

ORDINANCE NO. 09-21-23-B

AN ORDINANCE SUPERCEDING AND REPLACING
HAMILTON COUNTY CODE 12-10-18A

WHEREAS, Hamilton County has most recently imposed a County Innkeepers Tax for the establishment of a tourism capital fund (the "Tourism Capital Fund") pursuant to Indiana Code 6-9-56-4(a)(2); and

WHEREAS Hamilton County previously established the Hamilton County Visitor and Convention Commission ("the Commission") under Hamilton County Code 6-9-18-5 which was later amended by Hamilton County Code 12-10-18A; and

WHEREAS the tourism capital fund is to be financed by additional three percent (3%) tax rate authorized by Indiana Code 6-9-56-3(c)(2); and

WHEREAS, Indiana Code 6-9-56-5 requires a Commission to be established and to provide for the appointment of members of the Commission for the new tourism capital fund; and,

WHEREAS, Indiana Code 6-9-56-5 has specific provisions for appointment of members to the Commission;

IT IS THEREBY ORDAINED by the Board of Commissioners of Hamilton County that Section 12-10-18A of the Hamilton County Code is amended as follows:

1. The Hamilton County Convention, Visitor and Tourism Commission shall serve henceforth both as the Commission for the purposes previously established and also is hereby established as the new Tourism Capital Fund Commission per IC 6-9-56.
2. The Commission shall continue to have fifteen (15) members in accordance with IC 6-9-56-5(b), who shall be appointed as follows:

a. The Board of Commissioners shall appoint five members, three of whom shall be representatives of the tourism industry.

b. The County Council shall appoint two members, one of whom shall be a representative of the tourism industry and one of whom shall be a resident who either lives in or manages or owns a tourism or hospitality related business in the northern portion of Hamilton County.

c. The mayors of the four largest cities in the County, as shown by the most recent federal decennial census, shall each appoint two members to the Commission; one of each city mayoral appointment for the four largest cities must be engaged in the business of renting or furnishing of rooms, lodging or accommodations.

d. Not more than one member may be affiliated with the same business entity.

e. Appointed members shall be residents of Hamilton County, except for members who are an owner or an executive level employee of a convention, visitor or tourism business that is located within Hamilton County and are: (i) appointed to represent the hospitality industry, (ii) engaged in a convention, visitor or tourism business, or (iii) involved in or promoting conventions, visitors or tourism; provided, however, such appointed member must be a resident of Indiana.

3. All terms shall be for two (2) years and shall expire as follows: the seven (7) appointees of the Board of Commissioners and the County Council expire on December 31 of every odd calendar year and the remaining eight (8) city mayoral appointments expire on December 31 of every even calendar year.

4. All terms of office of tourism commission members shall begin on January 1. A member whose term expires may be reappointed to serve another term. If an initial appointment is not made by February 1 or a vacancy is not filled within 30 days, the Commission shall appoint a member by majority vote to serve for the remainder of the term. Current members shall maintain their appointments until expiration.

5. A member of the Commission may be removed for cause by the member's appointing authority.

6. Members of the Commission may not receive a salary. However, Commission members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.

7. The purpose of the Commission shall be to promote the development and growth of the convention, sports, and tourism industries within Hamilton County.

8. Five percent (5%) of funds collected pursuant to the County Innkeepers Tax may be expended only to promote and encourage conventions, trade shows, special events, recreation, and visitors, or tourism industry development, within Hamilton County pursuant to an annual budget approved by the County Council.

9. Upon approval of a proposal submitted by any Indiana non-for-profit corporation to promote and encourage conventions, trade shows, visitors, or special events in Hamilton County, the Commission may transfer money from its fund on a monthly basis to such corporation(s) pursuant to a proposal and a funding agreement.

10. Three percent (3%) of the tax assessment collected pursuant to the County Innkeepers tax shall be transferred to a Tourism Capital Fund to support capital projects in

Hamilton County that promote long term tourism, convention, or recreation projects proposed by any of the following:

- (1) The county government.
- (2) A city government.
- (3) A separate body corporate and politic in Hamilton County.
- (4) Any Indiana nonprofit corporation in Hamilton County.

11. The Tourism Capital Fund may only be used for capital projects that are believed to be economically sound to the Hamilton County tourism, convention or recreation economy and also believed to be beneficial to Hamilton County in general or a particular location within the county. A considered factor may include whether the proposed project provide s reasonably adequate public space for assembly, gathering, or entertainment, and enhance the tourism, convention, or recreation opportunities in the county or a particular location within Hamilton County.

12. Distribution of the three percent (3%) Tourism Capital Fund shall be recommended by the Hamilton County Visitor and Convention Commission after due diligence as to the economic return on investment for the proposed projects, and is to be distributed annually as follows, pending reasonably thorough review of the proposed use of the funds to ensure it meets the requirements for related capital fund expenditures in accordance with the applicable Indiana Code and Hamilton County Ordinance. The Commission shall set the guidelines for distribution of funds including, but not limited to, multi-year pledges and pledges against debt obligations, as permitted by the purpose of the funds and at the discretion of the Commission:

(a) Two-thirds of the Tourism Capital Fund shall be distributed, in equal portions, to the cities of Carmel, Fishers, Noblesville and Westfield, for each particular city's use in the development or maintenance of qualifying and approved capital projects.

(b) One-third of the Tourism Capital Fund shall be distributed to any separate body corporate and politic or any Indiana non-profit corporation, in Hamilton County, for use in the development or maintenance of qualifying and approved capital projects.

(c) Tax dollars distributed from both the convention visitor and tourism promotion fund as well as from the tourism capital fund must be appropriated by the County's fiscal body.

13. This Ordinance shall supersede the present terms of Section 6-9-18-5 of the Hamilton County Code and the prior terms of said section are expressly repealed.

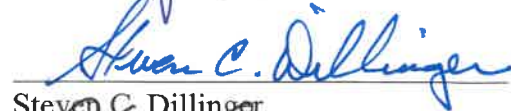
14. This Ordinance shall be effective on January 1, 2024.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Hamilton County
this 21 day of September 2023.

BOARD OF COMMISSIONERS
OF HAMILTON COUNTY



Mark E. Heirbrandt




Steven C. Dillinger



Christine Altman

ATTEST:


Robin Mills, Auditor