

ORDINANCE NO. 04-07

**AN ORDINANCE LEVYING AND IMPOSING A TOURIST DEVELOPMENT TAX; ADOPTING THE HOLMES COUNTY TOURIST DEVELOPMENT PLAN; PROVIDING FOR VOTER APPROVAL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes section 125.0104 provide for local option for the establishment of a Holmes County Tourist Development Council (referred to as the Council herein), and for the declaration of the intent of the Board of County Commissioners of Holmes County (the Board) to consider the levy and imposition of a tourist development tax under section 125.0104; and

**WHEREAS**, the Council has duly met and adopted a Tourist Development Plan in accordance with the provisions of Fla. St. section 125.0104(4)(c);

**WHEREAS**, the Board of County Commissioners of Holmes County has determined that it is in the best interests of the residents and citizens of the County that the Plan be approved and adopted by the Board as the Holmes County Tourist Development Plan and that, in accordance with the Plan, the Board levy and impose a tourist development tax under section 125.0104, subject to all requirements of the statute (including a referendum as required thereby:

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, THAT:**

**1. Adoption of Plan.** There is hereby adopted pursuant to Fla. St. Section 125.0104, the Holmes County Tourist Development Plan, a true cop of which is attached to and incorporated into this ordinance as if fully set out herein (the Plan herein).

**2. Levy of Tourist Development Tax.** Subject to approval of this ordinance by referendum as set forth in Fla. St. Section 125.0104, the Board of County Commissioners of Holmes County, Florida, hereby levies a two-cent sales surtax on those transactions described in Fla. St. Section 125.0104 for the purposes expressed herein and in the Plan.

**3. Use of Proceeds.** The proceeds of the two-cent sales surtax shall be used solely for the purposes authorized in Fla. St. Section 125.0104.

**4. Referendum.** The Board has directed that a referendum be held, and a referendum has been held on the levy, and imposition of the tax set forth herein at the August 31, 2004, election. The Supervisor of Elections has placed on the ballot the following question:

	FOR the Tourist Development Tax
	AGAINST the Tourist Development Tax

The Supervisor of Elections has reported the official results of the election to the Board in accordance with law.

**5. Severability.** It is declared to be the intent of the Board that if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, district, and independent provision, and such holdings shall not affect the validity of the remaining portions hereof.

**6. Effective Date.** This Ordinance shall take effect as provided by for herein on the 1st day of January, 2005.

ORDAINED this 9th day of November, 2004.

**BOARD OF COUNTY COMMISSIONERS  
OF HOLMES COUNTY, FLORIDA,**

ATTEST:

Clerk

(SEAL) BY:

Chairman

**Initial Plan for Holmes County Tourist Development Council**

(Developed October 18, 2004)

**Purpose:** To provide unique opportunities which attract quality quests to Holmes County, while building the economy, quality of life and job market with heritage and recreational benefits.

