

ORDINANCE NO. _____

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 30 OF THE CODE OF ORDINANCES TRAFFIC SCHEDULES ORDINANCE

AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE III ("ADMINISTRATION"), CHAPTER 30 ("OFFICIALS, EMPLOYEES, AND ORGANIZATIONS"), ADDING SECTION 30.09 ("HOTEL OCCUPANCY TAX ADVISORY COMMITTEE"); PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Chapter 351 of the Texas Tax Code, the City is authorized to impose a hotel occupancy tax for the purpose of promoting tourism, and for the further purposes set forth in Texas Tax Code, Section 351.01, as amended; and

WHEREAS, as further authorized by Section 351.0025, a municipality with a population of less than 35,000, may impose a hotel occupancy tax in the municipality's extraterritorial jurisdiction: and the U.S. Census shows the population of the City of Woodcreek is less than 2000 people; and

WHEREAS, in order to promote local businesses and ensure financial stability for the community, the City Council finds it prudent to encourage tourism in our local attractions and reinvest in the infrastructure and promotional efforts that support them; and

WHEREAS, the Council understands that controlling and managing the flow of the special restricted funds generated by such taxes will take time, effort, and adequate knowledge of the tax code, including the limits on usage of the funds, thus it is in the interest of the City to form an additional advisory body to assist in this effort; and

WHEREAS, the Council recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City and management of its resources and that such regulation is in the City's best interest, promotes the welfare of its citizens and is good government.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodcreek:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 30 ("OFFICIALS, EMPLOYEES, AND ORGANIZATIONS") of the Code of Ordinances of the City of Woodcreek is amended to add Section .09 - Hotel Occupancy Tax Advisory Committee so as to read in accordance with Attachment A, which are attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of Title III, Chapter 30, Section .09 as amended and added by this Ordinance, in the City's Code of Ordinances.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance as provided by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. 27

PASSED & APPROVED this, the ___ day of October 2022, by a vote of ____ (ayes) to ____ (nays) and ____ (abstentions) of the City Council of Woodcreek, Texas.

Jeff Rasco, Mayor

Suzanne Mac Kenzie, City Secretary

Attachment "A"

City of Woodcreek

CODE OF ORDINANCES

TITLE III: ADMINISTRATION

CHAPTER 30: OFFICIALS, EMPLOYEES, AND ORGANIZATIONS

ADDING THE FOLLOWING SECTION .90 - HOTEL OCCUPANCY TAX ADVISORY COMMITTEE

Chapter 30.90 Hotel occupancy tax advisory committee

(a) Purpose. There is hereby established a hotel occupancy tax advisory committee (HOT Committee), which shall provide advice on the implementation, collection, and use of hotel occupancy tax dollars to the council.

(b) Membership.

(1) Number of members. The HOT advisory committee may consist of seven members, one of whom will be the committee chair and one of whom will be the committee vice-chair appointed by the council. Each of Woodcreek's five Councilmembers shall make one member appointment to the committee. The Mayor will make two member appointments to the committee. All appointments shall be confirmed by a majority vote of the City Council. In the event any Councilmembers or the Mayor refuses or is unable to make an appointment, the vacancy may be filled by the majority vote of the remaining members of the City Council. No member of the Hotel Occupancy Tax Advisory Committee may be a present member of the City Council.

(2) Terms of members.

(A) The terms of each member of the HOT Committee shall be concurrent with the Councilmember who appointed each member and will expire upon the appointing Councilmember's term in office ending, either by expiration or resignation. A mayor is considered a member of council.

(B) Any member of the HOT Committee may resign by submitting written notice to the Chairperson of the HOT Committee. Resignation will be effective when sent. Upon receipt of written notice of resignation, the Chairperson of the HOT Committee shall promptly send such resignation to the Mayor.

(C) If a vacancy occurs on the HOT Committee, the vacancy shall be filled by the Councilmember who appointed the resigning member.

(D) Members of the HOT Committee may be removed from the HOT Committee by a simple majority vote of the Councilmembers, and at a meeting of the Woodcreek City Council for which such a vote has been properly noticed.

(E) HOT committee members terms shall commence December 1st each year and will be appointed to serve a two-year term. A member may serve two consecutive terms and, thereafter, will remain ineligible for reappointment for a period of one year.

(3) Member selection. As vacancies occur, city staff and council will prepare a slate of nominees for council consideration. The slate will include nominees of lodging owners. The slate will only include individuals that city staff has contacted and who have expressed an interest and availability to serve. Potential nominees may express interest in the committee by contacting the city in writing.

(4) Resignation; vacancies. Any member of the HOT Committee may resign by submitting written notice to the Chairperson of the HOT Committee. Resignation will be effective when sent. Upon receipt of written notice of resignation, the Chairperson of the HOT Committee shall promptly send such resignation to the Mayor.

(c) Responsibilities. The committee is responsible for the following:

(1) The committee shall review revenue received by the city through the hotel occupancy tax and shall make recommendations to the council regarding appropriate expenditures.

(2) The committee shall formulate a plan for expenditures of hotel occupancy tax revenue by the city and shall update the plan as requested by council.

(3) The committee shall submit an annual report to the council that identifies approved expenditures by the city for the preceding year, discuss approved and proposed expenditures in the context of compliance with state law regarding the use of hotel occupancy tax funds, and evaluates the effectiveness of approved hotel occupancy tax expenditures and programs.

(4) All recommendations of the committee are subject to formal approval of the council at a regularly scheduled meeting. The HOT Committee shall not spend any money or authorize the expenditure of any money.

(d) Meetings.

(1) The committee will meet quarterly, or as needed, at city hall, as coordinated with and arranged by city staff, or at a designated location agreed upon by the committee. Agendas will be drafted by the committee chair, under the advisement of committee members.

(2) The committee chair, or their designee(s), will attend a council meeting quarterly, or as required, to update the council on projects and progress.

(e) Authority. The committee has no authority to make decisions binding on the city. The committee's functions are purely advisory and not subject to the Open Meetings Act, but the committee shall make every attempt to meet the requirements of the Open Meetings Act, though due to discussions that may involve sensitive financial documentation the Open Meetings Act will not be strictly enforced. The committee shall make its own rules and regulations

and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business.