

**Ordinance D-2108-12
(As Amended)**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF CARMEL, INDIANA, AMENDING CHAPTER 2, ARTICLE 1,
SECTION 2-8 (CARMEL REDEVELOPMENT COMMISSION), ESTABLISHING THE
CARMEL REDEVELOPMENT DEPARTMENT**

WHEREAS, the Carmel Common Council (“Council”) previously organized the Carmel Redevelopment Commission (“CRC”) under Carmel City Code § 2-8; and

WHEREAS, since 2008, the CRC actively avoided Council oversight of its finances; and,

WHEREAS, since 2008, the CRC committed to over two hundred million dollars (\$200,000,000) of obligations representing indebtedness without Council approval; and,

WHEREAS, in order to further safeguard the public funds received by the CRC, the Council desires to re-organize the operations of the CRC; and,

WHEREAS, Indiana Code § 36-7-14-3 requires that all of the territory within the corporate boundaries of a municipality constitutes a taxing district for the purpose of levying and collecting special benefits taxes for redevelopment purposes; and,

WHEREAS, Indiana Code § 36-4-4-3 allows the Council to designate particular departments to perform certain administrative tasks.

NOW, THEREFORE, IT IS AGREED AND ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1: The foregoing Recitals are incorporated herein by this reference.

Section 2: Chapter 2, Article 1, Division 1, Section 2-8 of the Carmel City Code should be and the same is hereby amended as follows:

“§ 2-8 Redevelopment Commission.

(a) The Common Council established a redevelopment commission for the City. The Commission will be controlled by a board of five members known as the City of Carmel Redevelopment Commission (the “CRC”).

(b) Pursuant to § 36-7-14-3, all of the territory within the corporate boundaries of the City constitutes a taxing district to be known as the Redevelopment District of the City for the purpose of levying and collecting a special benefit tax (“SBT”) for redevelopment purposes as provided in the Indiana Code § 36-7-14 (the “Act”). The Common Council finds and determines

that all of the taxable property within this special taxing district will be considered to be and shall be benefitted by the redevelopment projects carried out under the Act to the extent of the SBT levied under the Act.

(c) The Common Council shall appoint two members of the CRC. The Mayor shall appoint three members of the CRC. Notwithstanding the above, no member of the Common Council, other elected official, or employee of the City of Carmel shall serve as a member of the CRC, or be appointed by the CRC to any other body.

(d) The treasurer of the CRC shall be the fiscal officer of the City. To allow the Council an opportunity to augment the CRC's payment of its debt service, and avoid the imposition of an SBT, the treasurer of the CRC, or a designee, shall report in writing within three (3) business days to the Mayor and the Common Council if, to a reasonable business certainty, the CRC will be unable to satisfy its debt service in any given period of time.

(e) The CRC shall have no employees unless approved by an ordinance or resolution of the Council. The CRC shall be aided in its duties by a city department known as the Carmel Redevelopment Department ("CRD").

(1) Employees of the CRD shall be city employees, subject to the City salary ordinance and personnel policies of the City of Carmel.

(2) The budget of the CRD shall be subject to the same process as other City departments.

(f) Any entity that receives grants from the CRC must agree in writing to comply with the Access to Public Records Act, Indiana Code § 5-14-3-1, *et seq.*, as it pertains to the grant.

(g) The CRC shall not enter into any obligation, directly or in combination with or through any affiliate, payable from public funds, secured by public funds or guaranteed by public funds without first obtaining the approval, by ordinance or resolution, of the Common Council. The approving ordinance or resolution of the Common Council must include the following:

(1) The maximum amount of the obligation; and,

(2) The maximum interest rate or rates, any provisions for redemption before maturity, and any provisions for the payment of capitalized interest associated with the obligation.

(h) The following definitions apply throughout this section.

(1) **Affiliate.** Any person, board, body or entity subject in any manner to the direct or indirect influence, control, appointment or direction of the CRC.

(2) **Obligation.** Any bond, note, warrant, lease, synthetic lease, agreement, swap, derivative, hedge, installment purchase contract, grant, or grant agreement, either directly or through a third party, or other structure or instrument constituting indebtedness for purposes of state or federal law, or under which money is borrowed, or revenue is leveraged. This does not include an agreement for the purchase of goods or services in which the CRC reimburses an entity for a specified "per diem" or "per unit" rate for goods or services actually provided, or made in the ordinary course of business for materials or supplies in an annual amount not to exceed fifty thousand dollars (\$50,000).

(3) **Public Funds.** All fees, grants, payments, tax receipts and funds of whatever kind or character coming into the possession of the CRC.

(i) Any professional services contract or agreement to retain consultants or other professionals, by or with the CRC, in amounts more than twenty-five thousand dollars (\$25,000) per year, must be approved by the Council. If such a professional is initially engaged for less than twenty-five thousand dollars (\$25,000) per year, the treasurer of the CRC may not disburse funds that exceed twenty-five thousand dollars (\$25,000) in any given year without Council approval. Approval under this paragraph shall consist of a simple majority vote of the Council to a written request filed by the CRC."

Section 3. All other current provisions of City Code Chapter 2, Article 1 shall remain in full force and effect and are not affected by this Ordinance.


Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 5. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 6. This Ordinance shall be in full force and effect on January 1, 2013 from and after its passage and signing by the Mayor and such publication as is required by law.

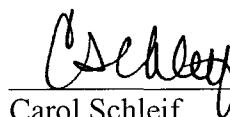
PASSED by the Common Council of the City of Carmel, Indiana, this 1st day of October, 2012, by a vote of 7 ayes and 0 nays.

COMMON COUNCIL FOR THE CITY OF CARMEL


Presiding Officer



Kevin D. Rider


Richard L. Sharp, President Pro Tempore


Carol Schleif


Ronald E. Carter


W. Eric Seidensticker


Sue Finkam


Luci Snyder


ATTEST:


Diana L. Cordray, IAMC, Clerk-Treasurer


Presented by me to the Mayor of the City of Carmel, Indiana this 2nd day of October, 2012, at 9:29 A.M.


Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this 11th day of October 2012, at 3:17 P.M.


James Brainard, Mayor

ATTEST:


Diana L. Cordray, IAMC, Clerk-Treasurer