

**Application for Funding
Tourism and Arts Fund (TAF)
FY 2016-2017**

Dear Applicant,

Since the funds you are requesting have rules, legal restrictions, as well as a desired purpose attached to them, you should make sure you have an understanding of what these are. Please read the following handouts:

1. TAC Guidelines
2. ORS 320.350
3. Ordinance 10-06,

Now that you have read and understand the TAC Guidelines and Ordinance you should review the following forms that explain what you will be required to do in regards to your request for funds for your event or project:

4. Tourism and Arts Fund (TAF) Application criteria, evaluation criteria, and checklist
5. The TAF Award Agreement
6. The TAF evaluation forms that you will turn in to us once your project has happened

Now you are ready to fill out the actual application:

7. TAF Application for Funding

Completed applications should be sent to:

Cannon Beach Tourism and Arts Commission,
Attention: Assistant City Manager,
P.O. Box 368
Cannon Beach, OR 97110.

Electronic copies of the application forms are available at www.ci.cannon-beach.or.us. All information must be submitted on 8 ½" x 11" paper, single sided. No colored documents please. **Applications must be received at Cannon Beach City Hall by 2:00 p.m., or post marked, Wednesday, May 4, 2016.**

The Tourism and Arts Commission (TAC) will review applications for funding after the closing date of **May 4, 2016**, and will make recommendations to the City Council. A final determination will be made within 75 days of the application closing date. Applicants will be notified by email of the Tourism and Arts Commission's recommendation, after the recommendation has been approved by the City Council. Applicants will be required to sign the TAF Award Agreement prior to any funds being distributed,



preferably within 14 days of their notification of award. The award check for the 1st Quarter funding will be disbursed on or about November 15th and then every 3 months after that.

A Mid-Term evaluation will be due from each TAF recipient by March 15, 2017. A Final Evaluation will be due upon completion of the event/activity/project/program, or by the end of the TAF fiscal year, June 30, 2017. Future ineligibility will result if evaluation forms are not received in timely manner.

Application for TAC Funding

Contact Information

Organization Name _____

Nonprofit Tax ID #: _____

Address _____

Telephone _____ Website (if applicable) _____

Contact Name _____ Email _____

Name of Event _____

Date of Event _____ Duration of Event _____

Amount of funding you are requesting \$ _____

Amount of funding from TAC you were given last year \$ _____

- 1) What is the nature and purpose of your event? (Please limit to 1 page or less)

- 2) Is this a new event or has it happened before? With or Without TAC funds?

- 3) How many room nights, (nightly stays at hotels, houses, RV) is your goal for this event?

- 4) If this is a repeat event how many room nights did the event generate the previous year?

- 5) Do you have a collaboration plan with the Chamber of Commerce or another non-profit or your own volunteers to do an accurate and credible survey of hospitality venues when your event is over, in order to determine how many overnight stays from people living more than 50 miles away your event generated?

- 6) What is the total budget for your event? Please attach a detailed budget to this application.

- 7) What is the percentage of your budget you are asking for from TAC?
- 8) If the funding requested is not for an event, how will it be used?
- 9) Are you seeking other sources of funding?
- 10)What is your marketing plan?
- 11)What is the organizational structure of your people for this event? (do you have a board of directors, volunteers) and what are their responsibilities? In other words do you have a well thought out plan of action to accomplish your event?
- 12)Please describe how this event will attract tourists and enhance the arts in Cannon Beach.
- 13) Do you plan to do this event every year and if so when do you feel it would no longer need TAC Funding and be self sufficient if ever?

** Make sure your event is in compliance with the requirements of ORS 320.350

Acknowledgment

I understand that, should TAF funding be awarded to me by the City of Cannon Beach, I will be expected to sign a TAF Award Agreement and complete a summary report and evaluation (form provided by the City) within thirty (30) days of completion of the project/event/program, or the end of the fiscal year, whichever occurs first. Further, I understand that I will be expected to provide a Mid-Term Evaluation by March 15, 2015.

