

Ordinance No. 4019

An Ordinance Creating New Chapter 2.48, Lodging Tax Advisory Committee

Whereas, Sections 67.28.1816 and 67.28.1817 of the Revised Code of Washington set forth certain requirements and rules for the Lodging Tax Advisory Committees (LTACs) as well as the City's executive and legislative body dealings with the LTACs and LTACs recommendations; and

Whereas, in order to best serve the public interest and the purpose for which LTAC funds are intended, the City Council wishes to clarify establishment of the LTAC and certain procedures; and

Whereas, a public comment opportunity was provided at the March 28, 2022 City Council meeting;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

- Section 1. AMC Chapter 2.48 is created to read as shown in Attachment A.
- Section 2. The provisions of this ordinance supersede any conflicting provisions in Resolution 1973, adopting the City of Anacortes 2016-2021 Tourism Promotion Strategic Plan.
- Section 3. Consistent with RCW 35A.12.130, this ordinance takes effect five days after passage and publication.

PASSED and APPROVED this 4th day of April, 2022.

CITY OF ANACORTES:



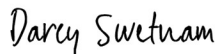
Matt Miller, Mayor

Attest:



Steve Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetnam, City Attorney

Attachment A

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Chapter 2.48 Lodging Tax Advisory Committee

2.48.010 Established.

Consistent with RCW 67.28.1817, a Lodging Tax Advisory Committee (“LTAC”) is established to provide recommendations on the funds collected per AMC Chapter 3.15 (“lodging tax funds”).

2.48.020 Membership.

- A. The Lodging Tax Advisory Committee shall consist of the following members:
 - 1. A City Council member who, per RCW 67.28.1817(1), must serve as chair of LTAC;
 - 2. Three representatives of businesses required to collect the tax under RCW Chapter 67.28;
 - 3. Three persons involved in activities authorized to be funded by revenue received under RCW Chapter 67.28.
- B. To qualify as a representative of an entity described in subsection (A), an applicant for LTAC membership must submit a letter from the entity authorizing that representation.
- C. Per RCW 67.28.1817(1), the number of members who are representatives of businesses required to collect tax under this chapter shall equal the number of members involved in activities authorized to be funded by revenue received under this chapter.

2.48.030 Appointment.

- A. Each year, the City Council must appoint LTAC membership for the remainder of the calendar year by resolution.
- B. Appointments last for the remainder of the calendar year and automatically terminate at the end of the year.

2.48.040 Duties and Authority.

- A. LTAC has the authority to make recommendations to the City Council on lodging tax matters per RCW 67.28.1817(2) and on other subjects as the City Council may request.
- B. LTAC does not have authority to set City policy or authorize expenditures.
- C. LTAC members must comply with the Open Government Trainings Act, RCW 42.30.205.
- D. LTAC meetings must comply with the Open Public Meetings Act, RCW Chapter 42.56.
- E. Conflict of interest. An LTAC member may not cast a vote, influence, or attempt to influence another LTAC member, on an allocation to an entity that LTAC member represents, owns, or is employed by.

2.48.050 Applications and Recommendations on Use of Lodging Tax Funds.

- A. Any individual or organization, including local government entities including the City of Anacortes itself, may make application to LTAC for use of lodging tax funds.
- B. An application for use of lodging tax funds must contain all of the following:
 - 1. a fixed amount of lodging tax funds requested;
 - 2. a budget for the proposed activity to be funded;
 - 3. the estimates required by RCW 67.28.1816(2).
- C. LTAC must consider the applications for proposed use of lodging tax funds and make recommendation on applicants and recommended amounts to the City Council. A quorum of 50% of the LTAC membership must be present at a meeting to make a recommendation.
- D. For each proposal, LTAC's recommendation must include all of the following:
 - 1. an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism in Anacortes;
 - 2. the extent to which the recommended funding amount will affect the long-term stability of the lodging tax fund;
 - 3. a calculation of the ratio of the recommended funding amount to the number of tourists that are estimated to be attracted to Anacortes;
 - 4. evaluation of the consistency of the application with the statutory requirements;
 - 5. history of the applicant's past compliance with requirements to report on the actual tourism generated.

2.48.060 Use of Lodging Tax Funds.

- A. Lodging tax funds may only be authorized for the uses described in RCW 67.28.1816(1).
- B. Any use of lodging tax funds must be authorized by the City Council by resolution, ordinance, or authorization of a contract.
- C. Per RCW 67.28.1817(2), a proposed use of lodging tax funds must be submitted to LTAC for review and comment at least 45 days before the City may authorize the use of funds.
- D. If the City Council desires to authorize an allocation different from the amount recommended by LTAC, it may do so after providing LTAC up to 45 days to comment on the revised allocation.
- E. The City Council may not authorize an allocation to an entity that was not recommended for funding by LTAC.