

ORDINANCE NO. 225.98

AN ORDINANCE OF THE KENTON COUNTY FISCAL COURT, KENTUCKY, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY DIVERSEY, INC. UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010–KRS 154.32-100).

WHEREAS, DIVERSEY, INC. will invest approximately \$86 million locating their manufacturing facility at 7900 Foundation Dr, Elsmere, in Kenton County Kentucky. Additionally, **DIVERSEY, INC.**, is expected to create 150 new full-time Kentucky resident jobs, at an average wage of \$24.75 per hour, inclusive of employee benefits.

WHEREAS, DIVERSEY, INC. is soliciting support from the Kenton County Fiscal Court for its application under the Kentucky Business Investment Program (KBI) under KRS 154.32-010–KRS 154.32-100. The application of **DIVERSEY, INC.** received preliminary approval from the Kentucky Economic Development Finance Authority (KEDFA) as an approved Economic Development Project on June 24th, 2021.

WHEREAS, KRS 154.32-010 (3) (b) permits that the "approved company or, with the authority's consent, an affiliate of an approved company may require that each employee subject to tax imposed by KRS 141.020, whose job is determined by the authority to be created as a result of the economic development project, as a condition of employment, agree to pay an assessment of up to four percent (4%) of taxable wages."

WHEREAS, the Kenton County Judge Executive indicated in writing on June 8th, 2021 their willingness to support a **50% credit** of the occupational license fees collected of the new salaries subject to the Kenton County Occupational License Fees on new Kentucky-resident jobs created by **DIVERSEY, INC.** as part of this Economic Development Project for a ten-year period. This local credit will be for the new salaries subject to the occupational license fees for the Kenton County Fiscal Court generated by this economic development project over a ten-year period. Kenton County will have the opportunity to support **50%** credit of the occupational license fee (which is 0.7097% on the first \$25,000 of income followed by 0.1097% on income above \$25,000 up to the social security limit).

WHEREAS, KRS 154.32-010 also entitles each employee paying the wage assessment fee to an equal credit against his/her Kentucky income tax and an equal credit against his/her local occupational license fee, both for ten years. **DIVERSEY, INC.** under KRS 154.32-010, will impose a 4% wage assessment as a condition of employment and shall be authorized to deduct the 4% assessment from each payment of wages to qualified employees, with such assessment only to be utilized as permitted by KRS 154.32-010–KRS 154.32-100. **NOW, THEREFORE BE IT ORDAINED BY THE KENTON COUNTY FISCAL COURT:**

Section One

The Kenton County Fiscal Court authorizes a credit, in the form of a refund, of its Occupational License Fees paid pursuant to the Kentucky Business Investment Program (KRS 154.32-010–KRS 154.32-100) for and throughout a ten-year period (beginning and ending as stipulated in the Wage Assessment Agreement executed between KEDFA and **DIVERSEY, INC.** equal to **50%** of the occupational license fees collected on the new **DIVERSEY, INC.** Kentucky-resident employees created as part of this Economic Development Project. Wages for this purpose are capped by the Social Security Maximum.

Section Two

That if any section or part of any section or any provision of this Ordinance shall be declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section Three

This ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

Adopted this _____ day of _____, 2021.

First Reading - _____ Yes _____ No _____

Second Reading - _____ Yes _____ No _____

Kenton County Fiscal Court

KRIS KNOCHELMANN
Judge-Executive

ATTEST:

COUNTY CLERK