

ORDINANCE NO. 110.7

**AN ORDINANCE OF THE FISCAL COURT OF THE COUNTY OF SIMPSON, KENTUCKY, AUTHORIZING THE GRANT OF AN INDUCEMENT FOR THE ACQUISITION AND CONSTRUCTION OF A PROJECT PURSUANT TO THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010 TO 154.32-100) WHEREBY THE COUNTY OF SIMPSON AGREES TO FOREGO THE COLLECTION OF THE SEVENTY-FIVE HUNDREDTHS OF A PERCENT (.75%) COUNTY OCCUPATIONAL LICENSE FEE ON WAGES FROM XYZ CBD PROCESSING, LLC THAT WOULD OTHERWISE BE DUE WITH RESPECT TO PROJECT EMPLOYEES, WHICH AMOUNTS SHALL BE COLLECTED AND RETAINED BY SAID EMPLOYER OVER A TERM OF NOT LONGER THAN TEN (10) YEARS FROM THE ACTIVATION DATE ESTABLISHED BY SAID PROGRAM; AND TAKING OTHER RELATED ACTION.**

WHEREAS, it is the public policy of the Fiscal Court of the County of Simpson, Kentucky ("Fiscal Court" and "County") to encourage, promote, and support economic development, new job formation, and the development and growth of industry and commerce, and to preserve existing jobs in Kentucky for the public purposes of providing employment opportunities for its citizens and residents, alleviating conditions of unemployment, stabilizing and promoting the economy of Kentucky, and creating new tax bases and sources of revenue for the Commonwealth;

WHEREAS, the Kentucky Business Investment Program, Sections 154.32-010 through 154.32-100 of the Kentucky Revised Statutes ("KRS"), the ("Program"), authorizes and empowers the Commonwealth and certain local jurisdictions to promote economic development in Kentucky by inducing the creation of economic development projects by eligible companies, as more particularly described therein;

WHEREAS, KRS 154.32-090 authorizes an eligible company to deduct certain wage assessments from payments of wages to economic development project employees and each employee paying the assessment, in turn, to credit the assessment against their Kentucky individual income tax and, subject to the approval of the local levying authority or authorities, local occupational license fee or fees otherwise due;

WHEREAS, XYZ CBD Processing, LLC (the "Company") has proposed to acquire, construct and/or install within the County at the address of 1114 Steele Road, Franklin, Kentucky a project consisting of the facilities and properties described in Exhibit A attached hereto (collectively, the "Project");

WHEREAS, the Company has represented to the County that the acquisition, construction and installation of the Project, if constructed, will result in a substantial number of new job opportunities in the community;

WHEREAS, the Company has filed an application with the Kentucky Economic Development Finance Authority (the “Authority”) for approval of the Project for the Program as authorized in KRS 154.32-030;

WHEREAS, it is appropriate and in the public interest that the Fiscal Court make a formal, binding commitment of financial resources in order to encourage and support economic development endeavors generally and the Project specifically if and when approved by the Authority pursuant to KRS 154.32-030; and

WHEREAS, the Fiscal Court has approved the granting of an inducement to the Company for the Project, pursuant to the Program, whereby it would forego the collection of the seventy-five hundredths of a percent (.75%) occupational license fee on wages that otherwise would be due the County, which fee shall be retained by the Company, with respect to Project employees whose jobs meet the criteria and requirements established by the Program (“Qualifying Employees”) for a term of not longer than ten (10) years from the date the Company properly activates the Program’s incentives pursuant to KRS 154.32-030 and any agreement relating to the Project that the Company has with the Authority (the “Activation Date”).

NOW, THEREFORE, IT IS ORDAINED BY THE FISCAL COURT OF THE COUNTY OF SIMPSON, AS FOLLOWS:

Section 1. It is hereby found, determined and declared that the recitals set forth in the preambles to this Ordinance, which are incorporated in this Section by reference, are true and correct.

Section 2. Inducement. The County shall forego collection of, and Company shall be entitled to collect and retain the seventy-five hundredths of a percent (.75%) County occupational license fee due on wages paid to Qualifying Employees for a term of not longer than ten (10) years from the Activation Date (the “Inducement Term”), as specified herein.

Section 3. Company to Deduct and Withhold Occupational License Fee on Wages. The Company when making payment of wages to Qualifying Employees earned with respect to the Inducement Term shall deduct and withhold upon the wages the seventy-five hundredths of a percent (.75%) County occupational license fee. The Company shall report such withheld amounts on the forms and reconciliations required by KRS 67.783(4) and (5) and Sections 110.60(4) and (5).

Section 4. Company Entitled to Credit for Withheld Amounts. The Company shall not remit to the County but shall retain the amounts withheld from wage payments pursuant to Section 3 of this Ordinance. The Company shall be entitled to an offsetting credit against its liability to the County under KRS 67.780 to 67.785.

Section 5. Qualifying Employees Entitled to Credit for Withheld Amounts. Each Qualifying Employee shall be entitled to a credit against his or her occupational license fee liability to the County under KRS 67.785(3) equal to the amounts withheld from his or her wages

pursuant to Section 3 of this Ordinance. The Company shall create not less than ten (10) new jobs and hire not less than a like amount of Qualifying Employees in order to qualify for the Inducement set forth herein.

Section 6. This Ordinance shall be in full force and effect from and after its adoption as provided by law.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of this Ordinance.


All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

August 7, 2018 FIRST READING

August 21, 2018 SECOND READING

AT A MEETING OF THE FISCAL COURT OF THE COUNTY OF SIMPSON, KENTUCKY, HELD ON August 21, 2018, ON MOTION MADE BY \_\_\_\_\_ AND SECONDED BY \_\_\_\_\_, THE FOREGOING ORDINANCE WAS ADOPTED, AFTER FULL DISCUSSION, BY THE FOLLOWING VOTE:

<u>Yes</u>	Marty Chandler
<u>Yes</u>	Bobby Bush
<u>Yes</u>	Larry Randolph
<u>Yes</u>	Blake Tarpley
<u>Yes</u>	Jamie Spears

  
\_\_\_\_\_  
JAMIE SPEARS  
SIMPSON COUNTY JUDGE

EXECUTIVE  
ATTEST:

Pam Rohrs  
\_\_\_\_\_  
PAM ROHRS, CLERK  
SIMPSON COUNTY FISCAL COURT

**Exhibit A**

**Project Description for XYZ CBD PROCESSING, LLC**

See letter from County Judge Executive Jamie Spears dated August 3, 2018 attached hereto as Exhibit 1 and incorporated herein by reference.



**SIMPSON COUNTY  
FISCAL COURT**

COUNTY TREASURER  
Meghann Lillard

FINANCE OFFICER  
Nicole Love

COURT CLERK  
Pam Rolfe

Office of the  
JUDGE/EXECUTIVE

MAGISTRATES  
Bobby Bush  
Marty Chandler  
Larry Randolph  
Blake Tappay

COUNTY ATTORNEY  
Sam Phillips

August 3, 2018

Secretary Terry Gill  
Kentucky Economic Development Cabinet  
300 West Broadway  
Frankfort, KY 40601

Secretary Gill:

The Simpson County Fiscal Court is in full support of the XYZ CBD Processing, LLC hemp project that is considering putting a multi-million dollar processing plant on a one hundred thirty acre site in Simpson County. The Simpson County Fiscal Court will wave the county's 0.75 percent occupational tax for the ten years of the KBI Incentive program. The economic impact of this facility in our agricultural community has the potential to be extraordinary. It should be a perfect fit combining industry with agriculture in south central Kentucky.

Sincerely,

Jamie Spears  
Simpson County Judge Executive

