

1 **Sponsors: Councilors Aasen, Ayers, Minnaar, Snyder, and Worrell**

2 **ORDINANCE NO. D-2772-25**

3 **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA**
4 **ADOPTING A NEW ARTICLE 8 UNDER CHAPTER 2 OF THE CARMEL CITY CODE**

5 **Synopsis:**

6 *An Ordinance adopting requirements for nonprofit organizations receiving public support from the City*

7
8 WHEREAS, the City of Carmel has a vested interest in ensuring that affiliated nonprofit
9 corporations and community development corporations (“Affiliated Entities”) operate in transparency and
10 the best interest of the City of Carmel; and

11
12 WHEREAS, the City Council desires to amend the Carmel City Code to add requirements that
13 Affiliated Entities and other nonprofits must follow in order to remain eligible for public funds or City
14 assistance.

15
16 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
17 CARMEL, INDIANA, as follows:

18
19 Section 1. The foregoing Recitals are fully incorporated herein by this reference.

20 Section 2. A new Article 8 is established under Chapter 2 of the Carmel City Code, to read as
21 follows:

22 **CHAPTER 2 CITY ADMINISTRATION**

23
24 **ARTICLE 8: AFFILIATED ENTITIES**

25 **§2-403 DEFINITIONS.**

26 For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or
27 requires a different meaning.

28 ***AFFILIATED ENTITY*** means any one of the following:

29 (1) A non-profit organization established as a “supporting organization” to the City or its agencies
30 under Internal Revenue Code 509(a)(3).

31 (2) A non-profit organization where a majority of the members of the governing body are
32 appointed by City officials, agents or employees acting their official capacity.

33 (3) A non-profit organization utilized by the City to directly or indirectly support or accept
34 donations from sources other than direct tax or fee revenue to support events or programs of the City.

35 (4) A non-profit community development corporation that exists to support the City or its
36 agencies.

37 (5) Any other non-profit corporation that receives at least \$25,000 a year in public support from
38 the City that has not specifically appropriated by the City Council through the annual budget or other
39 specific ordinance, or that has been awarded through a grant process defined and authorized by an
40 ordinance adopted by the City Council.

41 An Affiliated Entity shall not include any organization or entity created by state or federal statute.

42 **IN-KIND SUPPORT** means non-monetary support from the City of Carmel, including but not
43 limited to, the use of City resources or employees.

44 **PUBLIC SUPPORT** means public funds or in-kind support from the City or its agencies.

45 **PUBLIC FUNDS** has the meaning set forth in Ind. Code 5-13-4-20.

46

47 **§ 2-404 REQUIREMENTS**

48

49 (a) Beginning July 1, 2025, to be eligible to continue to receive public support, an Affiliated Entity must
50 comply with the following:

51

52 (1) At least one member of the Affiliated Entity's governing body must be appointed by the City
53 Council; and

54 (2) The remaining members of the Affiliated Entity's governing body must be approved by a vote of
55 the City Council.

56

57 (b) Beginning July 1, 2025, any member of the governing body of any non-profit organization that is
58 appointed by City officials, agents or employees must be approved by a vote of the City Council unless
59 otherwise required by law.

60

61 (c) All Affiliated Entities receiving public support shall be subject to an annual budget review process by
62 the City Council in the same manner as other City agencies.

63

64 (d) Any nonprofit organization receiving public support through a grant must follow a process established
65 by the City Council.

66

67 Section 3. All prior ordinances or parts thereof inconsistent with any provision of this
68 Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this
69 Ordinance, such repeal to have prospective effect only.

70 Section 4. If any portion of this Ordinance is for any reason declared to be invalid by a court
71 of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this
72 Ordinance

73 Section 5. This Ordinance shall be in full force and effect from and after the date of its passage
74 and signing by the Mayor and such publication as required by law.

75

76 [Signature Page Follows]

77

78 PASSED by the Common Council of the City of Carmel, this _____ day of
79 _____, 2025, by a vote of _____ ayes and _____ nays.

80 COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA

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82
83 Adam Aasen, President _____ Matthew Snyder, Vice-President _____
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86 Teresa Ayers _____ Anita Joshi _____
87
88
89 Ryan Locke _____ Shannon Minnaar _____
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91
92 Anthony Green _____ Rich Taylor _____
93
94
95 Jeff Worrell _____

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97
98 ATTEST:
99
100 _____
101 Jacob Quinn, Clerk

102
103 Presented by me to the Mayor of the City of Carmel, Indiana this _____ day of
104 _____ 2025, at _____ .M.
105
106 _____
107 Jacob Quinn, Clerk

108
109 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of
110 _____ 2025, at _____ .M.
111
112 _____
113 Sue Finkam, Mayor

114
115 ATTEST:
116
117 _____
118 Jacob Quinn, Clerk

119
120
121 Prepared by: Ted Nolting
122 Kroger Gardis & Regas LLP
123 111 Monument Circle, Suite 900
124 Indianapolis, IN 46204
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