

RESOLUTION NO. \_\_\_\_\_, SERIES 2019

**A RESOLUTION APPROVING AMENDING RESOLUTION NO. 38, SERIES 2014, REGARDING THE GRANTING OF LOCAL INCENTIVES TO RXC ACQUISITION COMPANY DBA RXCROSSROADS AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32.**

**SPONSORED BY: COUNCIL MEMBERS PIAGENTINI AND YATES**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) finds that it is a legitimate public purpose of the Louisville/Jefferson County Metro Government (“Metro”) to undertake activities for the purpose of attracting and retaining jobs for residents of this community;

**WHEREAS**, the Kentucky General Assembly in 2009 enacted KRS 154.32-010 to 154.32-100 (the “Act”) establishing the Kentucky Business Investment Program (the “KBI Program”) for the purpose of encouraging the development and expansion of the service and technology industry in Kentucky;

**WHEREAS**, the KBI Program provides state incentives to businesses which locate or expand in the Commonwealth, including regional or national headquarters, thus creating and preserving jobs for Kentuckians;

**WHEREAS**, the KBI Program encourages local governments to participate in these incentives for businesses within their jurisdictions;

**WHEREAS**, the Council finds that offering the local incentives authorized by KBI Program for the purpose of attracting and retaining businesses is in furtherance of the public purposes of Metro and will benefit Metro by creating new sources of tax revenue for the support of the public services provided by Metro; and

WHEREAS, Rxc Acquistion Company DbA Rxcrossroads has applied for the benefits authorized under the KBI Program to assist its expansion of existing operations to 5101 Jeff Commerce Drive, Louisville, KY.

~~WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") passed Resolution No. 38, Series 2014 granting local incentives to RxG Acquisition Company dba RxCrossroads, Inc. pursuant to the Act;~~

~~WHEREAS, following the passage of Resolution No. 38, Series 2014, RxG Acquisition Company dba RxCrossroads has requested to reduce its local occupational tax participation level from one percent 1% to one-half of one percent 0.5%.~~

**NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:**

**SECTION I:** That the Council does hereby approve participating in the grant of incentives to Rxc Acquistion Company DbA Rxcrossroads (the "Company"), and any subsequent assignees and approved affiliates thereof, under the KBI Program, subject to the Company satisfying ~~modifying the incentive grant to reduce the local occupational tax participation level to one-half of one percent (0.5%), provided such modification does not alter the Company's obligation to satisfy~~ the requirements set forth in the Act, including minimum full time jobs, investment, and wage and employee benefits, and subject to the terms of this Resolution, No. 117, Series 2012.

**SECTION II:** That the Council does hereby agree to participate in the grant of incentives under the KBI Program by contributing one-half of one percent (0.5%) of the local occupational tax pursuant to the provisions of KRS 154-32.090. The State to

Local participation ratio in this grant of incentives shall be 75% to 25%, and the Company shall pay a minimum average salary equal to or greater than \$31,000 at activation.

**SECTION III:** That the Mayor and other appropriate officers and employees of Louisville/Jefferson County Metro Government are authorized and directed to execute, acknowledge and deliver on behalf of Louisville/Jefferson County Metro any and all papers, instruments, certificates, affidavits and other documents, and to do and cause to be done any and all acts and things necessary or proper for the grant of incentives as authorized by the Act and this Resolution.

**SECTION IV:** No portion of the funds derived by the Company from the grant of incentives herein shall be used by the Company for any purposes designed to prevent, limit, discourage or restrict union activities within the Company.

**SECTION V:** This Resolution shall be effective upon its passage and approval.

\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

\_\_\_\_\_  
David James  
President of the Council

\_\_\_\_\_  
Greg Fischer, Mayor

Approved: \_\_\_\_\_  
Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_  
R-174-19 Approval of KBI Incentives