

STARKE COUNTY ORDINANCE 2011-~~000~~ 05  
CREATING AND ESTABLISHING THE STARKE COUNTY  
CONVENTION AND VISITORS COMMISSION

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THE BOARD OF COMMISSIONERS OF STARKE COUNTY (the "Commissioners") have, determined that the Starke County Council has heretofore enacted a County Innkeeper's Tax pursuant to Ind. Code § 6-9-18-3, and as set forth in Ordinance 2007-13, and therefore it is necessary to create a commission to promote the growth of the convention, visitor, and tourism industry in the county pursuant to IC § 6-9-18-5.

NOW, THEREFORE, BE IT ORDAINED that the Starke County Code be amended to add Ordinance 2011-05, ESTABLISHING THE STARKE COUNTY CONVENTION AND VISITORS COMMISSION and superseding, replacing and repealing all prior ordinances inconsistent with the terms hereof. The ordinance is as follows:

**Section I. Composition of the Commission; Appointments**

1. The initial Starke County Convention and Visitors Commission (the "SCCVC") shall consist of nine (9) members. The number of members may be changed from time to time, but shall consist of an odd number of members, and shall be consistent with the provisions of IC § 6-9-18-5 as amended or, with any successor statute or law governing the subject matter hereof.

2. A simple majority of the SCCVC shall be (a) engaged convention, visitor, or tourism business; or (b) involved in promoting conventions, visitors, or tourism.

3. If available and willing to serve, at least two (2) of the members must be engaged in the business of renting or furnishing rooms, lodging, or accommodations as described in IC § 6-9-18-3.

4. Not more than one (1) member may be affiliated with the same business entity.

5. No more than a simple majority of the members may be affiliated with the same political party.

6. Each member of the SCCVC must reside in the Starke County.

**FILED**

JUL 15 2011

*Katherine Greffinger*  
AUDITOR, STARKE COUNTY

7. The county executive (the Starke County Commissioners) shall determine who will make the appointments to the commission, except that the executive of the largest municipality in the county (currently, the Mayor of the City of Knox) shall appoint a number of the members of the commission, which number shall be in the same ratio to the total size of the commission (rounded off to the nearest whole number) that the population of the largest municipality bears to the total population of the county. The Commissioners find that currently, the Mayor of Knox is entitled to make one (1) appointment to the SCCVC, and the Starke County Commissioners are entitled to make the other eight (8) appointments. The Starke County Commissioners will make their initial eight (8) appointments to the SCCVC, but may, by amendment to this Ordinance or by Resolution, delegate that authority as provided by IC § 6-9-18-5.

## **Section II. Terms**

All initial appointments to the SCCVC are interim, and will expire on January 1, 2012, or as soon thereafter as their successors are appointed. Thereafter, in conformance with IC § 6-9-18-5(d), all terms of office for all commission members begin on January 1. Initial appointments shall be for staggered terms, with subsequent appointments for two (2) year terms. A member whose term expires may be reappointed to serve another term. If a vacancy occurs, the appointing authority shall appoint a qualified person to serve for the remainder of the term. If an initial appointment is not made by February 1 or a vacancy is not filled within thirty (30) days, the commission shall appoint a member by majority vote.

## **Section IV. Removal**

A member of the SCCVC may be removed for cause by the authority that appointed the member.

## **Section V. No Compensation**

Members of the SCCVC shall not receive a salary for their membership. However, SCCVC members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties, but consistent with the written policies of Starke County government, and state and federal law.

Section VI. Oath

Each SCCVC member, before entering his or her duties, shall take an oath of office in the usual form, to be endorsed upon his certificate of appointment and promptly filed with the clerk of the circuit court of the county.

Section VI. Organizational Meeting

The SCCVC shall meet after January 1 each year for the purpose of organization. It shall elect one (1) of its members president, another vice president, another secretary, and another treasurer. The members elected to those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve from the date of their election until their successors are elected and qualified. A majority of the SCCVC constitutes a quorum, and the concurrence of a majority of the SCCVC is necessary to authorize any action.

Section VII. Effective Date

All ordinances or portions thereof in conflict with this Ordinance are hereby repealed. This Ordinance shall take effect upon passage, after publication as required by law.

Presented to the Board of Commissioners of Starke County, Indiana, and approved on the first reading the 18<sup>th</sup> day of July, 2011, by the following vote:

Dated: July 18, 2011.

