REQUEST FOR BOARD ACTION

ITEM NO. 14.

DATE OF MEETING: October 4, 2010

REQUESTED BY: Monique Baker, Tourism Director

SHORT TITLE: Resolution Amending Article II Section 5 of the Pender County Tourism Development Authority Bylaws

BACKGROUND: The present bylaws require that all voting members of the Tourism Development Authority be a resident of Pender County. Because the Authority historically has experienced difficulty in filling "collector" vacancies (collectors are persons that represent businesses that collect occupancy taxes), the Authority is recommending that "collectors" who may reside in another county, but whose collector business is physically situated in Pender County, be qualified to serve on the Authority as a "collector" (provided there are is no otherwise qualified resident collector for consideration by the Board).

For example, a real estate business located in Surf City, Pender County may be owned by an individual that resides in Surf City, Onslow County. Under the current bylaws, the owner does not qualify to serve on the Authority as a "collector" since they do not reside in Pender County. However, with the proposed amendment, the owner could serve so long as the business was physically situated in Pender County.

The Tourism Development Authority has met and discussed this proposed revision to the bylaws and recommends the Board of Commissioners approve the change. A copy of the bylaws incorporating the proposed amendment language is attached.

SPECIFIC ACTION REQUESTED: To consider a resolution amending Article II Section 5 of the Pender County Tourism Development Authority bylaws.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

RB
Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Pender County Tourism Development Authority Bylaws Article II Section 5 be amended to read as follows:

5. All voting members shall be residents of Pender County, except that if after advertisement of an appointment for a collector position, there is not available a qualified collector that has made application for appointment consideration, a non-resident collector may be appointed provided that the business that qualifies them as a Pender County occupancy tax collector is physically situated within Pender County.

The County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED_____ SECONDED_____

APPROVED_____ DENIED_____UNANIMOUS

YEA VOTES: Tate___ Blanchard ___ Brown ___ Rivenbark ___ Williams ___

_____ _____
Jimmy T. Tate, Chairman Date

_____ _____
ATTEST Date

PENDER COUNTY
TOURISM DEVELOPMENT AUTHORITY BYLAWS

ARTICLE I STATEMENT OF OBJECTIVES

1. The basic purposes of the Pender County Tourism Development Authority shall be:

   To enhance and stimulate the economy of Pender County through the advancement of tourism activities within Pender County, recognizing tourism as an economic base. To advertise and promote such tourism activities to the extent that added tourism visitation will be generated to and within Pender County, and to enter all other endeavors purposed to the improvement of tourism as a segment of the total economy of Pender County.

2. In accomplishing the purposes of Paragraph 1 above, the Authority may seek the assistance of individuals and organizations, both voluntary and professional, in accomplishing its goals.

ARTICLE II MEMBERS OF THE AUTHORITY

1. The Pender County Tourism Development Authority shall consist of nine (9) members appointed by the Pender County Board of Commissioners. Three (3) of these members shall be representatives from entities that collect the tax; five (5) members shall be representatives of each of the five (5) Board of Commissioner Districts; and one member shall be a representative of the Chambers of Commerce in the County.

   The Authority Board shall include two permanent non-voting ex-officio members who shall be the Pender County Finance Officer, and the Pender County Cooperative Extension Director.

2. All appointed members shall serve three year terms with the exception of the representative of the Chambers of Commerce, which shall serve a one year term. The Chambers of Commerce representative shall rotate annually between each of the Chamber organizations to ensure each Chamber is represented once every three years. All terms of office shall expire on August 31, and appointees or re-appointees shall take office at the first regular meeting in September or at the first regular meeting following their appointment.

3. Vacancies for reasons other than expiration of terms shall be filled by the Pender County Board of Commissioners as they occur for the period of the unexpired terms. The Tourism Director or Tourism Authority Chairperson should notify the Commissioners one month in advance of open positions in order that the position can be properly advertised.

4. Faithful attendance at the meetings of the Authority is considered a prerequisite for the maintenance of membership on the Authority. A member of the authority can be removed by the authority for just cause with the concurrence of the County Commissioners for the following reasons:

(a) Unexcused absences from three (3) consecutive meetings or three (3) unexcused absences during the calendar year will be reviewed for dismissal. In the absence of the chamber representative, a substitute can be sent, but to maintain continuity, sending different representatives is discouraged.

(b) Upon receipt of a letter of resignation from the member to the Tourism Development Authority.

(c) The Pender County Board of Commissioners may remove any member of the Tourism Development Authority with or without cause.

5. All voting members shall be residents of Pender County, **except that if after advertisement of an appointment for a collector position, there is not available a qualified collector for appointment consideration, a non-resident collector may be appointed provided that the business that qualifies them as a Pender County occupancy tax collector is physically situated within Pender County.**

6. Members appointed to represent collectors or districts shall not be permitted to serve on the Tourism Development Authority for more than three (3) consecutive full three (3) year terms or ten (10) years total.

