

OFFICE OF THE FAYETTE COUNTY JUDGE/EXECUTIVE

COUNTY JUDGE/EXECUTIVE
Mary Diane Hanna

(859) 221-9679

Commissioners

Brian Miller	1st	District	(859) 333-7532
Alayne White	2nd	District	(859) 333-0694
David Lowe	3rd	District	(502) 889-5108

FAYETTE COUNTY FISCAL COURT

June 5, 2025

AGENDA

- I. Approval of Minutes of May 8, 2025 Fiscal Court Meeting
- II. Public Comment
- III. Old Business

Review of County Road Program for FY 2025
- IV. New Business
 1. Consideration of County Agreement with LFUCG (FY 2026)
 2. 2025 Local Board of Property Tax Appeals: Membership and Hearing Date
 3. Consideration of the Fayette County School Board Resolution No. 01-2025
- V. Adjourn

Fayette Fiscal Court Meeting Minutes 5/08/2025

Location: Office of the Fayette County Clerk, 162 E. Main Street, Lexington, Ky, and Remotely Via Zoom Platform Meeting Online, hosted by Fayette County Clerk.

Present: County Judge/Executive Mary Diane Hanna, ~~District 1 County Commissioner Brian Miller~~, District 2 County Commissioner Alayne White, District 3 County Commissioner David Lowe, Meredith Watson (Fayette County Clerk), Nancy Albright (LFUCG Dept. of Environmental Quality & Public Works), Andrew Grunwald (LFUCG Dept. of Environmental Quality & Public Works), Doug Burton (LFUCG Div. of Engineering), Rob Allen (LFUCG Div. of Streets and Roads), Scott Garthee (LFUCG Div. of Engineering), Mark Feibes (LFUCG Div. of Engineering), Scott Gabbard (LFUCG Div. of Engineering), Patrick Jorgensen, District 12 Councilmember Hilary Boone, Olivia Lasheen Grigsby (LFUCG Council Office, District 12), Taft McKinstry of 1957 Hillgate Drive, Elise Hillman (US Small Business Administration).

1:35 p.m.: Ms. Hanna called the meeting to order and welcomed everyone present.

Ms. Hanna asked if everyone had reviewed the Minutes of the April 10, 2025, meeting. Ms. White made a motion, seconded by Mr. Lowe, to approve the Minutes of the April 10, 2025, Fiscal Court meeting. The motion was approved by unanimous vote of the commissioners present.

Public Comment. Ms. McKinstry stated she would reserve her comments for old business.

Review of the County Road Program for FY 2025. Mr. Grunwald reviewed the status of projects from the County Road Program for FY 2025. In his previous meeting report were updates on the Delong Road shoulders, Alexandria Drive shoulders and Armstrong Mill culvert repairs. The company hired for Armstrong Mill, Critical Pipeline Repair, is still working to get licensed in Kentucky.

For the Dry Branch Road and Grimes Mill Road project, LFUCG has engaged Banks Engineering and they have now provided estimates for repairs. Those numbers came in at \$509,275 for improvements to Dry Branch, not including repaving. Grimes Mill Road would be \$241,345 without repaving.

For the Maddox Lane project, there was a public meeting on April 14, 2025, during which updates were provided to the attendees. The LFUCG Law Department has begun doing deed research on individual properties from whom we need right-of-way acquisitions. HMB has been hired to do right-of-way services for two parcels.

The Uttinger Lane paving project was completed last summer. The Bowman Mill Road project is currently in process. Mr. Garthee stated that milling was underway now.

Ms. McKinstry spoke about the condition of Evans Mill Road and requested that the potholes and paving issues be addressed between Old Richmond Road and Hillgate. She noted the road had

been worn down by heavy traffic from the water company trucks. Ms. Hanna spoke about the road and potentially making contact with the water company. Mr. Grunwald advised that Evans Mill Road could be considered under New Business.

Funding for Jacks Creek Pike Slope Failure. Mr. Grunwald stated due to the rain storms at the beginning of April, there had been a failure on Jacks Creek Pike and critical repairs are needed. He said the estimate for repairs is \$1.2 million, and that \$800,000 for partial funding been identified by LFUCG. He requested that the Fiscal Court consider funding the other \$400,000 from the County Aid Fund. The County Road Aid Funds for 2026 are estimated to be \$919,000. The repair estimate has been submitted to FEMA for potential reimbursement. Mr. Grunwald stated it would be inadvisable to wait several months for a response from FEMA. Ms. Albright provided a picture of the area (EXHIBIT A).

The Court discussed the funding, and asked questions about the LFUCG funds. The Urban County Council has approved use of those funds for the project out of this year's budget. Ms. White asked if any additional funding could be identified out of the next LFUCG fiscal year budget to alleviate the burden on the County Road Aid Fund.

Mr. Grunwald asked for consideration for the project to be a part of the County Road Aid Agreement for 2026.

Discussion of New Project and Streets to be Paved for FY 2026. Mr. Grunwald presented a list of options for repaving in FY 2026, including: Evans Mill Road from Old Richmond Road to Cedar Creek Lane (1.33 miles, \$335,830), Evans Mill Road from Cedar Creek Lane to end (0.62 miles, \$156,530), Hume Road from Winchester Road to Bryan Station Road (2.34 miles, \$590,810), Mt. Horeb select areas from Lemons Mill Road to county line (1.70 miles, \$429,220), Royster Road from Uttinger Lane to 1-64 overpass (2.20 miles, \$555,390), Royster Road from 1-64 overpass to Briar Hill Road (0.80 miles, \$201,960), Jacks Creek Pike from Dry Branch Road to Old Jacks Creek Road (0.97 miles, \$244,090), Jacks Creek Pike from Old Jacks Creek Road to Kentucky River Parkway (1.22 miles, \$307,670), Jacks Creek Pike from Kentucky River Parkway to cul-de-sac/dead end (0.62 miles, \$157,630), and Berea Road from Georgetown Road to Iron Works Pike (1.1 miles, \$277,750), for a total of \$3,256,880. (EXHIBIT B)

Mr. Grunwald explained that the Average OCI (Overall Condition Index) was listed for county roads in the packet, and that the A-OCI is an index used to determine which roads need repaving. The lower the number, on a scale of 0-100, the worse the condition of the road. LFUCG also looks at average daily travel on the roads. The group discussed the condition and A-OCI of various roads on the list.