By signing this application, I certify that the facts, figures, and representations made in this application are true and correct, that I am an authorized representative of the organization listed on this application, and that this application is made with the authorization and approval of the organization's Board of Directors.

Signature

Date

Print Name and Title

**Tourism and Arts Fund (TAF) Application
Criteria and Checklist
FY 2016-2017**

Application Criteria

The following criteria will be used by the Tourism and Arts Commission (TAC) to evaluate applications for TAF awards:

1. Applicants must be a qualified tax-exempt organization.
2. Priority will be given for events within Cannon Beach during the shoulder and winter tourist season. Advertising or marketing of tourism related facilities, events, and projects (as defined in ORS 320.350 and Ordinance 10-06) included as part of the TAF application for award shall be for facilities located within the City limits of Cannon Beach. Funds for events or projects within 5 miles of the City limits of Cannon Beach may be considered.
3. All event promotional materials must specifically recognize the City of Cannon Beach's Tourism and Arts Commission (TAC) and the Tourism and Arts Fund (TAF).
4. Applications must be complete and received or postmarked by the deadline advertised.
5. Applicant agrees to provide the City with an evaluation of the program/event/project within 30 days of completion of the program/event/project, or the end of the fiscal year, whichever occurs first. Evaluation must include a description of the events and services, audience, number of participants, and a final financial statement showing line-item income and expenses for the project, with supporting documentation attached. Empirical evidence of "heads in beds" or tourists that traveled more than 50 miles.
6. Applicant understands that a Mid-Term Evaluation is required to be submitted by March 15, 2017.
7. Applicant understands that a TAF Award Agreement must be signed by the Applicant prior to receipt of any TAF award disbursements.
8. The TAC reserves the right to recommend to the City Council reimbursement from any organization who has received TAF awards and misrepresented their application or has not utilized the award funds in a manner consistent with their application.
9. Former TAF recipients who have not submitted a completed evaluation will not be considered for future TAF awards.

Evaluation Criteria

The applicant will be further considered for funding and ranked based on the following criteria:

- 1) Does the project comply with ORS 320.350 and Ordinance 10-06?
- 2) What is the economic impact on the City? Will it attract overnight tourists or bring tourists to the City from a distance of more than 50 miles?
- 3) Does the project enhance the arts or tourism in Cannon Beach?
- 4) Is the project feasible?
- 5) Does the program/event take place during the shoulder or winter tourist season?
- 6) What resources are available to the applicant and what is the total budget for the project?

Application Checklist and Receipt for TAF Funding Request

Please acknowledge receipt of the following documents by initialing each item.

- _____ Receipt of Ordinance 10-06
- _____ Receipt of ORS 320.350
- _____ Receipt of Tourism and Arts Commission (TAC) 2013 Guidelines
- _____ Receipt of Tourism and Arts Funding (TAF) Award Agreement

Please initial to verify that the following items have been included in the TAF application submittal.

- _____ Completed application form, signed by an authorized representative of the organization
- _____ Copy of Board of Directors list
- _____ A copy of organization's IRS statement as evidence of 501(c)3 or 501(c)6 status, or evidence of other non-profit status, and date organization was formed
- _____ A line-item budget for proposed program/project
- _____ A copy of line-item organizational budget for the current fiscal year
- _____ A financial statement for the most recent fiscal year
- _____ Evaluation for last TAF award received, if applicable
- _____ Initialed copy of this Application Checklist and Receipt
- _____ **All information is on white 8 ½” x 11” sized paper, single sided, and black ink only.**

Please type or print. Use additional sheets as necessary.

**Tourism and Arts Fund Recipient Evaluation
FY 2016-2017**

Mid Term

Final

All TAF recipients are required to complete an evaluation of the TAF-funded program/project to the City within 30 days of completion of the program/project, or the end of the fiscal year, whichever occurs first. For ongoing program/projects, evaluations should be received prior to the submittal of a new TAF award request. Please type or print. Use additional 8 ½” x 11” sheets as necessary.

