

Ordinance No. 2007.08
Village of Salado
County of Bell
State of Texas
November 1, 2007

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING
ORDINANCE 2007.05 TO AMEND THE SALADO TOURISM COUNCIL
RULES AND REGULATIONS GOVERNING SAID COUNCIL;
PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR A
SEVERABILITY CLAUSE**

WHEREAS, on July 5, 2007, the Board of Aldermen of the Village of Salado (“Board of Aldermen”) enacted Ordinance No. 2007.05, which among other things, created that Village of Salado’s (“Village”) Tourism Council and established the rules and regulations governing said Council; and

WHEREAS, the Board of Aldermen have determined that the rules and regulations governing the Village’s Tourism Council should be amended; and

WHEREAS, the Board of Aldermen of the Village of Salado deems it in the best interest of the Village of Salado to amend said Ordinance No. 2007.05 to amend the rules and regulations governing the Village of Salado’s Tourism Council;

NOW THEREFORE, be it ordained by the Board of Aldermen of the Village of Salado that Ordinance No. 2007.05 is hereby amended as follows:

Section 1. Findings of Fact

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

Section 2. Enactment

Attachment A of Ordinance No. 2007.05 is deleted in its entirety and replaced in its entirety by Attachment A, “The Salado Tourism Council of the Village of Salado, Texas Rules and Regulations,” attached hereto and incorporated herein for all intents and purposes, and are hereby enacted as the Rules and Regulations of the Salado Tourism Council.

Section 3. Severability

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance of the application thereby shall remain in effect, it being the intent of the Board of Aldermen of the Village of Salado, Texas in adopting this Ordinance, that no portion

thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

Section 4. Repealing Conflict

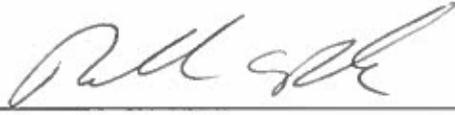
All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of conflict with this Ordinance.

Section 5. Publishing & Effective Date

This Ordinance shall become effective immediately upon publication.

PASSED AND APPROVED this, the 1st day of November, 2007, by a 5 (ayes) to 0 (nays) and 0 (abstentions) vote of the Board of Aldermen of Salado, Texas.

THE VILLAGE OF SALADO, TEXAS



Mayor Rick Ashe

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF BELL

I, Dianna Zulauf, being the current Village Secretary of the Village of Salado, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2007-08, passed and approved by the Board of Aldermen of the Village of Salado, Texas, on the 1 day of Nov, 2007, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place and subject thereof, was posted as prescribed by Government Code 551.043.

Witness my hand and seal of office this 1 day of Nov., 2007.



Summary

THE SALADO TOURISM COUNCIL OF THE VILLAGE OF SALADO, TEXAS

RULES AND REGULATIONS

The Salado Board of Alderman Hotel/Motel Tax Committee recommends the following actions:

To adopt a hotel occupancy tax within Village and ETJ boundaries collected monthly.

To set a tax rate of 7%.

To establish the Salado Tourism Council and a Visitor Information Center to manage and supervise Tourism programs (i.e., Marketing, to include Advertising and Promotion) and activities (including Arts & Humanities as well as History ((i.e., Preservation & Restoration)) projects) funded by this tax.

To prepare Rules and Regulations which define the purpose of the Tourism Council to promote Tourism in the Village of Salado.

- A. To provide a Tourism (Marketing) Director, and
- B. To identify the Tourism Council as having a maximum of six (6) voting members who shall serve as an advisory council together with a Chair, representing the Village Board, who will vote in the event of a tie, one alternate who is a non-voting member, and the Tourism Director – ex officio.

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Suggested membership includes:

Members from the Salado Chamber of Commerce or its standing committees

Members from the Arts & Humanities and Historical (Preservation and Restoration) organizations

An active community member at large

The members, appointed by the Board of Aldermen, are to serve two (2) three-year staggered terms, serving no more than six (6) years in total and shall insure that all requests for Municipal Occupancy Tax are verified as promoting tourism and local hotel/motel and convention activity. The alternate member will be appointed to fill the next available Tourism Council vacancy and no member may be reappointed if their terms exceed a total of six (6) years.

