

## **ORDINANCE #001-19**

**AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, ESTABLISHING A PROCESS FOR THE EXPENDITURE OF HOTEL OCCUPANCY TAX REVENUE; REQUIRING THE PROPER ADMINISTRATION OF HOTEL OCCUPANCY TAX REVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS:**

Section 1. The City Council shall have the final determination and approval of the expenditure of Hotel Occupancy Tax revenue collected by the City pursuant to Ordinance No. 009-94.

Section 2. Lawful Expenditures. The Hotel Occupancy Tax revenue received by the City may be used only to promote tourism and the convention and hotel industry. All expenditures of Hotel Occupancy Tax revenue must meet the following two-part test:

- a. Directly enhance and promote tourism and the convention and hotel industry in the City; and
- b. Must clearly fit into at least one of the statutorily provided categories as set forth in Section 351.101 of the Texas Tax Code.

Section 3. Application Process. The City Council shall consider applications submitted for use of the Hotel Occupancy Tax revenue on application forms approved by the City Council and the City Council shall require the use of post event reporting forms, on forms approved by the City Council, for all applicants who receive Hotel Occupancy Tax revenues.

Section 4. Administration of Hotel Occupancy Tax Revenue. The City Secretary must maintain the Hotel Occupancy Tax revenue received by the City in a separate account established for that purpose and may not commingle that revenue with any other money of the City. The City Secretary shall maintain complete and accurate financial records of each expenditure of Hotel Occupancy Tax revenue.

Section 5. Severability Clause. It is hereby declared to be the intention of the City Council of the City of De Leon that any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

Section 6. Repealing Clause. All provisions in conflict with the provisions of this ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 7. Effective Date. This ordinance shall become effective upon its approval on final reading.

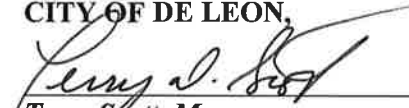
**PASSED AND APPROVED** by the City Council on this the 14<sup>th</sup> day of January 2019.

**PASSED, APPROVED AND ADOPTED** on final reading by the City Council on this 28<sup>th</sup> day of January 2019.

ATTEST:

  
Melenda K. Harbour  
City Secretary

CITY OF DE LEON,

  
Terry Scott, Mayor