Program/Project Title

Evaluator Name/Position _____ **Date** _____

1. Project/Program Summary

Briefly describe your program/project as it was delivered. Empirical evidence of “heads in beds” or visitors that traveled more than 50 miles is mandatory. Include definitive numbers of participants, audiences served, types of activities and events, etc. Include specifically, details on how the program/event/project furthered tourism and the arts in Cannon Beach.

2. Program/Project Evaluation

- a. Describe whether the program/project was successful and met the original program/event/project goals. Include supporting documentation.

- b. Describe what could be done differently in the future to improve the program/event/project.

3. Budget

Briefly describe how the program/project did or did not meet its financial projections. Include a copy of the final program/project income and expenses, clearly showing the TAF award, **on a line-item basis**, with this evaluation.



City of Cannon Beach
Tourism and Arts Funding (TAF) Award Agreement

I. TAF Project Title _____

TAF Recipient: _____

Execution of this document by authorized city officials constitutes a legal agreement between the City of Cannon Beach (City) and _____ (TAF Recipient).

The TAF Award project is _____.

The TAF Award description is

_____.

This Agreement incorporates by reference the TAF Recipient's application for a Tourism and Art Funding submitted to the City of Cannon Beach, through the Tourism and Arts Commission, dated _____, and attached hereto as Exhibit A.

The Cannon Beach City Council approved an award of \$_____ of the \$_____ requested.

The TAF Recipient's (Recipient) assurances are part of the consideration for all financial assistance given by the City. The City shall have the right to seek judicial enforcement of these assurances, which are binding on the Recipient, its successors, transferees, and assignees.

II. TAF Recipient Responsibilities. The Recipient warrants and assures as follows:

1. That it is a recognized nonprofit tax exempt organization under IRS 501(c)3 or 501(c)6 with authority in its bylaws to undertake activities including the TAF project.
2. That it possesses legal authority to accept the financial award. A resolution, motion or similar action has been duly adopted by the recipient's governing body, authorizing the application and identifying an official (nonprofit chairperson) authorized to act in connection with the application.
3. That funds paid by the City shall be expended only for the TAF project set out above. The Recipient shall comply with the audit and reporting requirements established by the City's Tourism and Arts Commission.

4. That all records required by audit guidelines shall be kept for seven years and be available to the City, the Secretary of State of the State of Oregon and their authorized agents or auditors upon request.
5. That Recipient shall comply with all applicable laws and regulations associated with the spending of such Tourism and Arts (TAF) Funds.
6. That all funds must be spent and the project finished by the date specified in the TAF Application. Any changes to the project completion dates, or extensions, must be submitted to the Tourism and Arts Commission through a formal, written request by the TAF Applicant to the Tourism and Arts Commission for authorization.
7. That Project Evaluations must be received by City by March 15th (mid-term) and June 30th (final) of each calendar year.
8. That Final Evaluations must be received by City within thirty days after the project completion or by June 30th, in order for the application to remain in compliance.
9. That Recipient shall submit progress reports and/or other documentation associated with the TAF award to the Tourism and Arts Commission as requested.
10. That any TAF Award funds not used on the project be immediately returned to the City upon project completion.
11. That if at any time after City remits funds under Section II, Recipient determines it is not able or willing to pursue or complete the grant project, without any notice required of City, Recipient shall immediately return to City all TAF funds not yet expended along with an accounting of all expended and unexpended TAF funds.
12. That all information submitted to City, including but not limited to Recipient's TAF application and evaluations, is public record and subject to disclosure as allowed by law under ORS Chapter 192.

II. City Responsibilities. The City warrants as follows:

1. After execution of this Agreement, the City will release to the Recipient on a quarterly basis the authorized percentage of the TAF funds approved in the award.
2. The quarterly distributions will be made in the following months, November, February, May, and August.
3. The amount of Tourism and Arts funds to be used to pay said award is entirely dependent upon the amount of lodging tax the City collects each quarter. Thereby, if there is a

significant decrease in lodging tax collected, the Recipient's TAF award will be decreased as a result.