- C. To provide allocations that are compatible with Municipal Occupancy Tax Guidelines

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1. 70-85% of Hotel/Motel revenues shall be allocated to marketing objectives to include salary for a Tourism Director, costs of a Visitor Information Center, as well as advertising, solicitations, and promotions that attract tourists and convention delegates to the Village or its vicinity as defined by the Texas State Comptroller's office.

2. 10-25% shall be allocated to fund grants for programs which enhance the arts & humanities and historical restoration or preservation programs. In the event that the allocated amount is 10%, the Tourism Council will ensure that the budget reflects marketing programs on behalf of these groups.

3. The balance (5%) as well as moneys rolled over from the preceding year shall be deposited in a contingency fund for future use to be determined by the Tourism Council and approved by the Board of Aldermen.

To recommend names of members for the Tourism Council to be appointed by the Village Board of Aldermen.

D. The Tourism Director and the Salado Tourism Council Chair will advise the Tourism Council members of any news or announcements concerning tourism business before making announcements to the public, organizations, or boards at public meetings.

E. The Tourism Director and the Salado Tourism Council Chair will form committees, councils or any other type of group only with the consent of a majority of the Tourism Council.

THE SALADO TOURISM COUNCIL
OF THE VILLAGE OF SALADO, TEXAS

RULES AND REGULATIONS
(Revised and readopted 7/5/2007)

I. Organization and Officers

A. Organization

The Salado Tourism Council, an advisory body of the Village of Salado, shall exist to exercise such powers and responsibilities as prescribed by Ordinance 2007.05, Village of Salado, dated July 5, 2007.

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B. Membership

A maximum of six (6) voting members shall serve as an advisory council together with a Chair, who will vote in the event of a tie, one alternate who is a non-voting member and the Tourism Director – ex officio.

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Suggested membership includes:

Members from the Salado Chamber of Commerce or its standing committees

Members from the Arts & Humanities and Historical (Preservation and Restoration) organizations

An active community member at large

The members, appointed by the Board of Aldermen, are to serve two (2) three-year staggered terms, serving no more than a total of six (6) years and shall insure that all requests for Municipal Occupancy Tax are verified as promoting tourism and local hotel/motel and convention activity. No member may be reappointed if their term exceeds a total of six (6) years. The alternate member will be appointed to fill the next available Tourism Council vacancy.

Deleted: The members are appointed for a term not longer than three (3) years, with a maximum of two (2) consecutive terms

C. Officers

A Chairperson shall be appointed by the Village Board of Aldermen to serve for the calendar year beginning with the first meeting and at such times as this office becomes vacant. In the absence of both the Chairperson and the Vice Chairperson, the Tourism Council shall elect an Acting Chairperson to serve for one meeting only. A secretary and Vice Chairperson shall be elected by the Council.

A Tourism Director, recommended by the Council and approved by the Village of Salado, will administer all grants and moneys as directed and authorized by the Tourism Council to include preparing budgets for marketing the Village as well as reviewing and recommending grants for Arts & Humanities and Historical (Preservation and Restoration) projects.

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D. Duties and Powers

1. The Tourism Council shall solicit applications for projects from tourism entities; review and hear requests for funding from the Tourism Director; adopt guidelines and criteria for applicants requesting funding; and submit recommendations to the Salado Board of Aldermen.

The Tourism Director will prepare a budget for promoting tourism and local lodging and convention activity. The Director will also facilitate requests from local arts & humanities and history organizations for grants, reviewing and interviewing designated representatives. The tourism budget and the grant requests shall be submitted to the Tourism Council for approval, and the Director shall manage and supervise the approved Tourism Budget and Grants.

The Tourism Director will advise the Village Board of Aldermen on the expenditures of the Municipal Occupancy Tax allocation on a monthly basis.

The Salado Tourism Council Chairman, or an alternate representative as designated by the chairman, must attend all Village Board of Aldermen workshops and meetings on which Salado Tourism Council issues are agendized.

