

**ORDINANCE #002-19**

**AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, ESTABLISHING A HOTEL OCCUPANCY TAX REVENUE ADVISORY BOARD (THE CITY COUNCIL); 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. Creation of Board. The City Council hereby accepts the responsibility of being the Hotel Occupancy Tax Revenue Advisory Board, from now on, referred to as the City Council.

Section 2. Purpose of Board. The City Council shall make recommendations for expenditures of Hotel Occupancy Tax revenue collected by the City pursuant to Ordinance No. 009-94. The City Council shall have the final determination and approval of the expenditure of Hotel Occupancy Tax revenues.

Section 3. Terms of Board Members. The Board members shall serve as long as they are a council member.

Section 4. 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 5. Application Process. The Council shall consider applications submitted for use of the Hotel Occupancy Tax revenue on application forms approved by the City Council and the 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 6. Texas Open Meetings Act. The Council is subject to and shall follow the posting and meeting requirements of the Texas Open Meetings Act.

Section 7. 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 8. 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.

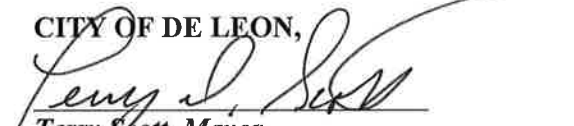
Section 9. Repealing Clause. All provisions in conflict with the provisions of this ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 10. Effective Date. This ordinance shall become effective upon its approval on final reading.

**PASSED AND APPROVED** by the City Council on this the **28th** day of **January 2019**.

**PASSED, APPROVED AND ADOPTED** on final reading by the City Council on this **11th** day of **January 2019**.

CITY OF DE LEON,



Terry Scott, Mayor



ATTEST:  
  
Melinda K. Harbour  
City Secretary