III. General Provisions

1. This Agreement may be terminated at any time by mutual consent of both parties.
2. The City may terminate this Agreement effective upon delivery of written notice to the Recipient if there is a change in federal, state or local laws, rules, regulations or guidelines rendering the TAF project ineligible for funding.
3. The City, by written notice to Recipient, may terminate the whole or any part of this Agreement if any of the following occurs:
 - a. Recipient defaults in the performance of any of its warranties or agreements contained herein or in the application; or
 - b. Any representation made by the Recipient in the application, budget, or any other documents or reports relied upon by the City in awarding the TAF award or as used to measure progress on the project and by the Recipient, are untrue in any material respect.
4. No failure on the part of the City to exercise any right, power, or privilege under this Agreement shall constitute a waiver, nor shall any single or partial exercise preclude any other or further exercise of any such right, power, or privilege under this Agreement.
5. All notices, requests, demands, and other communication to or upon the parties shall be in writing and shall be deemed to have been duly given or made when deposited in the US mail, addressed to the parties at the addresses below or such other address of which a party shall have notified in writing the other party.

If to the City:

City Manager
City of Cannon Beach
P.O. Box 368
163 E. Gower
Cannon Beach, OR 97110
Phone (503) 436-8050
Fax (503) 436-8041
TTY (503) 436-8097

If to the Recipient:

Name:
Address:

6. This agreement may not be waived or altered without written consent of both parties.
7. The prevailing party in any dispute arising from the agreement shall be entitled to recover from the other reasonable attorney's fees and costs.
8. TAF Award recipient shall, to the extent permitted by the Oregon Constitution, and applicable statutes, save and hold harmless the City and its officers, employees and agents from all claims, suits, or actions of whatsoever nature resulting from or arising out to the activities of the recipient or its subcontractors, agents, volunteers or employees in connection with this agreement.
9. This agreement constitutes the entire agreement between the parties. There are no understandings, agreements or representations, oral or written, not specified herein regarding this agreement. Any waiver or consent, if made, shall be effective only in the specific instance and for the specific purpose given.

Recipient, by execution of this agreement, hereby acknowledges that the Recipient has read this agreement, understands it, and agrees to be bound by its terms and conditions.

City of Cannon Beach:

By: _____
City Manager
City of Cannon Beach, Oregon

Date: _____

TAF Award Recipient:

Signature: _____

Print Name: _____

Organization: _____

Title: _____

Date: _____

Email: _____

**CITY OF CANNON BEACH (CITY)
TOURISM AND ARTS COMMISSION (TAC)
GUIDELINES FOR ADMINISTRATION OF TOURISM AND ARTS FUND (TAF)**

I. PURPOSE:

The purpose of the Tourism and Arts Commission is to see that expenditures from the TAF are used to attract tourists (per the definition of “tourist” in ORS 320.350) to the City through efforts directly related to marketing and enhancing the Arts in Cannon Beach. The TAF proceeds must be utilized in such a manner as to contribute to the development and improvement of the local economy through the enhancement, expansion, support and promotion of tourism and the arts.

II. GENERAL GUIDELINES:

- a) Priority will be given to grant applicants that demonstrate an effort to generate overnight tourists, tourists traveling more than 50 miles from their community of residence, and collaboration with various local businesses and/or non-profit organizations through strategic partnerships to leverage TAF resources being sought.
- b) Use of TAF resources may include but is not limited to: personnel, special events, signage, attractions, owner-occupied facility development, promotional materials and advertising which furthers tourism in the City, specifically overnight tourists and tourists traveling from more than 50 miles from their community of residence, directly benefiting the local economy, the arts and culture, and the image of the City.
- c) Funding for special events is limited to personnel, activities, events, program development or marketing strategies for ongoing events that can be directly related to generating overnight tourists or tourists traveling from more than 50 miles to Cannon Beach, or an annual event with introduction of new or expanded attractions or to sustain an already existing event that meets the above mentioned mission.

