

ORDINANCE NO. 2022-09

**BOARD OF COMMISSIONERS OF SHELBY COUNTY, INDIANA AN AMENDED
ORDINANCE ESTABLISHING THE SHELBY COUNTY TOURISM COMMISSION**

WHEREAS, the Shelby County Council has levied a Uniform County Innkeeper's Tax in Shelby County ("County") pursuant to Indiana Code § 6-9-18-3; and

WHEREAS, Indiana Code § 6-9-18-5 provides that the County Executive shall create a commission to promote the development and growth of the convention, visitor, and tourism industry in the County where a Uniform County Innkeeper's Tax is levied by the County Council pursuant to Indiana Code § 6-9-18-3; and

WHEREAS, the County desires to establish such a commission to promote the development and growth of the convention, visitor, and tourism industry in the County; and

WHEREAS, the Board of Commissioners of Shelby County ("Commissioners") have determined the establishment of such a commission is in the best interest of the County and its citizens and taxpayers; and

WHEREAS, the Commissioners approved Ordinance No. 2022-1 on January 4, 2022, which established the Shelby County Tourism Commission; and

WHEREAS, the Commissioners now seek to amend Ordinance No. 2022-1 as further set out in this Amended Ordinance Establishing the Shelby County Tourism Commission.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Shelby County, Indiana, as follows:

1. **Establishment of Shelby County Tourism Commission.** The Commissioners hereby establish that the Shelby County Tourism Commission ("Commission") to promote, assist, and encourage the development and growth of the convention, visitor, recreation, and tourism industries in the County.

2. **Nomination of Commission Members.** The Commission shall consist of five (5) members who shall be appointed by the following entities:

a. The Commissioners shall appoint two (2) members as follows:

(1) one member in the business of renting or furnishing rooms, lodging, or accommodations; and

(2) one member engaged in the convention, visitor, or tourism business.

- b. The Mayor of the City of Shelbyville shall appoint one (1) member who is engaged in the convention, visitor, or tourism business.
- c. The Shelby County Council shall appoint two (2) members as follows:
 - (1) one member in the business of renting or furnishing rooms, lodging, or accommodations; and
 - (2) one member at large.

All nominations to the Commission shall be submitted to the Commissioners by January 1 of each year and are subject to the approval of the Commissioners who shall appoint those nominated to serve after verifying membership criteria and eligibility. The Commissioners shall take all efforts to appoint Commission members to ensure the membership will best serve the tourism interest of Shelby County.

3. **Commission Membership.** The Commissioners shall appoint the members of the Commission based upon the nominations submitted and applying the following guidelines no later than January 15 of each year:

- a. A simple majority must be (1) engaged in convention, visitor, or tourism business; or (2) involved in promoting conventions, visitors, or tourism.
- b. If available and willing to serve, at least two (2) members must be engaged in the business of renting or furnishing rooms, lodging, or accommodations as described in Indiana Code § 6-9-18-3 within Shelby County.
- c. No more than one (1) representative of the same business entity or commercial enterprise shall be on the Commission at any time.
- d. Each Commission member must reside in the State of Indiana.

The Commissioners may reject a nomination to the Commission if the nomination would prevent the Commission membership from complying with the above rules. In that event, the Commissioners may either request the nominating body to nominate an alternative individual for consideration or appoint an alternative member that will comply with the above rules.

4. **Terms of Office of Commission Members.** The Commissioners, upon appointing the original Commission members shall assign an initial term of two (2) years to three (3) members and an initial term of one (1) year to two (2) members. Upon the initial terms expiring and thereafter, the term of office for each member of the Commission shall be two (2) years. Members may serve on no more than four (4) consecutive terms at a time. If a vacancy occurs, the Commissioners shall appoint a qualified person to serve for the remainder of the term. If an appointment is not made by February 1 of any year or a vacancy is not filled within thirty (30) days, the Commission shall appoint a member by majority vote subject to the approval of the Commissioners.

5. **Removal of Commission Members for Cause.** A member of the Commission may be removed for cause by the Commissioners.

6. **Reimbursement of Commission Members.** Members of the Commission shall not receive a salary. However, Commission members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties as may be determined by the Commission.

7. **Powers of Commission.** The powers of the Commission are those set out in Indiana Code § 6-9-18-6, which include the authority:

- a. To accept and use gifts, grants, and contributions from any public or private source, under terms and conditions that the commission considers necessary and desirable;
- b. To sue and be sued;
- c. To enter into contracts and agreements, including:
 - (1) The hiring of legal counsel, financial accounting services, marketing and promotion services, and/or other professional advisors; and
 - (2) The ability to contract with the Shelby County Tourism Visitors' Bureau for the hiring of staff and other services;
- d. To make rules necessary for the conduct of its business and the accomplishment of its purposes;
- e. To receive and approve, alter, or reject requests and proposals for funding by qualified corporations;
- f. To transfer money, after approval of a request or proposal from a qualified organization, quarterly or less frequently, from the Shelby County Convention, Visitors, and Tourism Fund (Fund ~~1304~~ - Innkeeper's Tax Collection), or from money transferred from that fund to the Commission's treasurer, to any Indiana not-for-profit corporation to promote and encourage conventions, visitors, or tourism in the county; and
- g. To require financial or other reports from any party or entity that receives funds from the Commission.

8. **Oath of Commission Members.** Each Commission member, before commencing the member's duties, shall take an oath of office in the usual form, to be endorsed upon the member's certificate of appointment and promptly filed with the Clerk of the Shelby County Circuit Court.

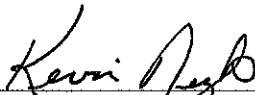
9. **Annual Organizational Meetings of Commission.** The Commission shall meet within ninety (90) days of January 1, 2022, for purposes of organization and shall further meet after January 1 each year thereafter for its annual meeting. The Commission shall elect one (1) of its members president, another 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. The Commission shall meet quarterly.

10. **Purposes of the Commission.** The purpose of the Commission shall be to promote, assist, encourage the development and growth of the convention, visitor, recreation, and tourism industry in the County, in accordance with Indiana Code § 6-9-18-5.

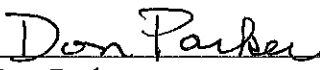
11. **Biannual Report to the Commissioners and Budget.** The Commission shall prepare and deliver a report, no less frequently than biannually, to the Commissioners as to the status of the development and growth of the convention, visitor, recreation, and tourism industries in the County. The Commission shall also prepare an annual budget proposal for review and approval by the County Council.

Passed and adopted by the County Commissioners of Shelby County, Indiana, this 11th day of April, 2022.

**SHELBY COUNTY BOARD OF
COMMISSIONERS**



Kevin Nigh, President




Don Parker



Chris Ross

ATTEST:



Amy Glackman,
Shelby County Auditor