BOARD OF COMMISSIONERS OF STARKE COUNTY

VOTE  
yes

Daniel D. Bridegroom  
Daniel D. Bridegroom, President

yes

Kathy J. Norem  
Kathy J. Norem, Vice President

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Jennifer Davis  
Jennifer Davis, Member

ATTEST:

*Katherine Chaffins*

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Katherine Chaffins, Auditor  
Of Starke County Indiana

*Mailed to  
Ind Dept of  
Revenue  
6-1-07*

**AN ORDINANCE ESTABLISHING A UNIFORM  
INNKEEPER'S TAX IN STARKE COUNTY, INDIANA**

AND REQUESTING ESTABLISHMENT OF THE STARKE COUNTY CONVENTION, VISITOR, AND TOURISM PROMOTION FUND AND  
THE STARKE COUNTY CONVENTION, VISITOR AND TOURISM COMMISSION

WHEREAS, the Starke County Council has determined that convention, visitor and tourism activities in the County are beneficial for the economy, growth and progress of Starke County and its citizens; and,

WHEREAS, the Starke County Council has determined that a reliable source of funding for the promotion of convention, visitor and tourism in the County is therefore needed, and that a County Innkeeper's Tax is a lawful and appropriate method for collecting revenues for such purposes; and,

WHEREAS, the Starke County Council has determined that Starke County is not required to impose an Innkeeper's Tax under any Chapter in Title 6, Article 9 of the Indiana Code, as amended; and therefore Starke County may lawfully enact and levy a County Innkeeper's Tax in Starke County pursuant to Ind. Code Chapter 6-9-18, known as the "Uniform County Innkeeper's Tax"; and,

WHEREAS, the Council now desires to enact a County Innkeeper's Tax for Starke County Indiana pursuant to Indiana's Uniform County Innkeeper's Tax (IC Chapter 6-9-18);

**NOW, THEREFORE, BE IT ORDAINED BY THE STARKE COUNTY COUNCIL:**

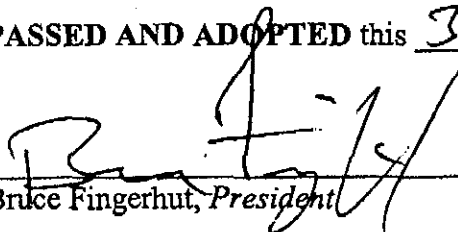
1. Starke County ("County") hereby imposes the Uniform County Innkeeper's Tax in accordance with IC Chapter 6-9-18 at a rate of FIVE percent (5 %).
2. This tax shall be known as the "Starke County Innkeeper's Tax".
3. The Starke County Innkeeper's Tax is hereby levied on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any hotel, motel, boat motel, inn, college or university memorial union, college or university residence hall or dormitory, or tourist cabin located in Starke County.
4. The Starke County Uniform Innkeeper's Tax shall be imposed, paid and collected in the same manner as gross sales tax under IC 6-2.5.
5. Pursuant to the requirements of IC § 6-9-18-4, the Council requests the Starke County Treasurer to create the "Starke County Convention, Visitor, and Tourism Promotion

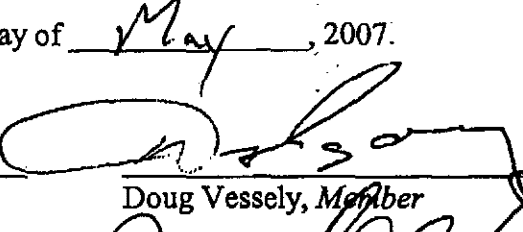
Fund". All revenues received pursuant to the levy of the Starke County Uniform Innkeeper's Fund shall be deposited solely in the Starke County Convention, Visitor, and Tourism Promotion Fund." Money in said fund shall be expended solely to promote and encourage conventions, visitors, and tourism within the county as defined by IC § 6-9-18-4(c) as amended.

6. The Starke County Council requests that the county executive body (i.e. the Starke County Commissioners) create and populate the "Starke County Convention, Visitor, and Tourism Commission" pursuant to the requirements set forth in IC § 6-9-18-5.

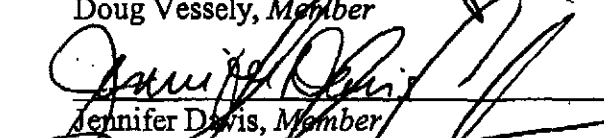
7. This ordinance shall take effect on May 30th, 2007.


PASSED AND ADOPTED this 30th day of May, 2007.