Ms. Hanna asked if it would be appropriate to talk with Kentucky American Water Company regarding the condition of Evans Mill Road.

Mr. Grunwald recommended putting the 1.33 miles of Evans Mill Road and the 1.1 miles of Berea Road on the list for FY 2026, along with \$400,000 to the Jacks Creek Pike Slope Failure project.

He talked through the down points of repaving other roads on the list for this year, and why the Court might want to wait until later to allocate funding.

Ms. White asked that the Urban County Council be approached about allocating additional funds above the \$800,000 already allocated to the Jacks Creek project. She also strongly encouraged Ms. Hanna to schedule a meeting with the water company prior to the next Fiscal Court meeting regarding the condition of Evans Mill Road. Mr. Grunwald was not optimistic that a meeting would be fruitful.

It was noted in the meeting that Mr. Grunwald would be absent on approved leave during the date of the next Fiscal Court meeting, June 12, 2025. Ms. White made a motion, seconded by Mr. Lowe, to move the date of the next Fiscal Court Meeting to June 5, 2025, at 1:30 p.m. The motion was approved by unanimous vote of the members present.

Mr. Lowe summarized the discussion of new paving requests to that point.

Local Board of Tax Appeals 2025. Ms. Watson stated this year the Fiscal Court and the Judge-Executive both have an appointment to the Local Board of Tax Appeals for 2025. Ms. Hanna advised that she had two candidates for the seats – Rick Queen and Seth Tuska. Both would be on the Temporary Residential Board.

Ms. White made a motion, seconded by Mr. Lowe, to approve the appointments of Rick Queen and Seth Tuska to the Local Board of Tax Appeals Temporary Residential Board for 2025. The motion was approved by unanimous vote of the members present.

Ms. Watson gave an update on the number of appeals submitted to the County Clerk's Office to date. Mr. Lowe stated he believed there was less public discourse regarding assessments this year.

There being no further meeting items, Ms. Hanna asked for a motion to adjourn.

Upon motion of Mr. Lowe, seconded by Ms. White, the meeting adjourned at 2:25 p.m. by unanimous vote of the members present.

Respectfully submitted,

Meredith Watson

County Judge/Executive

Mary Diane Hanna

EXHIBIT A – JACKS CREEK PIKE ROAD FAILURE



FY 2026 (5/5/2025)

FY-2026 Estimated Funds \$919,000.00

OPTIONS FOR REPAVING FY2026

Street Name	A-OCI	Section_From	Section_To	Length (miles)	Width	Last Paved	Estimated Cost + 10%
Evans Mill Road	39.5	Old Ricjmond RD	Cedar Creek Ln	1.33	24	REJUV -2011	\$335,830.00
Evans Mill Road	29	Cedar Creek Ln	End	0.62	24	REJUV -2011	\$156,530.00
Hume Road	48.4	Winchester RD	Bryan Station RD	2.34	24	2012	\$590,810.00
Mt. Horeb - Select Areas	43.2	Lemons Mill RD	County Line	1.70	24	FY-2015	\$429,220.00
Royster Rd	34	Uttinger LN	I-64 Overpass	2.20	24	REJUV -2014	\$555,390.00
Royster Rd	34	I-64 Overpass	Briar Hill Rd	0.80	24	REJUV -2014	\$201,960.00
Jacks Creek Pike	49	DRY BRANCH RD	OLD JACKS CREEK RD	0.97	24	2013	\$244,090.00
Jacks Creek Pike	36	OLD JACKS CREEK RD	KENTUCKY RIVER PKWY	1.22	24	2013	\$307,670.00
Jacks Creek Pike	44	KENTUCKY RIVER PKWY	CUL-DE-SAC / DEAD END	0.62	24	2013	\$157,630.00
Berea Road	29	Georgetown RD	Iron Works Pike	1.1	24	2013	\$277,750.00
				Total Length	12.90	Total Cost	\$3,256,880.00

Assumption of Estimated Cost

A-OCI - is the averaged OCI representing length of road (from 2025 survey)
Mobilization and Traffic Control is 10% to final cost of milling/paving/stripping/tack per road
Milling \$50 per ton - Estimated at 1.5 inches entire road width
Tack Coat is estimated at \$0.31 per SqYd
Pavement \$115.00 per ton - Estimated at 1.5 inches entire road width
Striping \$0.37 per LF - Lines down both outer edge of road
Estimated Cost contain a 10% contingency

EXHIBIT B

PLACEHOLDER FOR COUNTY AGREEMENT
WITH LFUCG (FY 2026)

AGREEMENT – FY 2026

THIS AGREEMENT, made and entered into on the _____ day of _____, 2025, by and between the LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an Urban County Government of the Commonwealth of Kentucky created pursuant to KRS Chapter 67A (hereinafter Government), on behalf of its Department of Environmental Quality & Public Works and the FAYETTE FISCAL COURT, a Fiscal Court of the Commonwealth of Kentucky (hereinafter Court) and Honorable MARY DIANE HANNA, Fayette County Judge/Executive (hereinafter County Judge).