The Tourism Council may also endorse requests for funding by state, federal, and private grants, gifts, and admission fees as provided herein (to include moneys requested from the National Endowments for the Arts, National Endowment for the Humanities, and state and regional endowments). The Tourism Council may also decline acceptance of any state, federal, private grant, donation or gift subject to terms or conditions not acceptable to or performable by the Tourism Council.

2. The Chairperson shall preside at all meetings. The Chairperson shall decide on all points of order or procedure in accordance with these rules and regulations and the Scott, Foresman Roberts Rules of Order, newly revised, 1990 edition. This shall be the Tourism Council's final authority on all questions of procedure and parliamentary law not covered by these rules and regulations and ordinances. All letters of transmittal from the Tourism Council to the Village Board of Aldermen shall be over the signature of the Chairperson.
3. The secretary shall be the custodian of the minutes and other official records, shall attend to the correspondence of the Tourism Council, and shall cause such notices to be given as are required and in the manner prescribed by law.
4. The Salado Tourism Council will submit an Annual Advisory Report to the Village Board of Aldermen when requested by the Board.

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E. Mission Statement

The Mission of the VILLAGE OF SALADO Tourism Council is to improve the economic base of the community by marketing Salado as a premier tourism destination to individuals and groups.

II. Meetings

A. Quorum

A quorum shall consist of a majority of the number of members then in office eligible to vote on any given matter.

B. Simple Majority

Simple majority is the majority of vote of those Tourism Councilors present.

C. Agenda

An agenda shall be prepared by Tourism Director or the secretary for the meeting of the Tourism Council. There shall be attached to each agenda a report of matters pending further action by the Tourism Council. A copy of the agenda shall be publicly posted at Municipal Building, as required by law for a period of seventy-two (72) hours before the meeting and at the same time be posted on the public information bulletin board at the Salado Civic Center.

1. Old Business

2. New Business

Discussion of agenda items shall be in compliance with the Open Meetings Law of the State of Texas. Each item must be specifically described in the agenda.

D. Regular Meetings/Recording of Votes

Regular monthly meetings shall be scheduled by the Council, times and days to be left at the discretion of the members. At the time of a vote, Tourism Council members' votes will be identified and recorded in the minutes. Any Tourism Council member may demand a roll call vote. There shall be no vote by proxy.

E. Special/workshop meetings for any purpose may be held: (1) on the call of the Chairperson, or (2) on request of three or more Tourism Council members and by giving written notice to all Tourism Council members deposited in the mail or via electronic mail notification at least seventy-two hours before the meeting, or (3) as may be scheduled by a simple majority of the Tourism Council at any previous meeting.

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F. Public Meetings/Workshop

All meetings shall be held in full compliance with the provision of state law; Texas Open Meetings Act, V.T.C.A., Government Code, §551.001 *ET. seq.*; Ordinances of the Village of Salado; and these rules and regulations.

G. Tourism Council Member Attendance

A Tourism Council member that is absent from two (2) consecutive regular meetings or a total of three (3) regular meetings within a fiscal year period, as reflected in the minutes as an unexcused absence by the Tourism Council, shall be deemed to have tendered a resignation from the Tourism Council and may be acted upon for acceptance by the Village Board of Aldermen.

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H. Conflict of Interest

A member of the Salado Tourism Council shall refrain from voting on any matter before the Tourism Council for which that individual member has a direct monetary gain.

A member of the Tourism Council shall not discuss or vote on the funding request and evaluation reports of any applicant or recipient of which the Tourism Council member is an officer or director.

A member of the Tourism Council may answer questions regarding the funding or an evaluation report of an organization for which the Tourism Council member is an officer or director if that member has recused himself/herself from the Tourism Council and the information is requested by the Tourism Council.

III. Official Records

A. Definition - Official Records

The official records shall be these rules and regulations, the written transcribed minutes, and the voice recordings obtained at the meeting. Also, the agenda and attachments, all applications, findings, and decisions of the Tourism Council.

B. File - Retention

All matters coming before the Tourism Council shall be filed in the Village's records. Original paper copies of the original papers, of all applications, and evaluations shall be retained as part of the permanent record.

