

**ORDINANCE NO. 2017-04**

**AN ORDINANCE OF THE CITY OF UVALDE, TEXAS, AMENDING CHAPTER 3.20 OF THE CODE OF ORDINANCES PERTAINING TO HOTEL OCCUPANCY TAX, USE OF PROCEEDS AND PROVIDING SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES**

**WHEREAS**, Chapter 351 of the Texas Tax Code authorizes the City of Uvalde, Texas to levy a hotel occupancy tax; and

**WHEREAS**, Chapter 3.20 of the Code of Ordinances of the City of Uvalde levies a hotel occupancy tax and provides for the use of the funds received for the purposes set forth in said Chapter 351 of the Texas Tax Code; and

**WHEREAS**, the city council finds that the provisions of Chapter 3.20 of the code of ordinances pertaining to the use of hotel occupancy tax funds need to be clarified and updated to authorize current practice and provide for future needs; and

**WHEREAS**, the city council finds that it is in the public interest to amend Chapter 3.20 of the code of ordinances as described in the findings above;

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

**SECTION 1. Findings.** That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact;

**SECTION 2.** That existing Chapter 3.20.60- Use of proceeds be repealed in its entirety;

**SECTION 3.** That the Code of Ordinances of the City of Uvalde, Texas be amended to read as follows:

**Chapter 3.20.60 Use of proceeds.**

- A. The revenues from the hotel occupancy tax shall be used for any of the purposes enumerated in Chapter 351 of the Texas Tax Code, as it now exists or as may be hereafter amended.
- B. The city council may, by contract, delegate to a person, including another governmental entity or a private organization, the management or supervision of programs and activities funded with revenue from the hotel occupancy tax. The city council shall approve in advance the annual budget of the entity to which it delegates those functions, and shall require the entity to make periodic reports to the City Council, at least annually, listing the expenditures made by the entity of revenue from the tax provided by the municipality.
- C. A person or entity with whom the municipality contracts to conduct authorized activities shall maintain complete and accurate financial records of the expenditure of hotel occupancy tax revenue made by the person or entity and, on request of the city council

or other representative of the city, shall make the records available for inspection and review.

**SECTION 3. Severability.** If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the city council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 4. Amendment of Ordinances.** That all provisions of the ordinances of the City of Uvalde, Texas, conflicting with the provisions of this ordinance are, and the same are hereby amended, repealed and all other provisions of the ordinances of the city not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 5. Effective Date.** This ordinance shall become effective from and after its date of passage in accordance with law.

**SECTION 7. Open Meeting.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

**PASSED AND APPROVED** on this the 9<sup>th</sup> of May, 2017.

**CITY OF UVALDE, TEXAS**



Don McLaughlin, Jr., Mayor

**ATTEST:**



Sorayda Sanchez, City Secretary