WITNESSETH

That for and in consideration of the mutual promises and covenants herein expressed, the parties agree as follows:

1. All sums payable to Fayette County pursuant to KRS 179.415 County Road Aid Fund for the period of July 1, 2025 until June 30, 2026, including any sums due from prior years, shall be paid directly to the Government.
2. County Judge shall be entitled to all sums payable for Fayette County pursuant to the KRS 67.722 County Road Program Expense Fund for the period from July 1, 2025 until June 30, 2026.
3. Government by and through its Department of Environmental Quality & Public Works, shall, subject to the receipt of funds provided for in paragraph 1 above, perform all duties and services with respect to the following County Road Aid Fund projects; except as otherwise specified in this AGREEMENT, as indicated in ATTACHMENT A of this Agreement.
4. The parties understand that the cost of the projects referred to in paragraph 3 above may exceed the expected funds available for the period covered by this AGREEMENT and it is understood by the parties that once the funds available for the period covered by this AGREEMENT are committed, no additional projects shall be undertaken and any project not completed will be given first consideration for completion during the next fiscal year.
5. The parties understand that the estimated funds for FY 2026, identified in paragraph 1, are listed in ATTACHMENT B of this Agreement and will be used to complete the projects listed in paragraph 3.
6. Government recognizes that the projects referred to in paragraph 3 are listed in order of intended priority, but it is agreed by the parties that such listing shall not require a specified order for beginning or completing projects, nor shall it preclude the use of County Road Aid Funds for any regular, routine maintenance or emergencies on county roads, as specified by an amendment to this AGREEMENT approved by the parties hereto.
7. It is further agreed by and between the parties that any sums provided in paragraph 1 above which are not expended for the projects specified in paragraph 3 shall be used for resurfacing on

county roads, repairs to the county roads and/or county road projects, as specified by Amendment to this AGREEMENT approved by the parties hereto.

8. For the projects specified in paragraph 3 of this AGREEMENT, County Judge shall:

- a. Relate to the Commissioner of Environmental Quality and Public Works, or his designee, within a reasonable time, not to exceed ten (10) days from receipt, any and all complaints received concerning these projects, with copies to the Mayor, Urban County Council Office, and members of the Court; and
- b. Process an amendment to this AGREEMENT, as provided for in paragraph 6 or 7 hereof, for approval by Government and Court for 2025-2026 regular routine maintenance or emergencies on county roads and resurfacing.

9. For the purpose of selecting projects to be done during the period from July 1, 2025 until June 30, 2026, County Judge shall:

- a. Forward to the Commissioner of Environmental Quality and Public Works, within a reasonable time, not to exceed ten (10) days from receipt, any and all complaints, requests, or comments received concerning the condition of county roads, so that these may be considered for funding from either 2024-2025 or 2025-2026 funds.
- b. Schedule a public hearing for the Court for the purpose of receiving comments from the public as to the use of 2025-2026 KRS 179.415 funds. The County Judge shall notify the Urban County Council, the Office of Public Information so that the media can be notified and notify the Clerk of the Urban County Council so that notices can be published.
- c. Process a resolution and 2025-2026 Agreement through the Court for the purpose of designating which projects shall be funded the next year. The County Judge shall thereafter forward the same to the Department of Environmental Quality & Public Works and the Urban County Council.

10. County Judge shall promptly respond to any and all citizen complaints, calls, etc., he/she receives relating to the county roads. In his/her absence, inquiries regarding immediate attention shall be directly referred to the Office of either the Commissioner of the Department of Environmental Quality & Public Works.

11. The records of all parties to this AGREEMENT which pertain in any respect to the County Road Aid Fund or to the county roads generally shall be made available upon request, for inspection by either party.

12. County Judge shall be present at the Government's meetings when requested, for purposes of discussing the County Road Aid Fund or the county roads.

13. County Judge shall forward to the Mayor, all correspondence other than citizen's inquiries, pertaining to the KRS 179.415 County Road Aid Fund within a reasonable time of his/her receipt of the same. County Judge shall also forward to the Mayor immediately all other correspondence, notices, etc., pertaining to the Government which are unrelated to his/her official duties, such as letters concerning the KRS 177.365 Municipal Aid Program, KRS 42.450 Local Government Economics Assistance Fund, KRS 186.535 Operator's License Fee Revenues, notification of special grants; programs applying only to counties, etc. In order to reduce confusion for everyone, County Judge further agrees to affirmatively notify appropriate agencies, officials, and individuals that matters not related to his/her official duties such as those listed above, should be directed to Government's Mayor.

14. This AGREEMENT shall continue in effect until completion of the projects specified in paragraph 3.

15. Government shall provide County Judge and members of the Court general liability insurance coverage in the amount of at least \$5,000,000.00 to insure them against omissions or acts of negligence that may be committed in their official capabilities.

16. County Judge shall execute a bond for faithful performance of his/her duties as provided in KRS 67.720. Government shall pay the premium on such bond as provided in KRS 62.150.

17. This instrument contains the entire AGREEMENT between the parties, and no statement, promises, or inducements made by any party or agent of either party that is not contained in this written AGREEMENT shall be valid and binding; and this AGREEMENT may not be enlarged, modified, or altered, except in writing signed by the parties endorsed hereon.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT at Lexington, Kentucky, the day and year first above written.

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

ATTEST: _____ BY: _____
MARY DIANE HANNA, Fayette Fiscal Court

ATTEST: _____ BY: _____
LINDA GORTON, MAYOR - Lexington Fayette Urban County Government

ATTACHMENT A
COUNTY AGREEMENT FY 2026

County Roads for Resurfacing FY- 2026

Resurfacing

Street Name	Section_From	Section_To	Length (miles)	Estimated Cost
Gentry Rd	N Baxter Blvd	Gentry Ln	1.48	\$374,000
Kenney Ln	Iron Works Pike	Talking Picture Ln	0.24	\$61,000
Kenney Ln	Talking Picture Ln	Dixiana Domino Rd	0.62	\$158,000
				\$593,000

Projects

Street Name	Section_From	Section_To	Length (miles)	Estimated Cost
20% Match for Berea Rd Repaving	Georgetown RD	Iron Works Pike	1.1	\$56,000
Shouldering on Evans Mill Road	Driveway at 1520 Evans Mill	Beginning of Pond at 1571 Evans Mill	0.24	\$90,000
Inspect Culvert on Evans Mill	0.28 Mile from Old Richmond Road		N/A	\$25,000
Funding for Jack Creek Pike Slope Failure	0.5 from Dead End		N/A	\$100,000
Slip line - Culvert on Alexandria Drive	1/3 mile from New Circle Road Overpass		N/A	\$55,000
				\$326,000
			Total	\$919,000

ATTACHMENT B
COUNTY AGREEMENT FY 2026

Estimated FY 2026 (July 1, 2025 to June 30, 2026) Funding to be accepted by the Lexington Fayette Urban County Government \$919,019.83.