III. TIMELINES:

- a) Applications and grant guidelines will be available at City Hall by the first Wednesday in March of each year. The application closing date is the first Wednesday of May and completed applications must be postmarked or hand delivered to City Hall by that date. The review of applications by the TAC will begin after the closing date and awards will be made within 75 days of the closing date.
- b) At the discretion of the TAC, the annual process may include a second application cycle for new projects and programs if funding is available in an amount not to exceed 10% of the budgeted estimate.

IV. DETERMINATION PROCEDURE AND APPLICATION

- a) The TAC will determine the amounts distributed to each organization based on the application. A recipient organization must be a 501(c)3, 501(c)6 or other non profit entity. Proposed uses of TAF grant funds must comply with all current City ordinances and ORS 320.350.
- b) Each application must provide an analysis of the scope, duration, sustainability (if applicable to the project) and potential economic impact on the City. Annual events should demonstrate an effort to achieve future financial stability and sustainability.
- c) Each application must include a description of the project, the target market, the advertising and promotion plan and the evaluation process including how use of the funds is tied to generating tourists and promoting the Arts.
- d) Consideration will be given to projects and programs that are unique, collaborative in nature and consistent with the qualities of Cannon Beach.
- e) Applications will also be judged very carefully on how well the applicant can quantify the number of hotel rooms booked and how many tourists traveled more than 50 miles from their residence as a direct result of the event, in order to comply with the statute.

f) Annual applications should also include the following: letter from the IRS granting tax-exempt status; board of directors list; detailed project budget depicting both revenues and expenses for each applicable year (if ensuing years contain different budget than the first year); organization's budget for current year; financial statement for most recently completed fiscal year; and a completed and signed application form.

g) An organization may be denied a TAF award if previously awarded TAF projects have not complied with TAF procedures and guidelines including lack of filing a financial report and/or program evaluation.

V. DISTRIBUTION SCHEDULE AND PROJECT EVALUATIONS

a) Mid-term and final project evaluations will be required including financial and program information and results. The mid-term evaluation is due March 15 of the fiscal year in which the distributions are made. The final project evaluation is due within 30 days of either the completion of the event or end of the City's fiscal year, whichever occurs first.

b) The TAF awards will be distributed on a quarterly basis with the first distribution made by November 15th of each City fiscal year and every 3 months thereafter.

c) While it is the general goal of the TAC to recommend the annual awards equal to the total amount estimated to be deposited into the TAF, the TAC reserves the right to withhold excess funds. Monies collected in excess of the amount budgeted for grants will be held in reserve and may be used to 1) provide a fund surplus at the end of the fiscal year, 2) cover any future shortfall of the Transient Lodging Tax or 3) support such additional activities and programs recommended by the TAC.

VI. PROJECT REQUIREMENTS

a) Applicants must be a qualified tax exempt organization.

b) Priority will be given for events within Cannon Beach during the shoulder and winter tourist season defined as September through June. Advertising or marketing of tourism related facilities, events, and projects (as defined in ORS 320.350) included as part of the TAF funding request shall be for facilities, events, and projects located within the City limits of Cannon Beach. Funds for events or projects within 5 miles of the City limits of Cannon Beach may be considered.

c) All event promotional materials must specifically recognize the City of Cannon Beach's Tourism and Arts Commission (TAC) and Tourism and Arts Fund (TAF).

d) The TAC reserves the right to recommend to the City Council reimbursement from any organization who has received TAF funds and misrepresented their application or has not utilized the funds in a manner consistent with their application.

VII. EVALUATION CRITERIA

The applicant will be further considered for funding and ranked based on the following criteria:

a) Does the project comply with ORS 320.350 and local ordinances?

b) What is the economic impact on the City? Will it attract overnight tourists or tourists traveling more than 50 miles from their community of residence?

c) Does the project enhance the arts or tourism in Cannon Beach?

d) Is the project feasible?

e) What resources are available to the applicant and what is the total budget for the project?

All questions should be directed to: City Manager, P.O. Box 368, Cannon Beach, Oregon 97110.

320.350¹

Tax moratorium

1 • exceptions

2 • uses of revenues

(1)

A unit of local government that did not impose a local transient lodging tax on July 1, 2003, may not impose a local transient lodging tax on or after July 2, 2003, unless the imposition of the local transient lodging tax was approved on or before July 1, 2003.

