



**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SUNNYSIDE, WASHINGTON,
REPEALING SECTION 2.50.120 OF THE SUNNYSIDE MUNICIPAL
CODE, ENTITLED “LODGING TAX ADVISORY COMMITTEE SPECIFIC
REQUIREMENTS” AND CREATING NEW SECTION 2.50.120
ENTITLED “LODGING TAX ADVISORY COMMITTEE SPECIFIC
REQUIREMENTS”**

WHEREAS, city staff has been requested to review all applicable municipal codes and recommended changes where necessary; and

WHEREAS, Chapter 2.50, Section 2.50.120 of the Sunnyside Municipal Code pertaining to the Lodging Tax Advisory Committee has not been updated since 2006 and fails to adequately describe the committee's specific requirements; and

WHEREAS, the City Council finds and determines that Section 2.50.120 of the Sunnyside Municipal Code should be repealed in its entirety and replaced with a new Section 2.50.120 created to describe in detail the specific requirements of the Lodging Tax Advisory Committee as set forth in RCW 67.28 and as set forth in Exhibit “A” attached hereto and incorporated herein by this reference; and

WHEREAS, the City Council finds and determines that such enactment is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. Section 2.50.120 of the Sunnyside Municipal Code is hereby repealed in its entirety and replaced with a new Section 2.50.120 of the Sunnyside Municipal Code as hereby created and set forth in Exhibit “A” attached hereto and incorporated herein by this reference.

Section 2. Except as amended herein, Title 2 Sunnyside Municipal Code shall remain unchanged.

Section 3. This Ordinance shall be effective five (5) days after passage, approval and publication as required by law.

PASSED this 25th day of July, 2016.



JAMES A. RESTUCCI, MAYOR

ATTEST:



DEBORAH ESTRADA, CMC, CITY CLERK

APPROVED AS TO FORM:



KERR LAW GROUP, PLLC
Attorneys for the City of Sunnyside

EXHIBIT A

SMC 2.50

CITIZEN ADVISORY BOARDS AND COMMISSIONS

Section 2.50.120 Lodging Tax Advisory Committee specific requirements

- A. Lodging Tax Advisory Committee created.
- B. Membership.
- C. Terms
- D. Annual review and removal of members.
- E. Proposals to be reviewed.
- F. Duties and responsibilities.

A. Lodging Tax Advisory Committee created.

A lodging tax advisory Committee is hereby established and created by the city council. The purpose of the lodging tax advisory Committee (LTAC) is to perform the functions and duties as required under RCW 67.28.1817.

B. Membership.

1. The lodging tax advisory Committee shall consist of five members appointed by the city council as follows:

- a. Two members who are representatives of businesses required to collect tax under Chapter 67.28 RCW;
- b. Two members who are persons involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW; and
- c. One member of the city council who shall serve as chair of the LTAC.

2. Persons who are eligible for appointment under subsection (A)(1) of this section are not eligible for appointment under subsection (A)(2) of this section and vice versa.

3. The number of persons appointed as representatives of businesses required to collect tax under Chapter 67.28 RCW shall be equal to the number of members appointed as persons involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW and vice versa.

EXHIBIT A

4. The city council may consider recommendations for appointment to the LTAC from organizations representing businesses required to collect tax under Chapter 67.28 RCW, organizations involved in activities authorized to be funded by revenue received under Chapter 67.28 RCW, and local agencies involved in tourism promotion.

C. Terms.

Terms. Terms for members of the Lodging Tax Advisory Committee shall be in accordance with the provisions of SMC 2.50.040. The appointment authority in SMC 2.50.030 shall review the membership of the Advisory Committee annually and make changes as appropriate.

D. Annual review and removal of members.

As required by state law, the city council shall review the membership of the LTAC annually and make changes as appropriate both in regard to the number of appointments and the members appointed. This review shall occur by the last day of the month of November of each year. Members of the LTAC shall serve at the pleasure of the city council and may be removed at any time, without cause, at their discretion.

E. Proposals to be reviewed.

At least 45 days before final action or passage, the city shall submit the following proposals to the LTAC for review and comment: the imposition of a tax under Chapter 67.28 RCW; an increase in the rate of a tax imposed under Chapter 67.28 RCW; a repeal of an exemption from a tax imposed under Chapter 67.28 RCW; or a change in the use of revenue received under Chapter 67.28 RCW.

F. Duties and Responsibilities.

1. The LTAC shall promptly review all proposals as described in SMC 2.50.120D, submitted for review and comment through generally applicable public comment procedures. These comments shall include the following analysis: the extent to which the proposal will accommodate activities for tourists or increase tourism; and the extent to which the proposal will affect the long-term stability of the city's fund created under RCW 67.28.1815. Final legislative authority over these proposals shall remain with the elected city council. Review, comments, or any recommendations presented by the LTAC are advisory only and shall not bind the city council.
2. Failure of the LTAC to submit comments before final action on or passage of the proposal by city council shall not prevent the city from acting on the proposal under RCW 67.28.1817(2).
3. The city may, but is not required to, submit an amended proposal to the LTAC for review.