DRAFT

COMMONWEALTH OF KENTUCKY
COUNTY OF FAYETTE

IN RE: BOARD OF ASSESSMENT APPEALS FOR
FAYETTE COUNTY, KENTUCKY

ORDER

The Board of Assessment Appeals for 2025 shall consist of one board for residential and commercial appeals, and the membership shall be as follows:

<u>Board Members</u>	<u>Term</u>
Keith Mays	2023 – 2025 Fiscal Court Appt
E. Clark Toleman	2024 – 2026 Judge-Executive Appt
Jennifer Mossotti	2025 – 2027 Mayor Appt
 <u>Alternates</u>	
Seth Tuska	2025
Rick Queen	2025

For 2025, Seth Tuska and Rick Queen shall serve as alternates to the Board, and Keith Mays shall serve as Chair of the Board.

The Board shall convene on June 23, 2025 for orientation and shall continue in session until all appeals for this year are heard.

Date: June 5, 2025

MARY DIANE HANNA
FAYETTE COUNTY JUDGE EXECUTIVE
200 E. MAIN STREET
Lexington, KY 40507

160.484 Occupational license fees, imposition and discontinuation (counties of 300,000).

- (1) Except as provided in subsections (2), (3), and (4) the fiscal court has discretion to impose or not impose the license fees authorized by KRS 160.482 to 160.488 at a percentage rate, not to exceed one-half of one percent (0.5%), determined by the fiscal court. A fiscal court shall not proceed under this subsection without first giving all boards of education in the county thirty (30) days notice of its intention.
- (2) If one (1) or more boards of education of school districts within the county which contain at least ninety percent (90%) of county's inhabitants, in the same calendar year certify to the fiscal court requests for a license fee at an identical percentage rate, not to exceed one-half of one percent (0.5%), then the fiscal court shall impose such license fees at the requested rate.
- (3) Any license fees imposed under subsections (1) or (2) shall remain in full effect from year to year until all boards of education within the county have certified to the fiscal court requests for a reduction in the percentage rate theretofore imposed. Thereafter, the fiscal court shall reduce the rate to the highest rate certified as yet necessary by any board of education in the county. The fiscal court may require each board of education to make no more than one (1) certificate annually.
- (4) In any calendar year in which one (1) or more boards of education of school districts containing at least ninety percent (90%) of the county's inhabitants make a certification pursuant to subsection (2) for a rate which is at a higher percentage than any currently imposed, the fiscal court shall impose the license fee at the higher rate and any rate imposed pursuant to subsections (1), (2), or (3) shall be rescinded upon the date the new rate takes effect.

Effective: July 13, 1990

History: Repealed and reenacted 1990 Ky. Acts ch. 476, Pt. V, sec. 444, effective July 13, 1990. -- Created 1965 (1st Extra. Sess.) Ky. Acts ch. 2, sec. 18.

RESOLUTION NO. 01-2025

A RESOLUTION OF THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OF FAYETTE COUNTY, KENTUCKY CERTIFYING TO THE FISCAL COURT OF FAYETTE COUNTY, KENTUCKY TO IMPOSE AN OCCUPATIONAL LICENSE TAX FOR SCHOOLS

WHEREAS, the present sources of revenue will not be sufficient to provide for the building of enough classrooms for thousands of school children, or to furnish adequate school services for all public school children in the School District of Fayette County;

WHEREAS, the Board of Education of the School District of Fayette County (the "BOE" or "Board") currently imposes an occupational license tax for schools ("OLTS"), as authorized by KRS 160.605, at a single, uniform percentage rate of one-half of one percent (0.5%) of (a) salaries, wages, commissions, and other compensations of individuals for work done and services performed or rendered in the county, and (b) the net profits of all businesses, professions, or occupations, from activities conducted in the county;

WHEREAS, the BOE has designated the Tax Collection Office of the Fayette Public Schools to administer and collect its current OLTS;

WHEREAS, any county having three hundred thousand (300,000) or more inhabitants is authorized by KRS 68.185 and KRS 160.482 to 160.488 to provide for the levy, assessment and collection of an OLTS to be collected by the fiscal court or its agent and distributed to the school district or districts in the county;

WHEREAS, any county having three hundred thousand (300,000) or more inhabitants is authorized by KRS 160.483(1) and KRS 160.607(2) to levy the OLTS authorized by KRS 160.482 to 160.488 at a single, uniform percentage rate not to exceed three-quarters of one percent (0.75%);

WHEREAS, the 2020 federal Decennial Census determined Fayette County had a total population of 322,570; and

WHEREAS, the BOE desires the Fiscal Court of Fayette County (the "Fiscal Court") provide for the levy, assessment, and collection of an OLTS for the benefit of the Fayette Public Schools pursuant to KRS 160.482 to 160.488 at a single, uniform percentage rate of three-quarters of one percent (0.75%), which will supersede the BOE's current OLTS, adopt reasonable rules and regulations governing the new OLTS, and designate the Tax Collection Office of the Fayette Public Schools as the Fiscal Court's agent to administer and collect the new OLTS;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE SCHOOL DISTRICT OF FAYETTE COUNTY, KENTUCKY ACTING BY AND THROUGH ITS BOARD OF EDUCATION, AS FOLLOWS:

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

Section 2. This Board hereby certifies to the Fiscal Court its request for:

(a) the levy of an OLTS effective for taxable years beginning on or after January 1, 2026, under authority of KRS 68.185, KRS 160.482 to 160.488 and KRS 160.607(2), at three-quarters of one percent (0.75%) of salaries, wages and commissions, and other compensations earned by persons within the Fayette County, Kentucky for work done and services performed or rendered in the county, and the net profits of all businesses, trades, occupations and professions, for activities conducted in the county;

(b) the designation of the Tax Collection Office of the Fayette Public Schools to administer and collect the OLTS as agent for the Fiscal Court; and

(c) the adoption of the rules and regulations governing the administration and collection of the OLTS substantially in the form attached hereto as Exhibit "A".

