A CHARTER ORDINANCE CONFIRMING AND RATIFYING THE CITY’S CONVENTION AND TOURISM COMMITTEE ESTABLISHED BY RESOLUTION NO. 1981-8 PURSUANT TO K.S.A. 12-1696 ET SEQ. AND PROVIDING FOR ADDITIONAL TERMS AND PROVISIONS RELATED THERETO; EXEMPTING THE CITY OF GREENSBURG FROM ANY PROVISIONS OF K.S.A. 12-1696 ET SEQ. WHICH ARE INCONSISTENT WITH THIS ORDINANCE AND REPEALING PROVISIONS OF RESOLUTION 1981-8 AND ANY OTHER RESOLUTION OR ORDINANCE INCONSISTENT HEREWITH.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GREENSBURG, KANSAS:

Section 1. 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 bedrooms furnished for the accommodation of such guests.

(c) "Transient Guest" means a person who occupies a room in a hotel or motel for not more than 28 consecutive days.

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

(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 hotel or motel 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 2. To provide revenues to promote tourism and conventions, a transient guest tax is levied in the City of Greensburg, Kansas, upon the gross receipts derived from or paid directly or through an accommodations broker by transient guests for sleeping
accommodations, exclusive of charges for incidental services or facilities, in any hotel or motel shall be at the rate of 7% as established by Charter Ordinance 14.

**Section 3.** The transient guest tax levied pursuant to this ordinance shall be based upon the gross rental receipts collected by any hotel or motel business or accommodations broker.

**Section 4.** The tax levied pursuant to this ordinance shall be paid by the consumer or user to the hotel or motel 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 as possible or practical to the average equivalent thereto. Each hotel or motel business collecting any of the tax levied hereunder shall be responsible for paying over the same to the State Department of Revenue in the manner as 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 5.** The tax levied and collected pursuant to Section 2 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 Greensburg 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 6.** 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 7.** 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 Kiowa County through the attraction of tourist related industries.

6. Such other purposes approved by the City Council consistent with the goals and purpose of promoting conventions and tourism.

Section 8. 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 and shall provide by resolution for the terms of service of each of 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 Council may at any time in its sole discretion remove a member from the Committee.

Section 9. Each member of the Convention and Tourism Committee shall 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 Greensburg or Kiowa County.

(f) One member of the City Council.

Section 10. The Committee shall adopt subject to City Council 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 by them.

(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; and

(e) Such other provisions deemed appropriate.

**Section 11.** The City shall have authority to contract for the expenditures of money from the convention and tourism fund. Recommendations for expenditures shall be made by the Convention and Tourism Committee to the Governing Body, or in the event such recommended expenditures are within the expenditure authority of the City Administrator, such recommendations may be made to the City Administrator and the City Administrator may authorize such expenditures.

**Section 12.** All inconsistent Ordinances or Resolutions or portions thereof in conflict herewith are repealed.

**Section 13.** This Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 14. This is a charter ordinance, and shall take effect sixty-one days after final publication, unless a sufficient petition for a referendum is filed and a 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 the majority of the electors voting thereon.

Passed and adopted by the Governing Body of the City of Greensburg, not less than two-thirds of the members elect voting in favor thereof, on this 16th day of September, 2013.

_________________________________
Robert A. Dixson, Mayor

ATTESTED:

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Christy Pyatt
City Clerk