

ORDINANCE NO. 937

AN ORDINANCE LEVYING A GROSS RECEIPTS TAX, CREATING THE CITY OF HOPE ADVERTISING AND TOURIST PROMOTION FUND, AND THE CITY OF HOPE ADVERTISING AND TOURIST PROMOTION COMMISSION, AND FOR OTHER PURPOSES

WHEREAS, pursuant to Ark. Stat. Ann. §§ 19-4613-19-4617 (Supp. 1973), a City of the First Class is authorized to levy a one per cent (1%) gross receipts tax upon renting, leasing or otherwise furnishing of hotel or motel accommodations, and upon the proceeds of restaurants, cafes and cafeterias within the corporate limits of such Cities; and to create a fund to be known as the City Advertising and Tourist Promotion Fund to be used exclusively for advertising and promoting such City and its environs and/or for the extension, equipment, improvement, maintenance, repair and operation of a convention center or convention centers in such City, and facilities necessary for, supporting or otherwise pertaining to, a convention center in the manner as determined by a City Advertising and Tourist Promotion Commission, and the creation and implementation of said Commission; and that

WHEREAS, the City of Hope feels that it is in the best interest of the City to enact an Ordinance implementing said Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

SECTION 1. Definitions.

1. Gross receipts tax. A tax of one per cent (1%) upon the gross receipts or gross proceeds from renting, leasing or otherwise furnishing or motel or hotel accommodations and upon the gross receipts or gross proceeds of restaurants, cafes and cafeterias in the City of Hope, Arkansas.
2. Hotel or Motel Accommodations. The renting, leasing or otherwise furnishing of accommodations in hotels or motels upon a day to day basis or a week to week basis. Provided, however, that this shall not include the renting, leasing or furnishing of accommodations upon month to month tenancies or tenancies of a longer duration.
3. Restaurants, Cafes and Cafeterias. Any establishment engaged in the business of selling prepared food for consumption on the premises, and shall include the gross receipts upon all such sales of prepared foods or any type of beverages sold on said premises.
4. Advertising and Tourist Promotion. Any activity connected with tourism.

SECTION 2. Gross Receipts Tax.

From and after the passage and approval of this Ordinance, a tax in the sum of one per cent (1%) shall be levied upon the gross receipts or gross proceeds upon the renting, leasing or otherwise furnishing of hotel or motel accommodations for profit, and upon the gross receipts or gross proceeds of restaurants, cafes and cafeterias within the corporate limits of the City of Hope, Arkansas. The tax herein levied shall be paid by the persons, firms or corporations liable therefore, and shall be collected by the City Advertising and Tourist Promotion Commission in the same manner and at the same time as the gross receipts tax levied by Act 386 of 1941, as amended; All the provisions of Act 386 of 1941, as amended, and the rules, regulations and forms promulgated and prescribed by the Commissioner of Revenues pursuant to said act shall, so far as practicable, be applicable with respect to the enforcement and collection of the tax levied pursuant to this Ordinance.

SECTION 3. Taxable Businesses.

A. The City Advertising and Tourist Promotion Commission shall prepare and maintain a current list of the business establishments in the City of Hope, subject to the above tax.

SECTION 4. Creation of City Advertising and Tourist Promotion Fund.

A. The funds received by the City of Hope Advertising and Tourist Promotion Commission, under the provisions of this Ordinance shall be paid into a fund to be known as the City of Hope Advertising and Tourist Promotion Fund. The monies so collected shall be used exclusively for the advertising and promotion of the City of Hope, Arkansas, and its environs and/or for the extension, equipment, improvement, maintenance, repair and operation of a convention center or convention centers in such City, and facilities necessary for, supporting or otherwise pertaining to, a convention center in the manner as shall be determined by the City Advertising and Tourist Promotion Commission.

B. All revenues received by the City of Hope Advertising and Tourist Promotion Commission pursuant to Ark. Stat. Ann. §§ 19-4613-19-4617 (Supp. 1973) shall be "special revenues", and shall be deposited by the City Advertising and Tourist Promotion Commission in such bank account or accounts as may be designated by the City of Hope Advertising and Tourist Promotion Commission.

SECTION 5. Creation of City Advertising and Tourist Promotion Commission.

