

**COMMONWEALTH OF KENTUCKY  
OHIO COUNTY FISCAL COURT  
ORDINANCE # 2011-11**

AN ORDINANCE NUMBERED 2011-11 AUTHORIZING AND DIRECTING THE RETENTION OF ALL OCCUPATIONAL LICENSE FEES DUE AND PAYABLE TO OHIO COUNTY, KENTUCKY, FROM THE SALARIES, WAGES AND OTHER COMPENSATION TO BE PAID BY THE EMPLOYEES OF ARMSTRONG COAL COMPANY, INC., ITS SUBSIDIARIES AND AFFILIATES, PROVIDED SAID COMPANY PERFORMS AN AGREEMENT FOR ECONOMIC INCENTIVES ENTERED INTO BETWEEN ARMSTRONG COAL COMPANY, INC. AND THE KENTUCKY ECONOMIC DEVELOPMENT FINANCE AUTHORITY PURSUANT TO THE TERMS OF THE KENTUCKY INDUSTRIAL REVITALIZATION ACT.

**RECITALS**

WHEREAS Armstrong Coal Company, Inc., a foreign corporation with its principle place of business in Madisonville, Hopkins County, Kentucky, is engaged in the mining and extraction of coal in Ohio County, Kentucky and has requested the Ohio County Fiscal Court to allow it to retain all Occupational License Fees due and payable to the County from the salaries and wages to be paid by the employees of Armstrong Coal Company, Inc.;

WHEREAS the retention of the Occupational License Fee due the County by Armstrong Coal Company, Inc. may enable Armstrong to receive certain incentives under the terms of the Kentucky Industrial Revitalization Act, KRS 154.26-090, as administered by the Cabinet for Economic Development for the Commonwealth of Kentucky;

WHEREAS in order to promote economic development and for consideration of certain payments to be made by Armstrong Coal Company, Inc. to the County, the County desires to allow the retention of the Occupational License Fee as provided for herein;

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF OHIO,  
COMMONWEALTH OF KENTUCKY, THAT;

SECTION I:                      Subject to the approval of the Kentucky Economic Development Finance Authority of the incentives which are available to Armstrong Coal

Company, Inc., Armstrong Coal Company, Inc. may, for a period not more than ten (10) years, and on a quarterly basis, retain and pay as directed by the Authority, 1 % of the gross wages that would have been subject to the County's Occupational License Fee in lieu of paying the Occupational License fee, subject to adjustments equal to the change, if any, in the County Occupational Fee in the future.

## SECTION II:

a) For a period of 10 years, Armstrong Coal Company, Inc. shall pay to the County, beginning on the effective date of this Ordinance, an amount of money not less than 1% of the gross wages of the employees of Armstrong Coal Company, Inc. that would have been subject to the County Occupational License Fee, and paid to the County but for the retention of same as provided for herein. Armstrong Coal Company, Inc. shall make the payments quarterly to the Treasurer of Ohio County

b) The payments to be made by Armstrong Coal Company, Inc. to the County may be used to support the following County organizations:

- i) 911
- ii) Senior Center
- iii) Parks Department
- iv) Animal Control
- v) Ambulance Service
- vi) EMA Director
- vii) Career Center
- viii) Community Parks
- ix) Community Support (Magistrates and Judge)
- x) Ohio County Fire Department Support.

c) Armstrong Coal Company, Inc. will provide an annual report on or before February 1<sup>st</sup> of each year beginning in 2012 or as soon as the retention of fees begin, of the total amount of the Occupational License Fees retained by the Company; and the amount of funds distributed to the County to support each of the county organizations enumerated in SECTION II (b).

## SECTION III

a) This Ordinance shall become effective only upon the execution of a written agreement between the County and Armstrong Coal Company, Inc. setting forth the terms and conditions of the payments to be made by Armstrong Coal Company, Inc. to the County as referred to herein. Verification of the execution of said agreement shall be made by a Resolution of the Ohio County Fiscal Court approving same and the

recordation of the Resolution and Agreement in the Record Book of the Ohio County Fiscal Court in the office of the Ohio County Court Clerk.

b) No entity, private or public, or agency of any state, local or federal government may rely upon or enforce the terms of this Ordinance until such time as it becomes effective as provided for in the preceding sub- section.

Introduced and publically read on the \_\_\_\_ day of \_\_\_\_\_, 2011.

Publically read and approved on the \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

OHIO  
COUNTY FISCAL COURT

\_\_\_\_\_  
Ohio County Fiscal Court Clerk

BY: \_\_\_\_\_  
David Johnston, Ohio Co. Judge Executive