

ORDINANCE NO. 2024 - 16

**Responsible Business Practices and Submission Requirements
for Projects Receiving Economic Incentives from the Town of Chesterton**

WHEREAS, for the same sound exercise of fiduciary duty the Town Council of the Town of Chesterton, Indiana saw fit to pass Ordinance No. 2024-15 establishing adherence to "Responsible Bidding Practices and Submission Requirements" for contractors submitting bids to perform construction work on public works projects, this Ordinance helps to ensure businesses approved by the Town of Chesterton ("Town") to receive taxpayer subsidized economic incentives on construction projects are responsible businesses.

WHEREAS the Town is authorized to grant or approve various economic incentives to support and encourage economic development projects in the Town;

WHEREAS development in the Town remains robust and on growth trajectory indicative of continued utilization of economic incentives, including but not limited to tax abatements; and

WHEREAS, the Town has determined that establishing criteria to enhance its ability to identify responsible businesses applying for tax abatements and other economic incentives will promote the Town 's economic health and welfare, will promote public safety and workforce development, and is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED BY THE
TOWN COUNCIL OF THE TOWN OF CHESTERTON, INDIANA:**

SECTION 1. This Ordinance No. 2024-16, entitled "Responsible Business Practices and Submission Requirements for Projects Receiving Economic Incentives from the Town of Chesterton" is hereby enacted and shall read as follows:

I. Application and Process

- (a) This Ordinance shall apply to any construction project financed in whole or in part with economic development incentives, including but not limited to tax increment financing, tax credit, tax deduction, tax exemption, property tax abatement, a grant, loan, loan guarantee, or other financial or economic development assistance; and
- (b) The process for managing, tracking, and verifying documents submitted under this Ordinance shall be established by the Town Council of the Town of Chesterton, Indiana..

II. Requirements

- (a) Upon approval of an application for an economic development incentive, and prior to issuing any building permit for the project, the Applicant shall submit a list of contractors and subcontractors, including independent contractors, who will perform work on the project, along with documentation of the following verified under oath by each contractor and subcontractor:

- (1) A copy of a print-out of the Indiana Secretary of State's on-line records for the business dated within sixty (60) days of the submission of said document showing that the business is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing;
- (2) A list identifying all former business names;
- (3) Any determinations by a court of governmental agency for violations of federal, state, or local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), or federal Davis-Bacon and related Acts;
- (4) A statement on staffing capabilities, including labor sources;
- (5) Evidence of participation in apprenticeship training programs, approved by and registered with the United States Department of Labor Office of Apprenticeship or successor organization, applicable to the work to be performed on the project; and evidence that all apprenticeship programs have graduated at least five (5) apprentices in each of the past five (5) years for each of the construction crafts the contractor or subcontractor will perform on the project. Evidence of graduation rates are not required for apprentice able crafts dedicated exclusively to the transportation of material and equipment to and from the public works project.

The required evidence includes but is not limited to a copy of all applicable apprenticeship standards and apprenticeship agreement(s) for any apprentice(s) who will perform work on the public works project; and documentation from each applicable apprenticeship program certifying that it has graduated at least five (5) apprentices in each of the past five (5) years for each construction craft the contractor or subcontractor will perform on the project. Additional evidence of participation and graduation requirements may be requested by the Town at its discretion.

- (6) A copy of a written plan for employee drug testing that: (i) covers all employees of the contractor/subcontractor who will perform work on the public works project; and (ii) meets, or exceeds, the requirements set forth in IC 4-13-18-5 or IC 4-13-18-6;
- (7) The name and description of the experience of each of the contractors or subcontractors project managers and superintendents expected to work on the project;
- (8) Proof of any professional or trade license required by law for any trade or specialty area in which a contractor or subcontractor will perform work; and disclosure of any suspension or revocation within the previous five (5) years of any professional or trade license held by the company, or of any director, officer, or manager employed by the company;

- (9) Evidence that the contractor or subcontractor is utilizing a surety company on the United States Department of Treasury's Listing of Approved Sureties;
 - (10) A written statement of any federal, state, or local tax liens or tax delinquencies owed to any federal, state, or local taxing body in the last five years;
 - (11) A statement that all individuals who will perform work on the project on behalf of contractors or subcontractors will be properly classified as either (i) an employee or (ii) an independent contractor under all applicable state and federal laws and local ordinances;
 - (12) A list of projects of similar size and scope of work that the contractor or subcontractor has performed in the State of Indiana within three (3) years prior to the date on which the bid is due;
- (b) Applicant shall notify the Town of any change to the list of contractors and subcontractors performing work on the project within five (5) calendar days of such change, and shall provide the Town with the documentation required in section II (a) within ten (10) calendar days of such change.
 - (c) Upon request by the Town, Applicant shall obtain payroll information from any contractor or subcontractor on the project and provide the information to the Town within five (5) days of being requested.
 - (d) The Town shall not issue a building permit for the project until the Applicant submits all documentation requested in section II(a) and the Town has verified the information provided.
 - (e) The requirements of section II shall be included in the economic development incentive agreement entered into by the Town and Applicant.

III. Public Records

The documentation submitted pursuant to this Ordinance, including payroll records, are public records subject to review pursuant to the Indiana Access to Public Records Law.

IV. Termination and Repayment

The Town may terminate and require repayment of the economic incentive where applicable, if Applicant fails to comply with the requirements of Section II. The Town will follow the procedures set forth in the parties' economic development incentive agreement for termination and repayment of benefits, or other applicable agreement.

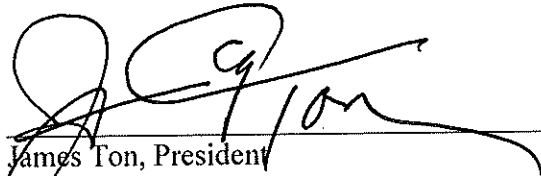
V. Severability

If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect with the invalid provision.

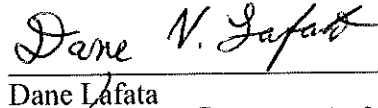
SECTION 2. It is hereby found and determined that all formal actions of the Town Council relating to the passage of this Ordinance were adopted in open meeting(s) of this Commission and that all deliberations of this Commission that resulted in such formal actions, were meetings open to the public, in compliance with all legal requirements and that the reading and adoption of this Ordinance complies with the Town Code, as amended.


SECTION 3. This Ordinance shall be in full force and effect from and after the date of adoption by the Town Council of the Town of Chesterton, Indiana..

9th ALL OF WHICH PASSED AND ADOPTED by the Chesterton Town Council this day of December, 2024.


James Ton, President

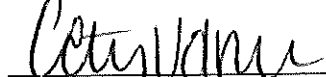

Erin Collins


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ATTEST:


Courtney Udvard
Clerk-Treasurer, Town of Chesterton

