CHARTER ORDINANCE NO. 15

A CHARTER ORDINANCE EXEMPTING THE CITY OF NEODESHA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1692 THROUGH 12-1699, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE LEVY OF A TRANSIENT GUEST TAX AND PROVIDING FOR PURPOSES FOR EXPENDITURE OF SUCH FUNDS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:

SECTION 1. The City of Neodesha, Kansas, a city of the second class, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from, and makes inapplicable to it, the provisions of K.S.A. 12-1692 through 12-1699, and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to this city, but are not applicable uniformly to all cities.

SECTION 2. As used in this ordinance, the following words and phrases shall be defined as follows:

(a) "*Person*" means an individual, firm, partnership, corporation, joint venture or other association of persons;

(b) "*Hotel or motel*" means any structure or building which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having more than two (2) bedrooms furnished for the accommodation of such guests;

(c) "*Transient guest*" means a person who occupies a room in a hotel, motel or tourist court for not more than twenty-eight (28) consecutive days;

(d) "*Business*" means any person engaged in the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or a part thereof in connection with any hotel, motel or tourist accommodation.

(e) "*Convention and Tourism Promotion*" means: (1) Activities to attract visitors into the community through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group tours, pleasure travelers, association meetings and conventions, trade shows, and corporate meetings and travel; and (2) support of those activities and organizations which encourage increased lodging facility occupancy.

(f) "*Accommodation Broker*" means any business which maintains an inventory of two or more rooms in one or more locations which are offered for pay to a person or persons for not more than 28 consecutive days.

SECTION 3. To provide revenues to promote tourism and conventions, a transient guest tax of six percent (6%) shall be levied in the City of Neodesha, Kansas, upon the gross rental receipts derived from or paid by transient guests for lodging or sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel or motel.

SECTION 4. The transient guest tax levied pursuant to this ordinance shall be based upon the gross rental receipts collected by any business.

SECTION 5. The tax levied pursuant to this ordinance shall be paid by the consumer or user to the business and it shall be the duty of each and every business to collect from the consumer or user the full amount of any such tax, or an amount equal as nearly possible or practicable to the average equivalent thereto. Each business collecting the tax levied hereunder shall be responsible for paying over the same to the State Department of Revenue in the manner prescribed by K.S.A. 12-1698, and amendments thereto, and the State Department of Revenue shall administer and enforce the collection of such tax.

SECTION 6. The tax levied and collected pursuant to Section 3 of this ordinance shall become due and payable and shall be paid, collected, reported, recorded, enforced, and disbursed in the manner prescribed by K.S.A. 12-1698, and amendments thereto, and K.S.A. 12-1698a, and amendments thereto. All taxes remaining after the 2 percent deduction for expenses of the Department of Revenue in administration and enforcement of the collection thereof shall be remitted to the City of Neodesha and shall be credited to the Convention and Tourism Fund hereinafter established and shall only be expended out of said fund as hereinafter provided.

SECTION 7. A Convention and Tourism Fund is hereby established to receive disbursements of money from the Secretary of Revenue of the State of Kansas as provided in subsection (c) of K.S.A. 12-1698.

SECTION 8. Moneys in the Convention and Tourism Fund shall only be expended as follows:

(a) The Convention and Tourism Committee hereinafter established shall annually consider all requests for expenditure of transient guest tax funds and shall prepare a budget of expenditures for each year to be submitted to the Governing Body for its approval and action.
(b) The Governing Body shall consider the expenditures proposed from the Convention and Tourism Fund by the Convention and Tourism Committee and shall adopt a budget of such expenditures that may, in the discretion of the Governing Body, vary from the proposal of the Convention and Tourism Committee. The Governing Body may at any time seek further advice and recommendations from the Convention and Tourism Committee regarding such expenditures but reserves the exclusive authority to make final decisions thereon.
(c) Such funds may be used:
    1) To contract with any agency, organization, or firm to promote conventions and tourism in the City and its environs;
    2) To provide for the operation, maintenance, expansion, or development of City facilities connected with convention and tourism;
    3) To defray the cost of providing municipal services to convention and tourism functions, including police, fire, street department, or park and recreation department functions;
    4) To create and maintain innovative projects and activities promoting conventions and tourism;
    5) To promote the general economic welfare of the City and Wilson County through the attraction of tourist related industries.
    6) Such other purposes approved by the City Commission they deem consistent with the goals and purpose of promoting conventions and tourism.

SECTION 9. A 'Convention and Tourism Committee' is hereby established to advise the Governing Body and make recommendations concerning the programs and expenditures for convention and tourism promotion. The Committee shall consist of not less than six (6) nor more than ten (10) members appointed by the Governing Body of the City. The Governing Body of the City shall appoint such members, which terms shall not exceed four (4) years and shall be staggered to attain continuity of Committee actions. A Committee member may be appointed for successive terms. The City Commission may at any time in its sole discretion remove a member from the Committee.

SECTION 10. Each member of the Convention and Tourism Committee may be representative of one or more of the following groups:

(a) Owners, operators, or employees of persons engaged in the hotel or motel business within the City, whether such members reside inside or outside the City.
(b) Representatives from agencies or organizations actively engaged in promoting conventions or tourism or from facilities or organizations of historic or cultural attraction in the City or its environs.
(c) Members of the general public.
(d) Employees of the City or members of City boards or commissions.
(e) Adult high school students or college students who are residents of the City of Neodesha or Wilson County.
(f) One member of the City Commission.

SECTION 11. The Committee shall adopt, subject to City Commission review and approval, Bylaws regarding the manner in which the business of the Committee will be conducted which shall include the following:

(a) Regular meetings at a time and place shall be established.
(b) All meetings shall be open to the public and shall be subject to the provisions of the Kansas Open Meetings Act.
(c) The Committee shall elect a chairperson and vice chairperson.
(d) No member of the Committee shall receive any compensation for service thereon and provision for member attendance.
(e) Such other provisions deemed appropriate.

SECTION 12. This ordinance shall be published once each week for two consecutive weeks in the official city paper.

SECTION 13. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of the State of Kansas, in which case, the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, NOT LESS THAN TWO-THIRDS OF THE MEMBERS-ELECT VOTING IN FAVOR THEREOF, THE 22nd DAY OF MARCH, 2017.

/s/Terry M. Harper
Terry M. Harper, Mayor

ATTEST:

/s/Bobby Busch
Bobby Busch, City Clerk

PUBLISHED IN THE MARCH 30, 2017 AND APRIL 6, 2017 EDITIONS OF THE NEODESHA DERRICK.

SENT TO KANSAS DEPARTMENT OF REVENUE MAY 17, 2017.