

RESOLUTION 2010-08

**A RESOLUTION AMENDING AND RESTATING RESOLUTION 2009-001, WHICH RESOLUTION AMENDED AND RESTATED RESOLUTION 2008-005, A RESOLUTION THAT CREATED THE LA PINE TOURISM ADVISORY COMMITTEE AND WAS PASSED AND APPROVED ON APRIL 30, 2008.**

WHEREAS, the La Pine City Council (the "City Council") established the La Pine Tourism Advisory Committee by the approval and passage of Resolution 2008-005; and

WHEREAS, the City Council amended and restated Resolution 2008-005 by the approval and passage of Resolution 2009-001; and

WHEREAS, the City Council desires to amend and restate Resolution 2009-001 in its entirety in order to, among other things, change the name of the La Pine Tourism Advisory Committee to the La Pine Transient Room Tax (TRT) Advisory Committee (the "Committee").

NOW, THEREFORE, BE IT RESOLVED, by and through the City Council meeting in regular session, that Resolution 2009-001 is amended and restated in its entirety as follows:

See attached Exhibit A

APPROVED, ADOPTED, AND MADE EFFECTIVE by the City Council on this 12th day of May, 2010.

  
Kitty Shields, Mayor

ATTEST:

  
Luana K. Damerval, City Recorder

EXHIBIT A  
La Pine Transient Room Tax (TRT) Advisory Committee

WHEREAS, the City of La Pine, an Oregon municipal corporation (the "City"), desires to encourage and promote tourism in the City; and

WHEREAS, the City wishes to increase visitor awareness of the amenities, facilities, and tourist destinations and attractions in and around the City; and

WHEREAS, the City Council has adopted Ordinance 2007-1, commonly known as the La Pine Transient Room Tax Ordinance, pursuant to which the City has imposed a seven percent (7%) tax on rent received for the occupancy of space within a hotel (the "Transient Room Tax"); and

WHEREAS, for the purpose of (a) encouraging the development of a unified approach to tourism promotion among those persons and/or organizations receiving funding support from the Tourism Fund (as defined below), (b) reviewing and making recommendations on the selection of persons and/or organizations funded by the Tourism Fund, and (c) developing and recommending ideas, concepts, activities, and projects for partnering in the support, planning, marketing, organization, and participation in tourism promotion and events, the City Council desires to create the Committee.

NOW, THEREFORE, BE IT RESOLVED, by and through the City Council meeting in regular session, that the Committee be created and operate subject to, and in accordance with, the following:

1. Committee Membership. The Committee will consist of seven members. Members will be appointed by, and serve at the pleasure of, the City Council. Committee members will consist of the following individuals: (a) not less than two members will be residents of, or have their places of business in, the City; (b) one member will be a representative of the for-profit tourism industry; (c) one member will be a member of the La Pine Chamber of Commerce; (d) one member will be a representative of the local (City) hospitality industry; and (e) one member will be a representative of the La Pine Parks and Recreation District. Members will receive no compensation but will be reimbursed for expenses authorized by the City Council. If the City Council is unable to fill the Committee membership with individuals meeting the classifications described above after the exercise of reasonable efforts, the City Council may appoint individuals to the Committee to fill the unfilled membership classification(s) even though such individuals may not meet the unfilled membership classification(s).

As of the date of this Resolution 2010-08 (this "Resolution"), the following individuals have been appointed to the Committee, which members will serve on the Committee for the terms expiring on the dates identified below:

<u>Committee Member</u>	<u>Member Classification</u>	<u>Term Expiration</u>
Art Uecker	City Business	December 31, 2010
Robin Mirrasoul	City Business	December 31, 2010
Lupita Lewis	For-profit Tourism Industry	December 31, 2010
Linda Johnston	City Resident	December 31, 2011
Michael Jensen	Chamber Member	December 31, 2011

2. Terms of Office; Vacancy. Except as otherwise provided in this Resolution, each member will be appointed for a term of two years, or until their respective successors are appointed and qualified. Terms will commence on January 1 and end on December 31. Any vacancy in the Committee will be filled by the City Council for the unexpired term of the predecessor in office.

3. Removal of Committee Members. Notwithstanding anything contained in this Resolution to the contrary, a member may be removed by the City Council for any of the following reasons: (a) failure to attend three regular Committee meetings; (b) commission of a felony; (c) incompetence; (d) failure to declare conflicts of interest; and/or (e) any other member acts of misconduct or nonperformance.