C. Public Record

The official records shall be open to public inspection as prescribed by the Texas Open Records Act, V.T.C.A., Government Code, §552.001 *et. seq.*

IV. Guidelines and Criteria for Funding

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A. Use of Funding

1. Funds will provide for the operation of a Visitor Promotion Program for the Salado Tourism Council as well as the salary of a Tourism Director. The balance of funds shall be distributed as noted below for Visitor Services as well as Grants to local Arts & Humanities and Historical (Preservation & Restoration) organizations.

Funds will be distributed in the following manner to promote Tourism and the convention and hotel/motel industry in the Village of Salado with funding maintained apart from Village Operational funds.

a. 70-85% of Hotel/Motel revenues shall be allocated to marketing objectives to include salary for a Tourism Director, costs of a Visitor Information Center, as well as advertising, solicitations, and promotions that attract tourists and convention delegates to the Village or its vicinity as defined by the Texas State Comptroller's office.

b. 10-25% shall be allocated to fund grants for programs which enhance the arts & humanities and historical restoration or preservation programs. In the event that the allocated amount is 10%, the Tourism Council will ensure that the budget reflects marketing programs on behalf of these groups.

c. The balance (5%) as well as moneys rolled over from the preceding year shall be deposited in a contingency fund for future use to be determined by the Board of Aldermen.

B. Guidelines for the annual Tourism Budget:

1. The Tourism Director shall prepare a Budget strictly limited to expenditures for a marketing program directly related to attracting conventions or tourism to the Village or its vicinity, promoting tourism and local hotel and convention activity as well as the Visitor Information Center and Grant Program.

Following approval of the annual Budget, the Tourism Director shall administer the budget with reports provided to the Tourism Council at monthly meetings.

2. The Tourism Director will submit requests to the Tourism Council for approval during the month of ~~August~~, or as directed by the Village Board of Aldermen.
3. The Tourism Council will submit recommendations to the Village Board of Aldermen during the month of ~~September~~, or as directed by the Village Board of Aldermen.
4. Approval of Tourism Council Budget will be announced by the Village Board of Aldermen, following adoption of the Village budget.

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VI. Motions

A motion may be made by any Tourism Council member other than the presiding officer. A motion to approve any matter before the Tourism Council or to recommend approval or disapproval shall require a simple majority approval vote.

VII. Certification and Amendments

A. Certified Copy

A certified copy of these rules and regulations (to include "*Additional Rules & Regulations for Grants*") and any amendments shall be filed in the office of the Village Secretary within ten (10) days of their adoption.

B. Amendments

A review, revisions, and amendments to these rules and regulations may be adopted at a public meeting, upon the affirmative vote of the simple majority of the Tourism Councilors, provided the amendment is proposed at a previous meeting and stated in the minutes of such meeting. Amendments must be approved at the next regular meeting of the Board of Aldermen to become effective.

Application Salado Tourism Council

Name: _____

Home Street Address: _____
(Must be a Salado Resident)

Mailing Address: _____

Fax #: _____ E-Mail Address: _____

Phone #: _____

1. How long have you lived in Salado? _____

2. I am a member of, and/or, an officer of the following organizations:

_____ Chamber of Commerce,	Position held & year: _____
_____ Salado Business Assoc.,	Position held & year: _____
_____ B&B or Lodging Industry	Position held & year: _____
_____ Tablerock	Position held & year: _____
_____ Institute for the Humanities	Position held & year: _____
_____ Living Room Theater	Position held & year: _____
_____ Central Texas Area Museum	Position held & year: _____
_____ Chorale	Position held & year: _____
_____ Historical Society	Position held & year: _____
_____ Village Artist	Position held & year: _____
_____ Community at Large	_____

Important information about you: _____

REPORT OF HOTEL OCCUPANCY TAX Village of Salado and its ETJ

SUBMITTED FOR: Lodging Name _____
Address: _____ Phone Number: _____

Check here if hotel is under new ownership since the date you filed your last quarterly report.

THIS REPORT IS FOR THE MONTH(S) of _____, 20____. PAYMENT IS DUE
NO LATER THAN THE 20TH DAY OF THE MONTH FOLLOWING THE PERIOD REPORTED.