(2)

A unit of local government that imposed a local transient lodging tax on July 1, 2003, may not increase the rate of the local transient lodging tax on or after July 2, 2003, to a rate that is greater than the rate in effect on July 1, 2003, unless the increase was approved on or before July 1, 2003.

(3)

A unit of local government that imposed a local transient lodging tax on July 1, 2003, may not decrease the percentage of total local transient lodging tax revenues that are actually expended to fund tourism promotion or tourism-related facilities on or after July 2, 2003. A unit of local government that agreed, on or before July 1, 2003, to increase the percentage of total local transient lodging tax revenues that are to be expended to fund tourism promotion or tourism-related facilities, must increase the percentage as agreed.

(4)

Notwithstanding subsections (1) and (2) of this section, a unit of local government that is financing debt with local transient lodging tax revenues on November 26, 2003, must continue to finance the debt until the retirement of the debt, including any refinancing of that debt. If the tax is not otherwise permitted under subsection (1) or (2) of this section, at the time of the debt retirement:

(a)

The local transient lodging tax revenue that financed the debt shall be used as provided in subsection (5) of this section; **or**

(b)

The unit of local government shall thereafter eliminate the new tax or increase in tax otherwise described in subsection (1) or (2) of this section.

(5)

Subsections (1) and (2) of this section do not apply to a new or increased local transient lodging tax if all of the net revenue from the new or increased tax, following reductions attributed to collection reimbursement charges, is used consistently with subsection (6) of this section to:

(a)

Fund tourism promotion or tourism-related facilities;

(b)

Fund city or county services; **or**

(c)

Finance or refinance the debt of tourism-related facilities and pay reasonable administrative costs incurred in financing or refinancing that debt, provided that:

(A)

The net revenue may be used for administrative costs only if the unit of local government provides a collection reimbursement charge; **and**

(B)

Upon retirement of the debt, the unit of local government reduces the tax by the amount by which the tax was increased to finance or refinance the debt.

(6)

At least 70 percent of net revenue from a new or increased local transient lodging tax shall be used for the purposes described in subsection (5)(a) or (c) of this section. No more than 30 percent of net revenue from a new or increased local transient lodging tax may be used for the purpose described in subsection (5)(b) of this section.

[2003 c.818 §11]

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING THE) ORDINANCE NO. 10-06
MUNICIPAL CODE, CHAPTER 3, TO)
INCREASE THE AMOUNT OF THE)
TRANSIENT LODGING TAX FROM SIX)
PERCENT (6%) TO SEVEN PERCENT (7%);)
THE LOCAL TRANSIENT ROOM (LODGING))
TAX IN ACCORDANCE WITH OREGON)
REVISED STATUTES 320.300 TO 320.350)

WHEREAS the Cannon Beach Municipal Code Chapter 3.12 creates and implements a local transient room (lodging) tax in accordance with Oregon Revised Statutes 320.300 to 320.350;

WHEREAS the Cannon Beach City Council desires to increase the amount of the transient lodging tax from six percent (6%) to seven percent (7%);

WHEREAS the Oregon Revised Statutes Chapter 320 specifies that no less than 70% of the 1% increase must be dedicated to tourism and tourism related facilities and that no more than 30% of the increase may be dedicated to fund City services;

WHEREAS the City Council desires that the intended purpose of 70% of the 1% increase is to develop and support events and attractions that enhance tourism, in accordance with ORS 320.300 and 320.350, specifically tourists staying overnight in or traveling distances greater than 50 miles to Cannon Beach, and with additional emphasis given to tourism tied to the arts community of Cannon Beach;

WHEREAS 70% of the 1% increase would be collected and maintained in a fund entitled the "Tourism and Arts Fund";

WHEREAS a City Committee, the "Cannon Beach Tourism and Arts Commission", is created to develop grant guidelines and procedures to distribute and account for the monies in the "Tourism and Arts Fund" and that these procedures and any subsequent changes to the procedures be presented for approval to the City Council before implementation of such procedures;

