

Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

CITY COUNTY COUNCIL

PROPOSAL NO. 285, 2009

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

INTRODUCED: 07/20/2009

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillor Cockrum

DIGEST: adopts the provisions for financing the continuing operations of the Capital Improvements Board of Marion County as authorized by House Enrolled Act 1001 of the 2009 Special Session of the Indiana General Assembly

SOURCE:

Initiated by: Office of Finance and Management
Drafted by: Mark A. Mertz, Assistant Corporation Counsel
Robert G. Elrod, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____

Date: July 15, 2009

CITY-COUNTY GENERAL ORDINANCE NO. , 2009

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County to adopt the operational financing plan authorized for the Capital Improvements Board of Marion County by House Enrolled Act 1001, of the 2009 Special Session of the Indiana General Assembly, by approving the expansion of the Professional Sports Development Area, approving operational borrowings from the State of Indiana, and adopting an increase in the county innkeeper's tax.

WHEREAS, House Enrolled Act 1001 of the 2009 Special Session of the Indiana General Assembly authorized an operational financing plan for the Capital Improvements Board of Marion County that required certain actions be taken by the City-County Council, and

WHEREAS, the City-County Council finds that such plan should be approved and adopted, and

WHEREAS, on July 15, 2009, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), adopted its Resolution No. 09-R-009, entitled "Resolution of the Metropolitan Development Commission of Marion County, Indiana, Acting as the Redevelopment Commission of the City of Indianapolis, Indiana, Supplementing and Amending Resolution No. 97-D-052 and Resolution No. 05-B-018, Declaring an Area in Marion County, Indiana as a Professional Sports Development Area and Approving a Development Area Plan" (the "Declaratory Resolution), declaring a certain geographical area located within the City of Indianapolis, Indiana, as an expansion to the existing Marion County Professional Sports Development Area (the "Prior Tax Area" and, as expanded, the "Expanded Tax Area"), pursuant to the provisions of Indiana Code 36-7-31, as amended (the "Act"), and approving a supplement to the existing Marion County Professional Sports Development Area Plan prepared in connection with the Original Tax Area; and

WHEREAS, on August 5, 2009, it is anticipated that the Commission, following a public hearing thereon upon notice as required by law, will adopt its Resolution entitled "Resolution of the Metropolitan Development Commission of Marion County, Indiana, Acting as the Redevelopment Commission of the City of Indianapolis, Indiana, Confirming Resolution No. 09-R-010, Declaring an Area in Marion County, Indiana, as an Expansion to the Marion County Professional Sports Development Area and Approving a

Supplement to the Marion County Professional Sports Development Area Plan” (the “Confirmatory Resolution”), confirming in all respects the Declaratory Resolution; and

WHEREAS, on _____, 2009, the Capital Improvement Board of Managers of Marion County, Indiana (“Board”) is anticipated to adopt a resolution to issue notes to borrow up to Nine Million Dollars (\$9,000,000) in 2009 from the State of Indiana pursuant to IC 5-13-10.5-18 to meet and fund the operational requirements of the Board (“Operational Borrowings”), which use was anticipated in the Board’s 2009 approved budget; and

WHEREAS, the Board has requested the approval of such borrowing by the City-County Council; and

WHEREAS, House Enrolled Act 1001 of the 2009 Special Session of the Indiana General Assembly authorizes the city-county council to increase the county innkeeper’s tax rate by not more than one percent (1%); and

WHEREAS, the city-county council finds that such increase is both advisable and necessary; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County, be and is hereby amended by adopting a new Article I of Chapter 116, to read as follows:

ARTICLE I – CAPITAL IMPROVEMENTS BOARD OF MARION COUNTY

Sec. 161-101. Marion County Professional Sports Development Area. Pursuant to the provisions of IC 36-7-31 for purposes of financing the Capital Improvements Board of Marion County, the Marion County Professional Sports Development Area is approved as determined and confirmed by the Metropolitan Development Commission of Marion County acting as the Redevelopment Commission of Indianapolis as set forth in the Declaratory Resolution No. 09-R-009 and confirmed by the Confirmatory Resolution No. 09-R-010, as described therein, to wit:

The “Prior Tax Area” as defined by the Metropolitan Development Commission, acting as the Redevelopment Commission of Marion County, on June 4, 1997, in its duly adopted Resolution No. 97-D-052 (the “Original Resolution”), thereby declaring an area in Marion County, Indiana (the “County”), designated as the “Marion County Professional Sports Development Area” and approving the “Marion County Professional Sports Development Area Plan,” among other things, as was amended and supplemented on August 17, 2005, by the Commission’s duly adopted Resolution No. 05-B-018 (the “First Supplemental Resolution”) and an area in Indianapolis, Indiana, bounded on the east by Illinois Street, on the south by Maryland Street, and on the west and north by Washington Street, as those streets were located on June 1, 2009 (the “2009 Tax Area Addition”).

Sec. 161-102. Operational Barrowings Approved. The City-County Council hereby approves the Operational Borrowings from the State of Indiana, pursuant to IC 5-13-10.5-18 in an amount not to exceed Nine Million Dollars (\$9,000,000) in 2009 as approved by the Capital Improvements Board of Marion County.

SECTION 2. Section 121-204 of the "Revised Code of the Consolidated City and County," regarding the county innkeeper’s tax, hereby is amended by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

Sec. 121-204. County innkeeper's tax.

(a) ~~After June 30, 2005,~~ The county innkeeper's tax imposed by section 2 of IC 6-9-8 (as amended by H.E.A. 4420 1001 of the 2005 Regular 2009 Special Session of the Indiana General Assembly) is hereby increased from six (6) nine (9) percent to nine (9) ten (10) percent.

(b) ~~The increase in the tax rate authorized by this section expires on:~~ continues in effect unless the increase is rescinded.

- (1) ~~January 1, 2041;~~
- (2) ~~January 1, 2010, if on that date there are no obligations owed by the CIB to the Authority created by IC 5-1-17 or to any state agency under IC 5-1-17-26; or~~
- (3) ~~October 1, 2005, if on that date there are no obligations owed by the CIB to the authority or to any state agency under a lease or a sublease of an existing capital improvement entered into under IC 5-1-17, unless waived by the director of the state budget agency.~~

SECTION 3. The Clerk of the council is hereby directed to send, on the effective date of this ordinance, a certified copy of this ordinance to the commissioner of the department of state revenue.

SECTION 4. The increase in the tax rate authorized by this ordinance shall apply to transactions after the last day of the month in which this ordinance is adopted, if such adoption occurs on or before the fifteenth day of such month. If this ordinance is adopted after the fifteenth day of a month, the tax increase shall apply to transactions after the last day of the month following the month in which this ordinance is adopted.

SECTION 5. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part 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 the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 6. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14, 36-3-4-15 and 36-3-4-16.

The foregoing was passed by the City-County Council this _____ day of _____, 2009, at _____ p.m.

ATTEST:

Bob Cockrum
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2009, at 10:00 a.m.

Melissa Thompson
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2009.

Gregory Ballard, Mayor