Section 3. The OLTS shall not be collected from any individual who is not a resident of Fayette County, Kentucky.

Section 4. This Board shall take all actions necessary to rescind its existing OLTS effective as of the date or dates the new OLTS becomes effective.

Section 5. A certified copy of this Resolution shall be transmitted to the Fiscal Court promptly after its adoption to be considered by said Fiscal Court as this Board's formal request for the imposition of said OLTS.

Section 6. This Resolution shall be in full force and effect from and after its adoption.

Upon roll call the vote on the above resolution was as follows:

Monica Mundy, PhD

[Y/N]

Tyler Murphy

[Y/N]

Penny Christian

[Y/N]

Amanda Ferguson

[Y/N]

Amy Green

[Y/N]

[Signature Page To Follow]

CERTIFICATION

I, the undersigned, do hereby certify that the above resolution was duly adopted at a meeting of the Board of Education of Fayette County Public Schools held on May 27, 2025, and is of record in the Official Minute Books of the Board.

IN WITNESS WHEREOF, I have hereunder set my hand this May 27, 2025.



Tyler Murphy
Chair

Exhibit “A”

Rules and Regulations

**OCCUPATIONAL LICENSE TAX FOR SCHOOLS
LEVIED FOR THE BENEFIT OF THE SCHOOL DISTRICT OF FAYETTE COUNTY**

RULES AND REGULATIONS

RELATING TO THE ASSESSMENT, COLLECTION AND ADMINISTRATION OF THE
OCCUPATIONAL LICENSE TAX FOR SCHOOLS LEVIED BY THE FISCAL COURT OF
FAYETTE COUNTY, KENTUCKY FOR THE BENEFIT OF THE SCHOOL DISTRICT OF
FAYETTE COUNTY UPON PERSONS AND BUSINESS ENTITIES CONDUCTING BUSINESSES,
OCCUPATIONS AND PROFESSIONS WITHIN FAYETTE COUNTY, KENTUCKY.

Sections:

1	Definitions
2	Occupational License Application Required
3	Occupational License Tax Payment Required
4	Apportionment
5	Employers to Withhold
6	Returns Required
7	Extensions
8	Refunds
9	Federal Audit Provisions
10	Administrative Provisions
11	Information to Remain Confidential
12	Penalties
13	Use of Occupational License Tax
14	Severability
15	Enforcing Officers, Powers and Duties

§ 1 - Definitions

As used in these rules and regulations, the following terms and their derivatives shall have the following meanings unless the context clearly indicates that a different meaning is intended:

- (1) "Business entity" means each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted.
- (2) "Business" means any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. "Business" shall not include the usual activities of board of trade, chambers of commerce, trade associations, or unions, or other associations performing services usually performed by trade associations or unions. "Business" shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes or receipts of such unit, group, or association, inures to the benefit of any private shareholder or other person.
- (3) "School district" means Fayette County School District of Lexington, Kentucky.
- (4) "Chief Operating Officer" means the Chief Operating Officer of the Fayette County School District of Lexington, Kentucky.
- (5) "Compensation" means wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:
 - (a) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and
 - (b) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code.
- (6) "Conclusion of the federal audit" means the date that the adjustments made by the Internal Revenue Service to net income as reported on the business entity's federal income tax return become final and unappealable.

- (7) "Final determination of the federal audit" means the revenue agent's report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.
- (8) "Fiscal year" means an accounting period of 12 months ending on the last day of any month other than December.
- (9) "Employee" means any person who renders services to another person or any business entity for compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency of instrumentality of any one (1) or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.
- (10) "Employer" means employer as defined in Section 3401(d) of the Internal Revenue Code.
- (11) "Internal Revenue Code" means the Internal Revenue Code as defined in KRS Chapter 67.
- (12) "Net profit" means gross income as defined in Section 61 of the Internal Revenue Code minus all the deductions from gross income allowed by Chapter 1 of the Internal Revenue Code, and adjusted as follows:
 - (a) Include any amount claimed as a deduction for state tax or local tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, local taxing authority in a state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision thereof;
 - (b) Include any amount claimed as a deduction that directly or indirectly is allocable to income which is either exempt from taxation or otherwise not taxed;
 - (c) Include any amount claimed as a net operating loss carryback or carryforward allowed under Section 172 of the Internal Revenue Code;
 - (d) Include any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a pass-through entity for federal tax purposes; and
 - (e) Exclude any amount of income that is exempt from state taxation by the Kentucky Constitution, or the Constitution and statutory laws of the United States.
- (13) "Occupational Tax Office" shall mean the Tax Collection Office of the Fayette Public Schools.
- (14) "Person" shall mean every natural person, whether a resident or non-resident of the school district. Whenever the word "person" is used in a clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form

of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, shall mean the officers and directors thereof.