WHEREAS the intent is to distribute monies in the Tourism and Arts Fund on a quarterly basis with the first distribution to be made to the recipients during November of each year with ensuing distributions during February, May and August;

WHEREAS the recipients of the Tourism and Arts Fund understand that the level of funding may fluctuate on a quarterly basis due to the fact that the amount of money in the Fund is entirely dependent upon the amount of tax revenue collected on a quarterly basis from the Lodging Tax;

WHEREAS it is the expectation of the Council that all recipients of the monies from the Tourism and Arts Fund exemplify accountability and transparency in all matters related to the application of these funds, further it is imperative that the recipients demonstrate to the Tourism and Arts Commission that they are in compliance with the State statute (ORS Chapter 320), City Ordinance and local rules related to the use of these funds;

WHEREAS the Tourism and Arts Commission shall present for approval to the City Council their recommendations as to grant recipients and amounts of such grants from the Tourism and Art Fund before final awards and distributions are made;

WHEREAS the Council recognizes the need for the recipients of these funds to rely upon funding from year to year; therefore, applicants may apply for multi-year grants contingent upon the Tourism and Arts Commission's annual review of the recipient's application and use of the funding to ensure compliance with the State statute (ORS Chapter 320), City Ordinance and local rules related to the use of the funds; and

WHEREAS the Cannon Beach Tourism and Arts Commission shall be comprised of a total of five (5) voting members. Each member shall have experience in one or more of the following areas: public relations, marketing, advertising, tourism, lodging, promotions, events promotion and/or publicity.

NOW, THEREFORE, the City of Cannon Beach does ordain as follows:

Section 1. Amend the Municipal Code, 3.12.020 Tax imposed, to read as follows:

A. As of July 1, 2010 a transient shall pay a tax in the amount of seven percent for the privilege of occupancy in a hotel in the city. The tax constitutes a debt owed by the transient to the city and the debt is extinguished only when the tax is remitted by the operator to the city. The transient shall pay the tax to the operator at the time rent is paid. The operator shall enter the tax into the record when rent is collected if the operator keeps records on the accrual accounting basis. If the rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. In all cases, rent is paid or charged for occupancy shall exclude the sale of goods, services or commodities. (Ord. 91-8 § 1: Ord. 86-5 § 1: Ord. 83-21 §2)

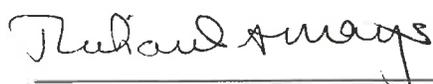
B. Such tax increase shall not apply to reservations for lodging in the City of Cannon Beach made prior to the passage of this Ordinance. Reservations made prior to the passage of the Ordinance by the City Council are exempt from the 1% lodging tax increase; however, such tax increase shall apply to all reservations made after the date of passage of the Ordinance.

C. Pursuant to ORS 320.350, 70% of the net proceeds from the additional 1% of the transient lodging tax shall be used for the purposes described in ORS 320.350 (5)(a) or (c) which states that such funds shall be used for tourism promotion or tourism related facilities. Pursuant to ORS 320.350 (5)(A)(6), 30% of the net proceeds from the increased lodging tax may be used by the City for funding City services.

ADOPTED by the Common Council of the City of Cannon Beach this 4th day of May, 2010, by the following roll call vote:

YEAS: Councilors Steidel, Giasson, Cadwallader and Mayor Morgan
NAYS: None
EXCUSED: None


Mike Morgan, Mayor

Attest:

Richard A. Mays, City Manager

Approved as to Form:

Tamara Herdener, City Attorney

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 15-01
MUNICIPAL CODE, CHAPTER 2, TO AMEND)
ORDINANCE 10-07: ESTABLISH A CITY)
TOURISM AND ARTS COMMISSION,)
ESTABLISHING RULES AND REGULATIONS)
FOR ITS GOVERNANCE AND PRESCRIBING)
THE POWERS AND DUTIES OF SAID TOURISM)
AND ARTS COMMISSION)

The City of Cannon Beach does ordain as follows:

Chapter 2.32 Tourism and Arts Commission

Section 1. 2.32.010 Created.