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- A. Total Room Receipts ** (Line 6 of State Report) \$ _____
- B. Total Receipts Subject to State Tax** (Line 7 of State Report) \$ _____
- C. Receipts Subject to Local but not State Tax*** \$ _____
- D. Total Receipts Subject to Local Tax (B + C) \$ _____
- E. 7% of Total Receipts Subject to Local Tax (D x .04) \$ _____
- F. .5% Administrative Cost (E x .005) \$ _____
- G. Penalty* \$ _____

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Total Amount Due: (E - F + G) \$ _____

Payable to: Village of Salado Hotel/Motel Tax
Mail to: Village of Salado PO Box 219 Salado, TX 76571

I declare the information contained herein, including any exhibits attached hereto, is true and correct to the best of my knowledge.

For Office Use Only	
Date paid	_____
Rec'd by	_____
Penalty Owed	_____

Signed

Printed Name

Title

Date

* If taxes are not paid by the due date established, a penalty of 5% shall be added to the outstanding amount. After the first thirty days of delinquency, an additional penalty of 5% (Total penalty of 10%) shall be added to the amount owed. After the second thirty days of delinquency, an additional penalty of 5% (Total penalty of 15%) shall be added.

** Item A is Line 6 of the State Hotel Occupancy Tax Report; Item B is Line 7 of the State Hotel Occupancy Tax Report. Please attach copy/copies of the Texas Hotel Occupancy Reports for the period reported.

*** The following are not exempt from Local Hotel Occupancy Tax: Charitable organizations, Educational organizations, religious organizations. For further information please reference the *Simplified, Basic Hotel Occupancy Tax Exemption Rules* provided to you with this form.

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Village of Salado
Tourism Council Rules and Regulations

Date

Hotel/Motel Owner
Address
City, State, Zip

RE: Delinquent Hotel/Motel Occupancy Taxes

Code of Ordinances of the Village of Salado requires that Municipal Occupancy Taxes collected be reported and remitted to the Village on or before the 20th day of the month following the period the taxes were collected. Our records indicate that you have not paid the Municipal Occupancy Taxes for the months of _____.

City Ordinance further requires that a penalty of 5% shall be added to the amount owed if taxes are not paid by the due date. After the first thirty (30) days of delinquency, an additional penalty of 5% shall be added to the amount owed.

Additionally, the Village of Salado is authorized by state law (section 351.004 of the Texas Tax Code) to bring suit against you to enjoin you from operating a hotel/motel in the Village until the report is filed and taxes paid. You are hereby notified that this matter is being turned over to the Village Attorney's office for further action if your payment (past due taxes plus a penalty of 5% if payment is late by thirty (30) days or less; 10% if payment is more than thirty (30) days late) is not remitted before _____.

Please remit to: Village of Salado Municipal Occupancy Tax
PO Box 219
Salado, TX. 76571

Extra report forms are provided for your convenience. If you should have any questions concerning this matter, please contact the Village of Salado Secretary.

Sincerely,

Appropriate person
Their title

AFFIDAVIT

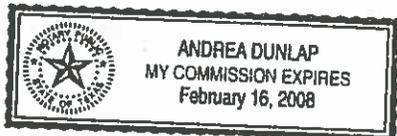
STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, the Undersigned Authority, on this 21 day of November,
2007, personally appeared Royce Wiggan
who, upon being duly sworn, desposes and says that (s) he is a representative
of the Salado Village Voice, Inc.; that said newspaper is
regularly published in Bell County/Countries, TX
and generally circulated in Bell County/Countries, Texas,
that the attached advertisement was published in said newspaper on the following date(s):

Amend Notice 2007.05 Public Notice, Nov 27, 2007

Signature Newspaper Representative Royce Wiggan

SUBSCRIBED AND SWORN TO me this 21 day of NOV.,
2007, to certify which witness my hand and seal of office.



Andrea Dunlap
Signature

Notary Public in and for the State of Texas

Andrea Dunlap
Print or Type Name of Notary Public

My commission expires: 2-16-08