- (15) "Regulations" means these rules and regulations.
- (16) "Resolution" means the resolution of the Fiscal Court of Fayette County levying the occupational license tax for the benefit of the School District of Fayette County and adopting these Regulations.
- (17) "Return" or "Report" means any properly completed and, if required, signed form, statement, certification, declaration, or any other document permitted or required to be submitted or filed with the school district.
- (18) "Sales Revenue" means receipts from the sale, lease, or rental of goods, services, or property.
- (19) "Tax district" means any school district with the authority to levy net profits, or occupational license taxes.
- (20) "Taxable net profit" in case of a business entity having payroll or sales revenue only within the school district means net profit as defined in subsection (11) of this section.
- (21) "Taxable net profit" in case of a business entity having payroll or sales revenue both within and without the school district means net profit as defined in subsection (11) of this section, and as apportioned under Section (4) of these Regulations.
- (22) "Taxable year" means the calendar year or fiscal year ending during the calendar year, upon the basis of which net profit is computed.
- (23) "Resident" means any individual, partnership, association, corporation or other entity domiciled or having a business situs in Fayette County.

§ 2 - Occupational License Application Required

Every person or business entity engaged in any trade, occupation, or profession, or other activity for profit or anyone required to file a return under these Regulations shall be required to complete and execute the questionnaire prescribed by the Occupational Tax Office. Each person shall be required to complete a separate questionnaire for each separate business before the commencement of business or in the event of a status change, other than change of address. Licensees are required to notify the Occupational Tax Office of changes of address, or the cessation of business activity, and of other changes, which render inaccurate the information supplied in the completed questionnaire.

§ 3 - Occupational License Tax Payment Required

- (1) Except as provided in subsection (2) of this section, every person or business entity engaged in any business for profit and any person or business entity that is required to make

a filing with the Internal Revenue Service or the Kentucky Department of Revenue shall be required to file and pay to the school district an occupational license tax for the privilege of engaging in such activities within Fayette County. The occupational license tax shall be measured by 0.75% of:

- (a) all wages and compensation paid or payable in Fayette County for work done or services performed or rendered in Fayette County by every resident who is an employee;
 - (b) the net profit from business conducted in Fayette County by a resident or nonresident business entity.
- (2) The occupational license tax imposed in this section shall not apply to the following persons or business entities:
- (a) Any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, any savings and loan association whether state or federally chartered;
 - (b) Any compensation received by members of the Kentucky national guard for active duty training, unit training assemblies and annual field training;
 - (c) Any compensation received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections;
 - (d) Public Service Corporations that pay an ad valorem tax on property valued and assessed by the Kentucky Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly non-public service who are also engaged in public service activity are required to pay a license fee on their net profit derived from the non-public service activities apportioned to the school district;
 - (e) Life insurance companies incorporated under the laws of and doing business in the Commonwealth of Kentucky.

§ 4 - Apportionment

- (1) Except as provided in subsection (4) of this section, net profit shall be apportioned as follows:
- (a) For business entities with both payroll and sales revenue in more than one (1) tax district, by multiplying the net profit by a fraction, the numerator of which is the payroll factor, described in subsection (2) of this section, plus the sales factor, described in subsection (3) of this section, and the denominator of which is two (2); and

- (b) For business entities with sales revenue in more than one (1) tax district, by multiplying the net profit by the sales factor as set forth in subsection (3) of this section.
- (2) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the school district during the tax period by the business entity for compensation, and the denominator of which is the total compensation paid or payable by the business entity everywhere during the tax period. Compensation is paid or payable in the school district based on the time the individual's service is performed within Fayette County.
- (3) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the school district during the tax period, and the denominator of which is the total sales revenue of the business entity everywhere during the tax period.
 - (a) The sale, lease, or rental of tangible personal property is in the school district if:
 - 1. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within Fayette County regardless of the f.o.b. point or other conditions of the sale; or
 - 2. The property is shipped from an office, store, warehouse, factory, or other place of storage in Fayette County and the purchaser is the United States government.
 - (b) Sales revenues, other than revenues from the sale, lease or rental of tangible personal property or the lease or rental of real property, are apportioned to the school district based upon a fraction, the numerator of which is the time spent in performing such income-producing activity within Fayette County and the denominator of which is the total time spent performing that income- producing activity.
 - (c) Sales revenue from the sale, lease, or rental of real property is allocated to the tax district where the property is located.
- (4) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the school district, the business entity may petition the school district or the school district may require, in respect to all or any part of the business entity's business activity, if reasonable:
 - (a) Separate accounting;
 - (b) The exclusion of any one (1) or more of the factors;
 - (c) The inclusion of one (1) or more additional factors which will fairly represent the business entity's business activity in the school district; or
 - (d) The employment of any other method to effectuate an equitable allocation and apportionment of net profit.

- (3) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and without Fayette County, the license tax shall be measured by that part of the compensation paid or payable as a result of work done or service performed or rendered within Fayette County. The license tax shall be computed by obtaining the percentage which the compensation for work performed or services rendered within Fayette County bears to the total wages and compensation paid or payable. In order for the school district to verify the accuracy of a taxpayer's reported percentages under this subsection, the taxpayer shall maintain adequate records.
- (4) All partnerships, S corporations, and all other entities where income is "passed through" to the owners are subject to these Regulations. The occupational license tax imposed in the Resolution is assessed against income before it is "passed through" these entities to the owners.
- (5) If any business entity dissolves, ceases to operate, or withdraws from Fayette County during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, cessation of business, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of any occupational license tax for the period of that taxable year during which the business entity had business activity in Fayette County.
- (6) If a business entity makes, or is required to make, a federal income tax return, the occupational license tax shall be computed for the purposes of these Regulations on the basis of the same calendar or fiscal year required by the federal government, and shall employ the same methods of accounting required for federal income tax purposes.