ARTICLE III ORGANIZATION OF AUTHORITY

1. The officers of the Tourism Development Authority shall be a Chairperson who shall be appointed by the Board of Commissioners annually, and a Vice Chairperson who shall be elected by the membership of the Authority annually. The appointment and election of these officers shall take place during the first meeting of the Board, and of the Authority, in September each year.

2. The Chairperson shall preside at all meetings of the Authority at which he is present. The Vice Chairperson will preside in the absence of the Chairperson. The Chairperson shall do and perform such other duties as from time to time may be assigned to him by the Authority.

3. A Tourism Director may be appointed by the County to assist the Authority. The Director shall perform professional work developing, planning, organizing and implementing tourism programs for the County in collaboration with the Tourism Development Authority. The Director shall work in collaboration with the Authority in the performance of tourism duties and responsibilities, but shall serve under the direction of the County Manager. The Director shall serve as Secretary, ex-officio to the Authority. The Director shall cause the minutes of the authority to be kept, and shall see that all notices are duly given in accordance with these bylaws. He shall be the custodian of the records, reports, statements, certificates, and other documents of the Authority. In general, he shall perform all duties and possess all authority incidental to the office of Secretary, and he shall perform other duties and have such other authority as from time to time may be recommended or requested to him by the Authority,and approved by the

County Manager. Minutes of the Tourism Development Authority shall be distributed to the Board of the Commissioners through the County Manager's Office.

4. Financial records shall be maintained by the County Finance Office in accordance with the regulations contained in the Local Government Budget and Fiscal Control Act.

ARTICLE IV VOTING

1. A quorum at any meeting shall consist of five (5) members and it shall be necessary to have the concurrence of a majority of said quorum to approve any action of the Authority.

2. Only the Tourism Development Authority members appointed by the Board of Commissioners are voting members.

ARTICLE V MEETINGS

1. Regular meetings of the Authority may be held monthly at a time and place to be designated by the authority or may be held on bimonthly or quarterly basis as specified by the will and need of the authority, so long as frequency, time, and place is properly advised to all members of the authority, the news media, the Sunshine list, and to the public. All meetings of the authority will follow Robert's Rules of Order or additional rules adopted by the authority.

2. A special meeting may be called by the Chairperson of the Authority at any time by giving notice thereof, or by any two (2) members of the Authority upon notice thereof. A minimum of forty-eight (48) hours notice must be given for all meetings.

3. Official business shall not be conducted unless a quorum is present.

4. All meetings of the authority shall be conducted under the proceedings established within the framework of the Open Meetings Law.

ARTICLE VI COMPENSATION OF MEMBERS

1. The members of the Tourism Advisory Authority shall serve as such without compensation unless provided for by the Pender County Board of Commissioners.

ARTICLE VII GENERAL

1. The Authority shall collaborate with the County to set policy, guide the Tourism Director, and monitor to see that the duties and responsibilities of the position are met. The Authority is encouraged to develop and recommend duties and responsibilities for the Director not inconsistent with the goals and objectives established for the Authority by the County, and not inconsistent with the policy and direction of the County Manager.

2. The authority shall operate on a fiscal year, consistent with the County, which shall begin on July 1 of one year and end on June 30 of the following year.

3. Information concerning the operation, considerations, programs, projects, plans or other activities of this Authority will be made public by the Chairperson or Authority Member so designated by the Chairperson, or through such office of Pender County responsible for press relations. Individual members of the authority are not authorized and are discouraged from releasing information to the public on behalf of the Tourism Development Authority, at any time or any circumstances.

4. For its operation during any fiscal year, the authority shall cause to be prepared a detailed budget showing the funds it will need for specific purposes. This budget will be presented to the Pender County Board of Commissioners at the April meeting of the Board, at which time an appropriation will be requested to fulfill the financial requirements to carry out the proposed operations of the authority.

5. All policies and procedures relating to personnel, administration and finance which are in effect for the general government of Pender County shall be applicable to the Tourism Development Authority.

ARTICLE VIII FINANCIAL CONTROL

1. All fiscal policies and procedures which are being practiced by Pender County shall be applicable to the Tourism Development Authority.

2. A finance report shall be presented to the Tourism Development Authority monthly. The Authority shall report to the Board of Commissioners quarterly and at the end of the fiscal year on its receipts, expenditures and programming, in such detail as the Board may require.

ARTICLE IX AMENDMENTS

1. These bylaws may be amended only by the Board of Commissioners.

2. The Tourism Development Authority may recommend amendments to the bylaws to the Board of Commissioners, but only after an affirmative vote of a majority of the full membership.

3. All proposed amendments shall be brought before the Tourism Development Authority at least one (1) meeting prior to the meeting in which the vote is to be taken to make a recommendation to the Board of Commissioners.

ARTICLE X

These bylaws shall become effective January 5, 2009.