

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. 15-022-REF
EAST NOBLE SCHOOL CORPORATION,)
NOBLE COUNTY)

FINDINGS AND FINAL DETERMINATION ON PROPOSED QUESTION SUBMITTED
JULY 17, 2015

1. East Noble School Corporation (“Corporation”) proposes to issue bonds or enter into a lease to finance construction of a new East Noble Middle School, which is estimated to cost not more than \$38,800,000 and is estimated to increase the property tax rate for debt service by a maximum of \$0.3406 per \$100 of assessed valuation.
2. Under Indiana law, the voters in the area served by the Corporation 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 July 17, 2015, the Department received a letter presenting the Noble County Election Board’s (“Board”) review of the Corporation’s proposed question.
9. The Board requested that the Department review this proposed question:

“Shall East Noble School Corporation issue bonds or enter into a lease to finance the construction of a new East Noble Middle School in order to replace the 100 year old, current middle school, which is estimated to cost not more than \$38,800,000 and is estimated to increase the property tax rate for debt service by a maximum of \$0.3406 per \$100 of assessed valuation over the 20 year life of the bonds?”

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 Corporation, and an amortization schedule submitted by the Corporation. Based on this information, the Department certifies a rate of \$0.3406 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 the proposed language creates a bias. Specifically, the phrasing “100 year old” colors the question and creates a bias in favor of the referendum. Statute requires inclusion of a “short description of purposes” of the funding. The Corporation’s proposed language exceeds a “short description of purposes” by introducing phrasing that qualifies or editorializes the question.

Final Determination

WHEREFORE, based on the above findings and applicable law, the Department finds that the proposed language is not in compliance with 6-1.1-20-3.6(c) and disapproves the language as proposed. The Department certifies a rate of \$0.3406 per \$100 of assessed valuation.

Dated this 17th day of July, 2015.

STATE OF INDIANA
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

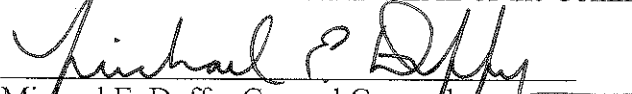


Courtney L. Schaafsma, Commissioner
Department of Local Government Finance

STATE OF INDIANA
DEPARTMENT OF LOCAL GOVERNMENT FINANCE

I, Michael E. Duffy, General Counsel 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 her statutory authority.

WITNESS MY HAND AND SEAL of the Commissioner on this the 17th day of July, 2015.



Michael E. Duffy, General Counsel
Department of Local Government Finance