4. Committee Duties. The Committee will act as an advisory body to the City Council. To this end, and except as otherwise provided or directed by the City Council from time to time, the Committee will have the following advisory duties and responsibilities: (a) review funding requests (applications) submitted by persons and/or organizations interested in receiving disbursements from the Tourism Fund; and (b) based on the Committee's review of the funding requests (applications), the Committee will recommend to the City Council which persons and/or organizations should receive disbursements from the Tourism Fund (and the amount of such disbursements). For purposes of this Resolution, the term "Tourism Fund" means that certain fund that the City has established to fund tourism promotion or tourism related facilities which fund contains not less than seventy percent (70%) of City's revenue from the Transient Room Tax.

5. Member Responsibilities. In addition to any other duties or responsibilities assigned to the members under this Resolution, each member must regularly attend Committee meetings and must notify the City Recorder or chair when he or she will be unable to attend a Committee meeting. In addition, if requested by the City Council, one or more members will attend any City Council meeting that relates to Tourism Fund issues that may impact or affect the City. Prior to each Committee meeting, members will review all pertinent written documents in preparation for deliberation and decision making. All Committee recommendations and suggestions made to the City Council will be in writing.

6. Election of Officers. The Committee will, at its first meeting of each fiscal year, elect a chair, vice-chair, and secretary. The chair and vice-chair will be voting members and will hold office at the pleasure of the Committee. The secretary need not be a member of the Committee. The secretary will receive no compensation but will be reimbursed for expenses authorized by the City Council.

7. Duties of the Chair and Vice-Chair. The chair will call Committee meetings, preside at all meetings, and sign all correspondence on behalf of the Committee. The vice-chair will perform the duties of the chair in the absence of the chair and such other duties as may be assigned by the chair from time to time. In the absence of the chair and vice-chair, the Committee will elect a temporary chair for the particular meeting in question.

8. Minutes and Reports. The secretary will keep an accurate record of all Committee proceedings, including written minutes of all meetings. A copy of each meeting minutes will be delivered to the City Recorder for filing. Committee minutes are a public record available for public inspection. At the request of the City Council, the Committee will prepare and deliver to the City Council a written report summarizing all Committee activities, actions, and matters before the Committee (and any other information requested by the City Council).

9. Staff to the Committee. The City Manager, City Attorney, and other City staff requested by the Committee will support the work of the Committee. The City Attorney will act as the Committee's legal advisor in the conduct of all hearings and matters. Notwithstanding anything contained in this Resolution to the contrary, the Committee must obtain the consent of the City Council or Mayor prior to requesting the assistance of the City Manager, City Attorney, or other City staff.

10. Committee Meetings. The Committee will meet at least once each year at a time and place that it specifies at least seven days in advance. In addition to the regular meetings, the Committee will meet at such other times, dates, and places as may be deemed necessary or appropriate to carry out Committee business. Special meetings may be called by the chair, a majority of the voting members, the City Manager, City Attorney, or the City Council by giving at least forty-eight (48) hours' prior notice. All meetings of the Committee will be held in accordance with applicable Oregon law.

11. Quorum and Voting. A majority of the members will constitute a quorum. A majority vote of a quorum will be necessary to act on any matter before the Committee.

12. Conflict of Interest Activities. A member will not participate in any Committee proceeding or action in which any of the following has a direct or substantial financial interest: (a) the member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; (b) any business in which the member is then serving or has served within the previous two years; or (c) any business for which the member is negotiating or for which the member has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest will be disclosed at the meeting of the Committee where the action or proceeding is being taken.

13. Authority and Expenditures. The Committee will operate at the direction of the City Council and in conformance with, and subject to, this Resolution, Oregon law, and any and all City rules, procedures, resolutions, and ordinances now in force and/or which may hereafter be created, amended, modified, enacted, or promulgated. The Committee has no authority to bind the City or represent to any person that the Committee may bind the City. The Committee has no authority to make expenditures on behalf of the City, or to obligate the City for payment of any sums of money, unless and until the City Council has authorized such expenditures by appropriate ordinance or resolution (which ordinance or resolution will provide the administrative method by which funds will be drawn and expended).

14. Severability. Each provision contained in this Resolution will be treated as a separate and independent provision. The unenforceability of any one provision will in no way impair the enforceability of any other provision contained herein. Any reading of a provision causing unenforceability will yield to a construction permitting enforcement to the maximum extent permitted by applicable law.