Chapter 2.32 hereby creates a Tourism and Arts Commission herein after referred to as "Commission".

Section 2. 2.32.020 Powers and duties.

The powers and duties of the Commission shall include the following:

A. Develop rules and procedures regulating the distribution of the Tourism and Arts Fund which is comprised of 70% of the 1% lodging tax increase effective July 1, 2010, so that the distribution and application of this Fund are in accordance with Oregon Revised Statute 320 such that the funds must be dedicated to tourism and tourism related facilities. Such rules and procedures must be approved by the City Council and any future changes to such rules shall also receive City Council approval. The Commission shall ensure the proper implementation of such Statute and the directives of the Ordinance passed by the City Council when adopting the 1% lodging tax increase;

B. Monitor the distribution of the Tourism and Arts Fund (TAF) such that the proper amounts are distributed to the recipients on a quarterly basis;

C. Monitor and examine with the intent to verify the organization's use of the grant funds in conformance with stated requirements on an annual basis or more frequently as the Commission deems appropriate.

D. Once the Commission has made the final decisions as to how the TAF will be allocated, this information shall be presented to the City Council for review and approval.

E. The decisions of the Commission are appealable to the City Council.

F. Perform other functions as directed by the Council.

Section 3. 2.32.030 Membership.

The Commission shall consist of seven (7) voting members.

Section 4. 2.32.040 Appointment—Term.

A. Members of the Commission shall be appointed by the City Council to serve four (4) year terms.

B. All vacancies occurring on the Commission shall be filled by approval of the Council for the unexpired term of the predecessor in office.

C. No Commission member shall serve more than eight consecutive years, but any person may be reappointed to the Commission after an interval of one year.

D. Each member shall have experience in one or more of the following areas: public relations, marketing, advertising, tourism, lodging, promotions, events promotion, art, and/or publicity.

E. Each member of the Commission shall conform to the requirements of the Municipal Code, Section 2.04.010, Requirements for Appointment, or, in the alternative, the member shall work, at least part-time, within the City of Cannon Beach.

Section 5. 2.32.050 Rules and regulations—Meetings.

A. A majority of the members of the Commission constitute a quorum. The Commission may make and alter rules and regulations for its governance consistent with the laws of the State of Oregon, the city charter and any applicable ordinances and with the approval of the City Council.

B. The Commission shall meet at such times and places as may be fixed by the Commission and provisions shall be made for recording the proceedings of the Commission.

Section 6. 2.32.060 Officer Election.

At its first meeting each calendar year, the Commission shall elect a chair and a vice-chair.

Section 7. 2.32.070 Removal from office.

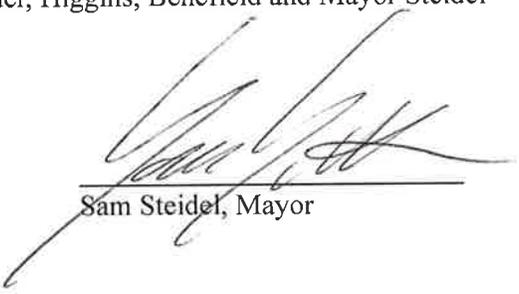
A member of the Commission may be removed by the city council, after a hearing, for misconduct or the nonperformance of duty. A member who is absent for three meetings in a calendar year, without an approved excuse, is presumed to be in nonperformance of duty and the council shall declare the position vacant unless it finds otherwise following a hearing.

Section 8. 2.32.080 Compensation.

Commission members shall receive no compensation but shall be reimbursed for authorized expenses.

ADOPTED by the Common Council of the City of Cannon Beach this 6th day of January, 2015, by the following roll call vote:

YEAS: Councilors Cadwallader, Higgins, Benefield and Mayor Steidel
NAYS: None
EXCUSED: Councilor Vetter



Sam Steidel, Mayor

Attest:



Brant Kucera, City Manager

Approved as to Form:



Tamara Herdener, City Attorney