**Anticipated net revenue (for 24 months following the levying of the tax):**

\$16,000 dollars

**Tax District (in which the tourist development is proposed):**

Holmes County

**Proposed uses of the tax revenue:**

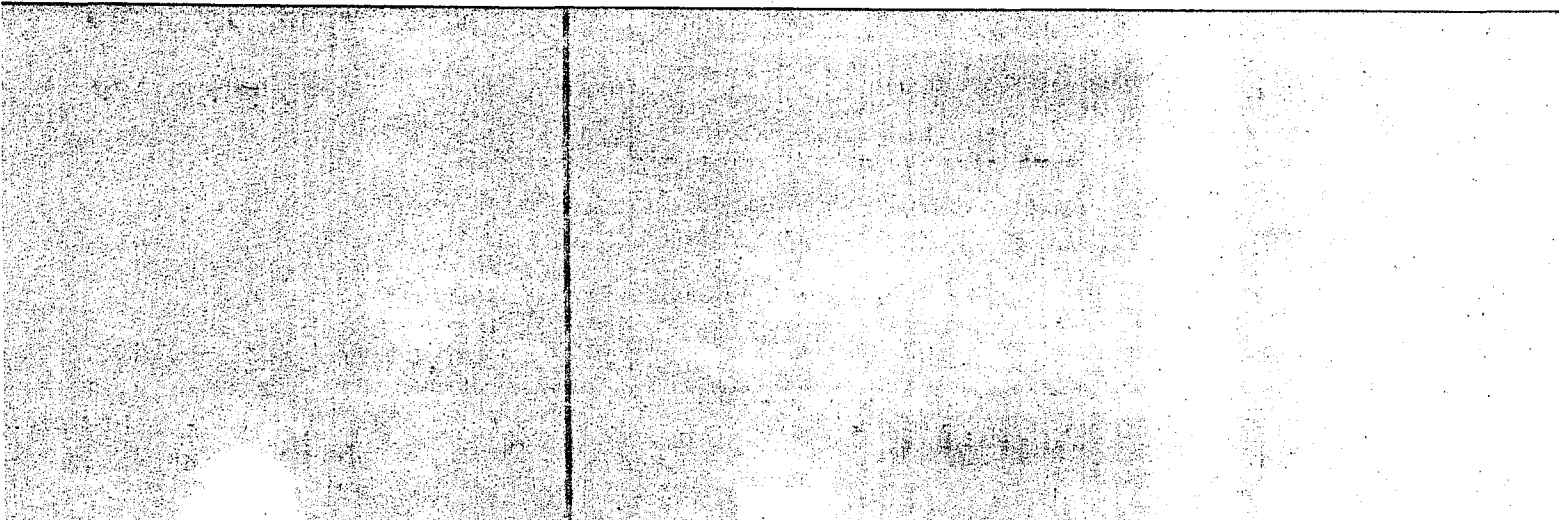
1. The promotion of tourism, heritage and recreational activities and other special events and opportunities. (includes awareness, advertising, public relations).
2. The development and implementation of new activities, events and opportunities.
3. Administration of the TDC/ tax / budget

**Promotion            60%**

**Development       30%**

**Administration    10%**

A budget shall be prepared by the council and submitted to the Holmes County Board of County Commissioners prior to June of each year. The initial budget will be submitted at the December 2004 meeting.



**Holmes County  
Tourist Development Council  
By-Laws**

**1. Regular Meetings**

Regular meetings of the Council shall normally be held monthly at a day and time established by the Council. Meetings will be held at the "log cabin" building located at 106 East Byrd Avenue, Bonifay, unless otherwise noted. All meetings of the Council shall be open to the public and shall abide by Florida's Sunshine Law. All records of the Council shall be public records. Special meetings of the Council are at the call of the Chairman of the Council, the Chairman of the Holmes County Board of County Commissioners, and/or five (5) members of the Council. The purpose of said special meeting shall be specified at the time of its call.

**2. Membership**

The Council shall consist of nine (9) members, each of whom shall be electors in Holmes County, Florida and shall be appointed by the Holmes County Board of County Commissioners as per Florida Statute 125.0104. The terms of appointment of each member shall be for two years. At least four of the Council members will rotate off every two years as per the rotation method in this section. In order to begin the staggered rotation system, five positions shall serve for four years. Those will be the representative of the Chamber of Commerce Board, the Executive Director of the Holmes County Development Commissioner/ Chamber of Commerce, the representative of the Development Commission Board, at least one of the managers/owners/operators of a tourist accommodation, and the elected official from the largest municipality within the county. The Council has the discretion of determining which of the owners/operators of a tourist accommodation will be rotated initially. Any change in elected officials who are serving on the Council will be considered as part of the staggering of the membership on the Council. The Council retains the authority to determine that a member shall not be rotated off when it is in the best interest of the Council or of tourist development within the county for the member(s) to continue on the Council.

Any vacancy in membership shall be filled for the un-expired term by the Holmes County Board of County Commissioners, who shall have the authority to remove any member for cause, upon written charges, after due notice and a public hearing if requested by the Council member. For the purposes of these by-laws, cause shall, among other things, include conduct that the Holmes County Board of County Commissioners believe to be detrimental to the health, safety, morals, order, convenience, prosperity and general welfare of the citizens of Holmes County. Cause for removal shall also include the absence of a member from three consecutive Council meetings or four or more absences within a fiscal year, with the Council making the final determination as to the legitimacy of the absences and the need for a vacancy to be established.

All members of the Council shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties and when representing the Holmes County Tourist Development Council. However, the Council, prior to the expenditure and in accordance with the approved budget, must approve any such expenditure.

