

In addition to the project listed above, the 2022 Comment identified an additional project which was included in the finding noted above:

- In June 2021, allocated funds to repair an air condition unit.

The Gibson County Redevelopment Commission believes that these projects were already covered by the general language describing projects in the existing economic development plan as originally adopted and amended over numerous times since adoption; however, the Gibson County Redevelopment Commission adopted a resolution ratifying these expenditures in August of 2022 and an executed copy of that resolution was submitted to the SBOA by Jim McDonald.

In addition to the projects listed above, the 2022 Comment identified an additional project which was included in the finding noted above:

- In March 2021, allocated \$2,700,000 for the City of Princeton waterworks project.

The Gibson County Redevelopment Commission adopted resolutions on December 3, 2018, December 2, 2019 and July 13, 2020 finding and determining that these projects are in, serving or benefitting the allocation area as opposed to any other area of the county and executed copies of those resolutions were previously submitted to the SBOA by Jim McDonald.

In addition to the projects listed above, the 2022 Comment identified an additional project which was included in the finding noted above:

- In March 2022, allocated \$3,700,000 for the construction of a new building for the Fort Branch Library. During the audit period, \$636,798 was spent on this project.

The Gibson County Redevelopment Commission adopted a resolution on September 13, 2021 finding and determining that these projects are in, serving or benefitting the allocation area as opposed to any other area of the county and an executed copy of the resolution was previously submitted to the SBOA by Jim McDonald.

In addition to the projects listed above, the 2022 Comment identified an additional project which was included in the finding noted above:

- In August 2021, allocated an amount not to exceed \$13,200,000 to renovate the YMCA. During the audit period, \$944,272 was spent on this project.

The Gibson County Redevelopment Commission adopted a resolution on April 12, 2021 finding and determining that these projects are in, serving or benefitting the allocation area as opposed to any other area of the county and an executed copy of the resolution was previously submitted to the SBOA by Jim McDonald.

In addition to the projects listed above, the 2022 Comment identified an additional project which was included in the finding noted above:

- In November 2021 allocated \$4,030,000 for the South Gibson Community and Teen Center, Inc.; however, no expenditures have been spent during the audit period.

The Gibson County Redevelopment Commission adopted a resolution on [April 12, 2021] finding and determining that these projects are in, serving or benefitting the allocation area as opposed to any other area of the county and an executed copy of the resolution was previously submitted to the SBOA by Jim McDonald.

We reiterate that expenses described under IC 36-7-14-25.1 that may be properly paid for with TIF include, but are not limited to:

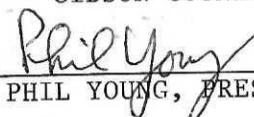
- the total, as estimated by the Redevelopment Commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment or economic development of the of the property, including:
 - the total cost of all land, rights-of-way, and other property to be acquired and redeveloped; and
 - all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds.

The determination as to whether an expense is reasonably incurred in connection with the redevelopment or economic development of the property is a factual determination to be made the Gibson County Redevelopment Commission, in its discretion. In each instance noted by the SBOA, the Gibson County Redevelopment Commission made a finding that each project directly served or benefitted the allocation area in question.

After adoption of each declaratory and confirmatory resolution making the necessary findings discussed herein local counsel submitted the resolutions and minutes to the Gibson County Board of Commissioners and to the SBOA.

We will be happy to provide any further documentation and/or discuss this with you further.

GIBSON COUNTY REDEVELOPMENT



PHIL YOUNG, PRESIDENT

COUNTY REDEVELOPMENT COMMISSION
GIBSON COUNTY
EXIT CONFERENCE

The contents of this report were discussed on July 31, 2023, with Michael A. Watkins, County Auditor; Kenneth Montgomery, President of the Board of County Commissioners; Nick Burns, Vice President of the Board of County Commissioners; Warren Fleetwood, County Commissioner; Jeff Clark, County Council member; Phil Young, President of the Redevelopment Commission; Bruce McIntosh, Vice President of the Redevelopment Commission; Gwendolyn Jo Williams, Deputy County Auditor; and Kristy York, Chief Deputy County Auditor.