A. The City of Hope Advertising and Tourist Promotion Commission is hereby created. The said Commission shall be composed of seven (7) members who shall be qualified electors of the City of Hope, Arkansas. Four (4) members shall be hotel, motel or restaurant owners or managers who shall be appointed by the Mayor with the approval of the governing body of the City, for staggered terms of four (4) years. All successors shall be appointed in the same prescribed manner whenever a vacancy occurs. The remaining three (3) members of the Commission shall be the Mayor and two (2) members of the governing body of the City selected by the governing body. The four (4) hotel, motel or restaurant members appointed by the Mayor shall, at the first meeting of the Commission, draw lots for terms so that one (1) of such members will serve for a term of one (1) year, one (1) shall serve for a term of two (2) years, one (1) shall serve for a term of three (3) years, and one (1) shall serve for a term of four (4) years, and all successors to such members shall be appointed for terms of four (4) years. In the event of a vacancy occurring on said Commission, it shall be filled by appointment by the Mayor, subject to the approval of the Board of Directors. Each Commissioner shall file the oath, required by law in the State of Arkansas, of public officials. Each Commissioner shall furnish to the City of Hope a FIVE THOUSAND DOLLAR (\$5,000.00) surety bond that will serve to insure the City against misappropriation or mishandling of funds. The surety on said bond shall be a reputable surety corporation. The premium on said bond shall be paid from the City of Hope Advertising and Tourist Promotion Fund.

B. Any Commissioner appointed under the provision of this Ordinance may be removed for cause upon a two-thirds (2/3) vote of the Board of Directors. Replacements shall be appointed in the same manner as prescribed in Section 5A.

SECTION 6. Organization of Commission -- Powers and Duties.

A. The City of Hope Advertising and Tourist Promotion Commission shall meet within two (2) weeks of its appointment and shall be organized by electing a chairman, a secretary, and a treasurer. Thereafter, the Commission shall meet as often as may be necessary, and shall be subject to special call by the chairman. Provided, however, that the Commission shall meet at least quarterly each year. It shall be the duty of the secretary of said Commission to notify all members in writing at least seven (7) days in advance of said quarterly meetings.

B. The Commissioners shall adopt such rules and regulations as they may deem necessary and expedient for the proper operation of said Commission, and they shall have the authority to alter, change or amend such rules and regulations at their discretion.

C. The Commission, hereunder appointed, shall have the exclusive authority to utilize all revenues collected in the City of Hope Advertising and Tourist Promotion Fund for the advertising and promotion of the City and its environs and/or for the extension equipment, improvement, maintenance, repair and operation of a convention center or convention centers in said City, and facilities necessary for, supporting or otherwise pertaining to, a convention center as provided by Ark. Stat. Ann. §§ 19-4613--19-4617 (Supp. 1973).

D. The Commissioners hereunder appointed, in addition to their other powers enumerated herein, shall have the exclusive right and power to make purchases of all supplies necessary for the management and operation of the Commission.

E. The Commissioners shall have the authority to employ the necessary personnel to assist in the administration and operation of the City of Hope Advertising and Tourist Promotion Fund and shall have the authority to fix the salary or salaries for such personnel. Any employee who shall handle funds for the Commission shall be required to furnish the City a surety bond, in an amount to be determined by the Commission, to insure the City against misappropriation of funds.

F. The Commissioners shall make quarterly reports to the Board of Directors of the City of Hope, Arkansas, beginning three (3) months after their oath of office reporting in full on the operations of the Commission, including an accounting of receipts and disbursements, and shall upon request of the City Board of Directors furnish such other and further reports and data as may be required. The Commissioners shall select a recognized auditing firm to submit an annual audit of the operations of the Commission to the Board of Directors of the City of Hope, Arkansas.

G. Attendance. The failure of any Commissioner, having received clue notice, to attend any two (2) consecutive meetings of said Commission and offering no sufficient excuse therefore, shall constitute cause for removal from said Commission. Replacements shall be appointed in the same manner as prescribed in Section 5A. The Secretary shall report the dates of the non-attendance of the Commissioner to the chairman of the Commission who shall then forward said information to the Board of Directors for appropriate action.

SECTION 7. If for any reason, any portion of this Ordinance be held to be invalid, such invalidity shall in no wise affect the remaining portions thereof which are valid, but such valid portions shall be and remain in full force and effect.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. This Ordinance shall be in full force and effect from and after July 1, 1975.

PASSED AND APPROVED THIS 6th DAY OF MAY 1975.

Dr. Sam W. Strong
Mayor

ATTEST:

Sally Andrews
City Clerk