§ 5 - Employers to Withhold

- (1) Every employer making payment of compensation to an employee shall deduct and withhold from the compensation an occupational license tax calculated under Section (3) of these Regulations.
- (2) Every employer required to deduct and withhold tax under this section shall, for the quarter ending after January 1 and for each quarter ending thereafter, on or before the end of the month following the close of each quarter, make a return and report to the school district, and pay to the school district, the tax required to be withheld under this section, unless the employer is permitted or required to report within a reasonable time after some other period as determined by the school district.
- (3) Every employer who fails to withhold or pay to the school district any sums required by these Regulations to be withheld and paid shall be personally and individually liable to the school district for any sum or sums withheld or required to be withheld in accordance with the provisions of this section.
- (4) The school district shall have a lien upon all the property of any employer who fails to withhold or pay over to the school district sums required to be withheld under this section. If the employer withholds, but fails to pay the amounts withheld to the school district, the

lien shall commence as of the date the amounts withheld were required to be paid to the school district. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the school district.

- (5) Every employer required to deduct and withhold tax under this section shall annually on or before February 28 of each year complete and file on a form furnished or approved by the school district a reconciliation of the occupational license tax withheld where compensation is paid or payable to employees. Either copies of federal forms W-2 and W-3, transmittal of wage and tax statements, or a detailed employee listing with the required equivalent information, as determined by the school district, shall be submitted.
- (6) Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of compensation and occupational license tax deducted by the employer from the compensation paid to the employee for payment to the school district during the preceding calendar year.
- (7) An employer shall be liable for the payment of the tax required to be deducted and withheld under this section.
- (8) The president, vice president, secretary, treasurer or any other person holding an equivalent corporate office of any business entity subject to this section shall be personally and individually liable, both jointly and severally, for any tax required to be withheld from compensation paid or payable to one or more employees of the business entity, and neither the corporate dissolution or withdrawal of the business entity from the school district, nor the cessation of holding any corporate office, shall discharge that liability; provided that the personal and individual liability shall apply to each and every person holding the corporate office at the time the tax becomes or became obligated. No person shall be personally and individually liable under this subsection unless such person had authority to collect, truthfully account for, or pay over the tax imposed by the Resolution at the time that the taxes imposed by the Resolution become or became due.
- (9) Notwithstanding subsections (7) and (8) of this section, every employee receiving compensation in the school district subject to the tax imposed under Section (3) of this resolution shall be personally liable for any amount of taxes and penalties due. In all cases where the employer does not withhold the tax levied under this resolution from the employee, such employee or employees shall be responsible for filing with the school district each quarter in the same manner as if they were the employer.

§ 6 - Returns Required

- (1) All business entity returns for the preceding taxable year shall be made by April 15 of each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the school district.
- (2) Every business entity shall submit a copy of its federal income tax return and all supporting statements and schedules at the time of filing its occupational license tax return with the

school district. Whenever, in the opinion of the school district, it is necessary to examine the federal income tax return of any business entity in order to audit the return, the school district may compel the business entity to produce for inspection a copy of any statements and schedules in support thereof that have not been previously filed. The school district may also require copies of reports of adjustments made by the federal government.

- (3) Every business entity subject to an occupational license tax governed by the provisions of these Regulations shall keep records, render under oath statements, make returns, and comply with rules as the school district from time to time may prescribe. Whenever the school district deems it necessary, the school district may require a business entity, by notice served to the business entity, to make a return, render statements under oath, or keep records, as the school district deems sufficient to determine the tax liability the business entity.
- (4) The school district may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.
- (5) The full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the school district at the time prescribed for filing the occupational license tax return, determined without regard to any extension of time for filing the return.

§ 7 - Extensions

- (1) The school district may grant any business entity an extension of not more than six (6) months, unless a longer extension has been granted by the Internal Revenue Service or is agreed to by the school district and the business entity, for filing its return, if the business entity, on or before the date prescribed for payment of the occupational license tax, requests the extension and pays the amount properly estimated as its tax.
- (2) If the time for filing a return is extended, the business shall pay, as part of the tax, an amount equal to twelve percent (12%) per annum simple interest on the tax shown due on the return, but not been previously paid, from the time the tax was due until the return is actually filed and the tax paid to the school district. A fraction of a month is counted as an entire month.

§ 8 - Refunds

- (1) Where there has been an overpayment of tax under Section (5) of these Regulations, a refund or credit shall be made to the employer to the extent of overpayment only if a written application for refund or credit is received by the school district from the employer within two (2) years from the date the overpayment was made.

- (2) An employee who has compensation attributable to activities performed outside Fayette County, based on time spent outside Fayette County, whose employer has withheld and remitted to this school district, the occupational license tax on the compensation attributable to activities performed outside Fayette County, may file for a refund within two (2) years of the date prescribed by law for the filing of a return. The employee shall provide a schedule and computation sufficient to verify the refund claim and the school district may confirm with the employer the percentage of time spent outside Fayette County and the amount of compensation attributable to activities performed outside Fayette County prior to approval of the refund.

§ 9 - Federal Audit Provisions

- (1) As soon as practicable after each return is received, the school district may examine and audit the return. If the amount of tax computed by the school district is greater than the amount returned by the business entity, the additional tax shall be assessed and a notice of assessment mailed to the business entity by the school district within five (5) years from the date the return was filed, except as otherwise provided in this subsection.
 - (a) In the case of a failure to file a return or of a fraudulent return the additional tax may be assessed at any time.
 - (b) In the case of a return where a business entity understates net profit, or omits an amount properly includable in net profits, or both, which understatement or omission, or both, is in excess of twenty-five percent (25%) of the amount of net profit stated in the return, the additional tax may be assessed at any time within six (6) years after the return was filed.
 - (c) In the case of an assessment of additional tax relating directly to adjustments resulting from a final determination of a federal audit, the additional tax may be assessed before the expiration of the times provided in this subsection, or six (6) months from the date the school district receives the final determination of the federal audit from the business entity, whichever is later.

The times provided in this subsection may be extended by agreement between the business entity and the school district. For the purposes of this subsection, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day. Any extension granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.

- (2) Every business entity shall submit a copy of the final determination of the federal audit within thirty (30) days of the conclusion of the federal audit.
- (3) The school district may initiate a civil action for the collection of any additional tax within the times prescribed in subsection (1) of this section.