**3. Quorum**

Five (5) members of the Council shall constitute a quorum for the transaction of business and a majority vote of those present shall be binding. If the quorum requirements prescribed by these by-laws are not met within fifteen (15) minutes after the time set for any meeting, then it shall be announced that no business shall be transacted. The meeting shall then be adjourned to a definite time and place and notice thereof shall be furnished to the absent members at least twenty-four (24) hours prior to the time of the rescheduled meeting.

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#### 4. Voting

Regarding issues that come before the Council for consideration, each Council member shall cast one (1) vote, unless the member shall have a conflict of interest. In the event of a conflict of interest, such member(s) shall abstain and publicly state the reason for abstaining. Said votes shall be duly recorded.

#### 5. Proceedings

Each action of the Council shall be embodied in a motion duly made and seconded and passed by a majority of the members present, and shall be entered into the official records.

#### 6. Rules of Procedure

All meetings of the Council shall be conducted in accordance with Robert's Rules of Order Newly Revised and Florida's Sunshine Law.

#### 7. Officers

The Council shall elect a Chairman and Vice Chairman during the first regular meeting of each fiscal year, following the initial year of its organization. The Chairman and Vice Chairman shall be members of the Council.

#### 8. Duties of Officers

- A. The duties of the Chairman shall include, but not be limited to, the following:
  - 1. Calling meetings of the Council in accordance with the by-laws;
  - 2. Presiding at all meetings of the Council;
  - 3. Representing the Council before the Holmes County Board of County Commissioners, and such other boards, councils, commissions and at such other times and places as may be appropriate and/or necessary;
  - 4. Preparing the agenda for all Council meetings;
  - 5. Signing the documents of the Council;
  - 6. Ensuring that all actions of the Council are properly undertaken.
- B. The duties of the Vice Chairman shall include, but not be limited to the following:
  - 1. Exercising or performing the duties of the Chairman in his/her absence or disqualification;
  - 2. Accepting the responsibilities of the Chairman in his/her absence or disqualification.

#### 9. Amendments

These by-laws may be amended at any given meeting of the Council, provided that notice of such proposed amendment shall be given to each member of the Council and the Holmes County Board of County Commissioners, in writing, at least thirty (30) days prior to said meeting.

#### 10. Controlling Laws

Any provision of these by-laws, which may be inconsistent with, or in conflict with, any ordinance of Holmes County, Florida, or state law, now or hereafter in effect, shall be superseded by said ordinance or law, and deemed to be of no force or effect. The invalidation of any section by these by-laws shall not invalidate any other section.

#### 11. Matters Referred By the Holmes County Board of County Commissioners

Matters referred to the Council by the Holmes County Board of County Commissioners shall be placed on the agenda for consideration at the first meeting of said council after such referral.

**11. Deadline for Agenda**

The deadline for placement of items on the agenda for consideration by the Council shall be three workdays before the meeting date, except for special meetings. Any item not on the agenda may be addressed at the appropriate time, i.e., under the "public comment" section of the agenda.

**12. Advisement of Absence**

Each member of the Council shall advise the Secretary to the Executive Director as early as possible should said member find that he/she will be unable to attend any meeting of the Council. The Secretary shall notify the Chairman in the event that projected absences will result in the lack of a quorum.

**13. Employees, Staff and Contracts**

The Council may, subject to these by-laws and through its approved budget, appoint such employees and staff, as it may deem necessary to accomplish its work. The Council may also contract with outside entities for such services as it may require. However, any expenditure for administrative purposes shall not exceed 10% percent of the approved annual budget of the Council.

**14. Budget and Finances**

The TDC funds collected and returned to the county shall be distributed according to the Florida Statutes. A budget shall be prepared by the Council and submitted to the Holmes County Board of County Commissioners prior to June of each year. The Holmes County Board of County Commissioners shall review said budget in their budget process. The TDC fiscal year shall be the same as the Holmes County Board of County Commissioners.

**15. Effective Date**

These by-laws shall become effective immediately upon adoption by the Council and approval of the Holmes County Board of County Commissioners.

Adopted this 18<sup>th</sup> day of October 2004.

Holmes County Tourist Development Council

By: Beverly Helm, Chairman

Approved this 27<sup>th</sup> day of October 2004

Holmes County Board of County Commissioners

By: Howard Owen, Chairman