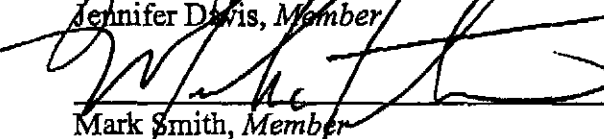
  
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Bruce Fingerhut, *President*

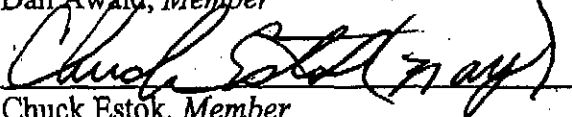
  
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Doug Vessely, *Member*

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James Van Vactor, *Member*

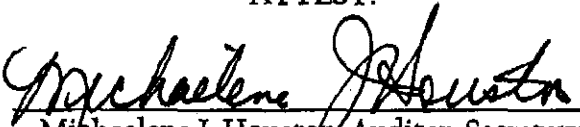
  
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Jennifer Davis, *Member*

  
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Dan Award, *Member*

  
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Mark Smith, *Member*

  
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Chuck Estok, *Member*

ATTEST:

  
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Michaelene J. Houston, Auditor, Secretary  
Starke County, Indiana

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**Information Maintained by the Office of Code Revision Indiana Legislative Services Agency**

06/13/2007 11:19:29 AM EDT

**IC 6-9-18****Chapter 18. Uniform County Innkeeper's Tax****IC 6-9-18-1****Application of chapter**

Sec. 1. This chapter applies to any county that is not required to impose an innkeeper's tax under any other chapter of this article. However, a county that imposes an innkeeper's tax under this chapter may not also impose an innkeeper's tax under another chapter.

*As added by Acts 1982, P.L.1, SEC.21. Amended by P.L.55-1984, SEC.5; P.L.74-1986, SEC.6; P.L.32-1986, SEC.3.*

**IC 6-9-18-2****Definitions**

Sec. 2. As used in this chapter:

"Executive" and "fiscal body" have the same meanings that are prescribed by IC 36-1-2.

"Gross retail income" and "person" have the same meanings that are prescribed by IC 6-2.5-1.

*As added by Acts 1982, P.L.1, SEC.21.*

**IC 6-9-18-3****Tax on lodging income**

Sec. 3. (a) The fiscal body of a county may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

- (1) hotel;
- (2) motel;
- (3) boat motel;
- (4) inn;
- (5) college or university memorial union;
- (6) college or university residence hall or dormitory; or
- (7) tourist cabin;

located in the county.

(b) The tax does not apply to gross income received in a transaction in which:

(1) a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county; or

(2) a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

(c) The tax may not exceed the rate of five percent (5%) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5.

(d) The county fiscal body may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and that the tax shall be paid monthly to the county treasurer. If such

an ordinance is adopted, the tax shall be paid to the county treasurer not

more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(e) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this section except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. If the tax is paid to the department of state revenue, the return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

(f) If the tax is paid to the department of state revenue, the amounts received from the tax imposed under this section shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state.

*As added by Acts 1982, P.L.1, SEC.21. Amended by P.L.108-1987, SEC.16; P.L.67-1997, SEC.18.*

#### **IC 6-9-18-4**

##### **Convention, visitor, and tourism promotion fund**

Sec. 4. (a) If a tax is levied under section 3 of this chapter, the county treasurer shall establish a convention, visitor, and tourism promotion fund. He shall deposit in this fund all amounts he receives under that section.

(b) In a county in which a commission has been established under section 5 of this chapter, the county auditor shall issue a warrant directing the county treasurer to transfer money from the convention, visitor, and tourism promotion fund to the commission's treasurer if the commission submits a written request for the transfer.

(c) Money in a convention, visitor, and tourism promotion fund, or money transferred from such a fund under subsection (b), may be expended only to promote and encourage conventions, visitors, and tourism within the county. Expenditures under this subsection may include, but are not limited to, expenditures for advertising, promotional activities, trade shows, special events, and recreation.

(d) If before July 1, 1997, a county issues a bond with a pledge of revenues from the tax imposed under section 3 of this chapter, the county shall continue to expend money from the fund for that purpose until the bond is paid.

*As added by Acts 1982, P.L.1, SEC.21. Amended by P.L.97-1983, SEC.1; P.L.55-1984, SEC.6; P.L.67-1997, SEC.19; P.L.46-1998, SEC.7.*

#### **IC 6-9-18-5**

##### **Commission for promotion of convention, visitor, and tourism industry; creation; membership; organization**

Sec. 5. (a) If a tax is levied under section 3 of this chapter, the county executive shall create a commission to promote the development and growth of the convention visitor, and tourism industry in the county. If two (2) or more adjoining counties desire to establish a joint commission, the counties shall enter into an agreement under IC 36-1-7.