§ 10 - Administrative Provisions

- (1) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by the Resolution.
- (2) Any tax collected pursuant to the provisions of these Regulations may be refunded or credited within two (2) years of the date prescribed by law for the filing of a return or the date the money was paid to the school district, whichever is the later, except that:
 - (a) In any case where the assessment period contained in Section (9) of these Regulations has been extended by an agreement between the business entity and the school district, the limitation contained in this subsection shall be extended accordingly.
 - (b) If the claim for refund or credit relates directly to adjustments resulting from a federal audit, the business entity shall file a claim for refund or credit within the time provided for in this subsection or six (6) months from the conclusion of the federal audit, whichever is later.

For the purposes of this subsection and subsection (1) of this section, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.

- (c) The authority to refund or credit overpayments of taxes collected pursuant to these Regulations is vested exclusively in the school district.

§ 11 - Information to Remain Confidential

- (1) No present or former employee of any tax district shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the tax district or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the tax district from testifying in any court, or from introducing as evidence returns or reports filed with the tax district, in an action for violation of a tax district tax law or in any action challenging a tax district tax laws.
- (2) The school district reserves the right to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or his or her duly authorized agent all such information and rights to inspect any of the books and records of the school district if the Commissioner of Revenue of the Commonwealth of Kentucky grants to the school district the reciprocal right to obtain information from the files and records of the Kentucky Department of

Revenue and maintains the privileged character of the information so furnished. Provided, further, that the school district may publish statistics based on such information in such a manner as not to reveal data respecting net profits or compensation of any person or business entity.

- (3) In addition, the school district is empowered to execute similar reciprocal agreements as described in subsection (2) of this section with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of these Regulations.

§ 12 - Penalties

- (1) A business entity subject to tax on net profits may be subject to a penalty equal to five percent (5%) of the tax due for each calendar month or fraction thereof if the business entity:
 - (a) Fails to file any return or report on or before the due date prescribed for filing or as extended by the school district; or
 - (b) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment.

The total penalty levied pursuant to this subsection shall not exceed twenty- five percent (25%) of the total tax due; however, the penalty shall not be less than twenty-five dollars (\$25).

- (2) Every employer who fails to file a return or pay the tax on or before the time prescribed under Section (5) of these Regulations may be subject to a penalty in amount equal to five percent (5%) of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this subsection shall not exceed twenty-five percent (25%) of the total tax due; however, the penalty shall not be less than twenty-five dollars (\$25).
- (3) In addition to the penalties prescribed in this section, any business entity or employer shall pay, as part of the tax, an amount equal to twelve percent (12%) per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the school district. A fraction of a month is counted as an entire month.
- (4) Every tax imposed by the Resolution and these Regulations, and all increases, interest, and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the school district.
- (5) The school district may enforce the collection of the occupational tax due under section (3) of these Regulations and any fees, penalties, and interest as provided in subsections (1), (2), (3), and (4) of this section by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the school district shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of the Resolution and these Regulations.

- (6) In addition to the penalties prescribed in this section, any business entity or employer who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A misdemeanor.
- (7) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under the Resolution and these Regulations of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, shall be guilty of a Class A misdemeanor.
- (8) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the school district and required to be filed with the school district by the provisions of these Regulations or by the rules of the school district or by written request for information to the business entity by the school district.
- (9) Any person violating the provisions of section (11) of these Regulations by intentionally inspecting confidential taxpayer information without authorization, shall be fined not more than five hundred dollars (\$500) or imprisoned for not longer than six (6) months, or both.
- (10) Any person violating the provisions of section (11) of these Regulations by divulging confidential taxpayer information shall be fined not more than one thousand (\$1000) or imprisoned for not more than one (1) year, or both.

§ 13 - Use of Occupational License Tax

All money derived from the license taxes under the provisions of the Resolution and these Regulations shall be paid to the school district and placed to the credit of the school district's general revenue fund.

§ 14 - Severability

Each section and each provision of each section of these Regulations are severable, and if any provision, section, paragraph, sentence or part thereof, or the application thereof to any person licensee, class or group, is held by a court of law to be unconstitutional or invalid for any reason, such holding shall not affect or impair the remainder of these Regulations, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof, separately and independently of the rest.

§ 15 - Enforcing Officers, Powers and Duties

- (1) The Chief Operating Officer (COO) or her designee is hereby charged with the enforcement of the provisions of this article and is hereby empowered to prescribe, adopt, promulgate and enforce procedures and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this article, including,

but not limited to, provisions for the reexamination and correction of returns as to which an overpayment or underpayment is claimed or found to have been made; and the procedures and regulations promulgated by her shall be binding upon the licensee and the employers.

- (2) The Chief Operating Officer (COO) or any agent or employee designated in writing by her is hereby authorized to examine and copy the books, papers and records of any employer or supposed employer or of any licensee or supposed licensee in order to determine the accuracy of any return made, or if no return was made, to ascertain the amount of license tax imposed by the terms of this article. Each such employer or supposed employer or licensee or supposed licensee is hereby directed and required to give to the Chief Operating Officer or her duly authorized agent or employee the means, facilities and opportunity for such examination and investigation as are hereby authorized. The Chief Operating Officer or her designee is hereby authorized to examine any person under oath concerning any wages, salaries, commissions or other compensation or net profits which were or should have been reported; and to this end she may compel the production of books, papers, records and the attendance of all persons before her, whether as parties or witnesses, whom she believes to have knowledge of such wages, salaries, commissions or other compensation or net profits, to the extent that any officer empowered to administer oaths in this state is permitted to so order.
- (3) Every business entity subject to an occupational license tax governed by the provisions of the Resolution and these Regulations shall keep records, render under oath statements, make returns, and comply with procedures as the school district from time to time may prescribe. Whenever the school district deems it necessary, the school district may require a business entity, by notice served to the business entity, to make a return, render statements under oath, or keep records, as the school district deems sufficient to determine the tax liability the business entity.
- (4) The school district may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.