

## CHARTER ORDINANCE NO. 19

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 12;

AND

A CHARTER ORDINANCE EXEMPTING THE CITY OF PAOLA, KANSAS, FROM ALL THE PROVISIONS OF K.S.A. 12-1697(a) RELATING TO THE LEVY OF TRANSIENT GUEST TAX; FROM THE PROVISIONS OF K.S.A. 12-1698(e) RELATING TO THE CITY TRANSIENT GUEST TAX FUND; FROM ALL THE PROVISIONS OF K.S.A. 12-16,101 RELATING TO A COMMITTEE TO MAKE RECOMMENDATIONS FOR PROGRAMS AND EXPENDITURES; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS:

SECTION ONE: The City of Paola, Kansas, a city of the second class, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from and makes inapplicable to it, the provisions of K.S.A. 12-1697(a), which read as follows:

(a) In order to provide revenues to promote tourism and conventions, the governing body of any county or the governing body or any city is hereby authorized to levy a transient guest tax at not to exceed the rate of 2% 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, motel or tourist court. The percentage of such tax shall be determined by the board of county commissioners or the city governing body and shall be specified in the resolution or ordinance authorizing the same.

SECTION TWO: The City of Paola, Kansas, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provisions for those provisions exempted from in SECTION ONE above:

(a) In order to provide revenues to promote tourism and conventions, the Governing Body is hereby authorized to levy a transient guest tax at not to exceed the rate of five percent (5%) upon the gross receipts derived from or paid by

transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel or tourist court.

SECTION THREE: The City of Paola, Kansas, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from, and makes inapplicable to it, the provisions of K.S.A. 12-16, 101, which read as follows:

The governing body of any city or county which levies a transient guest tax pursuant to this act shall establish a convention and tourism committee to make recommendations concerning the programs and expenditures for promotion of conventions and tourism. Such board of county commissioners or city governing body shall appoint ten (10) members to such committee, majority of which shall be representatives of businesses coming within the terms of this act. In appointing such members, the board of county commissioners or city governing body shall attempt to create a representative balance of large and small businesses and businesses from the various geographic areas of such county. The board of county commissioners or city governing body shall provide, by such resolution, for the appointments and term of service not to exceed four (4) years for such members. The board of county commissioners or city governing body adopting such tax shall have the authority to contract for convention and tourism programs to be implemented.

SECTION FOUR: The City of Paola, Kansas, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provisions for those provisions exempted from in SECTION THREE above:

The Governing Body which levies a transient guest tax pursuant to this act shall establish a Convention and Tourism Committee to make recommendations concerning the programs and expenditures for promotion of conventions and tourism. The Mayor shall nominate and the Governing Body shall confirm the appointment of five (5) members to such committee, the majority of which shall be representatives of businesses coming within the terms of this act. In appointing such members, the Governing Body shall attempt to create a representative balance of large and small businesses and businesses from the City. The terms of the five original members shall be as follows: two (2) members, one (1) year terms; three (3) members, two (2) year terms; and thereafter the terms for each member shall be two (2) years with no term limit on members ability to continue to serve on the Committee if re-nominated and reappointed as provided for herein. Only the Governing Body adopting such tax shall have the authority to contract and pay for convention and tourism programs to be implemented.

The Committee shall establish Bylaws to govern the Committee which Bylaws shall be approved by the Governing Body of the City of Paola, Kansas, and shall

state that the Committee's primary goal shall be Convention and Tourism Promotion as defined by K.S.A. 12-1692(e).

SECTION FIVE. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed, specifically including Charter Ordinance No. 12.

SECTION SIX. This ordinance shall be published once each week for two (2) consecutive weeks in the Miami County Republic, the official city newspaper.

SECTION SEVEN. This is a Charter Ordinance and shall take effect sixty-one (61) days after its final publication but should a petition, signed by a number of electors of the city equal to not less than ten percent (10%) of the number of electors who voted in the last preceding regular city election, be filed in the office of the City Clerk, demanding that such ordinance be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon, as provided by Article 12, Section 5, of the Constitution of the State of Kansas.

PASSED AND ADOPTED by the Governing Body of the City of Paola, Kansas, not less than two-thirds (2/3rds) of the members thereof voting in favor of said Ordinance, this 14th day of February, 2006. This Charter Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

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Artie Stuteville, Mayor

ATTEST: (Seal)

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Daniel G. Droste, City Clerk