(b) The county executive shall determine the number of members, which must be an odd number, to be appointed to the commission. A simple majority of the members must be:

- (1) engaged in a convention, visitor, or tourism business; or
- (2) involved in or promoting conventions, visitors, or tourism.



If available and willing to serve, at least two (2) of the members must be engaged in the business of renting or furnishing rooms, lodging, or accommodations (as described in section 3 of this chapter). Not more than one (1) member may be affiliated with the same business entity. No more than a simple majority of the members may be affiliated with the same political party. Each member must reside in the county. The county executive shall also determine who will make the appointments to the commission, except that the executive of the largest municipality in the county shall appoint a number of the members of the commission, which number shall be in the same ratio to the total size of the commission (rounded off to the nearest whole number) that the population of the largest municipality bears to the total population of the county.

(c) This subsection applies to a county in which a tax imposed under this chapter becomes effective after December 31, 1989. If a municipality other than the largest municipality in the county collects fifty percent (50%) or more of the tax revenue collected under this chapter during the three (3) month period following imposition of the tax, the executive of the municipality shall appoint the same number of members to the commission that the executive of the largest municipality in the county appoints under subsection (b).

(d) Except as provided in subsection (c), all terms of office of commission members begin on January 1. Initial appointments must be for staggered terms, with subsequent appointments for two (2) year terms. A member whose term expires may be reappointed to serve another term. If a vacancy occurs, the appointing authority shall appoint a qualified person to serve for the remainder of the term. If an initial appointment is not made by February 1 or a vacancy is not filled within thirty (30) days, the commission shall appoint a member by majority vote.

(e) A member of the commission may be removed for cause by his appointing authority.

(f) Members of the commission may not receive a salary. However, commission members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.

(g) Each commission member, before entering his duties, shall take an oath of office in the usual form, to be endorsed upon his certificate of appointment and promptly filed with the clerk of the

circuit court of the county.

(h) The commission shall meet after January 1 each year for the purpose of organization. It shall elect one (1) of its members president, another vice president, another secretary, and another treasurer. The members elected to those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve from the date of their election until their successors are elected and qualified. A majority of the commission constitutes a quorum, and the concurrence of a majority of the commission is necessary to authorize any action.

*As added by Acts 1982, P.L. 1, SEC. 21. Amended by P.L. 97-1983, SEC. 2; P.L. 62-1990, SEC. 7; P.L. 67-1997, SEC. 20.*

## **IC 6-9-18-6**

### **Powers of commission; expenditures**

Sec. 6. (a) The commission may:

- (1) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions that the commission considers necessary and desirable;
- (2) sue and be sued;
- (3) enter into contracts and agreements;
- (4) make rules necessary for the conduct of its business and the accomplishment of its purposes;
- (5) receive and approve, alter, or reject requests and proposals for funding by corporations qualified under subdivision (6);

(6) after its approval of a proposal, transfer money, quarterly or less frequently, from the fund established under section 4(a) of this chapter, or from money transferred from that fund to the commission's treasurer under section 4(b) of this chapter, to any Indiana not-for-profit corporation to promote and encourage conventions, visitors, or tourism in the county; and

(7) require financial or other reports from any corporation that receives funds under this chapter.

(b) All expenses of the commission shall be paid from the fund established under section 4(a) of this chapter or from money transferred from that fund to the commission's treasurer under section 4(b) of this chapter. The commission shall annually prepare a budget, taking into consideration the recommendations made by a corporation qualified under subsection (a)(6) and submit it to the county fiscal body for its review and approval. An expenditure may not be made under this chapter unless it is in accordance with an appropriation made by the county fiscal body in the manner provided by law. *As added by Acts 1982, P.L.1, SEC.21. Amended by P.L.55-1984, SEC.7; P.L.67-1997, SEC.21.*

#### **IC 6-9-18-7**

##### **Disposition of funds; audit**

Sec. 7. All money coming into possession of the commission shall be deposited, held, secured, invested, and paid in accordance with

statutes relating to the handling of public funds. The handling and expenditure of money coming into possession of the commission is subject to audit and supervision by the state board of accounts.

*As added by Acts 1982, P.L.1, SEC.21.*

#### **IC 6-9-18-8**

##### **Unauthorized transfer or use of funds; offenses**

Sec. 8. (a) A member of the commission who knowingly:

(1) approves the transfer of money to any person or corporation not qualified under law for that transfer; or

(2) approves a transfer for a purpose not permitted under law; commits a Class D felony.

(b) A person who receives a transfer of money under this chapter and knowingly uses that money for any purpose not permitted under this chapter commits a Class D felony.

*As added by Acts 1982, P.L.1, SEC.21.*